

November 28, 1977
Minute Book 66 - Page 332

The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, November 28, 1977, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: Councilwoman Betty Chafin.

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INVOCATION.

The invocation was given by The Reverend Ronald O. Heinze, Paster of Redeemer Lutheran Church.

MEMBERS OF EXPLORER POST NO. 258 PRESENTED TO MAYOR AND COUNCIL BY ULY FORD, ADMINISTRATIVE ASSISTANT.

Mr. Uly Ford, Administrative Assistant in the Public Works Department and Advisor to the City of Charlotte Explorer Post, stated he would like to present the fifth edition of the City Government Explorers Post No. 258. He introduced the Explorer's Mayor, Mr. Heyward Womble.

Mr. Womble stated he is the Mayor of Explorer Post 258 and that their Post has three main objectives. One is to learn about government through existing City, County and State Governments. Two, to become an organization that would benefit the City, County and State Governmental Officials and people of the City, County and State and the Explorer Post. Three, to increase the awareness of young adults in our city about local government.

He stated some of their past activities include a tour of the Board of Elections, in November; their Post Elections were held one week before the City Elections and they set up a booth at the Information Center at the Scout Exposition and won a First Place Ribbon for their efforts.

Mr. Womble stated their immediate plans for the future are to make this Christmas a little bit brighter for needy families and to continue plans to establish a sister-city relationship between Charlotte and a foreign city.

He stated the Explorers Post would like to thank Mayor Belk and members of City Council for their time and support. He then introduced some of their members.

Mayor Belk stated he would like to congratulate these young people and tell them the City is proud of them.

SENATOR FRED ALEXANDER PRESENTED CERTIFICATE OF APPRECIATION FOR SERVICES ON COMMUNITY RELATIONS COMMITTEE.

Mayor Belk presented Senator Fred Alexander a Certificate of Appreciation for his services on the Community Relations Committee in grateful appreciation for outstanding contributions to the community.

He stated Senator Alexander was one of the first members of the Committee and the City is much better off in having him serve on it. That they appreciate very much the fine job he has done.

MAYOR PROCLAIMS DECEMBER 2, 1977 AS "CHARLES H. CRUTCHFIELD DAY"
IN CHARLOTTE.

Mayor Belk read a proclamation which was presented to Mr. Charles H. Crutchfield by the Chamber of Commerce upon his retirement as Chief Executive Officer at Jefferson Pilot Broadcasting Company for 37 years. He stated Mr. Crutchfield's contributions have added immeasurably to the quality of life in Charlotte and the Carolinas through outstanding news, editorials and local programs since 1933.

He stated as Mayor of Charlotte, he would like to proclaim December 2, 1977 as "Charles H. Crutchfield Day" in Charlotte and commend this observance to our citizens.

Mr. Crutchfield was congratulated by Mayor Belk and members of Council.

PROCLAMATION PRESENTED TO MAYOR BELK BY MEMBER OF YOUTH ADVISORY COMMITTEE.

Mr. David Ritch, representing the Youth Advisory Committee, stated the Committee would like to thank Mayor Belk and each member of City Council for being their friend and standing behind them on countless occasions. He read the following proclamation:

"WHEREAS, John Montgomery Belk has served the City of Charlotte for the past 8-1/2 years as Mayor, and

WHEREAS, during his term as Mayor, John Belk has worked to involve all citizens in local government, and

WHEREAS, he has worked to revitalize the uptown area and to preserve Charlotte's older neighborhoods, and

WHEREAS, Mayor Belk has supported and encouraged the Charlotte Mecklenburg Youth Advisory Board and the involvement of Charlotte's young people in local government.

NOW, THEREFORE, we, the members of Charlotte Mecklenburg Youth Advisory Board, do hereby declare John Montgomery Belk, as Honorary Youth for Life and Honorary Member of the Youth Advisory Board.

WITNESS our hand and officials seal of the City of Charlotte, this the 28th day of November, 1977."

He stated the Youth Advisory Board is looking forward to working with the new Mayor and new members of Council. That youth are more interested in working with local government than ever before and each of them have had a special place in developing that interest.

RESOLUTION CLOSING CERTAIN PORTIONS OF MAVIS STREET AND JOHNSON STREET,
IN THE CITY OF CHARLOTTE, NORTH CAROLINA.

The scheduled public hearing was held on petition of Community Development Department to close a portion of Mavis Street and Johnson Street, in the Greenville Urban Renewal Area, N. C. R-78.

Council was advised the petition had been investigated by all city departments concerned with street rights of way and there were no objections to the closing.

Mr. Vernon Sawyer, Director of Community Development Department, pointed out on a map the two portions of streets they petitioned to be closed; a portion of Johnson Street and a portion of Mavis Street. He explained these are the last two pieces of streets to be closed in the Greenville Project area.

Mr. Sawyer stated the reason they are so late in being closed is that they had to leave them there to provide access to the Brandon Memorial Presbyterian Church which was located there and accessible by Johnson and Mavis Streets. He stated the Church has now re-built, sold its old building and the building has since been demolished. This removes the final need for maintaining existing streets in the area.

No one spoke in opposition to the closing.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, subject resolution was adopted closing certain portions of Mavis Street and Johnson Street, in the City of Charlotte.

The resolution is recorded in full in Resolutions Book 13, at Pages 121 and 122.

MOTION TO SUSPEND THE RULES TO ALLOW AGENDA ITEM NOS. 20, 21 AND 22
TO BE PRESENTED AT THIS TIME, ADOPTED.

Councilman Withrow moved to suspend the rules to allow Agenda Item Nos. 20, 21 and 22 to be presented at this time. The motion was seconded by Councilwoman Locke, and unanimously carried.

CONSIDERATION OF A RESOLUTION ABOLISHING THE PARKS AND RECREATION COMMISSION,
ESTABLISHING A NEW PARKS AND RECREATION DEPARTMENT AND AUTHORIZING NECESSARY
ADMINISTRATIVE ACTIONS INCLUDING THE INCORPORATION OF PARKS AND RECREATION
EMPLOYEES INTO THE NORTH CAROLINA LOCAL GOVERNMENTAL RETIREMENT SYSTEM,
WITH CREDIT FOR PRIOR SERVICE, DEFERRED.

Councilwoman Locke stated she had some information she wanted to give all members of Council which they received about twenty minutes ago. That she does not see Mr. Vanlandingham, who wanted to speak on this issue, in the audience and it might be best to defer this. She stated some of the new Councilmembers have asked that this item be deferred. Councilwoman Locke moved to defer consideration of subject resolution.

Councilman Gantt stated he has supported this particular resolution and the reason the Manager put this on the agenda today was because this was the first time we have cleared up all the questions regarding retirement and we have certainly had enabling legislation since July of this year; and this is the first opportunity any Councilmember has had for deciding whether it wanted to take the Park and Recreation Commission in. He stated he would think, on one hand, since this Council has heard all the

earlier debate on it, they were probably in the position to make a decision one way or the other. On the other hand, he does think it makes a lot of sense to let this be a decision of the new Council since it is probably going to have to have more direct responsibility of working with the new department's problems.

Councilman Gantt seconded the motion for deferral.

Councilman Withrow stated this item certainly should be deferred because the new Council is going to have a lot of work to do. That it would be better to put this off for three to six months; and then it would be closer to budget time.

Councilman Whittington stated if there ever was an example of local government where we have a classic example of involvement with the community, we do with Park and Recreation. That one of the leading businessmen said to him today that whatever the problems are with Park and Recreation or the problems of this Council, they can be corrected. That he would say to the new Council and those who are going to stay, that whatever is wrong with this Park and Recreation Commission could be corrected by the City Manager and his staff and the new Council. He stated there is much to say for this Commission; they could do the job because they are citizens just like the folks in the audience.

He stated he would hope the next Council would look at this as an example of citizen participation and correct whatever is wrong with the system and let it stay as it is. If there are people in Park and Recreation who would need to be discharged, then discharge them and if they need to get new people on the Board who they believe could do a better job and have better input into the recreational needs of this community, then do so. That he would hope they will leave it like it is.

Councilman Williams asked for the rationale for having an autonomous body operate the Park and Recreation Commission as opposed to making a department as we have other major departments, like the airport. Councilman Whittington replied this could be argued both ways because the Parks and Recreation Commission is not going to be dissolved if this becomes a department of the City. That he would suppose it would be an Advisory Board like the Airport's Advisory Board. He stated the Park and Recreation is a whole lot different from the Airport as it relates to people and programs and that is the reason he would prefer to see it stay where it is. That he might be the only one on this Council to feel that way but he did want to say so before he goes off this Council on Thursday.

Councilman Whittington stated when Council had the public hearing, he did not recall one person who came here and said they were in favor of this being done.

Councilman Davis stated he is ready to vote on this item today since Council asked that this item be brought up, he would prefer to see the matter handled today. That it would be an imposition on the new Council to be forced to deal with this as it will be a very long, drawn-out, cumbersome project.

Councilwoman Locke stated if Councilwoman Chafin were present today, she would feel more comfortable about voting for it. That in answer to what Councilman Williams has said, she believes it is important to have Boards and Commissions and the people answerable to the elected officials. She stated she has had many calls from people who are concerned about Parks and Recreation - about the non-attention they have had and problems that have developed through lack of communication. That she has had many letters and calls regarding this and thinks Council should be answerable to these people instead of an autonomous Board. That it should be an Advisory Board and she would like to see this item deferred.

Councilman Gantt asked if there was a time limit about deferral and if Council had a legal right to set a time limit and Mr. Underhill, City Attorney, replied it would be legal for Council to defer for a certain period of time.

Councilman Davis made a substitute motion to abolish the Park and Recreation Commission as an autonomous Commission and make it a Department of the City Government.

After discussion, Councilman Davis withdrew his substitute motion.

A vote was taken on the motion to defer, and carried as follows:

YEAS: Councilmembers Locke, Gantt, Whittington and Withrow.

NAYS: Councilmembers Davis and Williams.

APPROVAL OF METHOD FOR DETERMINING WATER AND SEWER RATE AND INDUSTRIAL COST RECOVERY CHARGES FOR THE CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT.

Councilman Whittington moved the approval of the methodology to determine the water-sewer-industrial rates and include a recommendation to the City Manager and the Utility Department that they be allowed to proceed with outside city rates, involving the doubling of both fixed charges as well as the variable charges and not to charge for the fire hydrants or to charge for administrative services. The motion was seconded by Councilwoman Locke.

Councilwoman Locke stated she wanted to approve the water-sewer rates as included in the pamphlet but she would like to give a charge to the CFC which was included within this study.

She stated during the course of these rate study hearings, several issues have been raised which should not be dismissed. The rate study proposed that builders and developers will now pay for the cost of reviewing plans and inspecting the construction of water and sewer improvements built by developers but which are to be donated to the Utility Department.

Councilwoman Locke stated aside from objecting to paying for these costs at all, builders and developers have expressed a concern that the cost they may be charged will not be fair or reasonable. She stated Council can take steps to overcome their concern about as to the fairness of the charges. That she feels a review or an appeals procedure should be established concerning these costs since this is a procedural matter between C-MUD and the builder that appears that the review method should involve representation from both groups and that should be referred to the CFC for them to study this problem and make recommendations to Council for assistance to review and/or appeal the cost of plan review, construction and production.

She stated another question that was raised at the hearing was that C-MUD was performing work with its own force that could be better done by the private sector. That representatives of both the contractors and the engineers raised this question last week, both to the construction and engineering costs. She stated she would request that both these groups be invited to present specific examples to the CFC and that the CFC review and evaluate this and report to Council their findings as to the validity of their complaints.

Councilwoman Locke stated at the last Council Meeting, Mr. Cockinos, of the Professional Engineers, raised serious questions as to the equity of the present extension policy. She stated she would like to charge the CFC with reviewing the current extension policy of the Utility Department and recommend to Council any changes that might eliminate inequities or otherwise improve the policy.

Councilman Whittington stated they were asked to do this at the last Council Meeting and Councilwoman Locke stated she would like this specific charge to be in the record.

Councilman Gantt stated the extension policy is separate and apart from the concept in accepting the Arthur Young methodology. That the design fees and inspections fees appear to be open-ended but can, in fact, be tied down to some definite rate for reviewing certain types of plans. He stated he would think this is a technical kind of amendment that can be made even after Council accepts this methodology.

He asked if the motion regarding the issue of industrial fire protection is that Council eliminate that altogether and Councilman Whittington replied the second paragraph under Item No. 12, Mr. Burkhalter states "we would suggest, however, that Council approve a plan that does not include a fire protection charge for services from city departments." Councilman Whittington stated that is the way it is now, as he understands it.

Councilman Gantt stated the thing that gives him some concern is that while we examine the figures that Arthur Young reports in which if the City were to pay for the fire protection charge, pay C-MUD for that, and in turn, C-MUD would pay for certain services that it receives from the City, that the impact on the water rates would be negligible simply because the dollars are simply changing hands. He stated he wonders, however, whether, in the future, that is going to continue to be the case. For example, the costs of the services provided by the City are primarily fixed charges that are likely not to be much different, with the exception of inflation, over the years. On the other hand, as the City continues to grow in size, the cost of industrial fire protection will continue to go up and up. In other words, we are expanding that and we just happen to be at a point in time where we are, in fact, simply swapping dollars, or checks, in this case. That he has some difficulty with that and he would like to hear from some of the others.

Councilman Williams stated he agrees with the reservations expressed by Councilman Gantt. That it may be practically a wash-out now because the Utility Department uses legal advice from the City Attorney and is paid out of the General Fund, and the services of the computer are paid for out of the General Fund and the clerks are paid out of the General Fund and it may be a wash-out, but the whole purpose of this study, the way he understands it, is to establish a system of rates across the county. He stated if that is what Council is trying to be loyal to, then we ought to follow that throughout, even if the dollars do pretty much wash-out at the present time.

He stated this system will help everyone see exactly what we pay in costs, from beginning to end, in the Utility Department and for that reason alone, he would be in favor of as the CFC has recommended.

Councilman Williams stated he understood Mr. Whittington's motion to recommend that Council double the outside rates. He stated this is not exactly the way Arthur Young originally recommended it and the way the CFC recommended it. That he has additional problems with it because of the way, as he understands, the federal rules and regulations apply to our Grant Funds for treatment plants. He stated on Page 46, of the water and sewer study, they discussed that problem and say as a stipulation of receiving Federal Grant Funds, Section 204 of Public Law 93-500 requires that each Grantee develop a system of user charges and industrial cost recovery charges, accordingly the Grantee

is required to develop an equitable system of charges whereby each user would pay his proportionate share of operational maintenance costs.

Councilman Williams stated it looks to him as if that is what Arthur Young and CFC tried to accomplish when they broke down the charges on Page 8 of the little blue book. They recommended on sewer charge, breaking the charges into a fixed charge and a variable charge, the fixed is .80 cents per account which would be the same inside the city as outside the city. The variable charge, they project .42 cents per cubic foot, inside and .84 cents outside. They think this will comply with the federal requirements and not get us in trouble with EPA, from whom we receive the grant funds. That he has been told that it is only a matter of a few thousand dollars and he would recommend that Council do as they recommend on that subject, too. It is sort of a compromise; it is not a strict govern but it is not charging the same either and that is adopting the fixed charge, which would be the same, but the variable charge in accordance with the concept.

Councilman Davis stated he is in agreement with Mr. Gantt and Mr. Williams that it will make very little difference in dollars. He stated he would hope Councilman Whittington would consider amending his motion to adopt is as the CFC recommended it.

He stated if we do include a rate, even though it is a simply check-swapping deal, or bookkeeping entry now, if we have a cost system that includes the cost of providing fire hydrants and also the cost of providing services to various city departments, this gives us better control and with energy conservation becoming more and more important and cost accounting, that with these items as factors, it would be very good to have this information so Council will have control of it. Not just now when it is not a big item, but later on, if it does change.

Councilman Davis stated with regards to Mr. William's suggestion that Council consider doubling the entire water bill or not including the fixed charges, there is another act to consider, by action of previous Council. In June of 1978, the sewer extension policy changes so that people in the annexation area will be paying a connection fee when they tap on the line. It will be an additional item they will have to contend with that citizens in the past have not. So it might be in the interest of equity, if there is any doubt, Council ought to give them the advantage in the matter and not also charge them a double fixed cost at this point. He stated unless Staff has some real urgent reason why it would be real good to include these changes, he would prefer to see the matter approved as presented by the CFC.

Councilman Whittington stated in talking about fire hydrants, during the campaign, people on the west side said they did not have any fire hydrants. He has had people say to him that fire hydrants in subdivisions are about every 500 feet. He asked if he wanted a fire hydrant in front of his house and he did not have one on his street, would he, under this system that Arthur Young has developed, have to pay for the hydrant? Mr. Burkhalter replied that is one of the reasons he made the recommendation. That there are two reasons but they all tie to several things from his viewpoint. He stated the whole study creates administrative problems with no administrative answers that they are going to be faced with and they are not going to be simple at all. They are going to be some real severe problems that we are going to have. He stated they are perfectly willing to put this into effect. They want to work hard to get all this done and will do it like Council wants but they are

going to have severe administrative problems when they do this. The problem with the fire hydrants - today, when people complain or say they do not have fire protection, and they check and they don't, it is a very simply matter to put one in. They have a reasonably good budget in Utilities for doing this.

Mr. Burkhalter stated he can assure Council that we are going to have to be a little bit more conscious of this when we know we are going to have to start paying for them out of General Funds every time we put one in because we are not going to have any budgeted funds when we start, so Council will be concerned about putting in fire hydrants because every time we do, it will come out of General Funds; it is not a service furnished by Utilities any more.

He stated the biggest reason is the difference between the guys inside the city paying for this and the people outside not paying for it. This bothers him considerably. There is no administrative way they have set up yet for collecting for fire hydrants in other towns and outside the city. Who is going to pay for them? Who is going to pay for them in the County? That he does not think Council ought to do the people in the city this way.

He stated the second thing on the doubling of rates is somebody is making all of the decisions for Council - all the arbitrary decisions are being made by somebody else - not Council and this bothers him. That this Council has had a policy for a long time of double rates and Council made the policy. He stated he informed the people who made the study that was Council's policy but the policy did not make any difference because they wanted to find a way to cost it out.

He pointed out that the fixed rate of .80 cents outside the city is, less half of that rate, meter-reading. That he can justify just as easily quadruplicating or quintupling that meter-reading rate outside the city because it is about the simplest thing to do. That he does not think anybody would challenge Council that it takes four or five times more distance travel than anything else to read meters scattered out outside the city than inside. That is one of the reasons for the whole difference, but there are no differentiations in this study made at all and that is why he finds no trouble at all in doubling the fixed rates.

Mr. Burkhalter stated the rate outside for the variable was done in an arbitrary fashion the same way. They just said the cost of retiring the bond service is something that we can say is at least tripled or quadrupled, or whatever, so therefore, we just say, o.k. we will just double that. But they did not do anything about meter-reading. They could have easily done the same thing. They could have said it costs twice as much to read meters outside the city, or three times as much, or four times as much, or five times as much.

He stated Council is on good ground if they want to double it. That he would not have recommended it otherwise. He stated Council does not have to do it but it is an arbitrary decision that Council can make just like Council is making on the variable.

Councilman Whittington asked what additional requirements Council put on a builder if he wants to build a twenty thousand or hundred thousand dollar warehouse, or any other kind of building, in the way of sprinkler systems and all of that which he has to pay for as part of the City's Building Code and Mr. Burkhalter replied he is talking about two different things. Councilman Whittington stated if he wanted to build a building here in the City and he is required, under the City and State Ordinances, to put in fire protection and sprinkler systems and this sort of thing which are at his expense. That when a fire takes place in that building,

this is where the sprinkler helps out until the Fire Department gets there; that the point he wants to make is that when we talk about the fire hydrants, when people want these things, we ought to be able to go ahead and put them in from the General Fund and from the Utility Fund and not have to bring that request down here to the next Council Meeting.

Councilman Whittington stated he does not see any point in Council pursuing the very rigid and correct way to annex people into this community, businesses and residences, if we are going to do away with the double rate on the outside. That this would make it attractive to live out there. He stated all of the members had a letter from people who are to be annexed on December 1st who said they were going to vote against all incumbent Councilmembers who forced annexation and vote against all future bond referendums and they shall not seek or buy services from anybody who has a business inside the city limits of Charlotte, but will go elsewhere. He stated this is not anything new in annexation; it happens every time, but Council ought to do what is recommended by the City Manager and his Staff, backed up by J. B. Fennell and the Utility Department, who certainly known more about our Utility System and its needs than the CFC or anybody else out there in the hinterland.

He stated we have got a good policy, it has been programmed and Council ought to approve it. That all Council is doing is approving a rate way to charge them for services which will be in effect about July 1, 1978. He stated he would urge Council to do what is recommended here by C-MUD, by Arthur Young and by the City Manager and his staff. That he thinks we all agree, except for the outside rate, how we charge for fire services.

Councilman Gantt stated he is not sure what recommendations are being made by whom and to whom. That he has a blue book here that supports the recommendations prepared by Arthur Young and sanctioned and worked on by the CFC and agreed on by the City Staff - this was the whole point of last week's session. He stated they do not propose a double rate as Mr. Whittington defines it.

Councilman Whittington stated all he is saying is that Council ought to adopt this report with the two exceptions made by the City Manager and his Staff.

Councilman Gantt stated he would second, or entertain a motion, to accept the report as presented, which would charge for the fire protection services; that C-MUD would pay for the accounting services provided and for reasons he has stated earlier, with regard to the fixed rate, it seems to him that we are equally arbitrary in talking about simply going back and applying in a projection of costs, or rate setting, that tries to find on the basis of costs, it seems to him to be equally arbitrary to go back and simply double the portion of that cost that has absolutely nothing to do with the location. For that reason, he would want the fixed rate outside to be the same and the variable charges doubled as proposed in the Arthur Young report.

Mr. Burkhalter stated he is not quite sure it is in the blue book but there are charts where Council did propose to do this and that is exactly what they followed in recommending this to Council. The charts which were presented to them at the last Council Meeting showed the doubling of the fixed rates and what it would do. They did not recommend it and they are not recommending it as an alternate and the same thing for the fire hydrants.

November 28, 1977
Minute Book 66 - Page 341

Councilman Gantt stated what they said was they were not recommending it; but if Council wanted to do it to be exactly comparable to the present situation, you could simply double the fixed charges.

Councilman Williams asked how do we comply with EPA requirements by arbitrarily doubling the outside rates and Mr. Burkhalter replied he did not think Council would have any problem with that. That he is very concerned that we have somebody else running to a governmental agency trying to intervene for us and present information - that it bothers him that we are not doing it. We ought to be the one presenting our case to EPA and not somebody else and it ought to be presented in our light rather than in somebody else's viewpoint. He stated this is a bridge we can cross when we get to it if its a problem with it. That as far as he knows, they have no indication that they will do anything about that.

Councilman Williams asked how much revenue we are talking about by doing what is recommended by the study by the CFC with respect to the fixed charges and Mr. Burkhalter replied the revenue is not his point at all. At no time is the revenue the point, but he does not mind figuring it out.

Councilman Williams stated if it is only twenty-five thousand dollars in revenue to get the feds off our back, it might be a good move. Mr. Burkhalter replied we are not ever going to get them off our back.

Councilman Gantt asked the City Manager what his point is and Mr. Burkhalter replied his point is this is a policy decision that somewhere this Council made and it was a wise decision. That somewhere you have to make a determination between this - this is a very expensive water system, with millions and millions of dollars in investment that have been bought and paid for and already amortized.

Councilman Gantt stated it sounds to him that he is sort of talking about tradition; something that Council decided on that might have been wise at the time but in view of what we are looking now, it may call for a change in the situation, like the Park and Recreation.

Mr. Burkhalter stated there is no question in his mind but what they can argue how much more it would cost to serve inside or outside; that he is not trying to argue with their findings, but half of their fixed charge is meter reading and meter reading is the one single thing that anybody can point out as additional cost of outside. The traveling and everything involved in meter reading makes it much more expensive. That the distance the meter reader travels between homes gets greater and greater as you get into the county. He stated money-wise, it is not worth arguing at all; there is no argument about the money.

Councilman Davis stated he agrees with Mr. Burkhalter now that this is a small point. That he would vote for this either way, however, he still feels that, in principle, the CFC has done the best they could to give Council, insofar as possible, strict cost accounting methods setting rates. That if we run into administrative problems, he is sure the new Council will be understanding in making an adjustment later on.

Councilman Davis made a substitute motion that Council approve the methods for determining water and sewer rates as recommended by the CFC. The motion was seconded by Councilman Gantt.

Councilman Withrow stated he is concerned about the way home building business costs have gone up, up, up and it has got to the place where people cannot hardly build homes or buy homes anymore and all we keep doing is tying on. That if we keep tying on little things, they become big things and this is what worries him. That this thing of the City charging the builders for review of plans is another thing that greatly concerns him because he does not think they should be charged for this. If the City is going to review the plans, then it is their job - we have

people to do this. That he does not know what the solution is and he would hate to pass this on and try to get a solution from the Council that is coming aboard if this Council cannot come to an agreement.

Councilman Williams stated he is going to vote for the substitute motion but he hears Mr. Withrow loud and clear when he says he is concerned about sufficient revenue being generated by all these specific charges and that is a point he is concerned about. That he does not know if this is going to generate enough revenue by charging people for the turn-on, turn-off, and all that. They might just say to heck with it, we will just get water somewhere else. If that happens, the revenue will have to be made up some way. But the advantage of this strict cost accounting, it has to be made up somewhere else and at least everyone will know where the expense is coming from.

Councilwoman Locke stated it is incumbent upon this Council to go ahead and vote on this issue since we have had it before us for six months and have had the opportunity to review it and ask questions and she would like to call for the question.

A vote was taken on the substitute motion, and failed to carry as follows:

YEAS: Councilman Davis, Gantt and Williams.

NAYS: Councilmembers Whittington, Locke and Withrow, with Mayor Belk breaking the tie voting against the motion.

A vote was taken on the original motion, and carried as follows:

YEAS: Councilmembers Whittington, Locke, Withrow and Gantt.

NAYS: Councilmembers Davis and Williams.

Mr. Burkhalter stated he would like to tell the new Councilmembers that the action Council just took and the things they were arguing about are things that will really have to be decided later anyhow. He stated the argument was about the procedure for determining rates and it takes seven months to put this into the computers, get all the information ready, the bills printed and everything to do it. That whether or not the city charges double outside or inside fixed charges or whether or not we charge for fire hydrants is a matter that Council can change any time in this period of time because there is nothing going to be done about this at all until this thing is on the computer.

CONTRACTS WITH WRECKER SERVICES FOR ZONE WRECKER AND TOW SERVICE, DEFERRED AND ORDINANCE AMENDING CHAPTER 20 OF THE CITY CODE RELATIVE TO THIS MATTER DEFERRED.

Mr. Elliott Schwartz stated he and Mr. Eddie Knox are the attorneys representing the Robert V. Kiser Wrecker Service, Incorporated Company, which on September 8, 1977 made due application through the Charlotte Police Department and to the City Manager's Office for the wrecker zone which has heretofore and years gone by been known as the Kiser Wrecker Zone.

He stated the R. V. Kiser Wrecker Service, Inc. Company is owned by Robert V. Kiser who is present at the Council Meeting today. That in connection with the application that was put in by this corporation, Mr. Kiser possesses all of the land, equipment, facilities and insurance and other statutory required properties and set-ups for the zoned wrecker service that is contemplated by the zone wrecker ordinance.

Mr. Schwartz stated on September 21, 1977, Mr. Robert Kiser was apprised by the Charlotte Police Department that he did comply with all of the requirements of the ordinance for the award of this zone.

He stated some background explanation is necessary concerning this Zone 4, which has previously been known as the Kiser Wrecker Zone. Since the time of the concept of zone wrecker zones, the so-called zone has been awarded by City Council to the father of his client, Mr. V. C. Kiser, who was affectionately known as "Ike" Kiser. That Mr. Kiser passed away earlier this year and a consequence of his passing away, his client, Mr. Robert Kiser, as well as his brother, Mr. James Kiser, have both filed petitions for the award of this zone. With reference to his client, Robert Kiser's application, there are four matters that he would like to briefly stress before Council.

He stated his investigation of this matter revealed that during the time that Ike Kiser possessed this arrangement with the City of Charlotte, Robert Kiser was primarily responsible for the day-to-day nuts and bolts operation of the zone wrecker part of this business. Kiser's Garage and Wrecker Service, over the past years and during the life of Mr. Ike Kiser, was what is indicated in the name of that business. Both a zone wrecker operation and a garage business. His investigation of this matter indicates that his client, Mr. Robert Kiser, was the one who was primarily responsible for the operation of the zone wrecker part of this business and that James Kiser, also a petitioner here today, was primarily responsible for the garage part of this business.

Mr. Schwartz stated it is his understanding that Mr. Robert Kiser, whom they represent, is the party who has, between these two, the experience in connection with the previous operation of the wrecker part of the business.

That second of all, he would like to mention to Council, that the award of a contract under the ordinance which is in Chapter 20, of the Code of the City of Charlotte, for a zone wrecker zone, is a personal service arrangement, or a personal service contract. He stated members of previous City Councils relied upon Mr. Ike Kiser in connection with the discharge of this responsibility but the point that he is trying to make is, that this was not an asset of his estate that descended to any one member of his family in preference to any other member of his family. This is a personal service arrangement between the City of Charlotte and an individual to conduct a zoned wrecker business. He stated his contention is that upon the death of a person who has that personal service arrangement, this is not an asset that goes to his widow or to one child, or to a grandchild, or to an aunt or an uncle, or to any other member of his family, but rather that this matter, upon the death of the person that has this arrangement, needs to come back before City Council for an examination by Council as to who is the party most entitled and who will do the best job for the City of Charlotte.

He stated Council will notice in the papers before them that the Charlotte City Police Department has made a recommendation that this zone be awarded to Mr. James Kiser. He would like to comment on this for just a moment. He stated there is a lack of unanimity in the Police Department as to which of these two individuals is best entitled to discharge the responsibilities that are contained in the award of this zone.

Mr. Schwartz stated they represent to City Council that Mr. F. R. Smith, who is the tow-in officer of the Police Department and who deals with this matter at the so-called ground level every day, day in and day out, disagrees with the conclusions that have been sent here by other members of the Police Department. At the time Mr. Robert Kiser's application was transmitted to the City Police Department, Mr. Smith, who deals with this problem and only with this problem, said the following concerning Mr. Robert Kiser's application: "His wrecker service facilities consist of a

new fence, plenty of parking space, good in and out driveway and complete office structure. Mr. Kiser worked with his father, Mr. V. C. Kiser, owner of the Kiser Mecklenburg Wrecker Service, for approximately 25 years, until his father passed away in 1977. Considering Mr. Kiser's experience in towing service (and he is speaking of Mr. Robert Kiser), I believe he will improve his wrecker service and go a good job, since he has the experience, knows the city zones and has had good relations with the Police Department while working under his father."

Mr. Schwartz stated he has one other matter to mention in connection with Mr. Robert Kiser's proposal. That his client is serious about the ownership and operation of this zone. He is making this application to Council and if Council grants him the zone which he seeks, this is a business which he intends to keep and operate. He stated he feels it is fair to represent to City Council in connection with the opposing application, which is the application of Mr. James Kiser, that the business assets that are owned by him and by his mother have been offered for sale in the open market to outside persons. He is not in the position to represent to Council what they would do if Council gave this zone to them but he is in a position to tell Council that they know that there has been at least one serious attempt on their part to sell this business since the time Mr. Kiser passed away.

He stated Mr. Robert Kiser has no such desire or intentions. He wants this zone; he has the experience and if Council gives it to him, he will do a good job in discharging the responsibilities under this ordinance and will keep it.

Mr. Eddie Knox, also representing Mr. Robert Kiser, stated when they met with Major Stone initially, they were advised that the City would not position on this or otherwise they would have pursued the staff with their program of handling this but they did not and they learned Wednesday when he was nice enough to tell them that he was making a recommendation based on moral reasons that this property, having passed to the widow, Mrs. Walker now, that ergo the wrecker service should pass. That would be almost as logical as if he was the City Attorney and his son was a lawyer that he would be a good lawyer and therefore Council ought to pass the business on to him, which they do not buy.

He stated what they want Council to do is to put Bobby in an arms length transactions, just like any other third party who is vying for this service and ask is he the most qualified person or is the other member of the family the most qualified person to do the job and in that connection, Bobby has been down there 24 hours a day, with his father, and he is the guy who knows how to turn up the bit trucks and how to get them off the streets. That there is nobody, including Mr. Smith, who knows better than any other person in the city, would dispute that he knows more about it than the other people. If we are talking about a garage business, then Jimmy would be the most logical. If we are talking about a wrecker business, then Bobby is the most logical.

Mr. Willie Rose, attorney representing Kiser's Mecklenburg Wrecker Service, Inc., stated the owner of this wrecker service is Mrs. Pauline Kiser, the widow of V. C. "Ike" Kiser. That he had submitted some information to Council and would like to make some corrections. One, Mr. Kiser was 62 when he died, rather than 56, and Mr. Robert Kiser left on August 25, rather than the 15th.

He stated the business, Kiser's Mecklenburg Wrecker Service, Inc. has continued as an on-going entity after the fact that Robert Kiser left. That Mr. Schwartz stressed that Robert Kiser was the backbone of the business, so he would like to point out what the business has done.

Mr. Rose stated Mr. Ike Kiser formed the business in 1940 on Norwood Avenue and it has been in operation for some 37 years, almost 38 years, a long time to be in business here in Charlotte. Presently, the manager of the business Mr. James Kiser, age 32, who they submit has greater experience in the business than Mr. Robert Kiser. Mr. James Kiser has been with the business some 16 years, uninterrupted years. They also have currently a total of 14 employees, including Mr. James Kiser, with a total of 129 years of service, full and part-time, to that business, among their employees.

He stated that is a lot of dedication in the wrecker business - 129 years of experience serving this city. That they have 23 pieces of major equipment and he has been told they can handle any size truck wreck, motorcycles, anything that is a menace to the highways that has to be removed. As far as the continuity of the business, the business is licensed in Virginia, Tennessee, West Virginia and Georgia through the ICC for interstate towing. This actually has no relevance, per se, as far as this petition today, but it does show the business is a continuing entity - it is not falling apart as Mr. Schwartz seems to suggest.

He stated they also made due application for the zone and have met all ordinance requirements. That there are three important time periods to consider. No. 1, Mr. Ike Kiser, who was the father and founder, died February 17, 1977; from that time until the time Robert Kiser left the business in August, both sons operated the business. That the third period of time, is the period of time since Robert Kiser, who is said to be the backbone of the business, left. He stated he has been through the daily worksheets at that business since 1976 and from the period of time, 13-1/2 months, from January 1, 1976 until February 15, when Ike Kiser died, Kiser's Mecklenburg Wrecker Service handled approximately 198 total wrecker calls per month, of which 85 were zone wreckers. That is when Mr. Ike was running the business and both sons were employed there. During the period of time after Mr. Ike had died and when Bobby and Jimmy Kiser were there is period number two and during that six months stretch, the business averaged 220 wrecker calls per month of which 102 were wrecker zone calls, through the city zone situation.

Mr. Rose stated on August 25, or thereabouts, Robert Kiser left the business. Since that period of time, 3-1/2 months, the business has handled an average of 210 wrecker calls per month and 101 zone wrecker calls. That he would submit to Council there has been a 5% differentiation here and 1% here. He stated if the backbone of the business leaves and there is only a 5% decline in business, he would submit that he was not the backbone - that the business is a continuing entity. That the Police Department has made their recommendation. They have submitted to Council recommendations of their customers and suppliers.

Mr. David Bosworth, also representing Kiser's Mecklenburg Wrecker Service, Inc. stated one of the things he was concerned about when they were studying this case and trying to decide how to present it was what is really going to happen with the business and what is the wrecker business all about and what is the son all about. That the only way he could really find that out was to go and spend some week-ends, riding in the wreckers, talking with the drivers, watching how it works and if there is one thing he learned in talking with all the wrecker drivers and people who were out there, was their dedication. They intend to stay with that business. He stated they are extremely dedicated and are very put out with the way this thing has come about.

Mr. Bosworth stated there are other things that have come up today that are really not true. It was mentioned that this wrecker business was up for sale and that is totally false. The only time there has been a sale mentioned at all was when it was mentioned that these two boys might be interested in buying the business from their mother. It was never offered for sale. It was only mentioned as a way to handle the estate and that is how their firm became involved.

Another thing he has heard is all the years of experience that Bobby Kiser has. In talking with all the people at the wrecker service, he found out that every person who works there functions both as a wrecker driver, dispatcher and mechanic. Every person there can do every job at that site.. That is the nature of the business and it has been that way since Mr. Ike Kiser started it nearly 40 years ago.

He stated he would hope Council understands the dedication all these men who are currently working at Kiser's Mecklenburg Wrecker Service have to that company, to this son and the number of years they have been working for the City.

Mr. David Sentelle, attorney representing Beatty's Wrecker Service, stated he is speaking to Item 22(b), rather than 22(a). That there are two matters on the agenda about wrecker service. One being the contracts and the other being the adoption of an ordinance amending Chapter 20, which will formalize the Police Department's blank check to determine the size, shape and more or less the allocation of the zones.

He stated while there are some specific in the proposed ordinance, they leave the convenience and necessity to the Police Department, as a little Utility Commission.

Mr. Sentelle stated Beatty has had a county zone for many years and lost part of that zone in the last annexation, after having applied for a city zone to cover it. Now annexation has taken away most of the rest of this county zone. They went down to the Police Department and talked to Major Stone about what would be their chance of getting a new zone created by the Police Department, which would include what they were losing in the annexation. That Major Stone told him they would not have any chance. He stated these people had been working these zones for years and he was not going to take it away from them. He stated Major Stone was very mistaken because none of these people have worked any part of the county zone at any time.

He stated what he is asking is that Council defeat the proposed recommended ordinance, or at least lay it on the table and let the new City Council have some look to see some fairer way of determining who gets the zones than just the opt of a Police Officer who will go on moral grounds or go on historic grounds that does not really apply to keep from creating a new zone in fairness to one that has not been in the city before.

Mr. Sentelle stated he is not trying to oppose anybody's contract in anything to add his but he does ask Council to deny this ordinance that is going to create the kind of unfairness that now exists in the handling of zone wreckers.

In response to a question from Mayor Belk, Mr. Sentelle replied right now his client can meet every objective requirement. They either meet it now, or they can easily come into compliance with every objective requirement in giving zone wrecker service. That the only thing they cannot do is satisfy Major Stone on the convenience and necessity. He stated Major Stone tells them they cannot satisfy him with that because the existing wrecker services have been working these zones for all these years. He is not giving them any sort of hearing on what sort of job others can do. They have no way to compete with them. When, in fact, they have not been

November 28, 1977
Minute Book 66 - Page 347

working in the county zone at all and all they want is a new zone created to just keep from taking away from them the wrecker service they have been performing for the county all this time.

Mr. Knox stated he did not believe Mr. Schwartz had misrepresented this because their information was that Emanuel Kiser was offered the opportunity to buy this contract and if this is not correct, then they are mistaken.

Councilman Whittington asked about Emanuel Kiser and Mr. Schwartz replied Emanuel Kiser is a man who is no relation to this family whatsoever and lives in Cabarrus County. He has a contractual relationship with the City of Charlotte already in matters that relate to abandoned and junk automobiles - which is somewhat of a different category than this zoned wrecker situation, but is sort of a cousin in this zoned wrecker situation. That Mr. Emanuel Kiser did tell him that this business had been offered on a bonafide deed basis by Mr. Kiser's widow, after he passed away.

Mr. Knox stated if Council will look at the chart and compare 1976 with 1977, it will indicate that the business is declining.

Mr. Rose stated his client just informed him that his father, Mr. V. C. Kiser, did discuss a proposed sale the year before he died; but his clients have not offered this business for sale as far as he knows. That the only discussion he has had regarding this was with Mr. Schwartz about his client's personal business, which he flatly denied.

He stated Mr. Schwartz alleged that James Kiser was petitioning for this zone, but he is not. That Kiser's Mecklenburg Wrecker Service, Inc. petition is owned by his mother and this is not a brother-brother battle here.

Councilman Williams stated maybe Council ought to cut the City in half with the new ordinance because ^{business} must be pretty good. Mayor Belk stated he read that the wrecker business was off 35% this year.

Major Stone stated he is confident that Mr. Sentelle and Mr. Schwartz were not addressing him as an individual but the position that he fills. He stated his recommendation was based on the previous years of service that these four licensed wrecker companies have yielded to the City of Charlotte.

He stated he had taken the opportunity of posting a map on the wall behind Council to show them the boundaries of these four zones. That in the past few years, there has been a decrease in the number of automobiles that have been towed. He is not convinced that he knows the reason, however, a comparison of an average monthly tow-in for all automobiles, excluding accidents, show that from 1974, which a monthly rate of 415, to 1977, with a monthly rate of 266, the Police Department did not feel we had adequate need for five wrecker service, or six, or seven. Today, they have some five or six companies competing and there is at least one other company that would like to have a city zoned wrecker service and his recommendations were not based upon any personalities or likes or dislikes. That he likes Bobby Kiser and Jimmy Kiser; he has known Bobby a long time - he has not known Jimmy for quite as long. He stated he hates to see that they are not operating together in the business but his recommendation was based on these facts and not on personalities.

Councilman Gantt asked if Major Stone knew of any way to avoid this kind of controversy and Major Stone replied not under the present structure.

Councilman Gantt asked if there was any way these qualifications, such as the ones required under the new ordinance, could be satisfied and these wrecker services bid on some sort of fee basis, on what they would pay the City to have exclusive rights to a certain zone and Major Stone replied he would say yes, but would yield that to the City Attorney's Office.

Councilman Gantt stated what he is trying to say is that normally in all other procurement, Council can put out a request for proposals and have this submitted back and everybody is quoting a price for which they will offer their services for. That this is a situation where there is no dollar amount involved - they just get the exclusive right to that particular zone. He stated he does not know of any other way they can go about doing it short of a bid and he does not know on what basis they would bid.

He asked if there is any other way we can go about doing this other than what we have and Mr. Underhill, City Attorney, replied the reason they are doing it this way is because that is the way it has always been done except that we are probably formalizing relationships to a greater extent than they have ever been in the past. That at the present time we have no written contract per se but are working under an agency agreement. He stated if Councilman Gantt is asking if the City can put this thing out for bids, the answer would be yes; Council has the discretion of handling it any way they want to. That right now, this is the present arrangement and what is being suggested to Council is not a substantial deviation from the present arrangement, except to formalize it a little more. It also changes the ordinance and revises the fees, charges, etc. but it is not a substantial departure from the present way of handling it.

Councilman Withrow stated we have a franchise with the taxicab service and other services and asked why these should not be bid on, which would also help the City with the Police Officer who are going out to these accidents. He asked why this could not be put on a franchise basis, where they could bid on these services and get a franchise for different areas. That the TV service does it now.

Mr. Burkhalter replied this method is perfectly agreeable to him but he would point out that we have good wrecker service and that is a service to the people. We ought to try to keep it and that is one of the things they are concerned about. The second thing is we can bid it, but we would have to give a long term franchise to anybody who would agree to set up four different businesses, in four different areas, so they could answer within a reasonable length of time to give the response time that we like to have when there is a wrecked vehicle or something in that area. If Council is going to make one man responsible for doing this, then Council ought to let him bid and give him a long length of time to amortize costs and so forth.

Councilwoman Locke moved approval of the recommendation of staff to award contract with Hunter Auto and Wrecker Service (for Zone 1), S & R Auto and Truck Service (for Zone 2), C. D. Keith's Garage (for Zone 3) and Kiser's Mecklenburg Wrecker Service, Inc. (for Zone 4). The motion was seconded by Councilman Whittington.

Councilman Gantt stated he is in a little bit of a quandry here. Not so much as to the selection of firms but he wonders whether or not Council ought not to ask for reconsideration of how, in fact, to select these persons and he wonders what the effect would be if we delayed in making

a decision today until such a time as Council decided whether or not it wanted it to be bid and Major Stone replied it would only affect Mr. Beatty, who would be affected as of December 1.

Councilman Davis stated Mr. Sentelle's statement involved a matter involving equity and what he said makes sense and if this is the case, then Council is not handling this matter properly. The other matter discussed by the two sets of attorneys here involved the awarding of these wrecker zones and put the Council in the position of being presented with two apparently well-qualified candidates and puts Council in the position of making a decision almost in a family dispute, without having any intelligent basis on which to base it. That he does not think this is something Council ought to try to do.

Councilman Davis made a substitute motion that Council refer this back to the staff to solicit and let the present arrangements stay in effect on an informal basis, as it is now, and ask the staff to solicit competitive proposals from qualified wrecker services who have an office in these wrecker zones so Council can be assured in getting service, and ask for competitive proposals from those who have the equipment and are willing to seek this franchise. The motion was seconded by Councilman Williams.

Councilman Whittington stated he knows Officer Smith, Mr. Schwartz, Mr. Knox, Mr. Sentelle and all the people involved in the wrecker business. He stated he has been here for 18 years and knows how these zones were set up in the beginning. That he knows that S & R Garage, which is out here represented by Mr. Scruggs, was the last wrecker service in the City of Charlotte to be given a zone and they probably waited 10 years or longer in order to get that zone. He stated he also knows about Mr. Beatty's situation there at the railroad track, at York Road, and how long he waited, trying to get a zone in the City of Charlotte.

He stated he only gives this history because all of these people are his friends and he wishes Council could give them all a zone. That he would say that Council ought to leave these four zones as they are and as this newly annexed area takes place, then Council might want to consider changing these zones somewhat to consider an additional wrecker company. He stated Council is going to cause a lot of problems if they change this today and do what Mr. Williams and Mr. Gantt is suggesting because there is no way that one of these companies can cover the City of Charlotte unless he buys out the other three in order to clear the streets. That it makes good sense to leave it like it is and he knows the people who represent the other companies do not agree with that. He stated it worked well and it has been a good effort between the wrecker service, the ambulance service and the Police Department.

Councilman Davis asked if he would agree if the substitute motion is amended just to ask the staff to bring back before the new Council some recommendation for a method of awarding these wrecker zone contracts? Councilman Whittington replied he is saying Council should support the motion of Councilwoman Locke; that he is not going to vote for the substitute motion.

Councilman Gantt asked about the time frame on the franchise? Mr. Underhill replied it is not a franchise now; but is a contractual arrangement, although it gets suspiciously close to something that looks like a franchise. The contracts are for a maximum of five years, but they could be terminated by 30 days written notice by either party. The decision Council makes today could affect the city for five years except for the provision of the 30 days written notice.

November 28, 1977
Minute Book 66 - Page 350

Councilwoman Locke stated she would like to see this approved today as recommended by Staff, and then in the next three or four months come back with a methodology for doing this through the Committee system.

Councilman Davis asked about the service that is being put out of business by annexation. Councilwoman Locke replied Council can address that problem at that time as well, but she would like to see this approved today.

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

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

Councilman Withrow moved that Agenda Item No. 22(b), recommending the adoption of an ordinance amending Chapter 20 relative to zone wrecker and tow service be deferred. The motion was seconded by Councilman Gantt, and carried unanimously.

November 28, 1977
Minute Book 66 - Page 351

MOTION TO SUSPEND RULES AND ALLOW ITEMS TO BE CONSIDERED OUT OF ORDER.

Motion was made by Councilman Withrow to suspend the rules and take Agenda Item Nos. 4, 5 and 11. The motion was seconded by Councilman Whittington, and carried unanimously.

PETITION NO. 77-15 BY THE PUBLIC WORKS DEPARTMENT TO AMEND THE TEXT OF THE ZONING ORDINANCE TO REGULATE DRAINAGE AND EXCESS STORM WATER RUN-OFF GENERATED BY BUILDING DEVELOPMENT, DEFERRED.

Councilwoman Locke moved deferral of Petition No. 77-15, that it be sent back to the Committee for further study, asking that they let all interested parties know when the meeting will be held. That they come back to Council after further study with their recommendations. The motion was seconded by Councilman Withrow and carried by the following vote:

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

Councilman Whittington moved approval of a petition of the Public Works Department to amend the text of the subdivision ordinance outlining the conditions at which the City will assume maintenance of storm drainage pipe systems on private property. The motion was seconded by Councilman Withrow.

Councilman Davis asked the City Attorney if there is any difficulty in voting on this petition, having deferred the previous petition. Mr. Underhill replied he does not think so; that they can operate independently of one another, but he would like an opportunity to look at it to be sure they are not referencing something in there.

Mr. Milton Short, Chairman of the Mayor's Committee on Storm Drainage, asked if Councilwoman Locke's motion was to refer this matter back to the Committee or to the Planning Commission. Councilwoman Locke replied she would like to send it back to the Committee with help from the Planning Commission. It would be handled like the Tree Ordinance and the Storm Water Management ordinance.

Motion was made by Councilman Whittington that this action be reconsidered, seconded by Councilman Gantt and carried unanimously.

Councilwoman Locke moved again that the petition be referred back to the Mayor's Committee; that they hold public hearings and work with the Planning Commission. The motion was seconded by Councilman Williams.

Councilman Whittington made a substitute motion that Council make a decision to amend the text of the zoning ordinance to require the submission and review of drainage plans for any building development exceeding 20,000 square feet of impervious ground cover, as the Planning Commission recommended. Councilman Gantt seconded the motion for the purpose of discussion.

City Attorney Underhill ruled that the second motion was out of order.

Councilman Davis stated that before a vote is taken on the motion he would like to hear from Councilmen Whittington and Gantt as to why they are opposed to it being sent back to Committee.

Councilwoman Locke stated that she would like to hear it discussed and Council make a decision as to whether the motion to defer should take precedence over any other motion.

November 28, 1977
Minute Book 66 - Page 352

The Mayor called for the vote on the motion to defer a decision on the petition and it carried as follows:

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

Consideration was given to the second part of the Agenda Item which called for a decision on a petition of the Public Works Department to amend the text of the subdivision ordinance outlining the conditions at which the City will assume maintenance of storm drainage pipe systems on private property.

Mr. Underhill stated that the subdivision ordinance makes reference to the zoning ordinance which has now been deferred. That it would have to be amended in some fashion to take out the reference to the zoning ordinance which was not adopted.

Councilman Davis moved that this petition be deferred. The motion was seconded by Councilwoman Locke, and carried unanimously.

PETITION NO. 77-16 BY JOHN DWELLE FOR A CHANGE IN ZONING FROM R-9 AND R-6MF TO B-2 SEVERAL PARCELS OF LAND FRONTING ON THE EAST SIDE OF BALDWIN AVENUE, FRONTING ON BOTH SIDES OF WACO STREET, LOCATED NORTHEAST FROM KINGS DRIVE, DEFER

Consideration was given to Petition No. 77-16 by John Dwelle for a change in zoning from R-9 and R-6MF to B-2 several parcels of land fronting on the east side of Baldwin Avenue, fronting on both sides of Waco Street, located northeast from Kings Drive, and on which a protest petition was filed.

Councilman Gantt stated this particular petition has had a considerable amount of input from the Planning Commission, the Staff, the Community Development Department, and the residents of Cherry Community. That one of the things that gives him concern, and probably some other members of the Council, is that the petition comes at a time when we are in the midst of trying to consider a redevelopment plan for the Cherry area. That a substantial portion of that plan will relate to whether or not Cherry becomes a truly residential community or whether or not it finds itself subjected to the pressures of continued commercialization on its edges.

He stated that the specifics of what the petitioner wants to do which is to convert a portion of land zoned R-6MF to a conditional use for office, on the face of it does not seem to have any dilatorious effect on the community, but he thinks Council would be remiss at this point if they do not see how that fits in with the rest of the entire plan for the Cherry community which is still in development.

Councilman Gantt stated he has talked with Mr. Dwelle and asked that the petition be delayed to allow him, members of the Cherry Community, the Community Development staff to sit down and resolve some larger questions about Cherry related to what we are going to do with a substantial number of housing units that exist in that area that are not owned by the residents, and the direction that the City may have to take with respect to getting involved in purchasing some of those units and having them rehabilitated so that Cherry becomes a viable residential area. He cannot see where the petitioner would be harmed if indeed Council simply took no action on the two petitions which are before Council, keeping in mind what his intended use might be. It may very well be that in working out a compromise and in communicating with the neighborhood groups and the Community Development Department, the intended use for this particular site might become a part of the plan itself and thereby not having the petitioner unduly harmed by it. That to make a decision that in effect converts a fairly substantial portion of that block into a large parking area might come under the purview of having to retain storm water from that area also. It might in fact undermine whatever CD plan they are coming up with. The ideal situation would be for Mr. Dwelle and members of the Cherry Community and the CD staff, and Council for that matter, to get together because Mr. Dwelle is a very critical part of the Cherry Community Development Plan.

Councilman Gantt moved that this petition be deferred. The motion was seconded by Councilman Whittington.

November 28, 1977
Minute Book 66 - Page 353

Councilman Withrow moved denial of the petition except to change to O-6(CD) an area extending approximately 190 feet away from the business zoning on Kings Drive (the recommendation of the Planning Commission).

Councilman Gantt stated he would hate to kill Mr. Dwelle's petition at this point.

The vote was taken on the motion to defer and was defeated by the following vote:

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

Councilman Williams stated he has been advised that some of the protestors to this petition would not be contiguous to the area now under consideration. Would the protest still be valid?

Mr. Underhill stated the protest petition is submitted against the initial proposal and the Planning Commission may recommend that a portion of the property not be rezoned, or recommend a portion of it to be rezoned. It does not affect the validity of the protest petition, although the recommendation might really deal with only a portion of the petition.

After further discussion, Councilwoman Locke moved that the recommendation of the Planning Commission to deny the petition except change to O-6(CD) an area extending approximately 190 feet away from the business zoning on Kings Drive. The motion was seconded by Councilman Davis.

Councilman Whittington stated they are just killing this petition for Mr. Dwelle for two years by doing this.

Councilman Williams stated this petition, No. 77-16, is on the exterior of the Cherry Community, whereas Petition No. 77-17 deals with property on the interior portion of the community. This is a very restrictive kind of thing and he is not sure all of the people who have interest in it understand it to that extent. That right now the property on Kings Drive is zoned for business purposes, which means that some sort of fast food operation or something else can be located there on Kings Drive which is pretty much a major artery. What this proposes to do, as recommended by the Planning Commission, is to approve the conditional type zoning for the area behind that business zoning for office parking only, not unrestricted business parking, but it must be related to office use of the property which is now business. What they are doing, in effect, is restricting property which is now business property on Kings Drive to office property. Well, not necessarily, but this property is going to be used in conjunction with it.

He stated he has always thought that transitional zoning between arteries and the interiors of residential areas was a pretty good idea. If you are going to use office zoning as a buffer for an artery from a residential neighborhood, it seems like a pretty good idea rather than having residential abut the artery.

Councilman Gantt stated he thinks there are a number of questions they may want to ask, not the least being the impact on the residential area of parking lots at the rear of residential lots which front on Baldwin. Many of those questions might be resolved if they had a picture of what the overall Cherry community's future is likely to be. He does not think that Mr. Dwelle would be unusually damaged by the fact that it is zoned for office at this point in time. It may be a wedge for the staff and the community and an incentive to get them together to resolve the plan. That is why he would not like to see the petition defeated at this time, but he would like to see what he wants to do, taking into consideration what the larger share of the community wants to do.

Councilman Davis stated that Councilman Gantt contends there is no reason to act on this now. He feels definitely that there is because the petitioner has brought this petition before Council properly and is entitled to a prompt decision. If Council puts him off and say they are going to make their decision based on some law or ordinance or development plan that does not now exist, it would be very poor procedure to adopt. That Council is obligated

to make a prompt decision. That the petitioner has, from all reports, brought this about in a very responsible manner, has dealt openly and honestly with the Planning Commission, the City Council; that this recommendation from the Planning Commission in fact represents a very severe compromise from what the petitioner originally asked for; and in the opinion of the Planning Commission, adequately protects the residential character of the Cherry neighborhood. That he will go on record and say that he is going to vote for this motion and take a chance on having it killed for two years.

Councilman Davis stated he has had this come up in two different ways. The last time the Morrison Boulevard property came up on the agenda, he had asked for a study that might in some degree compare with the Cherry Community Development study; Council had asked for a study of the area in SouthPark. Before that study came back a building appeared out there and Council was given no choice on whether or not they wanted an office building out there. That fact exists because the owner took the initiative to go ahead and do what he was entitled to do at that point. In this case, they have a petitioner who has come to Council with his problem and has dealt openly with them and he thinks he is entitled to a prompt decision.

Councilman Gantt referred Councilman Davis to the attachment from the City Attorney which indicates that the City Council under the law has no time restriction as to when they might decide on a petition, and particularly when they have an official plan pending that this Council is responsible for, he thinks they are not being capricious or punitive or whatever to the petitioner by delaying it until such time as they can resolve that plan.

The vote was taken on Councilwoman Locke's motion to approve the Planning Commission's recommendation and failed due to the lack of the required six affirmative votes. The vote was recorded as follows:

AYES: Councilmembers Locke, Davis, Williams, Withrow and Mayor Belk.
NAYS: Councilmembers Gantt and Whittington.

Councilman Gantt made a motion to reconsider the previous action, which motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Gantt moved deferral of Petition No. 77-16. The motion was seconded by Councilman Whittington and carried unanimously.

PETITION NO. 77-17 BY JOHN DWELLE FOR A CHANGE IN ZONING FROM R-6MF TO B-2 SEVERAL PARCELS OF LAND FRONTING ON THE EAST SIDE OF CHERRY STREET, LOCATED BETWEEN THE INTERSECTION OF EAST FIRST STREET AND CHERRY STREET, AND THE INTERSECTION OF LUTHER STREET AND CHERRY STREET, DEFERRED.

On motion of Councilwoman Locke, seconded by Councilman Withrow and carried unanimously, the subject petition was deferred.

SITE PLAN FOR THE DEVELOPMENT OF A SHOPPING CENTER ON A 6.2 ACRE TRACT OF LAND PRESENTLY ZONED B-1(SCD) AND LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF MORRISON BOULEVARD AND ROXBOROUGH ROAD, AS PETITIONED BY JAMES J. HARRIS AND WIFE, ANGELIA M. HARRIS - APPROVED.

Motion was made by Councilman Withrow, and seconded by Councilman Whittington, to approve a site plan for a shopping center on land presently zoned B-1(SCD), at the intersection of Morrison Boulevard and Roxborough Road; and adopting the Planning Commission's Findings of Fact with respect to the standards contained in Section 23-35(e) of the City Code.

November 28, 1977
 Minute Book 66 - Page 355

Findings Regarding Requirements Prescribed for Schematic Plans: The Schematic Land Use Plan and other materials submitted with the petition at time of filing fully comply with each of the requirements of Section 23-35(b), (1) through (6) and of Section 23-35(c) of the Zoning Ordinance of the City of Charlotte, North Carolina as in effect prior to August 1977.

Findings Regarding Prescribed Standards: The following findings of fact are made from the record evidence presented at the September 21, 1977 public hearing on this matter with respect to the three standards prescribed by Section 23-35(e), the basic facts, among others, relied on in support of each being set forth below:

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

Facts Supporting Finding No. 1 -

1. The proposed shopping center is intended to serve the residential area which falls within a radius of approximately one and one-half (1-1/2) miles from the shopping center site. (See petitioners' exhibits No. III, IV and V and testimonies of H. C. Bissell and John Rahenkamp.)
2. The site for the proposed shopping center is located at the north-western corner of the intersection formed by Morrison Boulevard and Roxborough Road. The site lies immediately north of the existing SouthPark Regional Shopping Center. Roxborough Road is a four-lane street having a 60-foot right-of-way. Roxborough Road connects Colony Road, a major thoroughfare, with Morrison Boulevard. Morrison Boulevard is a four-lane street having an 80-foot right-of-way with two east bound lanes and two west bound lanes which are separated by an existing grass median. (See staff's exhibit No. 1; petitioners' exhibit Nos. II, IV and V; and testimonies of Messrs. Bissell, Rahenkamp, Finger and Corbett.)
3. Morrison Boulevard intersects with Sharon Road, a major thoroughfare, a short distance east of the site and extends from such intersection in a westerly direction and paralleling the SouthPark Shopping Center to its termination point on Barclay Downs Drive. The southern portion of Barclay Downs Drive is a four-lane street having an 80-foot right-of-way with two north bound and two south bound lanes which are separated by an existing median, and runs from its intersection with Morrison Boulevard in a southerly direction and paralleling the SouthPark Shopping Center to its termination point on Fairview Road, another major thoroughfare. The Eastway/Wendover/Woodlawn Belt Loop lies just north of the SouthPark area, and access from this belt loop is gained to the petitioners' site via Colony Road and Roxborough Road. The petitioners' site enjoys convenient access from other nearby major thoroughfares, namely, Sharon Road, Sharon Lane, Sharonview Road, Park Road, Sharon-Amity Road, Fairview Road, and the recently completed Carmel/Fairview Road Extension and Tyvola Road Extension. (See staff's exhibit Nos. 1 and 3; petitioners' exhibit Nos. IV and V; and testimonies of Messrs. Bissell, Rahenkamp, Finger and Corbett.)
4. With the exception of Morrison Boulevard, Roxborough Road and the southern segment of Barclay Downs Drive, all the streets mentioned under Paragraph 3, are portions of the Charlotte-Mecklenburg Major Thoroughfares System. The proposed shopping center is intended to serve residential areas within a radius of approximately one and one-half miles from the shopping center and these areas are conveniently accessible to one or more of these thoroughfares. (See staff exhibit No. 1; petitioners' exhibit Nos. II, IV and V; and testimonies of Messrs. Bissell, Rahenkamp, Finger and Corbett.)

5. Traffic Engineering analysis of the ingress and egress facilities by independent consultants showed convenient access to and from the shopping center by way of both Morrison Boulevard and Roxborough Road. The Charlotte Traffic Engineering Department reviewed the petitioners' land use plan, made several suggestions for change in its parking, entrance or exit layouts; and, after these changes were implemented, petitioners' approved the plan. (See testimonies of Messrs. Finger and Corbett.)

Finding Standard 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 petitioners' application.

Facts Supporting Finding No. 2 -

1. The shopping center proposes to provide among its retail services those afforded by a market, a restaurant and various retail shops and other services generally associated with a "neighborhood-type" shopping center. Emphasis will be upon providing for higher quality retail stores as opposed to discount commercial facilities and providing for the daily living needs of residents in the surrounding neighborhoods. (See staff exhibit No. 3; petitioners' exhibit No. III; and testimonies of Messrs. Bissell and Rahenkamp.)
2. 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 require the kinds of services and facilities that will be provided by the proposed shopping center and will fulfill an existing void in the current neighborhood center commercial offering, namely a non-discount or higher quality goods center. (See petitioners' exhibit No. III and testimonies of Messrs. Bissell and Rahenkamp.)

Finding Standard 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 -

1. The proposed site is completely surrounded by R-12MF, O-15 or B-1 S.C.D. zoned properties. The nearest single family residence is located more than 1700 feet from the site.

The site is part of a 60-acre tract of land belonging to or controlled by the petitioners which is bordered by Morrison Boulevard on the south side, Roxborough Road and the Trianon Apartments to the east, by an easterly branch of Briar Creek on the north and by a southerly branch of Briar Creek on the west. (See petitioners' exhibit Nos. VI and VII and testimonies of Messrs. Bissell and Rahenkamp.)

2. In arriving at a general plan of development for the entire 60 acre tract, visual impacts were studied using section analysis to establish visual impact as minimal. A 100-foot environmental retention buffer area (3.2 acres) was established along the north border of the property to insure the protection of existing vegetation. This woodland along the Briar Creek tributary further serves as a screen between the petitioners' properties and adjoining residential properties to the north. (See petitioners' exhibit Nos. VI and VII and testimonies of Messrs. Bissell and Rahenkamp.)
3. Environmental impacts were given consideration. Consulting engineers were employed to review the proposal and they calculated that the additional run-off generated by the entire development would be minimal. These findings were confirmed by the City Engineer's Office. (See testimonies of Messrs. Bissell, Rahenkamp and Moorefield.)

4. The proposed site, by careful design, has preserved significant landscape features and a portion of existing tree masses. These serve to enhance the project and reduce its visual impact on surrounding areas. (See staff's exhibit No. 3 and testimony of Mr. Rahenkamp.)
5. Traffic attracted to the proposed development of the property was given close scrutiny. A traffic engineering consultant established that traffic would not exceed acceptable limits on Morrison Boulevard, Roxborough Road or Colony Road should the entire project be developed. (See testimony of Mr. Finger.)
6. The site plan for the proposed shopping center incorporates features providing for interior traffic flow patterns and controlled egress and ingress to and from the adjacent streets which will tend to minimize the traffic impact. (See staff's exhibit No. 3 and testimonies of Messrs. Rahenkamp, Finger and Corbett.)
7. The adjacent streets and their intersections as presently designed and constructed are of sufficient capacity to accommodate the expected customer traffic moving to and from the proposed shopping center. (See testimonies of Messrs. Finger, Corbett and Heard.)
8. The use of the northerly two lane portion of Barclay Downs Drive is not necessary to gain convenient access to the proposed shopping center and therefore should not be considered a limiting factor in determining access with respect to the major thoroughfares system. Moreover, the petitioners' selection of a site farthest removed from the Barclay Downs Drive intersection and closest to existing thoroughfares will tend to minimize its impact on Barclay Downs Drive and other neighborhood streets. Petitioners' selection and location of entranceways will likewise induce shoppers to use thoroughfare in lieu of neighborhood streets. (See testimonies of Messrs. Rahenkamp and Finger.)
9. While development of the shopping center at the proposed site and in accordance with the petitioners' schematic land use plan will cause an increase in traffic, such increase, while measurable, should not be noticeable by motorists. (See petitioners' exhibit No. X and testimonies of Messrs. Rahenkamp and Finger and cross-examination of Mr. Heard.)
10. Roxborough Road, Morrison Boulevard, Colony Road and that portion of Barclay Downs Drive leading from its intersection with Morrison Boulevard to Fairview Road were designed and constructed in such manner as to anticipate, provide for and accommodate traffic which would be attracted to development of petitioners' Morrison Boulevard properties. (See petitioners' exhibit Nos. IV and V and testimonies of Messrs. Bissell, Rahenkamp and Finger.)

Councilwoman Locke stated that last week she made a statement that philosophically she is opposed to this shopping center. That she is still opposed, but intellectually, because of the quasi-judicial proceedings, she feels she certainly should be for it, and under those considerations and having re-read and re-read, she will vote in favor of the petitioner because it appears this is a compromise on the part of the applicant since it calls for the development of 60,000 square feet whereas the original proposal called for a shopping center in excess of 90,000 square feet. That she is now persuaded that the applicant has met the requirements of the ordinance that has properly been zoned B-1(SCD) for a number of years; that the present site plan, although she is not completely satisfied with it, is a logical use of the property.

November 28, 1977
Minute Book 66, Page 358

Councilman Gantt stated that last week he decided to vote in favor of the findings of the Planning Commission; that, like Councilwoman Locke, he personally does not think that site should be used for shopping center development, but under the ordinance itself and notwithstanding some very, very fine arguments that were made by the other side, he cannot in all good conscience act out what his personal beliefs are on this. The three standards that are required, once they got to the quasi-judicial procedure, meant that Council had to adhere to those standards. He stated the only one that gave him some difficulty was whether or not this particular site plan, and the development proposed therein, minimized the adverse effects on the environment. He hassled with that for a long time and finally concluded that given the testimony for the neighborhood shopping center of 60,000 square feet, in which they stated the general kinds of services that would be offered in that center, he felt that under the circumstances they have developed the best site plan for that type of use that could be developed. He stated that he disagrees with that corner and disagrees with the whole concept that that entire side of Morrison Boulevard be zoned B-1(SCD). He wishes if there is any of it left on that side that they immediately move to re-zone it to something else. He will vote in favor of the Planning Commission's recommendation.

Mayor Belk asked for a ruling from the City Attorney as to his eligibility to vote on this item in the event it is necessary for him to break a tie vote. He stated that he is connected with a business - South Park Shopping Center - across the street. Under questioning by Mr. Underhill, the Mayor stated he has no ownership or interest in property on the side of Morrison Boulevard on which re-zoning is being considered.

Mr. Underhill stated the Charter provides that a member (read as "Mayor" in this instance) is only excused from voting on two matters - one when it involves his own official conduct, second, when it involves his financial interest. That only the Council can excuse a person from voting. He stated the Mayor is disclosing his financial interest in immediately adjacent property to that under consideration. He stated if this action results in a tie vote, then Council can consider whether or not to excuse the Mayor from breaking the tie.

The vote was taken on the motion to approve the site plan for a shopping center on the land on Morrison Boulevard presently zoned B-1(SCD) and adopting the Planning Commission's Findings of Fact, and carried as follows:

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

PETITION NO. 77-52 BY HORACE E. HALL FOR A CHANGE IN ZONING FOR PROPERTY WEST OF THE INTERSECTION OF EAST SEVENTH STREET AND EAST FIFTH STREET, FRONTING ON THE SOUTH SIDE OF EAST FIFTH STREET, DEFERRED.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, to approve the subject petition by Horace E. Hall for a change in zoning from R-6MF to I-1(CD) with conditional consideration to permit petroleum storage in excess of 100,000 gallons for property beginning about 95 feet west from the intersection of East Seventh Street and East Fifth Street, fronting about 144 feet on the south side of East Fifth Street; with a revised site plan, as recommended by the Planning Commission.

A substitute motion was made by Councilman Whittington, seconded by Councilman Gantt, that a decision on the petition be deferred. The motion carried unanimously.

COUNCILMAN WITHROW EXCUSED AT THIS POINT AND IS ABSENT FOR REMAINDER OF SESSION.

On motion by Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, Councilman Withrow was excused from the Council meeting and was absent for the remainder of the session.

November 28, 1977
Minute Book 66 - Page 359

APPROVAL OF PETITION NO. 77-40 BY CHARLOTTE CITY COUNCIL TO CHANGE ZONING ON PROPERTY ALONG EAST SIDE OF HAWTHORNE LANE FROM I-1 AND I-2 TO R-6MF, FAILED FOR LACK OF FOUR AFFIRMATIVE VOTES.

Councilman Gantt moved approval of the subject petition by Charlotte City Council to change zoning from I-1 and I-2 to R-6MF property located along the east side of Hawthorne Lane, from about 450 feet south of Chestnut Avenue to about 400 feet north of Chestnut Avenue, and extended easterly to Haywood Court. The motion did not receive a second.

Councilwoman Locke moved approval of the petition for B-D zoning in lieu of the proposed R-6MF, as recommended by the Planning Commission. The motion was seconded by Councilman Whittington, but failed for lack of four affirmative votes. The vote was recorded as follows:

AYES: Councilmembers Locke, Whittington and Davis.
NAYS: Councilmembers Gantt and Williams.

DENIAL OF PETITION NO. 77-41 BY CHARLOTTE CITY COUNCIL TO CHANGE ZONING ON PROPERTY ON THE EAST SIDE OF HAWTHORNE LANE, NORTH OF THE INTERSECTION OF HAWTHORNE LANE AND CHESTNUT AVENUE, FAILED FOR LACK OF FOUR AFFIRMATIVE VOTES.

Motion was made by Councilwoman Locke, seconded by Councilman Davis, to accept the Planning Commissions' recommendation to deny the subject petition to change zoning from O-6 to R-6MF property fronting on the east side of Hawthorne Lane located about 400 feet north of its intersection with Chestnut Avenue. The motion failed for lack of four affirmative votes. The recorded vote was:

AYES: Councilmembers Locke and Davis.
NAYS: Councilmembers Whittington, Williams and Gantt.

ORDINANCE NO. 853-Z AMENDING CHAPTER 23, SECTION 23-8 OF THE CITY CODE OF THE CITY OF CHARLOTTE TO CHANGE ZONING OF PROPERTY LOCATED GENERALLY BETWEEN BELVEDERE AVENUE AND THE DEAD-END TERMINUS OF DeARMON DRIVE AND LOGIE AVENUE, PRESENTLY ZONED R-6MF AND R-6MFH -- PROPERTY FRONTING ON PEPPERCORN LANE TO R-6; THE REMAINDER, INCLUDING PROPERTY FRONTING ON BELVEDERE AVENUE, TO R-9MF.

Motion was made by Councilman Gantt, accepting the recommendation of the Planning Commission to change the zoning on property fronting on Peppercorn Lane to R-6; the remainder of subject property to R-15MF. The motion did not receive a second.

Councilwoman Locke moved acceptance of the Planning Commission's recommendation for a change in zoning of the property fronting on Peppercorn Lane to R-6, but the remainder of the subject property to R-9MF. The motion was seconded by Councilman Whittington.

Councilman Williams stated that in lieu of Council's discussion last week, he could vote either R-9MF or R-12MF. That it is just a matter of a slight difference in density, as he understands it. On one you get about 14-1/2 dwelling units on an acre, on the other you get 17-1/2.

Councilman Gantt asked if there is any relationship between density and the actual use the property is put to and traffic in the area; that the R-15MF is also a qualitative difference with R-12MF. That the sense of the Planning Commission's recommendation is it could not be R-6 single family but it could be a very low density; that they seem to be arguing that the owner should get all of the economic benefit he can out of his property. In reality that particular site itself would not even justify it even for a good realtor.

Councilman Gantt made a substitute motion, seconded by Councilman Williams, to rezone the property, excluding that on Peppercorn Lane, to R-12MF. The substitute motion failed by the following vote:

AYES: Councilmembers Gantt and Williams.
NAYS: Councilmembers Locke, Whittington and Davis.

The vote was taken on Councilwoman Locke's motion, carrying unanimously.

The ordinance is recorded in full in Ordinance Book 25, at Page 133.

November 28, 1977
Minute Book 66 - Page 360

ORDINANCE NO. 854-X AMENDING ORDINANCE NO. 576-X, THE 1977-78 BUDGET ORDINANCE, AMENDING THE TABLE OF ORGANIZATION FOR THE CHARLOTTE-MECKLENBURG PLANNING COMMISSION TO ESTABLISH A SOCIAL PLANNING UNIT.

Councilman Whittington moved adoption of the subject ordinance creating a Social Planning Unit within the Charlotte-Mecklenburg Planning Commission staff to be funded by \$60,000 in Community Development Block Grant funds. The motion was seconded by Councilman Gantt, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 25, at Page 134.

CONTRACT WITH FAMILY HOUSING SERVICES, INC., FOR SPECIAL WINTER EMERGENCY ASSISTANCE PROGRAM FOR COMMUNITY DEVELOPMENT AREA RESIDENTS.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, approving a contract with Family Housing Services, Inc., in the amount of \$47,914, to be used for a special winter emergency assistance program for Community Development area residents.

RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF COMMERCE TO DESIGNATE THE CITY OF CHARLOTTE AS A REDEVELOPMENT AREA UNDER THE PUBLIC WORKS AND ECONOMIC DEVELOPMENT ACT OF 1965.

Upon motion of Councilman Gantt, seconded by Councilman Whittington, and unanimously carried, the resolution was adopted requesting designation of the City of Charlotte as a Redevelopment Area under the Public Works and Economic Development Act of 1965.

The resolution is recorded in full in Resolutions Book 13, at Page 123.

MODIFICATION TO CHARLOTTE TRANSIT SYSTEM FARE SCHEDULE TO ADD EXPRESS TRIP FARE.

Motion was made by Councilwoman Locke, and seconded by Councilman Davis to approve a modification to the Charlotte Transit System fare schedule to add a 50 cent express trip fare.

After explanation by the Transit Specialist, the vote was taken on the motion, and carried unanimously.

MONTHLY PASS PROGRAM FOR THE CHARLOTTE TRANSIT SYSTEM APPROVED.

Councilman Gantt moved approval of a Monthly Pass Program for the Charlotte Transit System, which motion was seconded by Councilman Davis.

During the discussion, Councilman Whittington asked how they will control this pass? If this pass could not be passed out a window or out the back entrance? Mr. Kidd, Transit Specialist, replied any member of a family could use the pass; that the drivers and supervisors will control the use of the pass as possible. In the new buses, the windows do not open, and it will help solve some of this problem. That right now, that could be a problem.

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

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

Councilman Gantt stated it has been nine months since ATE took over the Transit System, and he requested that a progress report be made to Council.

November 28, 1977
Minute Book 66 - Page 361

LEFT TURN LANE AT ALBEMARLE ROAD AND CENTRAL AVENUE PROJECT, APPROVED.

Upon motion of Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, the project to construct a left turn lane at Albemarle Road and Central Avenue, at a cost of \$4,000, was approved.

PURCHASE OF LAND IN THE NATIONS FORD AREA DEFERRED.

Council was advised that the purchase of this property for a neighborhood park has not been presented to the Planning Commission on the mandatory referral, and asked that Council defer any action on this item

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and carried unanimously to defer action on the purchase of 13.18 acres of land in the Nations Ford Area for a neighborhood park.

ORDINANCE NO. 855-X TRANSFERRING FUNDS WITHIN THE PARK AND RECREATION CAPITAL IMPROVEMENT FUND APPROVING APPROPRIATION FOR THE RENOVATION OF MUNICIPAL SWIMMING POOLS.

Councilman Gantt moved adoption of the subject ordinance transferring \$216,000 for the renovation of municipal swimming pools at Revolution Park, Double Oaks Park and Cordelia Park. The motion was seconded by Councilwoman Locke, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 25, at Page 135.

CONTRACTS FOR ARCHITECTURAL SERVICES FOR THREE FIRE STATIONS TO SERVE ANNEXED AREAS, AUTHORIZED.

Upon motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, contracts for architectural services for three fire stations to serve annexed areas, were authorized as follows:

1. Middleton McMillan Associates, \$25,000, for Little Rock Road Station.
2. Ferebee, Walters & Associates, \$25,000, for Sugar Creek Road Station.
3. Cameron Hood Associates, \$24,300, for Delta Road Fire Station.

RESOLUTION AMENDING A PREVIOUSLY ADOPTED RESOLUTION CREATING STANDING COMMITTEES OF COUNCIL.

Councilwoman Locke moved adoption of a resolution amending a previously adopted resolution creating Standing Committees of Council. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 124.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON PETITIONS FOR ZONING CHANGES.

Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, a resolution providing for public hearings on Monday, December 19, 1977, in the Educational Center, beginning at 8:00 P.M., on Petitions Nos. 77-58 through 77-67 for zoning changes was adopted, and is recorded in full in Resolutions Book 13, at Page 125.

PUBLIC HEARING ON HOUSING ASSISTANCE PLAN SET FOR THURSDAY, DECEMBER 15, 1977.

Councilwoman Locke moved that a public hearing on the Housing Assistance Plan be set for Thursday, December 15, 1977, at 7:30 p.m., in the Educational Center. The motion was seconded by Councilman Whittington, and carried unanimously.

November 28, 1977
Minute Book 66 - Page 362

AWARD OF CONTRACTS.

1. Councilwoman Locke moved award of contract to the low bidder, Rockwell International, in the amount of \$70,625.00, on a unit price basis, for 2,500 - 5/8" Cold Water Meters. The motion was seconded by Councilman Davis, and unanimously carried.

The following bids were received:

Rockwell International	\$ 70,625.00
Hersey Products, Inc.	77,200.00
Neptune Water Meter Company	85,000.00

2. Motion was made by Councilwoman Locke, seconded by Councilman Gantt, and carried unanimously, awarding contract to the low bidder, Rockwell International, in the amount of \$3,100.00, on a unit price basis, for 50 - 1" Cold Water Meters.

The following bids were received:

Rockwell International	\$ 3,100.00
Hersey Products, Inc.	3,117.50
Neptune Water Meter Company	3,475.00

3. Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and carried unanimously, awarding contract to the low bidder, Rockwell International, in the amount of \$6,875.00, on a unit price basis, for 50 - 1-1/2" Cold Water Meters.

The following bids were received:

Rockwell International	\$ 6,875.00
Neptune Water Meter Company	7,100.00
Hersey Products, Inc.	7,220.00

4. On motion of Councilwoman Locke, seconded by Councilman Gantt, and carried unanimously, contract was awarded the low bidder, Rockwell International, in the amount of \$9,400.00, on a unit price basis, for 50 - 2" Cold Water Meters.

The following bids were received:

Rockwell International	\$ 9,400.00
Neptune Water Meter Co.	9,700.00
Hersey Products, Inc.	9,721.50

5. Councilwoman Locke moved award of contract to the low bidder, Rockwell International, in the amount of \$6,350.00, on a unit price basis, for 10 - 3" Cold Water Meters. The motion was seconded by Councilman Gantt, and unanimously carried.

The following bids were received:

Rockwell International	\$ 6,350.00
Hersey Products, Inc.	6,412.90
Badger Meter, Inc.	7,386.00
Neptune Water Meter Company	12,000.00

6. On motion of Councilman Gantt, seconded by Councilman Whittington, and carried unanimously, contract was awarded to the low bidder, Hersey Products, Inc., in the amount of \$1,011.53, on a unit price basis, for 1 - 4" Cold Water Meter, Compound Type.

The following bids were received:

Hersey Products, Inc.	\$ 1,011.53
Badger Meter, Inc.	1,050.00
Neptune Water Meter Company	1,350.00

- 7. Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, awarding contract to the only bidder meeting specifications, Hersey Products, Inc., in the amount of \$2,698.00, on a unit price basis, for 1 - 6" Water Meter, MFM, Magnetic Drive Type for Fire & Domestic Service.

Bid received not meeting specifications:

Rockwell International	\$ 2,100.00
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- 8. Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, awarding contract to the only bidder meeting specifications, Hersey Products, Inc., in the amount of \$4,094.00, on a unit price basis, for 1 - 8" Cold Water Meter, MFM-MCT Magnetic Drive Type for Fire and Domestic Services.

Bid received not meeting specifications:

Rockwell International	\$ 2,240.00
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- 9. On motion of Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, contract was awarded the low bidder, Blythe Industries, in the amount of \$292,330.50, on a unit price basis, for North Charlotte C. D. Drainage Improvements - Phase IV.

The following bids were received:

Blythe Industries	\$292,330.50
Crowder Construction	314,311.00
Rea Construction	364,340.75

- 10. Councilwoman Locke moved award of contract to the low bidder, Goodall Rubber Company, in the amount of \$7,357.20, on a unit price basis, for rubber rainwear. The motion was seconded by Councilman Gantt, and carried unanimously.

The following bids were received:

Goodall Rubber Company	\$ 7,357.20
Supply Specialties, Inc.	7,736.14
Holland Company, Inc.	8,139.06
Allied Safety Supply Company	8,265.69
Industrial & Textile Supply	9,354.73
Industrial & Textile Supply	10,211.28

- 11. On motion of Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, contract was awarded to the only bidder meeting specifications, Duncan-Parnell, Inc., in the amount of \$10,721.70, for one Electronic Distance Measurer.

Bid received not meeting specifications:

Wild Heerbrugg Instruments, Inc.	\$ 11,053.00
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- 12. Motion was made by Councilwoman Locke, seconded by Councilman Gantt, and carried unanimously, awarding contract to the low bidder, Vermeer Carolina Sales & Service, in the amount of \$10,987.00, on a unit price basis, for one Stump Cutter.

The following bids were received:

Vermeer Carolina Sales & Service	\$ 10,987.00
Vermeer Southeast Sales & Service	11,000.00

November 28, 1977
Minute Book 66 - Page 364

13. On motion of Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, contract was awarded to the low bidder, Spartan Equipment Company, in the amount of \$61,735.00, on a unit price basis, for one Landfill Compactor.

The following bids were received:

Spartan Equipment Company	\$ 61,735.00
Wooten Equipment, Inc.	63,701.04
Arrow Equipment Company	64,850.00
L. B. Smith, Inc.	67,924.00
E. F. Craven Company	77,573.00
Carolina Tractor & Equipment Co.	88,652.00

14. Councilwoman Locke moved award of contract to the low bidder, Case Power & Equipment Company, in the amount of \$31,337.00, on a unit price basis, for one Rubber Tired Articulated Front-End Loader, with steel cab. The motion was seconded by Councilman Whittington, and unanimously carried.

The following bids were received:

Case Power & Equipment Company	\$ 31,337.00
Wooten Equipment Company, Inc.	33,168.29
Charlotte Ford Tractor Sales	34,459.27
McClure Tractor Company	38,990.00
Spartan Equipment Company	39,425.00
Mitchell Distributing Company	43,600.00

15. Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, awarding contract to the low bidder, Case Power & Equipment Company, in the amount of \$21,176.00, on a unit price basis, for one Rubber Tired, Diesel-Powered Integral Type Backhoe Loader.

The following bids were received:

Case Power & Equipment	\$ 21,176.00
A. E. Finley & Associates	21,525.00
Wooten Equipment, Inc.	25,636.33
Charlotte Ford Tractor Sales	27,444.00
McClure Tractor Company	29,445.00
Mitchell Distributing Company	34,717.00

16. Motion was made by Councilman Gantt, seconded by Councilwoman Locke, and carried unanimously, awarding contract to the low bidder, Charlotte Ford Tractor Sales, in the amount of \$10,610.00, on a unit price basis, for one Rubber Tired Tractor, Diesel-Powered, complete with Mounted 2-way Hydraulic Sweeper.

The following bids were received:

Charlotte Ford Tractor Sales	\$ 10,610.00
McClure Tractor Company	12,316.00

17. On motion of Councilwoman Locke, seconded by Councilman Gantt, and carried unanimously, contract was awarded the low bidder, Campbell Chain Saw & Equipment, in the amount of \$6,301.20, on a unit price basis, for one 12" Brush Chipper.

The following bids were received:

Campbell Chain Saw & Equipment	\$ 6,301.20
Woodchuck Chipper Corp.	6,484.00
Western Carolina Tractor Company	6,694.00

November 28, 1977
Minute Book 66 - Page 365

18. Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and carried unanimously, awarding contract to the low bidder, Arrow Equipment, Inc., in the amount of \$13,960.00, on a unit price basis, for one 4 to 6 Ton Tandem Roller.

The following bids were received:

Arrow Equipment, Inc.	\$ 13,960.00
Western Carolina Tractor Company	14,275.00
A. E. Finley & Associates	14,425.00
Interstate Equipment Company	14,465.00

19. Motion was made by Councilwoman Locke, seconded by Councilman Gantt, and carried unanimously, awarding contract to the only bidder, Griffin Implement & Milling Company, in the amount of \$17,234.00, on a unit price basis, for two Self Unloading, Hopper Type Spreader Bodies.

20. On motion of Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, contract was awarded the low bidder, McClure Tractor Company, in the amount of \$17,290.00, on a unit price basis, for one Wheeled Tractor w/Backhoe Loader.

The following bids were received:

McClure Tractor Company	\$ 17,290.00
Case Power Equipment Company	17,765.00
Wooten Equipment Company	17,940.42
Charlotte Ford Tractor Sales	18,093.81
A. E. Finley & Associates	20,005.00
E. F. Craven Company	22,411.00

21. Councilwoman Locke moved award of contract to the low bidder, A. E. Finley & Associates, in the amount of \$14,212.00, on a unit price basis, for two Air Compressors. The motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

A. E. Finley & Associates	\$ 14,212.00
Contractors Service & Rentals	14,390.00
N. C. Equipment Company	15,039.00
Spartan Equipment Company	16,185.00
Western Carolina Tractor Company	16,387.00
Mitchell Distributing Company	16,930.00

22. Councilwoman Locke moved award of contract to the low bidder, Charlotte Ford Tractor, in the amount of \$11,831.91, on a unit price basis, for two Tractors, Heavy-Duty. The motion was seconded by Councilman Gantt, and unanimously carried.

The following bids were received:

Charlotte Ford Tractor	\$ 11,831.91
McClure Tractor Company	12,720.00
Case Power & Equipment Company	13,612.00
Wooten Equipment Company	15,184.27

23. On motion of Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, contract was awarded the low bidder meeting specifications, Wooten Equipment Company, in the amount of \$11,575.00, on a unit price basis, for one Tractor with Front-End Loader.

Bids received not meeting specifications:

Charlotte Ford Tractor Sales	\$ 9,111.43
Case Power & Equipment Company	9,846.00
McClure Tractor Company	11,435.00

24. On motion of Councilwoman Locke, , seconded by Councilman Whittington, and carried unanimously, contract was awarded the low bidder, Case Power and Equipment Company, in the amount of \$11,564.00, on a unit price basis, for one Forklift Industrial Truck.

The following bids were received:

Case Power & Equipment Company	\$ 11,564.00
Wooten Equipment, Inc.	12,432.17
N. C. Equipment Company	12,496.00
McClure Tractor Company	13,625.00
Carolina Tractor & Equipment	13,930.00
Contractors Service & Rentals	14,832.16

25. On motion of Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, contract was awarded the low bidder, A. E. Finley and Associates, in the amount of \$5,010.00, on a unit price basis, for one Asphalt Maintenance Distributor.

The following bids were received:

A. E. Finley & Associates	\$ 5,010.00
Mitchell Distributing Company	5,840.00

26. On motion of Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, contracts were awarded the low bidders, Princeton Nurseries, Inc., in the amount of \$17,173, and Commercial Nurseries, Inc., in the amount of \$10,462, on a unit price basis for 607 trees to be planted in the North Charlotte Community Development Area.

27. Councilman Whittington moved award of contract to the low bidder, Crowder Construction Company, in the amount of \$129,810.00, on a unit price basis, for Southside CD Drainage Improvements, Phase II. The motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

Crowder Construction Company	\$129,810.00
T. A. Sherrill Construction	145,057.75
Blythe Industries, Inc.	159,778.00

28. Motion was made by Councilman Gantt, seconded by Councilman Whittington, and carried unanimously, awarding contract to the low bidder, Crowder Construction Company, in the amount of \$197,319.45, on a unit price basis, for EDA Sidewalk - Phase I.

The following bids were received:

Crowder Construction Company	\$197,319.45
Harrell's Construction Company	205,094.00
T. A. Sherrill Construction	215,637.50
Lee Skidmore, Inc.	220,717.50
Moretti Construction Company	226,708.00
Blythe Industries, Inc.	228,767.00

29. Motion was made by Councilwoman Locke, seconded by Councilman Williams, and carried unanimously, awarding contract to the low bidder, Harrelson Ford, Inc., in the amount of \$311,117.00, on a unit price basis, for 60 - Automobiles, Police Package & Unmarked.

The following bids were received:

Harrelson Ford, Inc.	\$311,117.00
Young Ford, Inc.	312,992.51
Regal Chrysler Plymouth	314,854.00
Freedom Dodge, Inc.	317,961.10
LaPointe Chevrolet	340,258.91

30. Motion was made by Councilman Whittington, and seconded by Councilwoman Locke to award contract to the low bidder, Regal Chrysler Plymouth, in the amount of \$42,550, on a unit price basis for 10 - compact size automobiles. After comments by Councilman Williams, the vote was taken on the motion, and carried as follows:

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

Regal Chrysler Plymouth	\$ 42,550.00
Freedom Dodge, Inc.	42,652.50
Young Ford, Inc.	43,662.10
Harrelson Ford, Inc.	43,880.00
LaPointe Chevrolet	44,576.10

31. Councilman Whittington moved award of contract to the low bidder, Young Ford, Incorporated, in the amount of \$5,312.63, on a unit price basis, for one 9-passenger Station Wagon. The motion was seconded by Councilwoman Locke, and unanimously carried.

The following bids were received:

Young Ford, Inc.	\$ 5,312.63
Harrelson Ford, Inc.	5,320.00
LaPointe Chevrolet	5,490.05

32. Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and carried unanimously, awarding contract to the low bidder, Freedom Dodge, Inc., in the amount of \$36,614.05, on a unit price basis, for five 15-passenger vans.

The following bids were received:

Freedom Dodge, Inc.	\$ 36,614.05
Regal Chrysler Plymouth	37,299.20

RESOLUTIONS OF CONDEMNATION.

1. On motion of Councilwoman Locke, seconded by Councilman Gantt, and carried unanimously, a resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Roger Page, Jr., Norwood Robinson, Trustee and Camelot Homes, Inc., located at 125 West 7th Street, in the City of Charlotte, for the Discovery Place Project.
2. Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, adopting a resolution to authorize condemnation proceedings for the acquisition of property belonging to Annie B. McCoy Bradford and husband, W. O. Bradford, located at 314 North Church Street, in the City of Charlotte, for the Discovery Place Project.
3. After comments by Councilman Whittington, a motion was made by Councilwoman Locke, and seconded by Councilman Gantt to adopt a resolution authorizing condemnation proceedings for the acquisition of property belonging to John G. Turner and wife, Gene B. Turner; Louie B. Turner and wife, Marjorie C. Turner; Ben F. Turner and wife, Ellen B. Turner; and H. F. Deviny and wife, Lucille P. Deviny, located at 306-12 North Church Street, in the City of Charlotte, for the Discovery Place Project.

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

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

November 28, 1977
Minute Book 66 - Page 368

4. Councilwoman Locke moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Milton Ruben, Trustee, at 1222 Jefferson Street, in the West Morehead Community Development Target Area. The motion was seconded by Councilman Whittington, and carried unanimously.

The resolutions are recorded in full in Resolutions Book 13, beginning at Page 126 and ending at Page 129.

CONSENT AGENDA APPROVED.

Councilwoman Locke moved approval of the Consent Agenda items as follows; which motion was seconded by Councilman Williams, and carried unanimously:

1. Approval of proposed settlement in City of Charlotte vs. James Wellington Latane, III, Randolph Road Widening Project, Parcel 102, in the amount of \$2,500, as recommended by the City Attorney.
2. Approval of a Loan Agreement between the City of Charlotte and Reuben L. McClendon and Carrie McClendon, in the amount of \$6,700, for the rehabilitation of the house located at 528 East Tremont Avenue, in the Wilmore-Dilworth Target Area.
3. Approval of a Loan to Jack F. Apple, in the amount of \$55,000, for purchase and restoration of property located at 404 West Eighth Street, in the Fourth Ward Urban Redevelopment Project Area.
4. Approval of contracts for installation of water mains and sanitary sewer mains:
 - (a) Contract with Ralph Squires Company for the construction of 2,620 feet of 8" and 6" water mains and two (2) fire hydrants, to serve Heathergate Subdivision, outside the city, at an estimated cost of \$28,100.00.
 - (b) Contract with Richard V. Hechenbleikner for construction of 300 feet of 2" water main to serve lots on Rock Creek Drive cul-de-sac, outside the city, at an estimated cost of \$1,650.00.
 - (c) Contract with William Trotter Development Company for the construction of 4,122 feet of 8" sewer main to serve Sardis Forest, Section III, outside the city, at an estimated cost of \$61,830.00.
 - (d) Contract with Carolina Connecticut Properties, Inc., for the construction of 2,200 feet of 8" sewer main to serve Carmel Lakes Subdivision, outside the city, at an estimated cost of \$46,400.00.
 - (e) Contract with Yates W. Faison, Jr. for the construction of 60 feet of 8" sewer main to serve 2111 Peppercorn Lane, inside the city, at an estimated cost of \$1,400.00.

November 28, 1977
Minute Book 66 - Page 369

5. Property Transactions:

- (a) Acquisition of 30' x 1,010.79' of easement, plus a temporary construction easement, on vacant farmland north of Sam Furr Road and west of I-77, from James Ernest Cook and Ruby H. Cook, at \$2,000, for the McDowell Creek Outfall- Phase III.
- (b) Acquisition of 5,355 square feet of property from Norma R. Taylor, at 1337 South Church Street, at \$5,000, in the West Morehead Community Development Target Area.
- (c) Acquisition of 24,306 square feet of property from Theodore Smith, Jr., at 410 Solomon Street, at \$3,650, in the Five Points Community Development Target Area.
- (d) Acquisition of one tenant interest of real fixtures from Seaboard Coast Line Railroad, at 940 North Davidson Street, at \$8,350, in the First Ward Project.

6. Renewal of Special Officer Permit to John Howard Chidester, for a period of one year, for use on the premises of Charlotte Park & Recreation Commission.

CITY MANAGER REQUESTED TO CHECK ON COMPLAINT OF LACK OF FIRE PROTECTION IN ANNEXED AREA.

Councilman Gantt stated he received a call from a person, and he gave the name to Vi Taylor, who will be in the annexed area the first of December. He was complaining about the fact that he understands he will have absolutely no fire protection other than from existing city fire stations. He thinks that will put him into some jeopardy until such time as the city builds the new fire stations. Councilman Gantt stated the person is asking whether or not the city in any cases ever contract with County Volunteer Agencies. That he contends the distance from his house is such that he will not be protected.

Mr. Burkhalter, City Manager, replied that this has been done in the past, and he is sure if they feel this is necessary it would be done. He stated he will check this out.

COMMENTS BY RETIRING COUNCILMEMBER NEIL C. WILLIAMS.

Councilman Williams stated this is the last meeting for some of them. That he has enjoyed serving with his colleagues on this Board, and he feels good about the new Council; they are all intelligent, reasonable people, and he thinks the City is in good hands.

He stated he came on the Council spouting poetry, and he would like to spout one little rhyme before he leaves:

*A wise old owl lives in an oak,
The more he saw, the less he spoke.
The less he spoke, the more he heard.
Why can't we all be like that bird.*

NOMINATIONS TO COMMUNITY FACILITIES COMMITTEE AND MUNICIPAL INFORMATION ADVISORY BOARD.

Councilwoman Locke placed the following names in nomination:

- (1) John Huson for the Community Facilities Board.
- (2) Sam Smith for the Municipal Advisory Board.

ADJOURNMENT.

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

Ruth Armstrong
Ruth Armstrong, City Clerk