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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, November 8, 1976, 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 and Joe D. Withrow present.

ABSENT: Councilman Neil C. Williams.

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INVOCATION.

The invocation was given by Reverend Roy W. Coker, Pastor of Pleasant Hill Presbyterian Church.

MINUTES APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting on Monday, November 1, 1976 were approved as submitted.

WEEK OF NOVEMBER 7 TO NOVEMBER 13 PROCLAIMED AS NIVENS CENTER WEEK.

Mayor Belk recognized Mr. Clifton Wood, Executive Director of Nivens Center and presented him with a proclamation declaring the week of November 7 to November 13 as Nivens Center Week.

Mr. Wood accepted the proclamation stating he appreciates what the City is presently doing; thanking all for their assistance and for the proclamation declaring Nivens Center Week.

ORDINANCE NO. 375-Z AMENDING CHAPTER 23 OF THE CITY CODE BY GIVING CONDITIONAL APPROVAL FOR A SHOPPING CENTER IN AN I-2 DISTRICT IN EXCESS OF 100,000 SQUARE FEET LOCATED AT THE SOUTHEAST CORNER OF NORTH TRYON STREET AND EASTWAY DRIVE.

Council was advised by the Clerk that the Planning Commission recommends approval of Petition No. 76-11, utilizing the original site plan amended to include building, landscaping and circulation refinements presented at the public hearing.

Councilman Whittington stated the Court has ruled in both this petition, and Petition No. 76-12, that Council is required to adopt findings of fact; these being that the location of the proposed development is conveniently accessible to the residential areas it is intended to serve with respect to the major thoroughfare system; that a shopping center at that location will provide needed business services to the present and foreseeable population of the retail service area indicated in the application; and the site plan can be developed according to a site plan that will minimize adverse effects on the surrounding residential area.

These are the facts that were read into the record when the hearing was held. With that in mind, he believes as a member of Council he did all he could to make the Planning Commission and the people who were affected by this petition know what the facts were as he believed them to be in trying to arrive at a decision on this particular site and the other one which is the next item on the agenda.

Having done that, he is going to vote for these two petitions because in both cases the Court and the Judge have ruled that Council must, in approving these applications, find the three items he read.

To the citizens of this City who know he voted against the petition in its original form, he stated that because of the hearings the majority of this

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Council caused to happen, he is convinced they have better shopping centers that will be built on these two pieces of property in the future. It will be better designed with the respective properties to include building, landscaping and circulation refinements presented at these public hearings. As an example, before the hearings, we did not have the hundreds of trees that we were told would be in this petition.

He believes also, from these two petitions, while we have two better centers, the citizens who live in the area of these two centers on the whole have lost, as we think about the future. If we are ever going to have the centers the Comprehensive Plan calls for, he sees no way we can ever get them unless Council is willing to buy the property and set it aside for that purpose.

Councilman Whittington moved adoption of the Ordinance approving the conditional use based upon the following Findings of Facts:

- FINDINGS OF FACTS -

FINDINGS REGARDING REQUIREMENTS PRESCRIBED FOR SCHEMATIC PLANS:

The schematic plan and other materials submitted with the petition at time of filing comply with each of the requirements of Section 23-35(b), (1)-(6) and of Section 23-35(c), (2)-(5).

FINDINGS REGARDING PRESCRIBED STANDARDS:

The following findings are made from the record evidence presented at the hearing with respect to the three standards prescribed by Section 23-35, the basic facts relied on in support of each being set forth below:

Finding No. 1. The location of the proposed development is conveniently accessible to residential areas it is intended to serve with respect to the major thoroughfares system.

Facts Supporting Finding No. 1.

(a) The shopping center is intended to serve a residential area with a radius of approximately five miles from the shopping center site. (See attachment to Petitioner's Exhibit #1, Petitioner's Exhibit #8 and testimony of Charles Lebovitz at R.p. 59 and 61).

(b) The shopping center is located at the intersection of North Tryon Street and Eastway Drive, both of which are designated major thoroughfares. (See Staff Exhibit #4, Petitioner's Exhibit #'s 8 and 9 and the testimony of William Finger at R.pp. 75-76).

(c) North Tryon Street and Eastway Drive provide access to The Plaza, Sugar Creek Road and Interstate 85, all of which pass through the "five-mile" primary market area projected for the shopping center and all of which are designated major thoroughfares. (See Petitioner's Exhibit #8 and 9 and the testimony of William Finger at R.pp. 75-76).

(d) The proposed shopping center site has satisfactory provisions for controlled ingress and egress to and from the shopping center site onto the adjacent major thoroughfares. (See Staff Exhibit #4, the testimony of William Finger at R.pp. 79-82, and the testimony of Bernie Corbett at R.pp. 130, 132).

Finding No. 2. The shopping center, at that location, will provide needed business services to the present and foreseeable population of the retail service area indicated in the application.

Facts Supporting Finding No. 2.

(a) The shopping center proposed to provide among its retail services those afforded by a major department store, a nationally known supermarket, a branch bank, a restaurant, a theatre, furniture sales, a

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hardware store, various retail shops and other services identified on the schematic plan. (See Staff Exhibit #4).

(b) Demographic and marketing evaluations of the present and foreseeable population of the retail service area indicated in the application show that such population is of the type, nature, composition and status which will need or require the kind of services and facilities that will be provided by the proposed shopping center at its North Tryon location. (See Staff Exhibit #4, Petitioner's Exhibit #10, the testimony of Charles Lebovitz at R.pp. 58-60 and the testimony of John Weitnauer at R.pp. 93-95).

Finding No. 3. The site can be developed according to a site plan that will minimize adverse effects on surrounding residential areas.

Facts Supporting Finding No. 3.

(a) The proposed shopping center site is zoned industrial (I-2) and has no residentially zoned areas adjacent to it. (See Staff Exhibit #2).

(b) The site plan for the proposed center incorporates features providing for interior design and controlled ingress and egress to and from the adjacent streets. (See Staff Exhibit #4 and the testimony of William Finger at R.pp. 79-82).

(c) The adjacent streets and their intersection as presently designed and constructed are of sufficient capacity to accommodate the expected customer traffic moving to and from the proposed shopping center. (See the testimony of William Finger at R.pp. 80, 82 and the testimony of Bernie Corbett at R.p. 130).

(d) The site plan for the proposed center incorporates retention ponds sufficient to accommodate the volume of water run-off generated by the site under 10-year storm conditions. (See Petitioner's Exhibit #14).

(e) The landscape plan for the development of this site as presented by the developer's architect provides for the use of existing specimen trees and the installation of trees, shrubs and grasses designed to enhance the visual appearance of the proposed facility. (See Petitioner's Exhibit #'s 12, 13 and 14, and the testimony of Harry Wolf at R.pp. 100-106 and the testimony of Charles Lebovitz at R.pp. 112-122).

The motion was seconded by Councilwoman Locke.

Councilman Gantt stated he will echo the sentiments of Councilman Whittington. That he voted against these petitions earlier and it is with great reluctance he votes for them now. He thinks the onus is on the back of the developer, or the collective backs of the developers, of this property now to demonstrate these shopping centers will indeed be assets to the community. If anything good came out of the hearing, it was that we made them do more than they might have done otherwise. It is true the Comprehensive Plan to some extent has been circumvented, but it seems to him it charges Council with the responsibility now of asking the Planning Commission to work a little harder in cleaning up the present zoning situation and designations we have in the City to such that the plan can be followed. He has always said a Plan is no better than the zoning ordinances that are attached to it. We have been hearing about the progress being made in this direction, and he would hope we will get along a little faster than we have in the past in resolving some of the problems that we face. Otherwise, we will probably face from other petitioners similar kinds of conditional use situations that will lead to the same conclusion. He does not believe the citizens are going to be better off as a result of these centers, but he does think there is some responsibility now attached to the developers to do a better job.

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

The ordinance is recorded in full in Ordinance Book 23, at Page 444.

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ORDINANCE NO. 376-Z AMENDING CHAPTER 23 OF THE CITY CODE BY GIVING CONDITIONAL APPROVAL FOR A SHOPPING CENTER IN EXCESS OF 100,000 SQUARE FEET LOCATED ON THE SOUTH SIDE OF THE NEW PORTION OF TYVOLA ROAD, BEGINNING ABOUT 1,200 FEET EAST OF THE INTERSECTION OF TYVOLA ROAD AND INTERSTATE 77, ON PETITION OF J. E. CARTER, J. H. CONNER, CLIVEDON PROPERTIES, INC., ET AL.

The Clerk advised that the Planning Commission recommends approval of Petition No. 76-12, utilizing the original site plan amended to include building, landscaping and circulation refinements presented at the public hearing.

Motion was made by Councilman Gantt, seconded by Councilman Whittington, and unanimously carried, adopting the subject ordinance giving conditional approval for the shopping center based upon the findings of facts, as follows:

- FINDINGS OF FACTS -

FINDINGS REGARDING REQUIREMENTS PRESCRIBED FOR SCHEMATIC PLANS:

The schematic plan and other materials submitted with the petition at time of filing comply with each of the requirements of Section 23-35(c), (1)-(6) and of Section 23-35(c), (2)-(5).

FINDINGS REGARDING PRESCRIBED STANDARDS.

The following findings are made from the record evidence presented at the hearing with respect to the three standards prescribed by Section 23-35(e), the basic facts relied on in support of each being set forth below:

Finding No. 1. The location of the proposed development is conveniently accessible to residential areas it is intended to serve with respect to the major thoroughfares system.

Facts Supporting Finding No. 1.

(a) The proposed shopping center is located on the southerly side of the new portion of Tyvola Road, about 1200 feet from its intersection with I-77 and 2600 feet from its intersection with South Boulevard. This portion of Tyvola Road is a four-lane major thoroughfare having a 100-foot right-of-way, two eastbound lanes and two westbound lanes being separated by its existing median. (See Staff Exhibit #1 and 2; Petitioners' Exhibit #2 and 5; and testimony of Charles Lebovitz at R.p. 40 and testimony of William Finger at R.pp. 65 and 73).

(b) Tyvola Road extends from Nations Ford Road in an easterly direction to Park Road, which in turn ties in with Fairview Road, and other arteries. Tyvola Road itself intersects Interstate 77, Old Pineville Road and South Boulevard, each of which connects with other arteries. All of those roads are portions of the Charlotte-Mecklenburg major thoroughfares system. The proposed shopping center is intended to serve residential areas within a radius of approximately five miles from the shopping center. These areas are conveniently accessible to one or more of those roads. (See Staff Exhibit #1; Petitioners' Exhibits #1, 4 and 5; testimony of Fred Bryant at R.pp. 8, 13, 18, 36 and 37; testimony of Charles Lebovitz at R.pp. 40, 45, testimony of Henry Faison at R.p. 50 and testimony of Harry C. Wolf III at R.p. 62).

(c) Customer vehicular access to and from the proposed shopping center and Tyvola Road (on which it fronts for a distance of 772 feet) is afforded at three locations. Two of these provide four 12-foot lanes for ingress and egress (two lanes in each direction separated by a 3-foot median). The third is a 24-foot driveway for right turn ingress and egress only. Each of these three entrances and exits extend 175 feet into the site and provide stacking room to prevent entering or exiting vehicles from conflicting with on-site circulation or off-site movement of traffic on Tyvola. About 300 feet of frontage separates each of these entrances and exist from the nearest one of the other two. (See Petitioners' Exhibit 2; testimony of Fred Bryant at R.p. 16 and the testimony of William Finger at R.pp. 63, 68).

(d) The existing Tyvola Road median has two median cuts. The two on-site ingress-egress locations are aligned with these two median cuts and provide convenient access to and from both the eastbound and westbound lanes of Tyvola Road. (See Petitioners' Exhibit #2 and 8; testimony of Fred Bryant at R.p. 16 and testimony of William Finger at R.p. 65).

(e) Traffic engineering analysis of these ingress and egress facilities by independent consultants showed convenient access to and from the shopping center and Tyvola Road. The Charlotte Traffic Engineering Department reviewed and approved the proposed shopping center project and suggested no changes in either its parking or entrances and exits. (See Petitioners' Exhibit #8; testimony of Fred Bryant at R.p. 85).

(f) Convenient accessibility of a shopping center to the population to be served is a primary consideration in the selection of a location for such facilities. The developer and a major tenant of the proposed shopping center each made its own internal and independent studies of the Tyvola site with respect to the major thoroughfares and selected it because of the excellence of its proposed trade area and the residents in those areas. (See testimony of Charles Lebovitz R.pp. 38 and 48 and testimony of John Weitnauer at R.pp. 79 and 80).

Finding No. 2. The shopping center, at that location, will provide needed business services to the present and foreseeable population of the retail service area indicated in the application.

Facts Supporting Finding No. 2.

(a) The shopping center proposes to provide among its retail services those afforded by a major department store, a nationally known supermarket, a branch bank, a restaurant, a theatre, furniture sales, a hardware store, various retail shops and other services identified on the schematic plan. (See Petitioners' Exhibit #2 and 10; testimony of Fred Bryant at R.p. 15 and Charles Lebovitz at R.p. 39).

(b) Demographic and marketing evaluations of the present and foreseeable population of the retail service area indicated in the application show that such population is of the type, nature, composition and status which will need or require the kind of services and facilities that will be provided by the proposed shopping center at its Tyvola location. (See testimony of Charles Lebovitz at R.p. 41; testimony of Henry Faison at R.pp. 54 and 55; and testimony of John Weitnauer at R.pp. 80-82).

Finding No. 3. The site can be developed according to a site plan that will minimize adverse effects on surrounding residential areas.

Facts Supporting Finding No. 3.

(a) The proposed shopping center site is zoned Industrial - 2 (I-2) and is completely surrounded by other I-2 property, which in the aggregate comprise a large area that is zoned the same way. (See Staff Exhibit #2 and testimony of Fred Bryant at R.pp. 11 and 12).

(b) The areas to the east and west of the shopping center site are entirely or predominantly vacant as is also the area on the opposite (northerly) side of Tyvola Road. The only developed land along the portion of Tyvola Road extending (about 3500 feet) from I-77 to Old Pineville Road is an office park, concrete mixing facility and auto dealership. Most of the land to the rear is also vacant, existing development including a department store warehouse, a Southern Bell Telephone & Telegraph equipment storage facility and a rifle and pistol club. There are no residences on that portion of Tyvola Road or on any land that adjoins the proposed site, with the exception of one small residence at the rear which is adjacent to the rifle and pistol club. The nearest residential area is located about 1300 feet from the rear of the project. (See Staff Exhibits #1 and 3, and testimony of Fred Bryant at R.pp. 9, 10, 34 and 35).

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(c) Under the City Zoning Ordinance an I-2 classification is one that permits 100 or more industrial and business uses as a matter of right with no prescribed conditions or approvals, other than those generally applicable to all such uses. Among the business uses permitted as a matter of right in an I-2 district are each of the business ones contemplated by the proposed shopping center and also any number of separate shopping centers having a floor area of 100,000 square feet or less and a land area of 10 acres or less. The City Zoning Ordinance prohibits residential usage or development in an I-2 district. (See Zoning Ordinance Section 23-31; and testimony of Fred Bryant at R.pp. 11, 32-35).

(d) The schematic plan which was filed in compliance with the requirements of Section 23-35(b) provides for a proposed shopping center development which will be interior oriented and will have the various amenities and characteristics shown on the plan, including limited access (discussed above with reference to Standard No. 2), controlled interior circulation and parking, green areas and plantings, two major tenants (department store and supermarket), and other retail and service facilities, an enclosed pedestrian mall, controlled signage, a 60-foot right-of-way from Griffin Street at the rear and an off-site retention pond to accommodate storm water run-off from the site. The City Engineering Department approved the retention pond to accommodate storm water run-off from the site. The City Engineering Department approved the retention pond facility as being capable of development in a manner that the run-off from the shopping center site under 10-year storm conditions will have no adverse impact on the surrounding area. (See Petitioners' Exhibit 13 and testimony of Charles Lebovitz at R.pp. 39, 43, testimony of Henry Faison at R.p. 53; testimony of William Finger at R.pp. 63 and 64; Affidavit of Charles Rust at R.pp. 83 and 84; and testimony of Fred Bryant at R.pp. 98 and 99). (The Planning Commission is not requiring the retention pond since it is off-site).

(e) The conditional use Shopping Center Ordinance (Section 23-35.1) requires that the site development of the proposed shopping center must conform to the schematic plan and associated requirements approved by the City Council. There is no such requirement with respect to the uses and developments permitted unconditionally as a matter of right in an I-2 district. (See Zoning Ordinance Section 23-31).

(f) If the proposed shopping center is not approved for development according to the petitioners' conditional use application and plan, under existing I-2 zoning regulations there will be no way to prevent piecemeal development by multiple owners with its potential for uncoordinated utilization and no way to require the kind of planning, design, land use and amenities which will be assured if the petition is approved. (See Zoning Ordinance Section 23-31 and City Code §17-59; and testimony of Henry Faison at R.pp. 50-53).

(g) The proposed site is comprised of several tracts that are encumbered by multiple mortgage loans; some of these loans are in default, the lenders delaying action with respect to these defaults pending a decision on the petitioners' application. Deterioration and fragmentation of the site is rendered more imminent by prospects of foreclosure sales to various purchasers who may be expected to develop their respective parcels separately for any one or more of the unconditional I-2 uses permitted as a matter of right. Such piecemeal development would be detrimental to the adjoining properties by encouraging similar development of vacant land along Tyvola Road. (See testimony of Henry Faison at R.pp. 50-52).

(h) A site plan and rendering (Petitioners' Exhibits 10 and 11) demonstrate that the proposed site can be developed according to a site plan that will minimize adverse effects on "surrounding residential" (and other) areas. These exhibits represent refinements to implement the schematic plan that was originally filed and evidence a variety of architectural and landscaping features which minimize those effects. The developer confirmed its commitment to develop the project with at least 238, (3-inch diameter) trees, to construct the buildings in a manner to

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conform with the site plan (Exhibit 20) and resulting in the appearance indicated in the rendering (Exhibit 11) and to save as many as possible of the existing trees in the development of the property. (See Petitioners' Exhibit #10, 11 and 12; testimony of Henry Faison at R.p. 51; testimony of Harry C. Wolf III at R.pp. 86-92 and testimony of Charles Lebovitz at R.pp. 99 and 100).

The ordinance is recorded in full in Ordinance Book 23, at Page 445.

**CONTRACT WITH YOUTH HOMES, INC. FOR TECHNICAL AND PROFESSIONAL SERVICES TO SERVE COMMUNITY DEVELOPMENT AREA YOUTH THROUGH PLACEMENT IN THE EXISTING THREE GROUP HOMES.**

Councilman Whittington stated at his request this contract was deferred from the last meeting in order for him to gather some information. That he has talked to Mrs. Rash and she tried three times, unsuccessfully, to help him with this decision. He has also talked with Mr. Burkhalter, City Manager, about it. Recalling two of the homes he has been in himself, he questions the need to spend that much money for eighteen youth. He has his answer and is ready to vote for it today.

Councilman Gantt moved approval of the contract with Youth Homes, Inc. in the amount of \$103,273, to begin on November 1, 1976 for an eight months operating period. The motion was seconded by Councilwoman Locke, and carried unanimously.

**MAYOR PRO TEM WHITTINGTON EXCUSED FROM REMAINDER OF SESSION.**

Councilman Gantt moved that Mayor pro tem Whittington be excused from the remainder of the session. The motion was seconded by Councilwoman Chafin, and carried unanimously.

**RESOLUTION DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM HELD ON NOVEMBER 2, 1976.**

The City Clerk stated the results of the referendum held on November 2, 1976 are as follows: 140,953 voters were registered and qualified to vote in the City Bond Referendum. Voting for the sanitary sewer bonds were 28,979; voting against the sanitary sewer bonds were 31,174. The bond referendum failed. Voting for the water bonds were 28,415; voting against the water bonds were 30,934. The water bonds failed to carry.

Councilman Gantt moved adoption of a resolution declaring the results of the Special Bond Referendum. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 123.

**CITY MANAGER REQUESTED TO SET UP WORKING SESSION OF COUNCIL ON REFERENDUM.**

Mr. Burkhalter, City Manager, stated Councilman Whittington had planned to make a recommendation about securing information. Mayor Belk stated he thinks what he meant was a conference meeting and not a Council meeting. Mr. Burkhalter replied he has some other things on his mind that he would like to talk about in that connection. He has no objection to doing what Councilman Whittington asked. He thinks this is the proper time to mention to Council that there are some people talking today from the Mint Museum, Spirit Square and the Nature Museum and discussing some of their problems and suggestions; they have the Water and Sewer situation hanging over their heads; they have to make some decisions on district representation; they have, at Council's direction, some preliminary work they are doing on an office building for the City which they have said they want ready in three

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years. He thinks that all of these things deserve more than just a short conference; he thinks Council should meet for half a day and sit down and discuss all of these things.

Mayor Belk replied whatever amount of time he needed to allot; if he wanted to do it in three sessions; just so Council gets the information.

Mr. Burkhalter stated that is what Councilman Whittington wants; but the question was asked about another referendum. If they are going to have another referendum they are going to run into some real problems that he thinks they ought to consider.

Councilman Withrow agreed with Mr. Burkhalter that they should have a half a day on all of these subjects; and if they go for another bond referendum they should put it all in one referendum as it costs \$40,000 to have one. Mayor Belk stated it costs more than \$40,000 - it costs about \$1.0 million. Councilman Withrow replied then it is even more so that they should have all of them at one time.

Mr. Burkhalter stated he does not want to debate whether they have them all at one time or not, but he thinks it is a decision Council ought to make.

Mayor Belk asked Mr. Burkhalter to arrange a time when they can meet and receive all of the information. They need more information than what they have now. Mr. Burkhalter stated everyone has an idea already - he wants Council to tell him how they want it done and he will tell them what problems are involved. He thinks they will hear from some people today who have some other ideas.

During the discussion, Councilman Withrow asked that the meeting be scheduled prior to the Denver meeting.

#### PRESENTATION ON PROPOSED PUBLIC WORKS SATELLITE FACILITY ON MONROE ROAD.

The City Manager stated it bothers him a little to have the City Council being put in the light of trying to do something to hurt the environment in connection with the proposed satellite facility on Monroe Road. This is not so; that it is not their idea and not their intent. Just to make the record clear, he would like to mention some facts in connection with it.

First, this Council and those before have long supported the greenways. As a matter of fact Council has been the leader in these programs. The city actually bought a park in this area to help anchor that program. They have examined 31 sites for this facility and every single one of these sites was passed by the Planning Commission first to see what its effect would be on the environment. The zoning and environmental part of it was what they were most concerned about.

The City is probably as well equipped, or better equipped, because of the attitude of this Council to take steps to protect the environment as well as anyone. This City Council has purchased three distinct, separate parks outside the city - 112 acres in Hornets Nest Park, 265 acres in Plaza Road Park and 117 acres in Boyce Road Park, all of which are outside the city. All of this was done for environmental purposes at a total cost of \$2,384,000. Since 1972 the city has purchased and developed ten different park areas, from Northwest Junior High to Park Road Park at a cost of over \$4.0 million - one of these, Sugaw Creek Park is about a third outside the city.

He stated Council should do whatever it wants to do about this Monroe Road project but should not ever be embarrassed by the fact that they have not done something for the environment. It is a terrific thing they have done and he hates to see it look like, in this case, they are trying to force something against the environment.

Mr. Robert Hopson, Public Works Director, stated this is a 21-acre tract that is now owned by the city, acquired by condemnation in May of last year. At that time, he reported they would later recommend the annexation and rezoning



of the property and that the funding for the facility was included in the annexation monies appropriated in 1973 for the 1974 annexation - \$550,000. This was discussed before a previous Council as late as October 6, 1975 and it has been parleyed up until this point of contract time.

He certainly concurs with the City Manager that we are not in conflict with environmentalists except possibly on some of the premises that are taken. We operate the Landscape Division, running our own department. Many hours are put into saving trees, promoting trees, planting trees and to planting other facilities. The city and environmentalists are going down the same road together; it is a question of how we arrive at certain conclusions at times. He would be the last to say that they cannot develop this into something compatible. The location of satellite facilities is one of the fundamental things affecting his department; affecting the environment; affecting what we need in the Southeast part of the city to serve the 30,000 and some homes that could be serviced out of this area.

They checked this location and 31 others which are designated on the map. There are several in the immediate vicinity of this site that is under discussion today. There are quite a few around the York Road landfill and some around the Tyvola Road area which has just been rezoned to permit a large shopping center to go adjacent to one of our landfill sites.

Another factor they considered in relation to location was that they wanted it on an arterial street, not on a neighborhood street, so that they could stay out of the neighborhoods most of the time when these trucks would be coming and going to other parts of the city. Monroe Road meets this requirement. This particular site has a railroad at the back, a railroad in front, McAlpine Creek on one side and total industrial development on the other out for almost a mile. This particular site also lends itself to special treatment in that they can depress behind Monroe Road as the land falls off towards McAlpine so that the buildings themselves will not be very noticeable from the road.

After that, they took into account the basic design of the facility that would be placed on this site. He displayed a model of how the site might look, and stated he had gone into details about this model several times before Council. They have talked with the County and have agreed that if this goes through, the 3.1 acres involved in the greenway itself, down near the McAlpine parkway, could be sold if Council so desires to the County for use for this purpose. There is also an oil storage facility on Monroe Road that should be purchased and eliminated in the not too distant future.

He stated this facility provides a base of operations for approximately 140 sanitation personnel, 81 street maintenance people. It would involve 40 sanitation vehicles and 33 vehicles operated by the City Maintenance Equipment Division. Opposition to the City building this facility has centered around the contention that our plans are not compatible with the neighborhood. They have tried every way they know to make this facility meet the needs of the neighborhood, particularly the Sardis Road folks who live the closest to it, about a quarter of a mile away beyond Monroe Road.

He made a short audio-slide presentation of the need for the satellite facility and of the factors involved in choosing this particular site.

Mr. Hopson stated in order that they might deal with all of the various aspects of protecting the community in the McAlpine Creek Greenway project, they requested the County Health Department to make a survey of the noise impact. In essence, this survey shows that only about ten hours in a week will the noise be any problem at all; they were doubtful that it would be a problem at that time. Five of those hours would be between 7 and 8 in the morning and the other five hours between 2 and 3 in the afternoon when the trucks are coming and going.

They have also checked the bridge near the entrance to the facility - before Independence Boulevard was constructed Monroe Road carried all the traffic in this area. The report showed that the two lane road is no worse than a

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lot of others in the city and the little additional traffic that the facility would add could easily be handled without any problems other than the normal problems with large equipment.

Some of the people who have opposed the construction have said that it will not be compatible, but in examining this statement it should be realized that since its conception the greenway has been located in an industrial area. Under the present zoning it is permissible to build manufacturing plants to produce such things as boats, mechanical equipment, furniture and paper products that are there now; rock quarries, racetracks, etc. It is unreasonable to assume that the property surrounding the greenway will remain in its natural state and lie undeveloped in this rapidly growing area. There has been some effort to say "Well, since the City owns it, let's keep the whole as it is in its natural state." But that would be a very costly way to develop a park at this particular site. He wishes we had that kind of money.

In the development of their plans for the satellite facility they believe that they have acted responsibly for the best interests of the community in preserving the greenway and yet increasing the efficiency of the service that the City renders to the people. As Mr. Burkhalter recounted, in recent years the Council has committed itself to the development of parks. He concurs with environmentalists that the McAlpine Greenway will create a beautiful green oasis in the Charlotte area that will enhance our quality of life. He hopes that through the annexation of this property and through its controlled development, the Public Works Department can be a part of that improvement. Philosophically, we all seek a better community through improved service and aesthetic improvements as we develop facilities for basic services to our citizens. They know of no other opportunity to locate such a facility in Southeast Charlotte. Wherever they go out there, anywhere in that area, they are going to be committed to work with people, they are going to probably find other sites where there will be problems with the environment. They would have to go through this problem again. They believe they have answered it with the development of this facility on Monroe Road.

Councilman Gantt asked Mr. Hopson if we are in condemnation of this 21-acre tract at a price of \$96,700. Mr. Hopson confirmed this figure as approximately \$4,500 an acre. The total investment is approximately \$100,000, including buildings and plans. Councilman Gantt stated that the 31 sites that were considered do not appear to be consistently in the Southeast area. He asked about the seven sites in that general vicinity. Mr. Hopson replied that several sites across the road and zoned I-1 the Planning Commission found unfavorable because of the proximity to the homes in the Sardis Woods area. There is another closer to town, about five miles closer to their central facility. If they fall back on their choice of sites, this may be the one he has to come to Council with. It would not answer the logistics of the area they are in now. This is a growing community. In the area they are proposing they can serve all the way to Union County; whereas if they come back intown five or six miles, that means they have another six miles to haul, or else build another facility in that area sometime.

Councilman Gantt stated his biggest concern, and his decision will hinge on this, is that we have satisfied ourselves that there are absolutely no other reasonable sites in that area that can do what we need to have done logistically: We have been going around this thing over and over and we cannot keep putting this decision off. He certainly would not submit that every piece of vacant property is a possibility, but the question does come to mind if they have considered every possibility. He wants to hear the people that are opposed to this. There are a lot of questions on traffic, on environmental pollution, etc. It comes down to a question of citizen satisfaction, or at least community support of this general idea. If we had another location that got away from the problems of the greenway - problems that he would call emotional at this point - then he would be willing to look at them.

Mr. Hopson stated he had personally looked at all of these sites and many more. As real estate became more plentiful in the past couple of years, people have called him and he has been going out and looking. He just cannot

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find anything in this general area that will not adversely affect a more substantial number of homeowners. This was their first criteria. They have to remember when they first went into this they saw the greenway as a coming thing and developed the plan before the clubs got into it. The clubs did not get into it until after the city started talking about the annexation itself. They had already looked out for the two prime things in how they could be compatible with the greenway and how they would affect the least number of citizens. The citizens are all County citizens, but some day they will be Charlotte citizens. To him, they are still people. He did the best he could.

Councilman Gantt stated that this particular location would be a kind of central point for the expansion of Charlotte, probably all the way down to the Union County line. The question arises in his mind as to whether or not the yard itself ultimately becomes considerably bigger than what they are proposing now. Mr. Hopson replied it is limited to the 17 acres that will be left after they cut off the three acres for the County's use. It is the ultimate they are talking about. They will not start with 40 sanitation trucks and 33 street maintenance trucks - that is the maximum.

Councilman Gantt stated if Council decides against the site, then it seems to him that the County Commission or whoever has jurisdiction over it will have to get around to rezoning the site to something else. That ought to be borne in mind because it is his feeling that probably in the interest of public service type facilities - park, garage or what have you - the city would have better control over what happens there than a private developer who will not be required to maintain those kinds of controls. If Council decides against this particular site, then he thinks they should immediately follow that with a petition to rezone it. If left in its present state there is no reason to believe that we will be going to the kind of protective measures they have said they would go to.

Speaking in opposition, Dave Singletary, Director of the Mecklenburg County Park and Recreation Commission, first showed slides depicting their opposition to the proposal. In answer to questions from Mayor Belk, Mr. Singletary stated he is present at the Board of County Commissioners' authorization.

Councilman Gantt asked for clarification on his statement that to achieve a level of serenity they needed a noise level of 48 decibels. Mr. Singletary replied that is the ambulant noise level at that park at the present time. When a large truck passes on the Monroe Road bridge the ambulant noise level jumps to 58 decibels.

Councilman Gantt asked if he really believes that the two times a day that the maximum number of trucks would be coming in and out is going to have that much of an impact on the entire park? Mr. Singletary replied he believes it will. People will be using the park during the hours of 7 to 8 in the morning and 2 to 3 in the afternoon and it will affect them.

Councilman Gantt stated he cannot really understand how a greenway as long a length as this is is going to achieve a certain level of serenity throughout its entire length. Certainly there are going to be spots along there where you are not going to have it. There are some other factors that already exist adjacent to the park that can even be more serious - the Seaboard Railroad runs ten or eleven times a day. He would think that made considerable more noise than trucks.

Mr. Singletary replied the greenway has a lot of problems - sewerage, industrially zoned land at one end, Independence Boulevard, Monroe Road and Sardis Road to cope with. This facility would be located right in the heart; any pedestrian who uses the park to go from the upper one third to the lower two thirds goes right past that facility. If it were located at either end the impact would not be as great.

Councilman Gantt asked about the screening. He stated that in the design of the greenway they are probably going to plant thousands of trees. Mr. Singletary agreed. Councilman Gantt stated they are going to need some -

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additional screening. He asked why they find it unacceptable for the City to continue to do the same thing at this location where they are trying to screen out certain areas. They all understand that the park is going to take some time to mature; it is also going to take some time for the satellite truck facility to mature. The question of screening would not seem to be a very fair one because they would agree that over a period of time by planting the proper amount of trees and doing the proper amount of berming can indeed screen out a portion of the park area.

Mr. Singletary stated they would do a certain amount of screening. The point is at this point, if they planted trees today to provide adequate screening it would be ten years down the road, or fifteen years. If the facility is built there, they are going to have an impact for a period of ten years until the trees are large enough and provide enough visual buffer to screen it properly. Vegetation does not affect the noise level more than about two or three decibels.

Councilman Gantt stated Councilmembers have received copies of letters written to the County Commission from the designers of the park which indicate there is no environmental problem. He asked if they have changed their minds about that or is there some reason that the Commission is going to refute the word of their designer?

Mr. Singletary replied the letter was written by the president of the firm who designed the park. It expresses his opinion. He has seen the plans for the greenway only on a two-dimensional sheet of paper. He has not been to Charlotte. People here with Hensley-Smith who have been to the greenway have stated in a letter some conflict with that opinion.

Councilman Withrow stated during the presentation they said they needed the higher ground to park on. Mr. Singletary replied that is correct. Councilman Withrow asked if they intended to buy it? Mr. Singletary replied it is land they presently own. They were not talking about this site. Councilman Withrow stated that on the other side of the road it is zoned industrial. Mr. Singletary replied that although it is zoned industrial, what is developed now for the most part is a business area. It is not as conflicting as this facility would be. Ideally, area around a park should be zoned residential because they are creating parks for the people. He feels that it is more likely that this site would be developed as a warehouse or as an expansion of a facility that is already there. They would like to see a plant nursery or something like that.

Mayor Belk asked that Mr. Singletary find out from the County Commission if they will buy this piece of property and if they will take over all the parks and recreation the City has now.

Mr. Dennis Schultz also spoke in opposition, stating he represents the 370 members of the Sierra Club and that he speaks in behalf of the position expressed by Mr. Singletary. As a resident of Southeast Charlotte along with other members of the club, they have no generic objection to this project being located in Southeast Charlotte, except for its proximity to the greenway. They believe that better sites can be identified. He named two sites on Monroe Road which they feel would meet the requirements and, all factors considered, be better sites than the one proposed.

Others speaking in opposition were: Ms. Sue Friday, representing the Sierra Club and the Metrolina Environmental Concern Association; Ms. Gail Shields, representing the Audubon Group; Ms. Belle Banks, 3700 Well Road, a member of the County Recreation Commission; Mr. Mel Starr, 9514 Covedale Drive, representing the residents of Sardis Woods development; Mr. John Barnett, a resident of the neighborhood for 22 years.

Councilman Gantt stated to these citizens that should Council decide, notwithstanding all the good points they have made, to use that site he hopes they will continue to have the kind of vigilance on the part of the residents in Sardis Woods, the other areas around there, and environmental groups, on the use of other land in that area.

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Councilman Davis stated he holds in very high regard the individuals and groups who have been heard today. They have suffered through a very ceremonious process to come down here and do what they consider to be their civic duty in presenting their views before this Council. He does not think that what they have done is lost on any of Council. They have also had a very impressive presentation by the Public Works Department. That every objection that has been raised has been dealt with in an adequate manner by the Public Works Department. That certainly this site is ideal; he thinks they all admit that. But, if we do not locate this site here, he thinks they have to have sound reasons for not doing it and if these reasons are true on any site anywhere else in the County, he thinks they will have to be consistent in the application of whatever standards they use. He has been contacted by many individuals who live in that area and members of these various groups and they have expressed the thought that Council is in a particular spot on this and we have to be very careful because whatever we do will establish a precedent. There will be other satellite facilities to locate around the community. It is most important that they do it based on sound criteria that they can live with today and in the years to come. That if the decision is to locate the facility here, certainly some of the matters that have been discussed in the Public Works Department and the manner in which they have attempted to meet these objections--they mention things like buffering, planning, maybe deeded portions of the property to the greenway--if the plant is eventually located on that site, these should be incorporated into the decision to do this, and we would have the good faith of our Public Works Department to live up to what they said here and the obligation of Council to see that they do.

Mr. Schultz responded to Councilman Davis' remarks about the potential objectives for alternative sites. He stated the subject of alternative sites is one that has not been adequately answered. He pleaded with Council to investigate that further. That Councilman Davis also commented that we have good faith in the Public Works Department that they would do this buffering or whatever would be necessary to make these sites environmentally acceptable. He stated the Public Works Department has steadfastly refused to put in any written form their responses as to what they might do in that respect.

Mayor Belk stated the Public Works Department will be glad to do that whether it is this site or another site. They do not have the location yet but he feels sure they will be glad to do something of that nature.

Councilman Davis stated he feels the evidence will indicate that there has been considerable detailed study on the part of the Public Works Department of the alternatives, as they were instructed by Council to do.

**RESOLUTION AUTHORIZING THE MAYOR TO FILE AN LEAA APPLICATION TO PROVIDE TRAINING FUNDS FOR FIFTEEN POLICE OFFICERS.**

On motion of Councilwoman Locke, seconded by Councilman Davis, and unanimously carried, the subject resolution providing funds in the amount of \$3,402 was adopted.

The resolution is recorded in full in Resolutions Book 12, at Page 126.

**AMENDMENT TO CONTRACT, IN LIEU OF THE TRADE-IN ALLOWANCE, WITH BELL HELICOPTER TEXTRON FOR THE PURCHASE OF ONE MODEL BELL 206-B HELICOPTER.**

In response to a question from Councilman Gantt, Mr. Burkhalter stated we can trade the helicopter in, but they are asking Council not to trade it. They will ask LEAA how they would like to dispose of it. They will sell the helicopter and have every reason to believe for this much or more. We will take our part of the money and they will take theirs. The whole idea is not to let LEAA tell us what we are going to do with this helicopter that we are paying \$200,000 for.

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Upon motion of Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, the amendment to the contract with Bell Helicopter Textron for the purchase of one Model Bell 206-B helicopter, increasing the original price by \$24,000, was approved.

ACTION PREVIOUSLY TAKEN TO OPEN STOCKWOOD DRIVE RESCINDED, AND COUNCIL TO LOOK AT ALTERNATIVE OF BUILDING A BICYCLE PATH AND FOOT BRIDGE FOR PEDESTRIAN TRAFFIC ACROSS AREA.

The acquisition of right of way, plus a construction easement at 2143 Knickerbocker Drive from Michael J. Sigman and wife for the Stockwood Drive Discontinuous Streets project was presented.

Mr. Hopson, Public Works Director, stated Stockwood Drive is one of the three remaining discontinuous street programs which is still active. It is in the area between Rama Road and Monroe Road, and is estimated to cost about \$40,000. The City has the right of way but does need easements. The neighborhood surveys show that a slight majority of the neighbors are in favor of the improvement. That 142 or 69 percent of the 207 households responded with 72 favorably. That 49 said to construct only a pedestrian bridge and 20 said leave it alone. It does meet all the requirements of the discontinuous street program and is recommended by the Planning Commission.

Councilman Gantt asked the major advantage of connecting this. Mr. Hopson replied it is in the center of a medium-income neighborhood and it is only a small culvert that separates two sections of these two neighborhoods. From the viewpoint of the area, they feel it would accommodate some of the local traffic. He is sure that some of the neighborhood people feel that it might bring traffic between Monroe and Rama, but it is still going to be so discontinuous through there that he is very doubtful that it will lend itself to that use. It is just an internal subdivision crossover for the neighborhood. If, as a majority, they do not want it, it is up to Council to make that decision.

Councilwoman Locke stated Councilman Whittington left a note, and she concurs with his opinion, in which he said he is opposed to the opening but he is in favor of a foot bridge for children, a pedestrian walkway and bikeways.

Speaking in opposition to the opening were: Ms. Cynthia Asten, 6006 McNair Road; Mr. Tim Mastenbrook, 5945 Bluebonnet Road; Mr. Jim McDermott, 5001 Stockwood Drive; and several children who are residents of the area. Each of these residents stated they would approve a foot bridge or some kind of walkway or bikeway. Mr. McDermott stated he owned a piece of property the city would have to acquire. That for a foot bridge he will give the city any piece of property he has; for a road to go through he will refuse unless he is forced by a Court.

Councilman Gantt moved that the action of Council previously taken to open the street be rescinded, and that Council look at the alternative of building a bicycle path and foot bridge or whatever is required for pedestrian traffic. The motion was seconded by Councilwoman Locke, and carried unanimously.

COUNCILMAN WILLIAMS COMES INTO MEETING.

Councilman Williams came into the meeting during the discussion on the following item and was present for the remainder of the session.

PROPOSED BOND ISSUE BY CHARLOTTE NATURE MUSEUM AND SPIRIT SQUARE CORPORATION.

Mr. Bob Sisk, president of the Board of Trustees of the Charlotte Nature Museum, stated the Nature Museum is one of the most alive, most vibrant places in our community, serving over 400,000 people during the last year. They have some exciting expansion plans to talk about today.

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For some ten years the Nature Museum has had dreams and hopes and plans for a major uptown facility. During the past year and a half, following completion of the Cultural Action Plan which included such a facility as one of its major recommendations, their Board of Trustees and staff have been hard at work developing this concept into a specific proposal. This intensive planning has been possible because the Z. Smith Reynolds Foundation thought highly enough of this project to approve a planning grant of \$20,000 last year. Many aspects of such a facility have been studied.

Mr. Russell Piethman, Executive Director of the Nature Museum, stated for 30 years the Charlotte Nature Museum has been a major thread in the cultural life and fabric of Charlotte and the surrounding region and perhaps that is why the thousands of visitors and school children annually flock to the Nature Museum, overcrowd its facilities and make demands on the museum's services which can no longer be met.

These increased demands come from all ages and segments of the population and reflect the dependence on the Nature Museum of both the disadvantaged and the affluent. Discovery Place, Charlotte's proposed museum of science and technology can meet these demands. At a time when we are headed fast into an unknown future, when information is doubling every seven years, we must give children of all ages a place where they can learn about themselves and their ever-changing world.

A science museum such as Discovery Place can perform a vital role for people in Charlotte by unraveling the mysteries of science, the complexities of technology and the intricacies of industry. Discovery Place will make the world of science understandable and do it in such a way that it is an enjoyable experience. Perhaps that is why today science and technology museums are expanding faster and outgrowing the older museums of history and art.

The proposed Discovery Place can be compared to the Interior Science Center in Toronto, Canada. It will be people doing things. The museum will be devoted to explaining science, natural history, technology as they relate to man in an urbanizing environment in general and in the Piedmont in particular. But, its main concern will be people - where we come from and where we are going. It will be a hands-on museum emphasizing exhibits and programs in which visitors are encouraged to take an active part in learning through their own exploration and discovery of ideas. It will include a carnival of hands-on exhibits; you will be able to match wits with a computer, experience how it solves problems; see your own voice waves; make electricity; watch how solar energy collectors reflect heat, how they cool; understand genetics; take a make-believe walking tour of the Carolinas from the sea to the mountains, beginning in a darkened room you first hear the sound and the roar of the surf, see the sun rise, hear the sound of birds as they come to the Carolinas. At the end of the trail you may watch the sun set from a lofty mountain overlook as you begin to hear the sounds of the mountain night. There will be wild life, some alive - some mounted. There will be precious and semi-precious gems from the mountains; rocks and minerals; a story of Piedmont geology; there will be dinosaurs; a library of thousands of collections. There will be recreated through a panorama the history here in the Charlotte area from the age of volcanoes to the dinosaurs, to the present. A major area, entitled "Man on the Piedmont" will concern men and women from the first Carolinians, the Indians, to the present people on the Piedmont - their technologies and industries, textiles, trucking, flight, furniture, agriculture (a few of the areas that will be covered).

Then there will be a new, exciting and versatile form of the traditional planetarium called "Universe Sphere", a dynamic space theatre combining space trips and astronomy, voyages beneath the sea; all through the magic of an all-sky projector, wide-screen cinema and other effects.

The first such space theatre installed in San Diego only three years ago grosses more than \$1.0 million each year and represents one of San Diego's major attractions. Eventually, we can expect attendance at this museum to reach one million, bringing new tourist dollars into our community while, at the same time, and more importantly, providing thousands of our youngsters

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with new educational experiences. There will not be another museum like Discovery Place within 400 miles of Charlotte. Discovery Place will make a vital contribution to the community, its quality of life, its economic growth; and to the education of its children. The fact that Charlotte is the enter of a market region of approximately four million people, all within a 100-mile radius, lends credence to the potential for assuring wide public support for this exciting proposal.

Mr. Sisk stated they believe the time is now to proceed with these plans for several reasons. First, the present facility on Sterling Road is terribly over crowded. It is being called on to function far beyond its size and design capabilities. They do plan to retain this facility for continued use as a Nature Museum. They find themselves so pushed for space in what they are already doing and believe this is a critical time in the development of the heart of our city; a time in which Discovery Place could be a major catalyst to bring new life into our central area by providing Charlotte with educational and recreational facilities that would surpass anything of its type in the Southeast. Their site committee worked for many months studying a wide range of possibilities as to the best site on which to build Discovery Place. Those considered most carefully were the ones suggested in the Cultural Action Plan. One of those was the first choice of their committee and Board of Trustees. It is that block bounded by North Tryon, North Church, West Sixth and West Seventh Streets. They propose to acquire this entire block except for St. Peter's Episcopal Church. They also propose to acquire approximately one half of the block immediately across Church Street from that location - directly behind the new Salvation Army building - which would be used for parking.

Reasons for this choice of site include: Recommendation by the Cultural Action Plan; location on a major thoroughfare through our city; location within easy walking distance of the Square, the new Radisson Hotel, the Civic Center and uptown office buildings; easy accessibility by public and private transportation; adjoining property available for parking; location directly across from Spirit Square and the Public Library.

They worked closely with the staff of the Planning Commission in going through this process and assure Council that they are enthusiastic of their choice. In order to assure Council and themselves that this property would be available, they have been talking with property owners for the past several months and found them, for the most part, to be enthusiastic about this plan. They have reached agreements on options to purchase with the owners of more than one half of the total property and are confident that agreement with the remaining owners will also be possible.

They have had a site utilization study made by a local architectural and engineering firm to determine the suitability of this site for their purposes. This study confirms this as a good site in all respects.

Before embarking on such a major project, they thought it was important to find out as much as they could about attitudes in the community towards this proposal. Under the direction of Dr. Schley Lyons of UNCC they conducted a very professional voter survey a few months ago. The results were very positive and Council has a copy. They have taken their idea and proposal to some 5,000 people by appearances at civic clubs, school groups, neighborhood groups and other small meetings. Their response has been overwhelmingly enthusiastic.

Their Citizens Advisory Committee is composed of more than one hundred leaders from all areas and all aspects of this community who have indicated their support of this project and their willingness to serve as an advisory group to their board as they continue development of these plans. They tell Council, with confidence, support for Discovery Place abounds in our community.

Their Finance Committee has made a careful study of the cost of such an exciting venture. This study shows that to purchase the property, construct an 86,000 square foot building and equip it with the basics will cost \$7.1 million. He stated Councilmembers have in a prepared packet information as to how these funds will be used. In addition, they expect some exhibits in the museum to be financed by major industries in our area.



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They have also carefully studied operating costs by visiting with other museums of this type throughout the United States. A great deal of the operating cost can be financed from within through admissions. They have tried to be conservative in these projections. Several such facilities in larger cities are now entirely self supporting and they hope Discovery Place may likewise be at a later date. They hope that fiscal year 1980-81 will be their first full year of operation.

The City of Charlotte and the Nature Museum have been partners in service to this community for many years. The city owns the present facility on Sterling Road. They believe this partnership should continue in the best interest of our community and they request that Council authorize and send to the citizens of Charlotte a bond referendum for \$7.1 million to finance this bold step forward for our city. The request would further include the date of February 15, 1977 for this referendum. They believe this to be the optimum time for these reasons: It will give them adequate time to properly inform the voters of Charlotte; it will be prior to the kick-off of the Arts and Science Council's fund raising effort; and it will enable them to exercise their options on the property within the required period.

Councilman Gantt asked if \$111,000 represents what they would require over and above other expenses? He is not saying it will only take \$111,000 a year to operate? Mr. Sisk replied that \$111,000 in the draft of their budget at this point is what they would see as their request of the City of Charlotte in new funds during 1980-81. Councilman Gantt asked what he would anticipate that it would take to operate the facility for one full year?

Mr. Sisk replied their budget for the first full year is projected at \$651,000, \$250,000 of that being provided by admissions, which figure they feel is very conservative. Since they will be scaling down the operation of the present facility, they anticipate there will be \$140,000 available from regular funds they are now receiving that could be transferred to the operation of the new museum as another source of funds.

Councilwoman Chafin stated they have asked the City Manager to set up a meeting to talk about the bond packages City Council wants to put before the public. They will be discussing what we need, what is available, what we can or cannot do. There will probably be a cultural package, as well as the water and sewer, and some other things.

Councilman Withrow asked Mr. Sisk if he would have any objections to having all of these proposals in one bond referendum? Mr. Sisk stated he thinks their preference would be for a cultural referendum by itself, but they recognize that this is Council's responsibility and would leave it in their hands.

Councilwoman Chafin asked what kind of problems it would present for the Nature Museum if there was a delay in the bond referendum? Mr. Sisk replied in order to get the property they have under option it has been necessary to ask the property owners for their total cooperation. They have not had money to pay for options, so the options they have gotten have been given to them at no cost. These property owners have, understandably, not wanted to tie up their property any longer than necessary and they have asked them for only six months options which will expire in April.

Councilman Davis stated there is a 90-day period required to get another bond referendum "in the mill". If they try to meet this deadline of February 15, that would require some decision immediately.

Mr. Alex McMillan, representing Spirit Square Corporation, stated he is chairman of the Spirit Square Development Group. He proposed an amount of

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\$2.5 million for Phase II of Spirit Square be included in a proposed cultural bond referendum. They belong together; they are next to one another in the city's center; they mutually support one another; they both represent key steps in fulfilling recommendations made in the Cultural Action Plan of 1975. Together they provide the citizens of Charlotte/Mecklenburg with a unique opportunity to decide whether to really enhance the quality of life of this community. We may not have this opportunity again for a long time to come.

He stated Charlotte has long needed a center for the arts. The availability of the old First Baptist Church which the County purchased in May 1975 at a land value price of \$335,000 allowed the Arts and Science Council to begin to develop it as an art center. It also protected the community's investment in the library which in the past has been a shared responsibility between the city and the county. In August 1975 the Arts and Science Council formed a 50-person development group, which along with a non-profit corporation formed in 1976 began to implement plans and succeeded in getting Phase I opened in October of this year. Phase I is the education and organizational portion of the project. They decided to raise private funds to put this portion of the project in use as soon as possible and to conduct the planning for Phase II, which includes the three remaining buildings on the site. They have received over \$300,000 in private contributions, matching the county's purchase price. Today, with over 800 students enrolled and housing offices of 20 major arts organizations with numerous volunteers, Phase I is already on the road to success. The willingness of business, government and citizens from all walks of life to support Spirit Square has been fantastic.

He stated Councilmembers have received copies of the results of exhaustive feasibility studies by an outstanding architect on Phase II. It includes a thorough analysis of the three remaining parts of Spirit Square - their physical condition, potential usage and need for restoration, as well as an analysis of how they relate to the 1952 activities building.

Second, the results of extensive work with art groups in the community to assess their needs and their current capabilities and desires to utilize Spirit Square.

Third, a conceptual plan for the adaptive renovation of the three remaining buildings of Spirit Square, taking into account the existing facilities in the community. The plan compliments existing facilities, rather than competes with them.

Fourth, the capital costs of Phase II, a total of \$2,468,000, have been carefully analyzed and set forth in that report. With this expenditure, added to the \$300,000 already spent on the 1952 education and activities place and early planning, it is estimated we will have one of the finest and most unique art centers in the country at a building cost of \$2.8 million - 94,000 square feet. To build a comparable new facility, even on a low budget basis of \$55 a square foot, would run \$2,250,000. They have the extra dividend of preserving an important part of our past in a location that is the most accessible, and in proximity to the two other major cultural institutions in our community.

Fifth, the report also contains an analysis of the probable operating costs of Phases I and II. Phase I is already privately funded through July of 1977. It has always been the objective for Spirit Square to operate on a basis that generates as much income as possible from fees, tickets and rent, but at the same time, to maintain rates in line with the ability of our own arts groups to pay. This facility is designed to be used by artists of all walks of life, as well as to attract exceptional professional talent. These estimates have been developed with that in mind. They have sought and combined the experience of various firms and individuals with experience in

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this field to make these estimates as realistic as possible. With the proposed program, the combined operation of Phase I and II in its first full year could require operating financial support of \$109,000 to \$185,000, depending upon the degree of utilization expected. The Arts Council has agreed in principle to support this to the extent of \$25,000 annually. A majority of the County Commissioners have expressed their intent to fund the balance, subject to Spirit Square's using other public means of support and subject to normal annual budget review by the Commission.

It is understood that the City of Charlotte bond proceeds can be legally devoted to Spirit Square as a non-profit corporation dedicated to serving public educational, cultural and recreational needs. It is his understanding that the County and Spirit Square Corporation will enter into such agreements as are necessary to support a joint relationship for the city in this regard.

It is their intention to inform the public fully about Spirit Square and Discovery Place in order that citizens can decide. If approved, the debt service on \$2.5 million worth of bonds will cost the city about \$250,000 annually. The County may support operations of up to \$160,000 annually.

Mr. Halsey North, new director of the Arts and Science Council, described how Spirit Square is being utilized, its future utilization, and what it can mean to the cultural life of this community.

Mr. Harold Hansen, President of the Arts and Science Council, stated they have reviewed in depth both of these proposals and approve and recommend them to Council unanimously. That they both follow the recommendations of the Cultural Action Plan. They feel that Spirit Square and Discovery Place offer this community a unique and exciting cultural package which will serve the entire community and all of its families. Both groups are financially responsible and have fine professional staffs and boards representing a broad cross section of this community. He stated these requests for support of a bond referendum need to be considered together because the groups and buildings would be coordinating their efforts to offer Charlotte a broad range of cultural services in the downtown area, convenient to all parts of the city.

He urged Council to reach a decision by the next meeting if at all possible in order for the referendum to be held on February 15, 1977. They feel that the referendum will have a positive effect on the Arts and Science Council's annual fund campaign which runs from February 21 to March 31. They feel that the effective exposure of young people to the arts and sciences is as much a civic responsibility as programs of health and welfare.

Councilman Gantt stated he would like to find out how realistic the 15th of February is. City Attorney Underhill stated normally in order to hold a bond referendum it takes about 90 days from the time the City Council makes the decision to go forward with the particular proposal to the date you can schedule such a referendum. There is nothing magic about 90 days, it would probably be done in 80 days or it may be 100 days. It depends on the complexity of the proposal and the amount of time that the bond attorney must take in order to prepare the papers that are used in the process.

Mr. Underhill stated he talked with a bond attorney last week. His best information, based on the kind of sketchy information he had to give him, was that if the Council made a decision to go with these proposals and others sometime during the month of November, the legal process - public hearings, notices, publications, approval by the local government commission, etc. - could all be accomplished within a 90 day period and a referendum could be held on February 15.

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Councilman Williams stated he feels that the water and sewer bond matter is the most important bond issue facing the City - a priority matter. If they are thinking of having another bond referendum within the next few months or before the next municipal election, he thinks all of this ought to be done at the same time, or at least have the water and sewer bonds first because the voters are going to get a little worn out with this going to them with a bond referendum every 90 days. The other matter linking in the wings is the matter of district representation which will require a referendum also. He would like to see as much of this as possible done at the same time, but at least we should get back to the water and sewer bonds. The practical problems of extending options is a serious problem with Discovery Place, but the effect on the fund drive - it would be nice to have the bonds in their pocket, but he does not feel it is that crucial.

Councilman Gantt stated he feels they should say to all the people present today that it is nice to be able to talk about a cultural bond referendum - the type that is being presented - in lieu of some of the discussions they have had earlier today. He fully supports the idea of the Spirit Square, Discovery Place, Mint Museum cultural referendum which is probably going to be on the order of \$14.0 and \$15.0 million when it is all over with.

He also feels that they all know that the rejection of the bond issue on November 2 certainly has played a large role in Council's apparent indecision on when to have a bond referendum. It is clear to him that a priority item will be the resolution of the question of the water and sewer bonds. The Council has decided to take a look at all of these various issues that have to come before Council and ultimately before the people to decide these priorities. He personally feels that we can probably have them together, but that will be in the area of \$30.0 million and he would like to know from financial people and others what the impact of this is likely to be.

He has been told that one of the reasons the water and sewer bond issue lost was because the citizens of this community were not well informed as to the implications of it; he heard Councilman Withrow suggest that it might have been that they felt they were voting for or against annexation, which was not the case. It is clear to him that whatever decision Council makes, they are going to have to do a little better job of clarifying to the citizens of the community what it is all about with regard to water/sewer and cultural bond issues. He does not think that the idea of providing or improving the quality of life in Charlotte is necessarily going to mean that type of bond issue is assured either. He thinks they are going to have to make the case very clear again to the citizens as to what the impact of these facilities are likely to be on the community - both the capital costs and the ultimate increase in operating expenses if required.

On the one hand, he does not want to see them rush into it not well prepared. It may well be that they may be talking about a March or April bond issue rather than February. He is fully in support of it but he wants to make sure their planning is done well.

Councilwoman Locke stated she supports this and it is time for it, but she thinks we must not go into this hastily. Council has other considerations as well. She is concerned about the operating deficit and how it is going to be paid. She thinks the citizens need to know that. She will be real anxious for the professional staff to come back to Council with some sort of recommendation and set up a meeting so they can discuss all of our bond needs very soon.

There was general discussion on the possibility of setting up a half-day meeting within the next two weeks to consider all of the proposals for bond referenda.

ORDINANCE NO. 366-X TRANSFERRING FUNDS WITHIN THE GENERAL CAPITAL IMPROVEMENT PROJECTS FUND TO PROVIDE AN APPROPRIATION TO COMPLETE THE THOMPSON ORPHANAGE CHAPEL RENOVATION.

On motion of Councilwoman Chafin, seconded by Councilwoman Locke, and unanimously carried, the subject ordinance providing funds, in the amount of \$35,000 was adopted.

The ordinance is recorded in full in Ordinance Book 23, at Page 435.

DISCUSSION OF PROPOSED TALENT BANK, DEFERRED.

The City Manager advised unless there is objection from Council, the discussion of the proposed talent bank will be deferred. There were no objections from Council on the deferral.

HELEN KIRK AND ARTHUR LYNCH REAPPOINTED TO THE CHARLOTTE AREA FUND BOARD OF DIRECTORS FOR A ONE YEAR TERM EACH.

On motion of Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, Ms. Helen Kirk and Mr. Arthur Lunch were reappointed to the Charlotte Area Fund Board of Directors for one year terms.

MAYOR LEAVES MEETING AND CHAIRMAN PRO TEM ELECTED.

During the discussions on the following item, Mayor Belk advised that he will have to leave the meeting, and asked Council to elect a Chairman pro tem as the Mayor pro tem is absent.

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, electing Councilman Withrow as Chairman pro tem.

APPLICATIONS FOR FEDERAL PUBLIC WORKS GRANT FUNDS, AUTHORIZED.

The projects for Federal Public Works Grant Funds were presented.

Councilman Gantt stated he feels Council has gone around and around on this Projection '70 Project. He came on Council at the end of much of this discussion. He feels the thing that is palatable about it is that you can say if the Grant goes through, you get supposedly outside dollars, but we get it in a way that it does not impact the citizens of this community in terms of direct involvement from the property tax standpoint. On the other hand, one of the reasons he opposed any revenue sharing funds being spent on this before - they were similar kinds of funds, in his opinion - was he felt there were other departments that were of a higher priority, particularly flood control. Since that time, they have had some presentations from the Public Works Department that indicated that much of what we can do in the area of flood control was so expensive until we would not be able to do anything that would make a real impact. He thinks they were talking in figures in the neighborhood of \$100.0 million to alleviate some of that situation.

He stated he does not see in the list of suggested projects anything that relates directly to some of the kinds of things in the report that Mr. Burkhalter said we could do. He thinks something like that should have been included on the list, probably even in lieu of the Projection '70 Project. He understands they have committed \$400,000 into this but he wonders why this is included to the almost total exclusion of any other work in the area of flood control?

Mr. Burkhalter replied this law will not permit any of this money to be spent on flood control. It specifically prohibits flood control projects. That is the reason this is classified as beautification, bicycle paths and a park/lake situation, rather than flood control.

(2) This project is the only one we have with this kind of money in which the plans are ready, the environmental impact statement has been made and within 90 days they could have the project to be built. That is a requirement of the law - it has to be ready in 90 days. The others are small projects and they can get them ready in that period of time. He and the Mayor have both gone for the Council to Washington and Atlanta, seeking funds for the Sugar

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Creek Project, feeling this was Council's desire even though they did not apply the money, they could do this project two years ago. If he had not placed this project on the list, he, in effect, would be making the decision and he feels it should be Council's decision.

Mayor Belk stated the Utility Department's Wastewater Collection Project probably should be voted on separately since, if approved, action would need to be taken on land acquisition items further in the agenda.

Councilman Gantt asked if it were not for this bill, where would they have gotten the funds to do any of this? He asked if Mr. Dukes could speak to all three of the Utility Department projects.

Mr. Lee S. Dukes, Utility Department Director, stated in 1972, they were handed a booklet with 25 areas inside the then existing city limits that did not have sewers. They have been able to accomplish 20 of those with funds that were made available. Three of the five that are left are in this project. The only way they can do this is for somebody to fund it. He pointed out the water projects on the map as areas in blue. The reason they are in there is that we are now required to furnish water to these towns. The problem is when you have just one pipe going to a town and it breaks, you have an awful lot of trouble. That is why they try to interconnect these large areas in case they have an accident. What they call this is supportive pipe around the towns.

That the Campbell Creek Project is one they have completely done with the exception of one piece of right of way and they simply do not have the money.

Councilman Davis asked if they approved the entire list, are they thereby establishing some priorities and it was generally agreed they would not be establishing priorities.

Mr. Burkhalter stated he felt they would be lucky if they got one of these. After reading the Act and conferring with the people in Washington and elsewhere, he had said there was no point in even looking at this Bill because we could not qualify in any way. Mayor Belk agreed. Mr. Burkhalter stated that subsequent to that, they have been informed they will allow us to use certain areas of the city to employ certain people out of those funds. Some of these lend themselves to that type of project. Another thing, there is roughly \$24.0 million allocated to this State for this project. They can approve, according to their own regulations, up to a \$5.0 million project for one unit. It is entirely possible that they could approve. If they are looking for a \$5.0 million project, we have one in here. If they are looking for something in water and sewer, then we have one here. If they are looking for just a few hundred thousand dollars to give you for something, we have a shopping list they can shop from and all these projects we have engineeringly ready and that the City Attorney can certify that we meet the specifications. Some action has to be taken today if the City Attorney is able to do this. All they would be approving is the application, not the building of the project, or acceptance of the money.

Mayor Belk stated two weeks ago he was at General Motors in Detroit. They got \$600.0 million. They said they did not need a subway; it is a waste of time; the town was not built for it; but it is going to help unemployment so the Federal Government is going to give it to them. That Mayor Young said it is strictly a political deal; they are going to get \$600M to build a subway just for unemployment. That is what they are confronted with; he stated if the State gets in, Charlotte will not get a single one of these projects. They are in hopes they will come straight to the City; that is the only chance we have.

Councilman Gantt stated if they go to Item C, they are authorizing condemnation before they have the money in hand. Mayor Belk replied that is why he is trying to separate that.

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Councilman Williams stated if they do not get the money, they will have a condemnation action on their hands.

Mr. Underhill stated one of the things you have to provide in making the application is an opinion from Counsel, the City Attorney in our case, that the City either owns the property, has it under option, or under a long term lease, in order to qualify for funding. In order to qualify for funding of the Utility Projects, the wastewater projects only, he cannot give that certification if we do not own the property. The only way they can acquire it, in two instances, is to condemn it. If the Council passes these resolutions authorizing condemnation proceedings, his office will draw the papers, file the lawsuits this week to acquire the property. As soon as the condemnation suit is filed, the title to the property passes from the property owner to the City.

Mayor Belk asked Mr. Dukes if they do not do it this time, will they not have to do it later and Mr. Dukes replied they would have to acquire this property in some way.

Motion was made by Councilman Gantt, and seconded by Councilwoman Locke, to approve the Federal Public Works Grant Funds, as follows:

(a) DEPARTMENT	PROJECT	AMOUNT
Public Works Department	Sugar Creek Improvements with Freedom Park	\$5,000,000
	New Sidewalk Construction	1,000,000
	Fourth Ward Improvements	450,000
	Mint Museum Park Plaza	375,000
	Street Tree Planting	250,000
Charlotte-Mecklenburg Utility Department	Water Distribution Projects	1,920,000
	Wastewater Collection Projects	595,000
	Vehicle Storage Facility	150,000
Park & Recreation Commission	Construction of Boyce Rd. Park	907,500
		<u>\$10,647,500</u>

(b) RESOLUTIONS AUTHORIZING THE SUBMISSION OF THE APPLICATIONS:

(1) Resolution authorizing David A. Burkhalter, City Manager, to file Application for Federal Funding for Construction of Sugar Creek Improvements within Freedom Park under Title I of the Public Works Employment Act of 1976, enacted July 22, 1976, as Public Law 94-369.

(2) Resolution authorizing David A. Burkhalter, City Manager, to file Application for Federal Funding for Construction of New Sidewalk at Specific Locations Throughout the City of Charlotte under Title I of the Public Works Employment Act of 1976, enacted July 22, 1976, as Public Law 94-369.

(3) Resolution authorizing David A. Burkhalter, City Manager, to file application for Federal Funding for Construction of Certain Improvements within the Fourth Ward Historic District under Title I of the Public Works Employment Act of 1976, enacted July 22, 1976, as Public Law 94-369.

(4) Resolution authorizing David A. Burkhalter, City Manager, to file application for Federal Funding for Construction of the Mint Museum Parking Plaza, under Title I of the Public Works Employment Act of 1976, enacted July 22, 1976, as Public Law 94-369.

(5) Resolution authorizing David A. Burkhalter, City Manager, to file application for Federal Funding for a Street Tree Planting Project, under Title I, of the Public Works Employment Act of 1976, enacted July 22, 1976, as Public Law 94-369.

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(6) Resolution authorizing David A. Burkhalter, City Manager, to file application for Federal Funding for Construction of CIP approved Water Distribution Systems through the City of Charlotte and Mecklenburg County under Title I of the Public Works Employment Act of 1976, enacted July 22, 1976, as Public Law 94-369.

(7) Resolution authorizing David A. Burkhalter, City Manager, to file application for Federal Funding for Construction of Needed Wastewater Collection Systems Throughout the City of Charlotte and Mecklenburg County under Title I of the Public Work Employment Act of 1976, enacted July 22, 1976, as Public Law 94-369.

(8) Resolution authorizing David A. Burkhalter, City Manager, to file application for Federal Funding for Construction of Charlotte-Mecklenburg Utility Department Sewer Division Vehicle Storage Building under Title I of the Public Work Employment Act of 1976, enacted July 22, 1976, as Public Law 94-369.

(9) Resolution authorizing David A. Burkhalter, City Manager, to file Application for Federal Funding for Construction of a New Park on Boyce Road in Southeast Charlotte, under Title I of the Public Works Employment Act of 1976, enacted July 22, 1976, as Public Law 94-369.

(c) ACQUISITION OF PROPERTIES:

- 1). Acquisition of 15' x 281.49' of easement at 200 block of Rountree Road, from Duke Power Company, at \$300, for sanitary sewer to serve Chastain Avenue and Minuet Lane.
- 2). Acquisition of 15' x 1,194.40' of easement at 4900 block of Chastain Avenue, from Duke Power Company, at \$1,200, for sanitary sewer to serve Chastain Avenue and Minuet Lane.
- 3). Acquisition of 15' x 651.70' of easement at 5301 Nations Ford Road, from Frederick H. Trathewey, ux, Jewel H., at \$1,000, for sanitary sewer to serve Chastain Avenue and Minuet Lane.
- 4). Acquisition of 15' x 38.43' of easement at 4904 Chastain Avenue, from Mrs. Carrie D. Jackson (widow), at \$250, for sanitary sewer to serve Chastain Avenue and Minuet Lane.
- 5). Acquisition of 15' x 59.14' of easement at 231 Rountree Road, off Nations Ford Road, from William Hunter Lemmond and wife, at \$75, for sanitary sewer to serve Chastain Avenue and Minuet Lane.
- 6). Acquisition of 30' x 1,755.58' of easement at 400 Woodlawn Road, from Charter Properties, Inc., in the amount of \$2,500, for sanitary sewer to serve Chastain Avenue and Minuet Lane Area.

Councilman Williams stated they have talked about in their Revenue Sharing Applications, allocating some money for certain work with Sugar Creek and Freedom Park. That he believes it was a few hundred thousand dollars and Mr. Burkhalter replied it was \$266,000. Councilman Williams asked if that would be eligible for this type funding and Mr. Burkhalter replied no, you have to spend that as it is already appropriated. That it would take that, plus another million to do this project. This money cannot replace any money that they have already decided to spend.

The vote was taken on the motion and carried unanimously.

The resolutions are recorded in full in Resolutions Book 12, beginning at Page 127 and ending at Page 135.



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(d) RESOLUTIONS OF CONDEMNATION:

Councilman Williams asked if there is an estimate of how much these condemnation costs will run because this money is not available to buy land; that he understands it is only available to hire people and Mr. Dukes replied he thinks it would not be more than twice the estimate of the property, although they never know what the costs will be. That without the Grant, they will still have to acquire the property at some point.

(1) Upon motion of Councilman Gantt, seconded by Councilman Williams, and unanimously carried, a resolution authorizing condemnation proceedings for the acquisition of property belonging to the Roy Perry Heirs, located on the east side of I-77 to west side of Springbrook Road, in the City of Charlotte, for a sanitary sewer to serve Chastain Avenue and Minuet Lane, was adopted.

The resolution is recorded in full in Resolutions Book 12, at Page 136.

(2) Motion was made by Councilwoman Locke, seconded by Councilman Gantt, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to Gettys Construction Company, Inc., located at 5420 Hickory Grove Road, in the County of Mecklenburg, for the Campbell Creek Outfall, Phase II Project.

The resolution is recorded in full in Resolutions Book 12, at Page 137.

CONTRACTS AWARDED.

(a) Upon motion of Councilwoman Locke, seconded by Councilman Williams, and unanimously carried, contract was awarded to the low bidder, Fligel Uniform Company, in the amount of \$8,458.56, on a unit price basis, for 396 coats with insulated hoods.

The following bids were received:

Fligel Uniform Company	\$8,458.56
The Hub Uniform Company	8,906.04
Sears, Roebuck & Company	8,910.00

(b) Motion was made by Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, awarding contract to the only bidder, Ford Meter Box Company, Inc., in the amount of \$11,844.00, on a unit price basis, for water meter yokes and accessories.

(c) Councilwoman Locke moved award of contract to the lowest bidder meeting specifications, Hub Uniform Company, in the amount of \$41,202.00, on a unit price basis, for work clothing. The motion was seconded by Councilman Gantt, and unanimously carried.

Bid received not meeting specifications:

Fligel's Uniform Company	\$37,077.44
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(d) On motion of Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, contract was awarded to the low bidder, Lee Skidmore, Inc., in the amount of \$66,108.00, on a unit price basis, for Curb Improvements - Fall, 1976, Various Streets.

The following bids were received:

Lee Skidmore, Inc.	\$66,108.00
Crowder Construction Company	75,677.50
T. A. Sherrill Construction Co.	80,653.00
Harrell's Concrete Works	79,096.00
Cardinal Construction, Inc.	87,542.00
Blythe Industries, Inc.	114,337.00

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS.

(a) Councilwoman Locke moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Charles C. Dunham and wife, Hope G. Dunham, located at 1420 East Independence Boulevard, in the City of Charlotte, for proposed right of way at 1400 block of Independence Boulevard. The motion was seconded by Councilman Williams, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 138.

(b) Motion was made by Councilwoman Locke, seconded by Councilman Williams, and unanimously carried, adopting a resolution authorizing condemnation proceedings for the acquisition of property belonging to Bascom B. Belk, Jr. and wife, Harriet Belk; George W. Marshall and James L. Cole, Co-Trustees; and Small Business Administration, located at 1415 East Independence Boulevard, in the City of Charlotte, for proposed right of way in the 1400 block of East Independence Boulevard.

The resolution is recorded in full in Resolutions Book 12, at Page 139.

AGENDA ITEM NO. 20 REMOVED FROM CONSENT AGENDA.

Councilman Davis requested that Agenda Item No. 20 be removed from the Consent Agenda, as he would like to discuss the item.

CONSENT AGENDA AUTHORIZED, OMITTING ITEM NO. 20.

Upon motion of Councilwoman Locke, seconded by Councilwoman Chafin, and carried unanimously, the Consent Agenda, with the exception of Item No. 20, was approved, as follows:

- (1) Applicants for Property Rehabilitation Grants:
  - (a) Grant to Marjorie E. Moody, at 704 East 38th Street (North Charlotte Area), in the amount of \$4,100.
  - (b) Grant to Charles and Constance Kirkpatrick, at 222 Skyland Avenue, (Grier Heights Area), in the amount of \$4,236.
  - (c) Grant to Geneva Braswell, at 2725 Yadkin Avenue, (North Charlotte Area), in the amount of \$4,500.
  - (d) Grant to Carl N. and Ollie Myers, at 932 Leigh Avenue, (North Charlotte Area), in the amount of \$4,400.
  - (e) Grant to Charlie Carelock, Jr. and Christine Carelock, at 1026 Leigh Avenue, (North Charlotte Area), in the amount of \$4,496.
- (2) Settlements in the following cases:
  - (a) City of Charlotte vs. Nish Jamgotch, Jr., in the amount of an additional \$1,575, Parcels 93, 93A and 94, Randolph Road Widening Project.
  - (b) City of Charlotte vs. A. A. Bailey and wife, Evoydeene W. Bailey, in the additional amount of \$550, Parcel No. 84, Sharon Amity Road Widening Project.
  - (c) City of Charlotte vs. The Pritchard Corporation, et al, in the additional amount of \$2,500, for Parcel No. 57, Remount Road Widening Project.

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- (3) Ordinance No. 367-X to amend Ordinance No. 155-X, the 1976-77 Budget Ordinance, transferring funds from the Unappropriated Balance of the Utilities Operating Fund to increase the maximum inventory level governing chemicals for water treatment, in the amount of \$40,000.

The ordinance is recorded in full in Ordinance Book 23, at Page 436.

- (4) Resolution consenting to and approving the conveyance of land belonging to the Public Library of Charlotte and Mecklenburg County to the North Carolina Department of Transportation for the widening of Main Street (N.C. 51) in Pineville, North Carolina.

The resolution is recorded in full in Resolutions Book 12, at Page 142.

- (5) Resolution authorizing the refund of certain taxes collected through clerical error and illegal levy, in the amount of \$316.44, from seven tax accounts.

The resolution is recorded in full in Resolutions Book 12, at Page 140.

- (6) Ordinance No. 368 amending Chapter 17 of the City Code with respect to the streets and sidewalks ordinance by adding a sentence at the end of the present section to define necessary drainage facilities.

The ordinance is recorded in full in Ordinance Book 23, at Page 437.

- (7) Contract with Haskins and Sells, Certified Public Accountants, to audit Urban Redevelopment Non-cash Local Grant-In-Aids, at a fee not to exceed \$2,900.00.

- (8) Ordinances ordering removal of limbs, weeds, grass, trash and junk from properties in the City, as follows:

- (a) Ordinance No. 369-X, at 1336 East Morehead Street;
- (b) Ordinance No. 370-X, vacant lot rear of 2726 Grimes Street;
- (c) Ordinance No. 371-X, at 2516 Bay Street;
- (d) Ordinance No. 372-X, at 2201 Kenmore Avenue;
- (e) Ordinance No. 373-X, at 5700 Park Road.

The ordinances are recorded in full in Ordinance Book 23, beginning at Page 438.

- (9) Contract between the City and Godley Realty Company for construction of approximately 388 linear feet of 8" sanitary sewer to serve 9500 Wilkinson Boulevard (Country Manor), outside the city, at an estimated cost of \$6,000. The applicant is to construct the entire system at their own proper cost and expense. The City is to own, maintain and operate said system, retain all revenues, at no cost.

- (10) Resolution authorizing the Mayor and City Clerk to execute an Encroachment Agreement with Southern Railway System for a 24-inch sanitary sewer pressure line under Southern Railroad's tracks at Old Dowd Road, in the amount of \$50.00, for administrative costs.

The resolution is recorded in full in Resolutions Book 12, at Page 143.

- (11) Encroachment Agreement with North Carolina Department of Transportation permitting the City to construct an 8-inch C. I. water main along the northerly margin of Sardis Road, North, west of Red Rock Road.

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(12) Property Transactions:

- (a) Acquisition of 30' x 1,148.57' of easement on Gilead Road, from T. M. Vanpelt Heirs, Mattie Belle Alexander and John C. Vanpelt, at \$1,200.00, for Torrence Creek Outfall Project.
- (b) Acquisition of 30' x 737.54' of easement at northwest corner of Gilead Road & I-77, from Robert Hunter Ranson and wife, Betty H., at \$900.00, for Torrence Creek Outfall Project.
- (c) Right of Way Agreement on 25' x 133.33' x 25.05' x 134.94' of property, plus a construction easement, at 3100 Hiram Street, from Morris Gholston and wife, Lucille, at \$1,000.00, for Caronia Street Extension.
- (d) Right of Way Agreement on 25' x 150' x 25' x 150' of property, plus a construction easement, at 3101 Ross Avenue, from Morris Gholston and wife, Lucille, at \$1,000.00, for Caronia Street Extension.
- (e) Right of Way Agreement on 30.02' x 129.97' x 109.46' x 25.00' of property on the east side of Piney Grove Road, south of Amelia Drive, from Cresthill Land Corporation, at \$150.00, for Piney Grove Road Extension.
- (f) Acquisition of 25,811 sq. ft. of property on Baldwin Avenue, in Cherry Community Development Target Area, from Ram Corporation, in the amount of \$13,400.
- (g) Acquisition of 4,000 sq. ft. of property at 112 South Irwin Avenue, in the Third Ward Community Development Target Area, from Charles V. Bell, in the amount of \$19,000.
- (h) Acquisition of five parcels of property in the Southside Park Community Development Target Area, as follows:
  - 1). 3,500 sq. ft. from Do Do, Inc., 210 Lancaster Street, at \$6,600.
  - 2). 4,200 sq. ft. from Ruth A. Kilroy, 211 Lancaster Street, at \$3,200.
  - 3). 8,400 sq. ft. from Effie Webb Cobb, at 219-21-23-25 Lancaster Street, at \$15,400.
  - 4). 4,200 sq. ft. from Investors Realty, Inc., at 227-29 Lancaster Street, at \$7,500.
  - 5). 3,400 sq. ft. from Ruth A. Kilroy, 216 Bassett Street, at \$3,400.

ORDINANCE NO. 373-X AMENDING ORDINANCE NO. 155-X, THE 1976-77 BUDGET ORDINANCE, TRANSFERRING FUNDS WITHIN THE UTILITIES FUND FOR PURCHASE OF A REPLACEMENT BOOKKEEPING MACHINE FOR WATER COLLECTIONS, IN THE AMOUNT OF \$12,000.00.

Mr. Bill Stuart, Director of Budget and Evaluation, stated this is a machine used in the Accounting Section of the Finance Department that relates to water and sewer bills.

Councilman Davis asked about the area from which the funds are being transferred? Are they coming from the Utility Fund Account for annexation/bond information and Mr. Stuart replied yes.

Councilman Davis asked if this is part of the \$16,000 and Mr. Stuart replied yes; as it turned out, all of the money originally set aside for annexation bond information was not used for that purpose. It originally came from Contingency

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so this would normally have been a Contingency Item. He stated the total amount was \$16,500.

Councilman Davis asked if the \$12,000 is the total remaining balance and Mr. Stuart replied no, but he does not recall what the exact amount is, not more than perhaps \$1,500.

Councilman Davis asked why the money was not spent; that he is curious about the appropriation of \$16,000 and \$12,000 was not spent. Mr. Stuart replied the original figure was set before any work was done on identifying in great detail what the specific requirements might be for information. As it later developed, it turned out the requirements were significantly less. One of the items funds were expended for was the brochure which went out with water bills.

Motion to adopt the subject ordinance was made by Councilwoman Locke, seconded by Councilman Williams and carried unanimously.


The ordinance is recorded in full in Ordinance Book 23, at Page 443.

MS. PHYLLIS NICCOLAI NOMINATED TO SERVE ON COMMUNITY FACILITIES COMMITTEE.

Councilman Davis placed Ms. Phyllis Niccolai's name in nomination for the Community Facilities Committee to replace Mr. Don Davidson who has decided not to serve.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk