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The City Council of the City of Charlotte, North Carolina met in a regular session on Monday, January 24, 1977, at 3:00 o'clock p. m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

The Charlotte-Mecklenburg Planning Commission sat with the City Council and, as a separate body, held its public hearing on the zoning petitions, with Chairman Allen Tate, and Commissioners Campbell and Kirk present.

ABSENT: Commissioners Broughton, Ervin, Jolly, Johnston, Marrash, Ross and Royal.

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INVOCATION.

The invocation was given by Councilman Neil C. Williams.

PROCLAMATION DECLARING WEEK OF JANUARY 24-28, 1977 AS TEACHER APPRECIATION WEEK.

Mayor Belk read a proclamation on behalf of himself and County Commission Chairman Elizabeth G. Hair, declaring the week of January 24-28, 1977 as Teacher Appreciation Week. The proclamation was presented to Ms. Mattie Caldwell.

Ms. Caldwell responded with thanks on behalf of the Charlotte-Mecklenburg P. T. A. Council, stating that she hopes that throughout the week citizens of the community will do something to help P. T. A. units thank the teachers for the work they do with our children. She was congratulated personally by each of the Council members.

RETIRING CITY EMPLOYEES PRESENTED CITY OF CHARLOTTE EMPLOYEE PLAQUES.

City of Charlotte Employee Plaques were presented to the following employees who were retired in December, 1976: Samuel W. Bennett, Fire Lieutenant-Captain (employed February 1, 1945); James C. Eudy, Fire Lieutenant-Captain (April 1, 1949); Robert C. Klutz, Fire Lieutenant-Captain (October 16, 1946); William R. Wright, Fire Lieutenant-Captain (August 1, 1946); Billy B. Prophet, Fire Marshall (April 16, 1942); Angus J. Benton, Chemist, Utility Department (January 16, 1944); Paul D. Thornburg, Police Officer (December 6, 1960); Joe E. Jones, Police Officer (August 3, 1946).

MINUTES OF JANUARY 10, 1977 APPROVED AS PRESENTED.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and carried unanimously that Council minutes of January 10, 1977 be approved as presented.

MAYOR EXCUSED FROM PORTION OF MEETING DUE TO CONFLICT AND MAYOR PRO TEM PRESIDES DURING ABSENCE.

Mayor Belk advised he has a piece of property on the other side of McAlpine Creek, and asked the City Attorney for a ruling since he would be required to vote later on the following petition. Mr. Underhill pointed out the location of the property owned by the Mayor and his brother, and its proximity to the subject property. There was some discussion as to whether this would represent a conflict of interest since it is some distance from the

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property and is not contiguous. Mr. Underhill stated one thing that may weigh in favor of it being a conflict is that the property the Mayor owns is undeveloped at this point; that the decision is Council's to make.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried to excuse Mayor Belk due to a conflict of interest. Mayor pro tem Whittington presided during his absence.

HEARING ON PETITION NO. 77-3 BY CITY OF CHARLOTTE PUBLIC WORKS DEPARTMENT TO ASSIGN THE INITIAL ZONING OF I-2 TO ANNEXED LAND LOCATED ON THE NORTHEAST SIDE OF OLD MONROE ROAD, ABOUT 408 FEET EAST OF McALPINE CREEK.

The scheduled public hearing was held on the subject petition on which protest petitions were filed and found sufficient to invoke the 3/4 Rule requiring six (6) affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, explained that this proposal has been necessitated by the fact that the City of Charlotte has acted to annex this piece of property. The property has an I-1 zoning classification which was placed there by action of the Board of County Commissioners and is still legally in effect. Since the City has chosen to annex the property, consideration of assigning zoning is now necessary. Acting on the proposed use of the property by the Department of Public Works, the proposal has been advertised to zone the property to an I-2 classification which is necessary to allow the type of activity that is proposed on the tract of land.

Mr. Bryant located the property on the map, stating it consists of approximately 21 acres, has frontage on the left side of Monroe Road, as you leave the city, runs southeasterly through the County, going under the Seaboard Railroad and crossing McAlpine Creek. He stated the property is vacant at the present time. Between the subject property and McAlpine Creek there are a couple of commercial activities - an auto repair garage, a fuel oil distribution facility and a structure next to it which appears to be some type of warehouse/office combination although there is no sign to indicate the exact nature of the use of that building.

Other uses in the area, across from McAlpine Creek and on the in-town side of the property, are a highway fish camp and Edwards Lumber Company. Opposite the subject property, on Monroe Road, there is considerable amount of vacant land as well as an electrical or industrial contractor located on the righthand side of Monroe Road as you leave the city. There is a construction company storage yard and a small office building located on the property fronting on Covedale Drive and from that point begins the residential section that has been developed along Covedale and some of the other streets over the past few years.

Going out Monroe Road from the subject property there is a considerable amount of industrial development on the same side of the road - various distribution facilities primarily. Across the railroad there is generally vacant land. The zoning pattern at the present time reflects a combination of City and County zoning and is I-1 for the subject property which is effective for a period of 60 days following the effective date of annexation, and there is a general I-1 - light industrial pattern - throughout the vicinity of the subject property. On the in-town side there is a considerable amount of I-1 zoning on both sides of Monroe Road; I-1 zoning opposite the property on Monroe Road and beyond that point a continuation of I-1 zoning in the direction of Matthews. Exceptions are that across the railroad from the subject property there is generally a pattern of R-12 zoning except that on the edge of the map there is a relatively recent approved I-2CD zoning placed there by the Board of County Commissioners. The other departure from the I-1 pattern is the Edwards Lumber Company site which is zoned I-2. After you leave the Monroe Road frontage into the residential area there is generally R-12 single family zoning with some R-12MF on one side of Covedale Road.

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Mr. Robert Hopson, Director of Public Works, stated they are requesting I-2 zoning on the subject property as required for the construction of a satellite facility. The proposed facility would service approximately 40 pieces of sanitation equipment and 30 street maintenance vehicles. A repair shop would be built to perform the necessary first line echelon at this facility. Minor construction materials would also be stored there. He stated that with today's snow storm, if they had had materials stored out there on the east end of Charlotte they could have gotten to the Monroe, Randolph and Providence Road areas much quicker than they were able to from the central yards. That is one of the main purposes for which they would establish this facility.

He stated the first concept of this type of facility for the needs of Charlotte was back in 1972 with the SUL report on the city's future space needs. As we got into the annexation time schedule in 1974, the more evident nature for which they would need this particular facility was established; it was included and funded partially in the annexation proceedings at that time. Then they began searching for sites throughout the community - he personally looked at 31 sites (and many others from just "windshield" investigation) that might service this type of facility. On May 26, 1975 they recommended that the City purchase this land by condemnation for approximately \$96,000. At that time they stated their intention to annex the property and request that it be rezoned to permit the construction of this facility.

On August 11 City Council authorized the signing of an annexation petition; on September 22 the date was set for a public hearing; on October 6, 1975 a public hearing was held; on December 22, 1975 a plan of development was presented and Mr. Walter Hendricks of the John Crosland Company spoke in opposition. On January 12, 1976 Mr. Melvin Starr, a resident of Sardis Woods spoke in opposition to the plan and proposed that it be moved to the County landfill on Pence Road. On November 8, 1976 another presentation was made and a second public hearing was held and finally on December 13, 1976 City Council voted to annex the property.

The satellite facility was considered by the Planning Commission twice under the Mandatory Referral Program, one prior to the property acquisition. In the Mandatory Referral report which was approved by the Planning Commission on February 24, 1975 it was stated that the City would annex the property and request the zoning necessary for the construction of the facility. The Planning Commission later re-examined the proposal at the request of the County Commissioners and they again reaffirmed their approval.

Mr. Hopson stated although it is their request that the entire property be rezoned I-2, it would serve their purposes just as well to rezone it I-2CD and it will be developed exactly as presented in the plans they have available. It would serve their purpose and would also make it absolutely certain they would produce what they have told City Council several times they would.

He called attention again to the zoning patterns and the land uses in the neighborhood. He stated for several months they have been in discussion with the County Attorney as to the limits and the needs of the site to be deeded to the County under certain conditions and at certain costs for the McAlpine Greenway Project itself. They prepared a mutually agreed upon map and had an appraisal made in anticipation that this property would be made available to them if City Council so desired - he believes there are approximately three acres of land involved. At the request of Council members, he pointed this out on the map, stating it would give them access into and out from the Greenway itself. He stated the city would have nothing on the other side of the road except a proposed parking lot. Even that they would be quite willing to give up or to be certain that is what would be built if the conditional district was involved in the approval.

They plan to utilize only the rear portion of the property and leave a bumper of the existing trees around the entire perimeter of the operational yards. The entire front of the property will be left open as green space. Further, they would landscape grounds along the entire front of the property and depress the buildings by grading in order to reduce the height of the

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roof lines with respect to the front of the property. Under city regulations, they would have to install curb and gutter and sidewalks along the entire Monroe Road frontage. The tract will have extensive storm drainage systems installed to control the run-off from the drainage areas. Sanitary sewer service will be provided to handle the wastewater from the facility. The graded areas adjacent to the driveway would be utilized as sedimentation ponds to control silt during construction and then be used as part of the greenway by the parking lots later on. He stated all the area is being closed with operational security standards.

Mr. Hopson stated their plans for the landscaping and aesthetic considerations are somewhat unique among the normal type of industrial uses whether they be I-1 or I-2. They have the means and the know-how to make this an attractive facility.

Councilman Gantt asked if the satellite yard could go into an I-2 district? Mr. Bryant replied that is right. Councilman Gantt stated if they are unable to reach a change in the zoning after the 60-day period, does the zoning of the property remain I-2 as it was in the County, or have no zoning at all? Mr. Bryant replied it would have no zoning at all until Council adopted it and stated the property is now zoned I-1, not I-2.

Speaking in opposition to the zoning, Mr. Dennis Shultz, 6113 Deveron Drive, stated he represents 370 members of the Central Piedmont group of the Sierra Club. That Mr. Hopson referred to a landfill adjacent to this area that is owned by the County - that landfill has been closed and is designated as a parking site for the McAlpine Greenway and it should not be referred to as an active landfill.

He stated when Mr. Bryant was reviewing the zoning of adjacent land in that area he conveniently avoided any notation of the fact that a significant portion of the land is designated as the McAlpine Greenway regardless of its present zoning.

The Sierra Club has repeatedly expressed opposition concerning the location of this facility immediately adjacent to the McAlpine Greenway. They continue to be opposed. Their objections are: (1) The facility is diametrically opposed to the aesthetic concept of the natural reserve such as the McAlpine Greenway; (2) The safety problems on Monroe Road adjacent to the park cannot be alleviated; (3) Alternate sites do exist within a reasonable distance. The Matthews Industrial Park site, specifically, contrary to Public Works reports, will not have any adjacent residential areas, as previously reported by Mr. Hopson and is totally enclosed by I-2 zoned land; (4) The purchase of the McAlpine site was not completed as reported in November and it is still in litigation today. This could have been prevented by selection of a more suitable site. Mr. Hopson's statement that this site selection would be the best option available as a park neighbor is untrue. Previous landowners have revealed plans for the land which were totally acceptable to the Sierra Club and to the Director of Parks and Recreation for Mecklenburg County. He stated a unanimous resolution opposing this site was adopted by the Park and Recreation Commission and the County Commissioners and he believes it is still valid.

The screening and preventive measures which have been verbalized by Public Works - the line of trees Mr. Hopson talks about leaving between the park and the facility does not exist (there is a very sparse scattering of trees there that certainly could not be construed by anyone as being screening) - are still inadequate and unacceptable.

For these reasons, Mr. Shultz stated they have taken the initiative to insure that a valid protest petition by the adjacent landowners is on file to require a 75 percent majority to modify the existing zoning. He requested that Council prevent the completion of this project on the basis of conflict with aesthetics, economics and safety and just plain common sense, and vote for the citizens of Charlotte/Mecklenburg.

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Mr. Robert Perry, Attorney representing John Crosland Company, stated he is aware from reading minutes of Council meetings that City Council has looked into this petition with great detail and speaking for all of the people who are involved, he is sure they appreciate the problems that Council is encountering.

He does not believe there is anyway they can explain away the traffic problems that are going to be produced by the leaving and entering of all of these very heavy trucks. He looked at one of the sanitation trucks today with unusual interest because he knew he was coming up here, and it is a very large, very slow moving piece of equipment. Entering that narrow road near that narrow bridge every morning about the same time is going to create some real problems, not to mention the maintenance trucks that will also be there. He thinks there is going to be a tremendous traffic problem and it is going to be against the residential environment and it is going to create some problems with the people who are coming out of the Sardis Woods area.

This petition has been opposed by the County Parks and Recreation Commission; the Sierra Club; 58 property owners who live in Sardis Woods; there being only 10 who have not signed and were not available at the time it was issued; the Audubon group; and the Mecklenburg Environmental Concern Association. They feel like it is a very highly controversial project.

He stated what appeals to him more than any other and it is what Mr. Williams touched on in the various meetings and that is the fact they should search their consciences when they are voting on this - they are acting as the jury for their own petition. They have annexed this property - he thinks it has been made fairly clear that the County would not have done so. That while it is the proper function of government, it ought to be exercised favorably by Council only in a very clear case which this is not. That the way he would look at it if he were in their place would be how would they look at it if a private garbage concern had the need for this facility and came to Council and asked for it to be rezoned for I-2 classification. What would be their reaction to that request? He thinks that is a fair question for everyone interested in this project to ask and if in good conscience they can say they would not give it to a private concern, there is no more reason government should impose this upon the citizenry. He recognizes Mr. Hopson's problems but he submits there are many other sites that have not only been investigated but which have been accepted.

Mr. Thomas A. Wilson, 7610 Winterset Drive, stated he represents the Sardis Woods subdivision which they feel will be adversely affected by this garbage facility. Mr. Hopson has said in the past that there will be no adverse effect on Sardis Woods due to traffic through there by the garbage vehicles. The major access between Monroe Road and Sardis Road is Covedale which runs right through the middle of the subdivision. He does not know how Mr. Hopson can assure them that no trucks will go down Covedale because he has never seen a sign in the City of Charlotte or the County of Mecklenburg that says "through traffic for garbage vehicles not permitted on these streets".

He stated the thing they are primarily concerned about in addition to the Sierra Club's objections which they agree with, is the traffic. Mr. Hopson has indicated that the shielding and the visual effect is going to be great and he thinks that is wonderful but that does not come to the heart of the problem, which is the traffic. There are narrow bridges, "S" turns. That at 8:00 o'clock in the morning - which is the time Mr. Hopson indicates the trucks will be using the streets - is when the heaviest traffic occurs on Monroe Road - school buses are going to East Mecklenburg High School and all the other schools in the area. There are 128 families currently living in Sardis Woods and he is sure if it had been possible all of them would have been here today to object to this project.

He asked what will the ultimate cost of this garbage facility be? There is a suit pending in court right now regarding the condemnation of this property as far as the price of \$96,000 is concerned. If the City loses that it will cost additional funds. What is it going to cost in human lives if

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Councilman Davis stated then there is no question of the validity of the protest petition on which the rule is to require 6 out of 7 votes. Mr. Underhill replied there is no question, in his opinion, that a protest petition is allowable in this situation. There is considerable difference of opinion from people in other parts of the state whether this is a change in zoning or whether this is new zoning and therefore, whether the 3/4 Rule even applies. The position of the City Attorney's Office is that the 3/4 Rule does apply.

Councilman Davis stated he supposes the Planning Commission will have an alternative proposal or suggestion on some less offensive zoning if Council rejects the I-2. Mr. Underhill replied right now they can rezone it to anything they want to since they are not changing it from anything.

Councilman Gantt stated the only option that would allow the building of the garage is I-2? Mr. Bryant replied yes, or I-2CD.

Decision was deferred for a recommendation from the Planning Commission.

ORDINANCE NO. 426 AMENDING CHAPTER 23, SECTION 23-40.05, CHANGING THE TEXT AS IT RELATES TO YARD REQUIREMENTS, PUBLIC OPEN SPACE AND ALLOW UNDERGROUND PARKING IN URBAN RESIDENTIAL DISTRICTS.

The scheduled public hearing was held on Petition No. 77-1 by Charlotte-Mecklenburg Planning Commission to change the text of the zoning ordinance as it relates to yard requirements, public open space and allow underground parking.

Mr. Fred Bryant, Assistant Planning Director, stated this petition deals with a proposal to amend the text of the zoning ordinance. It refers to the ordinance as it relates to the urban residential district. That it was only a few months ago that urban residential districts were installed into the ordinance primarily to take care of the Fourth Ward Area situation. That is the only place in which the urban residential districts now apply.

The changes and additions which are proposed now by way of amendments to the text have to do, for the most part, with two principal items. At the time these regulations were prepared they were done in a very hurried fashion. As a result, there has now come to light a couple of circumstances that need some attention.

The first one has to do with the requirements for a number of rear yards and the use to which that yard space can be put. In most instances, any yard space is figured from the property boundary lines. In the Fourth Ward Area there will appear a central theme of park circumstances - there will be created some park land in the midst of the Fourth Ward Area. It is proposed in order to make the most effective use of land in the area that the ordinance be amended to require a very minimal rear yard set-back where the property that is being developed is related to the park land. The changes being recommended are in keeping with the principals of design which have been adopted for the Fourth Ward Area.

The second change relates to provision for underground parking. In most of the central city area provision has already been made to allow underground parking structures to extend into the set-back area. This was not done in the urban residential district situation and it is now believed that it would be advisable to allow that flexibility in the use of land in the Fourth Ward Area. Another minor change is the amount of parking that would be required in this district when it deals with multi-family structures - the only change being the minimum requirement of .25 spaces for Senior Citizen Projects is added. It was inadvertently left off originally.

The third change deals mainly with "housecleaning" the language with the exception that a paragraph with reference to a finalized landscape plan is deleted. The Commission which regulates the Fourth Ward Area believes they can handle that better without the requirement of a detailed landscaping plan at the time of initial submission.

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Councilman Gantt stated he understands the reasons for the omissions from the original ordinance. He asked if this was prompted by some specific project? Mr. Bryant replied not to his knowledge. He stated he would emphasize with reference to the omissions that the underground garage requirement was just purely overlooked; that the relationship of the yard space to the park is something that came along in subsequent discussions.

There was no opposition expressed to the petition.

After a brief discussion on the advisability of taking action on this petition today and the ruling of the City Attorney that it can legally be done, motion was made by Councilwoman Locke that the petition be approved. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 24, at Pages 2 and 3.

HEARING ON PETITION NO. 77-4 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO CHANGE THE ZONING FROM O-15 TO I-1 OF PROPERTY LOCATED ABOUT 700 FEET SOUTH OF HOSKINS ROAD AND BORDERING STEWART CREEK ON ITS EASTERLY SIDE.

Mr. Fred Bryant, Assistant Planning Director, stated at the time Council considered the Northwood Estates hearing, attention was called to the fact that an agreement had been entered into between the Coca Cola Bottling Company and the community organization as to how certain portions of this area would be treated. That this hearing today is in order to bring an additional change to light which would be affected by this agreement.

Identifying the area on the map, he stated it was the agreement between the property owner and the neighborhood organization that it would be acceptable to zone as an office classification property which fronts on Hoskins Road and establish a line which he pointed out on the map as a boundary between office zoned land to the north up to Hoskins Road and I-1 property from there south. Sometime ago some of the property was zoned from multi-family to office by Council action in keeping with that agreement. That left one irregular shaped parcel of land west of Stewart Creek which needed to be considered for rezoning to I-1 in order to bring it into the agreement.

Mayor pro tem Whittington asked if the Caldwell property across the creek is still in the County? Mr. Bryant replied yes.

Mr. Ben Horack, Attorney for Coca Cola Company, stated he approves the petition and Mr. Bryant's explanation. He filed with the City Clerk copies of the agreements and certain other items that relate to this matter.

No opposition was expressed to the proposed change.

Decision was deferred pending a recommendation from the Planning Commission.

CONTRACT WITH CENTRAL PIEDMONT COMMUNITY COLLEGE FOR AN INSTITUTIONAL SKILL TRAINING PROGRAM.

Motion was made by Councilman Gantt and seconded by Councilwoman Chafin, to approve a contract in the amount of \$29,050 with Central Piedmont Community College for an institutional skill training program to be funded by CETA to train 15 persons as automobile repairmen and 15 persons as production machine operators, to begin on February 1 and continue for 24 weeks.

Councilman Gantt asked whether there is any relationship between the type of training that is being done, which in this case is very specific, and the availability of real jobs in the private sector of the community for these skills?

Mr. Robert Person, Manpower Director, replied this is a part of their overall plan or projection for fiscal year 1977. They are now in the implementing stages of the program. At the time the plan was presented they stated

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that after reviewing Bureau of Labor statistics and all other data available relating to the potential for employment, these were good areas for training and for jobs, hopefully at the end of the training cycle.

Councilman Gantt asked if the projection he made is based on some analysis of local situations? Mr. Person replied yes, City of Charlotte, Mecklenburg County SMSA in particular. Not only that, but throughout the state because people are fairly mobile now. Certainly with the number of automobiles on the highway now there should be jobs in the field of repair, etc. In the production machine section, they have had quite a number of demands for this and it seems to be something for the future as well as for now.

Councilman Gantt stated a lot of accusations have been heard about training programs - that you spend the money in training the people and those that do actually succeed in the programs have some real difficulty finding places of employment. Mr. Person stated the economy has played a part in this in recent months but it does seem to be improving.

The vote was taken on the motion and carried unanimously.

MAYOR RETURNS TO MEETING.

Mayor Belk returned to the meeting and presided for the remainder of the session.

SUBMISSION OF AN APPLICATION TO THE BUREAU OF THE CENSUS TO RECEIVE FUNDS TO UPDATE CHARLOTTE'S COMPUTERIZED NETWORK FILE, AUTHORIZED.

Mr. Joe Motto, MIS Director, stated this is an effort to standardize the storage of data that is being corrected and stored by departments against geographical locations, such as street intersections, street segments or addresses. There are many departments in the City which store information in such a way and up until several years ago each department was storing it against the file that they were maintaining themselves. Therefore, it was stored in thirteen or fourteen different ways, depending on the people who were putting the file together.

He stated in standardizing the network file, it allows departments to store data under standard indices so that if information needs to be shared or analyzed across several different departments, it can be picked up by the intersection and street segment across all of the departments.

Councilwoman Chafin asked if it is clear the \$7,500 from the State will be available? Mr. Motto replied he feels sure that it will be available. But in the event the funding arrangement has to change, they will come back to Council and ask what other arrangement might be necessary. That this is just asking for authorization to submit the application.

Councilman Withrow asked from how many other people can we get funds? Mr. Motto replied none.

Motion to authorize the application was made by Councilwoman Chafin, seconded by Councilman Gantt, and carried unanimously.

STORM DRAINAGE AND FLOODPLAIN MANAGEMENT PROGRAM, AUTHORIZED.

Motion was made by Councilman Whittington, and seconded by Councilman Davis, for discussion to approve the subject program by adopting a special assessment policy for storm sewer and drainage system improvements; and approving a contract for \$32,173 with the Urban Institute of UNCC for a research proposal for measuring potential flood damage on flood prone structures.

Councilman Gantt stated both items are worthy of Council's support. One of the questions he has is one of identification of the areas that are likely to become involved in a petition assessment program. He would hate to see

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this thing applied in such a way that they end up with certain areas of the city being able to get the benefit of this and other areas not, simply because they cannot go halfway. It is very similar to the street improvement program that we have had in the past where they try to resurface streets and we used a kind of petition assessment. It turned out that Council, about two years ago, decided to pave those streets themselves because they never could get paved by the property owners. The only problem that bothers him about a fifty-fifty arrangement is that there may be certain economically poor neighborhoods where people may find themselves in situations where, as a result of City improvements, they have runoff across private property and they are unable to raise the 50 percent required to participate in having that water piped.

Councilman Gantt stated one situation he brought to Council's attention several months ago in Belmont-Villa Heights Area where the people wanted to know if there was a way to get the area piped and he thinks they were referred to this upcoming program. That he would like to see how it works since the suggestion was that no funds be allocated on this until we see what kind of response we get from the public; that he simply wanted to raise the fact that it could be somewhat discriminatory particularly those people who cannot raise the 50 percent. However, we have gone a long way to do something.

Councilman Davis stated he is also concerned about allocation of these funds for this purpose at this time. Not only to the extent of Mr. Gantt's idea, but also, he thinks there is a jurisdictional matter here in that prior to this time, he has been interested in floodplain control and storm drainage management and things of that nature. In talking to various staff members and trying to get something going, he has run into the problem that the city has certain responsibilities for property and for floodplain management. Yet, the county seems to have the overall responsibility for the maintenance of streams throughout the entire county, including the city. This is not only a jurisdictional problem but certainly a coordination problem. It might make more sense for the county to do something of this nature, or at least have the effort between the city and county coordinated. He is also a little concerned that at this point we may not need a study of the type that UNCC might provide. We may have the need for more details from the professional engineers. Most members of Council attended the seminar when they heard the report from UNCC about the floodplain management. It seems we are pretty much agreed on what the problem is, and we even have some idea of what the cost would be to take care of it. But no one had any practical ideas we could use to alleviate it. He would like to see this matter deferred, perhaps referred to the County at least for their advice on it, and cooperation; secondly, that we consider the professional engineers consultant to our city and county engineers in lieu of an academic study.

Mayor Belk stated he hopes it is not deferred. We are so far behind that even if Council members went out with a shovel in their own hands, every little bit helps. We have to push to get everything we can because we are so far back on it.

Councilwoman Chafin stated she likes to think the engineers at UNCC are professional engineers. There are some professors of engineering; there is a professional engineer involved.

During the discussion, Mayor Belk stated he thinks it is a good point to work with the county in every possible way.

Speaking for the program were Mr. Clark Readling, City Engineer; and Dr. Bedford of UNCC.

After discussion, the vote was taken on the motion to approve the program, and carried as follows:

YEAS: Councilmembers Chafin, Gantt, Locke, Whittington, Williams and Withrow.

NAY: Councilman Davis.

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ATE MANAGEMENT AND SERVICE COMPANY SELECTED AS CITY'S TRANSIT MANAGEMENT FIRM FOR BUS SERVICE.

Councilwoman Locke moved that ATE be selected as the City's Transit Management firm. The motion was seconded by Councilman Williams.

Councilman Withrow asked for the cost figures for the change-over from one company to another? Mr. Kidd, Transit Planner, stated the transition costs are estimated anywhere from about \$12,000 to \$16,000; added on to that are some things that are speculative until they get into it in the area of unemployment insurance and workmen's compensation. Councilman Withrow asked if there is an estimated figure? It has been mentioned around \$100,000 to \$120,000. Mr. Kidd replied assuming we go with the standard rate on unemployment and workmen's compensation, it would be about \$40,000 with the \$15,000 transition which would make it \$55,000. The other costs they have been able to identify will balance out no matter who it is - this is talking about pension. No matter who the company is, the City will incur about the same pension costs.

Following were questions and answers with Mr. Kidd.

Councilman Withrow made a substitute motion that the City Coach Line be selected as the Transit Management Firm. The motion was seconded by Councilman Whittington.

During the discussion, the City Manager stated he would not suggest that Council give too much emphasis to the immediate crank up costs because it will be divided over a three year period, and it is not going to be that substantial. What he is concerned about is the cost after the crank up and the continued operational costs. This is the thing Council expects staff to look after to see it is held in line. The recommendation made to Council was to City Coach. One of the reasons is because we know what City Coach is and know how to operate with them; and anything else would be speculative to a degree. That he would not be afraid of any of these companies. He rode in a McDonald bus last Friday, and they are about like ours; they were neat, well kept up and reasonably operated. He found out Fort Worth was reasonably satisfied with the operation. He also had dinner with the City Manager of Richmond who has ATE and found they are satisfied with them. He spoke briefly with the City Manager of Kansas City where it is rumored that ATE is going out; and they are going out at Denver. The reason for both of these cases was that the companies wanted to exercise more authority on the operation of the bus system. The only thing he found about ATE that he did not like in that respect, but he suspects it is if you want to do anything yourself, you are not going to get much help from them to do it. Because their business is not for you to do it. He stated he does not find anything bad about any of these companies. He thinks the cost to the City and the way we would work with them would be better with the one we have; but he has no objections to operating with either of the other two.

Councilman Withrow stated he thinks this City Council has said all along that it wants more power and more authority, and he would not want to lessen the power. He withdrew his substitute motion, and Councilman Whittington withdrew his second to the motion.

Councilman Withrow made a substitute motion to defer this because of a lot of unanswered things; this is a serious problem we have to live with, and the taxpayers of this city will have to bear the burden. The motion was seconded by Councilman Whittington.

Councilman Williams stated he is ready to vote on this today; that he has been lobbied and lobbied by various people and lawyers for City Coach Company. Councilman Whittington stated he wants the record to state that he has not been lobbied by anyone; that he has not talked to any of these companies; they wanted to take him to lunch and dinner and all that sort of thing; but he did not go.

Councilman Williams continued saying he has heard the same arguments, and he has deliberated about those arguments, and he is ready to make up his mind.

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Councilman Withrow stated he has not been called by City Coach Company, ATE nor McDonald; that he has not been to lunch nor to dinner, nor has he talked to any of them.

Councilman Gantt stated he is ready to vote on a management firm today. Of grave concern to him is how we go about choosing a firm; he thought the criteria set by the management staff for the selection of a firm was a very reasonable one, and as a part of that process he hopes they evaluated labor relations - the ability of the management firm to work with the people they have to use. That he does not know if the question of arbitration and not having a third party in it is one that we should be concerned with. That he believes we can express our wishes to the management company as we do on any other policy we set.

During further discussion, Councilwoman Chafin stated she is also ready to vote. That during the past several weeks she, along with the rest of Council, has had the opportunity to look at Charlotte's transit system in more depth than at any other time in the past, and have evaluated several transit management firms under consideration for operation; that she has met with representatives of all three companies in her office, not over dinner. It has been a real education for her in transit management philosophy. She will vote for ATE but she hopes the vote will not be interpreted as a rejection of the performance of City Coach. They have served us well in the past; but she thinks ATE will serve us better for the future.

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

YEAS: Councilmembers Withrow and Whittington.

NAYS: Councilmembers Chafin, Davis, Gantt, Locke and Williams.

Mr. Burkhalter, City Manager, stated this is not authorizing a contract, but is telling Staff to work out, negotiate and bring Council a contract. Councilwoman Locke stated that is correct.

Councilman Whittington asked if anyone knows about arbitration as far as this Company is concerned? Mr. Burkhalter replied the only thing he knows is what ATE presented in their presentation where he said they resorted to arbitration. He stated he can tell Council now he will not bring any contract that allows arbitration under any circumstances; the Company may not approve it. But he will never approve one. Binding arbitration is the one thing in every association he has had with labor instruction, and such is the worse thing you can have, and the last thing you should have. That he will not recommend this to Council.

Councilman Davis suggested a substitute motion as he is concerned about some of the questions that have been raised; he is concerned about the initial request for contract; this was not exactly a competitive bid, and it was indicated all along that price was not the important factor. During these discussions he thinks Council and staff have developed a real picture of what each wants in a transit system.

He stated his substitute motion is that Council authorize the City Manager to negotiate a contract with ATE and instruct them to first express Council's concern about the different start up costs and see if this figure could be negotiated down. Second, define the pension costs and also define what will happen to the accrued pension benefits that are now in the City Coach fund; and third, specify that we have no binding arbitration entered into, no automatic cost of living increases and whatever else the Manager feels should be specified in the contract. The motion did not receive a second.

After further discussion, the vote was taken on the original motion, and carried as follows:

YEAS: Councilmembers Locke, Williams, Chafin, Davis and Gantt.

NAYS: Councilmembers Whittington and Withrow.

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ORDINANCE NO. 427-X APPROPRIATING \$14,000 TO ESTABLISH AN ACCIDENT IDENTIFICATION AND SURVEILLANCE PROGRAM FOR CHARLOTTE; AND RESOLUTION ESTABLISHING AN ACCIDENT IDENTIFICATION AND SURVEILLANCE PROGRAM. STAFF INSTRUCTED TO FILE AN APPLICATION WITH THE GOVERNOR'S HIGHWAY SAFETY PROGRAM FOR FEDERAL FUNDING IN THE AMOUNT OF \$55,300.

Councilman Davis moved denial of a recommendation from the Director of Traffic Engineering to establish an Accident Identification and Surveillance Program for Charlotte.

Mr. B. A. Corbett, Director of Traffic Engineering, stated he will speak for both Mr. Jim Spivey of the Insurance Advisory Committee and Mr. Joe Malloy of the Citizens Safety Association, neither of whom could be present as scheduled.

He stated Mr. Spivey asked that his interest in this program be expressed to Council because he feels it will serve the City in several ways. First, if the program is successful it can result in reduced liability accident insurance rates for the City as well as for all the citizens of the City. Secondly, there would be benefits as far as reduced accidents to the public and reduced injuries.

Mr. Malloy, who is head of the professional staff of the Citizens Safety Association, is also very interested in the program and asked that his feelings along with those of the entire Association, be conveyed - that they are very much behind the program and interested in Council adopting it.

Mr. Corbett stated this recommendation is brought to Council for a number of purposes. Probably they do not realize the seriousness of motor vehicle accidents in the City of Charlotte. The most recent statistics for a full year indicate that there are in excess of 10,000 automobile vehicle accidents in the City per year, resulting in 5,000 persons injured and 40 persons killed. In addition to that, of the 500 worse urban accident locations within the State of North Carolina, 125 of them are in Charlotte. He referred to a chart which indicated that in the ten year period since 1966, Charlotte has increased from 28 to 40 in the number of fatalities; personal injuries have increased from 3,300 to 5,000; total accidents have increased from 7,000 to 10,000. The most startling figure is the economical loss which results to this community from these accidents. In 1966 it was \$9.1 million; in the most recent full year, it was \$29.0 million.

He compared this to the fire loss in the City of Charlotte. Last year the total fire loss was \$6.5 million. The combined personal injury and fatalities resulting from automobile accidents is greater than the crimes against persons which the Police Department looks after. He also has found that in those two departments there are some fourteen people with an annual budget of \$180,000 who work in fire prevention. Evidently, they have had some success in reducing fire loss. In the Police Department there are twelve assigned to a particular organization which works with crime reduction in neighborhoods.

With these 10,000 accidents that occur every year, they get into his office each month in excess of 900 individual accident reports. This is some 30 per day or 45 each working day. These are simply filed by location. The only time they use this information is if Council or the public calls and asks them to look into a problem at an intersection at which a traffic signal is needed or where there was an accident or some other problem. Then they retrieve that information from the individual files and use it only in looking at that particular problem. This means they spend a lot of time analyzing locations where one or two accidents have taken place and, in no way, attempt to analyze those locations where the majority of the accidents are taking place. They think it is very important that they have an opportunity to look into this situation. What they propose to do is to set up an Accident Identification and Surveillance Section, staffed by five employees. They will take this data as it comes in; summarize it, analyze it, identify the worse locations; and design corrective measures hopefully to reduce the number of accidents, the number of injuries and also the number of fatalities.

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To do this they are working very closely with the Governor's Highway Safety Conference which has federal and state funds that can be made available to them. They have already sent a draft application to them for their share of the funding which would be as follows:

	GHSP	CITY
1st Year	70%	30%
2nd Year	50%	50%
3rd Year	30%	70%
4th Year		100%

The start-up cost is some \$85,000. They are asking for an appropriation out of this year's budget of \$14,000 which would serve to match the State and Federal funds to go through June 30, 1977. Additional funds would need to be appropriated in the budget for the new fiscal year to match the State and Federal funds to continue the program.

What do they expect to gain as the result of this? They believe they can have a substantial effect upon the total accident picture. He knows from things they have done in the past at selected locations, that they can have a drastic effect towards reducing accidents at those locations which would be identified as the most serious. They could further reduce the bodily injuries and this would be done by the normal types of things they do - traffic signals, signs, markings, channelization which would result from these studies. Fatalities are another matter - they cannot guarantee that they can reduce fatalities. There are haphazard events which occur - they are terrible, serious. It is difficult at any location to ascertain a pattern which could result in the reduction of fatalities. But at most of these locations where they have a very high number of accidents, in studying they can come up with a pattern; they can determine for the most part what is causing those accidents and they can take corrective measures.

They are asking Council to approve this in the form of \$14,000 from this year's budget so that they can file the application with the State and set up this operation and proceed with it.

A substitute motion to approve the recommendation was made by Councilman Whittington, seconded by Councilwoman Locke.

Councilman Withrow stated he agrees with what Mr. Corbett has said, and he agrees that all of us are interested in cutting down the accidents. He asked what will be done with the five people after the three years? Will we continue them on the payroll? Is this permanent? Mr. Corbett replied it is to be a permanent operation within his department.

Councilman Davis asked the three or four worst intersections in Charlotte? Mr. Corbett replied he cannot tell him that at this moment because they do not analyze these accidents. Councilman Davis stated he read somewhere that Hawthorne and Independence was one of the worst in the State. Mr. Corbett stated several years ago Hawthorne was one of the worst; it had something like 80 accidents per year. This was four or five years ago. Since that time left turns have been prohibited from both streets, and the problem at that time was basically left turns. That he can tell them some bad intersections, but he cannot say they are the worst in the city. When you say worst you have to consider a number of things. It is very possible that intersections of two minor streets, two lane streets, carrying 5,000 vehicles a day with ten accidents could be a much worse situation, than an intersection with two multi-lane facilities with 50 accidents per year. You have to consider exposure; you have to calculate rates, and the number of persons injured, and all of this. It is very difficult to say this is the worst location. He stated Charlotte has 125 of the 500 worst locations in the State of North Carolina. The State gave them this information, and they can tell us where those are that are in their records. But it does not include all the intersections in the City.

Councilman Davis asked the full cost of this program when it is fully funded with the five employees? Mr. Corbett replied approximately \$70,000 per year; there is a start-up cost of about \$14,000 which includes equipment, desks

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and this type of thing. Councilman Davis asked if he has looked into alternative ideas with that amount of money? Mr. Corbett replied at the moment he does not think there is any more pressing need than this particular need. This is one of the worst needs at this time; it is a problem that has not been attacked in the past; and the evidence indicates it is a very serious problem.

Mayor Belk stated he would like to thank Mr. Corbett for bringing it up?

Councilman Davis stated this is a lot of money to study the problem; then after the study there will probably be some expensive things. That he feels we have real good people in Traffic Engineering now, and they must be unconsciously aware of where a lot of accidents happen. That Mr. Corbett could probably outline some things that we could do now on some bad intersections; it could cost money, and Council may or may not do it all. He thinks we can look at some alternatives without taking on five fulltime people; we could go into additional enforcement or additional improvements or something of that nature. What worries him that we have come up with the idea the reason for a lot of accidents is high speed, so we come up with a 55mph speed limit, or 25mph in a residential area. Then Mr. Corbett says the drivers ignore this, and we do not have the means to enforce it. Mr. Corbett stated generally inside the city the matter of speed is not the important factor. There are other factors which generally cause accidents within the city. There are things like running traffic signals, running stop signs, bad alignment on some of the streets. Most places in the city are not 45mph, nor 55mph, but 35mph - bad site distance at an intersection, and many different types of problems. Councilman Davis asked if he does not feel we know enough now to spend our money to start actually improving these things? Mr. Corbett replied no as he does not have the staff to do it at the present time.

Councilman Withrow stated he is concerned that after the three years the State will stop picking up some of the tab. He asked if he can hire people and not guarantee them a job after the end of three years. If it is not producing we might want to go to something else. Mr. Corbett replied they are ready to admit they may be able to reduce it to where they do not need the employees any longer. Councilman Withrow stated once you hire the people, you cannot get rid of them. Mr. Corbett stated he cannot guarantee today that at the end of four years, the employees would be terminated.

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

YEAS: Councilmembers Whittington, Locke, Chafin, Gantt, and Withrow.
NAYS: Councilmembers Davis and Williams.

The ordinance is recorded in full in Ordinance Book 24, at Page 4.

The resolution is recorded in full in Resolutions Book 12, at Page 182.

MEDIAN ON RANDOLPH ROAD, BETWEEN CODDINGTON PLACE AND CANTERBURY DRIVE,
AUTHORIZED REMOVED.

Mr. Corbett, Traffic Engineering Director, stated last week Council received a request from citizens who live on Canterbury Drive asking that a hole be placed in the median where Canterbury intersects Randolph Road. He explained in detail the alternative routes that would be used without this median opening. He then explained the routes with the opening and the difficulties that motorists would encounter to make the left turns.

Mr. Corbett stated it would be a much better situation to leave the median in and permit traffic that wants to go to Canterbury to either turn left at the first opportunity which is the belt road; or at the second opportunity which is McAlway Road.

He stated if Council feels it should provide a median open, it might be better to put in a five lane section. That he has looked at this since last week and has concluded you cannot very easily put in a five lane section

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for the full length of the project between Wendover, the belt road, and McAlway. The only place that would be possible would be the very short, approximately 400 foot section, between Coddington and Canterbury.

After further explanation and discussion, Councilman Whittington moved approval of the alternative suggested by Mr. Corbett - removal of the median between Coddington and Canterbury with a five lane section. The motion was seconded by Councilwoman Locke.

Speaking for the removal of the median were Mrs. Richard Driscoll, 131 Canterbury Road North; and Mr. R. P. Wilson, 324 North Canterbury Road.

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

LEAA SUBGRANT AWARD CONTRACT WITH THE GOVERNOR'S COMMISSION ON LAW AND ORDER FOR THE POLICE DEPARTMENT'S 1976 PLANNING PROPOSAL, AUTHORIZED.

Motion was made by Councilwoman Locke, seconded by Councilman Davis, and unanimously carried, approving the subject LEAA Subgrant Award Contract, at a total grant of \$16,667, with federal funds, \$15,000; state funds, \$833; and local match, \$843.

MOTION STATING AN INTENT TO HOLD A BOND REFERENDUM ON APRIL 19, 1977 FOR WATER AND SEWER BONDS, AND CULTURAL BONDS FOR NATURE MUSEUM AND SPIRIT SQUARE.

Councilwoman Locke moved that Council hold a bond referendum on April 19, 1977, on the following:

- (a) Water bonds in the amount of \$675,000.
- (b) Sewer bonds in the amount of \$6,325,000.
- (c) Cultural bonds, for Nature Museum in the amount of \$7,100,000.
- (d) Cultural bonds for Spirit Square in the amount of \$2,500,000.

The motion was seconded by Councilman Whittington, and carried unanimously.

AGREEMENT WITH MECKLENBURG COUNTY REGARDING SPIRIT SQUARE.

Upon motion of Councilman Gantt, seconded by Councilman Withrow, and unanimously carried, an agreement between the City of Charlotte and Mecklenburg County regarding Spirit Square was approved.

CONTRACT WITH MEIDINGER AND ASSOCIATES TO PERFORM ACTUARIAL VALUATION OF CHARLOTTE'S FIREMEN RETIREMENT SYSTEM FOR YEAR ENDING DECEMBER 31, 1976.

Councilman Whittington moved approval of a contract with Meidinger and Associates, Inc. of Charlotte to perform an Actuarial Valuation of the Charlotte's Firemen Retirement System for the year ending December 31, 1976 at a cost not to exceed \$5,700. The motion was seconded by Councilman Withrow.

Councilman Davis asked who performed the study the last time, and he was advised that Tillinghott and Company made the last study. Councilman Davis stated the last time Council discussed this the funds were a little in arrears as far as being funded up to date. Mr. Fennell, Finance Director, stated this study will include additional alternatives other than the regular annual actuarial study in order to bring back to Council recommendations from the Board of Trustees. Councilman Davis asked when they anticipate having this before Council to fund this up to a reasonable number of years? Mr. Fennell replied the purpose of this particular study would be to bring back recommendations to achieve those objectives.

Mr. Burkhalter, City Manager, stated he has been instructed to come back to Council with a plan that might take the firemen out of this system and put them in the state fund, or to see if that is feasible. He asked Personnel

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The following bids were received:

Todd Pool Builders	\$ 22,091.75
T. L. Harrell's Construction Co.	23,347.50
Crowder Construction Company	25,018.00
T. A. Sherrill Construction Co.	28,985.00
Rea Construction Company	29,790.00
Sanders Brothers	33,190.00
Blythe Industries	34,312.50
F. T. Williams Company	35,575.00

(d) Upon motion of Councilman Williams, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, Ben B. Propst Contractor, Inc., in the amount of \$179,443.05, on a unit price basis, for construction of a 16-inch water main along Beatties Ford Road.

The following bids were received:

Ben B. Propst Contractor, Inc.	\$179,443.05
Burnup & Sims, Inc.	185,188.70
Rand Construction Co., Inc.	187,620.50
RDR, Inc.	189,338.75
Sanders Bros., Inc.	196,252.90
Propst Construction Co., Inc.	199,895.28
Spartan Construction Co., Inc.	209,445.00
Dickerson, Inc.	214,412.50
A. P. White & Associates, Inc.	216,095.00
C. O. Martin & Sons, Inc.	220,540.00
Rea Brothers, Inc.	224,999.75
Blythe Industries, Inc.	235,220.00
Culp Bros., Inc.	283,768.25

(e) Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, to award contract to the only bidder, The Wood/Chuck Chipper Corporation in the amount of \$5,508, on a unit price basis for a trailer mounted brush chipper.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO HELEN M. WILEY, LOCATED AT 2705 CHICAGO AVENUE, IN THE SOUTHSIDE PARK COMMUNITY DEVELOPMENT TARGET AREA, IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

Councilman Whittington moved adoption of the resolution authorizing condemnation proceedings for the acquisition of property belonging to Helen M. Wiley, 2705 Chicago Avenue, in the Southside Park Community Development Target Area. The motion was seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 183.

CONSENT AGENDA APPROVED.

Upon motion of Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, the consent agenda was approved as follows:

1. Open Non-Exclusive Contracts for Real Estate Broker's Services in Brooklyn Project No. N. C. R-43.
 - (a) Masten-Faison-Weatherspoon Realty Company.
 - (b) Nuttall Associates, Ltd.
 - (c) Percival's, Inc.
2. Option Agreement and Lease Agreement with Civic Plaza Corporation for the lease of up to 22 parking spaces per month in the City's Parking Garage at East Trade and South McDowell Street.

- 3. Amendment to Lease No. DACA21-5-68-53, dated August 15, 1967, between the City and the Department of the Army, acting on behalf of the North Carolina Air National Guard, to include Building No. 15, which was inadvertently excluded from the original lease.
- 4. Community Development Property Rehabilitation Grants.
 - (a) Grant in the amount of \$4,500 with William and Mary J. Wilson, at 259 Victoria Avenue, Third Ward.
 - (b) Grant in the amount of \$4,123 with Eunice M. Stewart, at 3020 N. Davidson Street, North Charlotte..
 - (c) Grant in the amount of \$3,986 with Marie V. White, at 818 E. 37th Street, North Charlotte.
 - (d) Grant in the amount of \$2,425 with Lucille B. Berrs, in the amount of \$4,343, Third Ward.
 - (e) Grant in the amount of \$4,343 with Alberta McCarter, at 820 Herrin Avenue, North Charlotte.
 - (f) Grant in the amount of \$4,150 with Hazel M. Stone, at 3314 N. Alexander Street, North Charlotte.

5. Ordinances ordering the removal of weeds, grass, trash, junk and abandoned motor vehicle:

- (a) Ordinance No. 428-X ordering the removal of trash and junk at 2301-03 Augusta Street.
- (b) Ordinance No. 429-X ordering the removal of an abandoned motor vehicle at 2301-03 Augusta Street.
- (c) Ordinance No. 430-X ordering the removal of weeds and grass from vacant lot at 4525 North Tryon Street.
- (d) Ordinance No. 431-X ordering the removal of weeds and grass from vacant lot at 410-412 Biddle Street.
- (e) Ordinance No. 432-X ordering the removal of weeds and grass at 712 East 37th Street.

The ordinances are recorded in full in Ordinance Book 24, beginning at Page 5.

6. Contracts for the construction of water and sewer lines.

- (a) Contract with Schachner Leather and Belting Company for the construction of 230 l.f. of 8-inch sanitary sewer to serve 4608 Wilkinson Boulevard, inside the city, at an estimated cost of \$4,250. The Applicant has deposited 10 percent of the estimated construction cost and will deposit the remaining 90 percent before construction. Refund is as per agreement. No funds are required from the City.
- (b) Contract with Raintree Corporation for the construction of 3,797 l.f. of 8-inch sanitary sewer to serve Section 3 (DeerPark), outside the city, at an estimated cost of \$56,955. The Applicant will construct the entire system at his own proper cost and expense and the City will own, maintain and operate, and retain all revenues, all at no cost to the City.
- (c) Contract with Rea Construction Company, for the construction of 481 feet of water main and one fire hydrant to serve Dowd Company property at Rea Road and Cool Springs Lane, at an estimated cost of \$3,500. The City will prepare the plans and specifications necessary, with the Applicant to finance the entire project with no funds required from the City.

7. Encroachment Agreements with the North Carolina Department of Transportation:

- (a) Agreement permitting the City to construct an 8-inch water main connecting to the existing 12-inch line in U. S. Highway 21, Statesville Avenue, at Callahan and Oliver Street.

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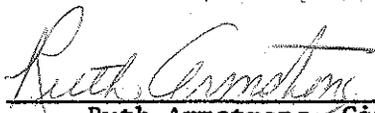
- (b) Agreement permitting the City to construct a 16-inch water line in Albemarle Road, N. C. 24 & 27, from Orchard Ridge Drive to Wilgrove-Mint Hill Road.

8. Property Transactions:

- (a) Acquisition of 30' x 3,199.64' of easement on 188 acres on Sam Furr Road at Sherrill Road, from Harry C. Knox and wife, at \$4,000 for McDowell Creek Outfall, Phase II.
- (b) Acquisition of 30' x 561.85' of easement at RFD No. 3, Gilead Road at Cooke Road, Huntersville, N. C., from Helen B. Pender and husband, at \$800, for McDowell Creek Outfall, Phase II.
- (c) Acquisition of 15' x 21.24' x 15.05' x 19.96' of right of way plus temporary construction easement, at 5812 Sharon View Road, from Wachovia Bank & Trust Co., Co-Executor under will of W. D. Flintom and Marsh Foundation, Inc. at \$175.00, for proposed right of way for Sharon View Road Culvert, at Swan Run Branch.
- (d) Acquisition of .53 acres of land on Dixie Road, Highway 160, from James C. Berryhill, and John W. Berryhill, Jr., Co-Executors under the will of Ruth S. Berryhill, at \$3,900, to acquire land for Airport Expansion.
- (e) Acquisition of 2.01 acres of land on Dixie Road, Highway 160, from James C. Berryhill and wife, Wilma; John W. Berryhill, Jr., Johanna Berryhill, at \$17,500, to acquire land for Airport Expansion.
- (f) Acquisition of two parcels of property in the Third Ward Community Development Target Area, as follows:
- (1) 7,295 sq. ft. from Eloise A. Dayton and Nathaniel S. Alexander, at 212 Victoria Avenue, at \$3,200.
 - (2) 6,875 sq. ft. from F & J Corporation, at 914 W. First Street, at \$5,500.
- (g) Acquisition of three parcels of property in the West Morehead Community Development Target Area, as follows:
- (1) 2,650 sq. ft. from Edith R. Williams, at 1106 Jefferson Street, at \$4,000.
 - (2) 6,160 sq. ft. from David Kinney, at 1124 S. Church Street, at \$6,000.
 - (3) 4,972 sq. ft. from Mrs. Albury Spencer Summers, at 1114 S. Church Street, at \$9,000.
- (h) Acquisition of four parcels of property in the Grier Heights Community Development Target Area, as follows:
- (1) 7,570 sq. ft. from A. P. Wilson, 411 Skyland Avenue, at \$6,000.
 - (2) 6,170 sq. ft. from Henry G. Newson, at 3550 Marvin Road, at \$4,000.
 - (3) 6,950 sq. ft. from Henry G. Newson, at 3533 Marvin Road, at \$4,300.
 - (4) 18,700 sq. ft. from Henry G. Newson, at 3601-03-05 Marvin Road, at \$38,000.

ADJOURNMENT.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, the meeting adjourned.



Ruth Armstrong, City Clerk