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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, May 3, 1976 at 2:30 o'clock p. m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis Davis, Harvey Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

Sitting with the City Council, as a separate body, during the hearings on the Fourth Ward area was the Charlotte-Mecklenburg Planning Commission with Mr. Tate, Chairman, and Commissioners Boyce, Finley, Jolly, Marrash, and Ross present.

ABSENT: Commissioners Campbell, Kirk, Ervin and Royal.

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INVOCATION:

The invocation was given by Mr. Morris Speizman.

INTRODUCTION OF MISS CHARLOTTE-MECKLENBURG BICENTENNIAL.

Mr. Mike Boyd of the Mecklenburg Jaycees presented to the Mayor and City Council, Miss Charlotte-Mecklenburg Bicentennial, Miss Susan Smith.

Miss Smith stated the State Pageant will be held June 6 thru 12 in Winston-Salem, and she hopes as many people as possible will be present from Mecklenburg County.

Mayor Belk presented Miss Smith with a key to the City and wished her well in the competition.

CITY OF CHARLOTTE EMPLOYEE PLAQUES PRESENTED TO RETIRING EMPLOYEES.

Mayor Belk stated he has several plaques he would like to present to employees who have retired:

- (1) Ellis T. Haney, Captain, Charlotte Police Department, employed August 13, 1941 and retired March 31, 1976.

Chief Goodman advised that Captain Haney is recovering from an operation and could not be present today.

- (2) Jarvis A. King, Jr., Lieutenant-Captain, Charlotte Fire Department, employed April 1, 1949 and retired March 3, 1976.

Captain King was not present to receive the plaque.

RECOGNITION OF TWO MEMBERS OF THE METROPOLITAN OPERA IN NEW YORK.

Mr. Grant Whitney, Chairman of the Bicentennial, was recognized and presented to the Mayor and City Council two distinguished citizens of New York City, from the Metropolitan Opera. He stated they are here to look over the area and they will tell Mayor and Council why they are actually here.

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Ms. Marilyn Shapiro stated she is from the Metropolitan Opera in New York and is here to explore the possibility of launching a new program for the Metropolitan Opera of free park concerts - full length operas outside New York City. In particular they have been visiting at Freedom Park and are very excited about the possibility of coming here next year with their full company - a full chorus of 78, their orchestra of more than 90 people and famous Metropolitan Opera artists.

Ms. Shapiro stated they are going into their 10th season of free opera performances which attract as many as 100,000 people to a performance. She stated they are very excited about the possibility of launching this program here.

The purpose is to extend the live performing arts to as many people as possible. The enthusiasm for this program in New York leads them to believe it would be the kind of national service they would like to start around the country, and they can think of no better State to start in than North Carolina and no better park than Freedom Park. They are exploring all of the possibilities of putting this program together, including a week long residence in the State working with schools and libraries throughout the whole year. If the program is successful this would be the beginning of a long range association/partnership between the Metropolitan Opera and the cultural institutions of the State of North Carolina and the City of Charlotte.

Mr. Edward Corn stated the reason for their coming here is to work as much as possible with the cultural institutions in the State of North Carolina and especially in Charlotte. They will be calling on all of them, if this does develop, to learn from them how they can be of further use and further assistance to the fine musicians who exist here already.

Mayor Belk thanked them for coming and he presented each with a scroll making them Knights of the City of Charlotte.

PUBLIC HEARING ON PROPOSALS FOR FOURTH WARD AREA.

The public hearing was held on proposal for the revitalization of the Fourth Ward Area, as follows:

- (a) Consideration of a Resolution Establishing an Historic District Commission.
- (b) Hearing on Petition No. 76-43 by Charlotte-Mecklenburg Planning Commission to consider amending the text of the zoning ordinance to install a new Section 23-40.4 entitled "Historic District" with the purpose of encouraging the restoration, preservation and conservation of historically significant areas, structures, sites or objects with the district being applied as an overlay district to any existing base zoning with requirements for review of development by the Charlotte Historic District Commission which will consider whether or not a Certificate of Appropriateness should be approved based on the design features of the proposal.
- (c) Hearing on Petition No. 76-44 by Charlotte-Mecklenburg Planning Commission to consider amending the text of the zoning ordinance to install a new Section 23-40.05 entitled "Urban Residential Districts" which will establish four new residential districts to be called UR-10, UR-30, UR-50 and UR-100 which will encourage the development of an urban area that provides for a mix of land uses within a predominately residential character and establish the standards to be applied to each district with indication that the use of these districts will be restricted to the Fourth Ward Area.

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- (d) Hearing on Petition No. 76-45 by Charlotte-Mecklenburg Planning Commission to consider applying the Historic District overlay zoning to the Fourth Ward area bounded by West Trade Street, North Church Street, Brookshire Freeway and the Southern Railroad.
- (e) Hearing on Petition No. 76-46 by Charlotte-Mecklenburg Planning Commission to consider changing all or parts of the existing R-1.OMF, B-2, B-3 and O-6 zoning in the Fourth Ward area bounded by West Trade Street, North Church Street, Brookshire Freeway and the Southern Railroad to UR-10, UR-30, UR-50, UR-100, O-6, B-1 and B-3.
- (f) Hearing on Proposed Amendment to Subdivision Ordinance of the City of Charlotte, North Carolina to consider amending Section 18-13(c) by adding words to exempt property zoned UR-10, UR-30, UR-50 and UR-100 from the minimum lot width, depth and area requirements as specified in Section 18-13(c).
- (g) Consideration of a Resolution adopting "Fourth Ward Development Standards" to serve as policy guidelines in development of Fourth Ward Historic District.
- (h) Hearing on Redevelopment Plan for Fourth Ward Urban Renewal Area.

Mr. McIntyre, Planning Director, stated the Planning Commission is not seeking final action by the Council on any of these matters today for two basic reasons.

The Planning Commission's proposals on zoning for the area were recommended to them for a public hearing and they would expect to give final review to these proposals subsequent to the public hearing. Second, before final action can be taken on the designation of a Historic District as proposed, a report on the matter must be received from the State Department of Cultural Resources. This Department has until June 1 to respond to the proposal to create the District, and this is an important segment of the whole proposal.

He referred to Item (h) and stated it consists of a series of documents and a text of the strategy and objectives of the Plan and the methods by which the objectives are proposed to be achieved. The Land Use Plan, the Land Development Plan are important ingredients in their total package of proposals. The related documents indicate several things - standards for rehabilitation; structures within the area; requirements for the development of individual sites; identification of property to be acquired for public purposes, relocation requirements and policies and other matters.

He stated Items (c) and (e) pertain to zoning changes that are proposed as basic means to accomplish the objectives of a residential neighborhood in the Area to preserve its assets and create a protective environment for new residential redevelopment.

Mr. Bryant, Assistant Planning Director, stated Item (c) is the text provisions proposed to create for the Area a new type of residential zoning district which has not been a part of the zoning ordinance makeup. These are identified as "Urban Residential Districts". These are districts which would be specifically related to and available for use only in the Fourth Ward area. They provide for a mixture of land uses, contrary to most other residential districts. Provisions are made under a plan approval process to provide within residential structures certain limited amounts and limited types of what is normally commercial type activities. Four different districts are proposed to be established, identified as UR-10, UR-30, UR-50 and UR-100, with the numerical reference being in relation to the density of development permitted in each one of the districts. In each of the districts it is proposed that the density of development be regulated on the basis of floor and ratio relationship. This means you can build a structure on a given lot in relation to the size of the lot and the amount of floor space you can build is determined

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in reference to the size of the lot, without any restrictions on the actual number of dwelling units in which that space can be divided. This would say that 1,500 square feet or 2,000 square feet of building area is allowed and that space can be cut up in any numbers of different ways, depending on the owner's plan requirements. The difference in this type of regulation and the normal type of regulations is primarily in two areas: (1) the ordinance proposes to allow a possibility of a mixture of uses within a single building design, and (2) the floor and ratio type of treatment.

Mr. Bryant stated all the uses which are proposed to be allowed under these designations would be subjected to a plan-review process, and the actual proposed plan of development would have to be approved by the Planning Commission as a part of the normal processing.

The type of land use mix which is allowed, particularly the commercial type are relatively well restricted. In the UR-10 and UR-30 categories, the amount of space devoted to non-residential uses cannot exceed 50% of the ground floor area of the structure and would be limited to craft shops, book shops, antique shops, tea rooms, and so forth. In UR-50 and UR-100 districts the entire first floor may be developed to such uses, upon Plan approval, and the type of use is broadened to the extent that generally all uses which are allowed under the B-1 district would be possible for consideration in those districts. Generally speaking, the districts would be ones which would allow a mix of use, and they would be regulated on the floor and ratio method of treatment and it would place great stress upon the significance of the plan of development itself, which would have to be shown to be in compliance with the general policies and objectives for the accomplishment of the Fourth Ward area.

He stated Item No. (e) is the proposal to apply the regulations to the Fourth Ward Area, and the pattern of zoning would be proposed for that area.

He stated the general boundaries are Church Street, beginning at Eleventh Street, proceeding down to Trade Street, down West Trade Street to the railroad, coming back up to its intersection with the Brookshire Freeway and following the Freeway back to Eleventh Street. He pointed out the land uses in the area such as First Presbyterian Church and Settlers Cemetery, Salvation Army facilities, Edwin Towers, Interstate Milling Company, Continental Trailways facilities, Orvin Motel, Carolina Rim and Wheel, and the warehouse distribution wholesaling activities now in effect along West Fifth and West Trade Streets, and the Mecklenburg Hotel.

Mr. Bryant stated there is existing B-3 zoning along Church Street, along Trade Street, expanding over into and along Fifth and Sixth Streets over as far as Graham Street. There is I-3 zoning throughout the area adjacent to the railroad, and B-2 zoning along Graham Street, and along the Expressway from Eleventh Street back to mid-block towards Tenth Street. The central part of the area is zoned a residential classification, R-1.OMF.

He stated most of the B-3 zoning will be retained at the Trade Street side, along Trade, along Fifth and along Sixth Streets. The B-3 zoning with some exceptions is retained along Church Street, with the primary exception being the installation of a tract of UR-100, high density development tract, extending from 6th Street to the block along Pine and Poplar Streets. It would extend along those lots with one exception coming all the way out to Trade Street. It includes a block which is primarily occupied by a large parking lot with a service station on the front facing on Trade Street. It is also proposed that some of the existing B-3 zoning in the vicinity of Sixth and Graham Street, the block from Graham over to Pine Street on Sixth Street, be considered for UR-100. Then there will be a variety of various types of UR classifications, ranging from the 100 in one area to 30 in another area; 50 in an area, and finally to 10 in the area which is in the vicinity of Ninth Street and Pine and over as far as Poplar. This area is already under some active restoration and development activity.

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He stated it is proposed that a B-1 zoning be established along Graham Street at its Ninth Street location, extending along that street over to Pine Street. This is to be identified as the basic B-1 neighborhood type service district for the revision of most of the business needs for the enlarged Fourth Ward area. An area of O-6 zoning will be along the Freeway, extending all the way back to Tenth Street with the Freeway area itself to the exclusion of commercial development per se.

The most extensive area of change is one proposed to be established as UR-30 zoning along the railroad which actually reflects the change from industrial to UR-30 around the area along the railroad extending from 10th Street down to Seventh Street. The only remaining industrial zoning would be retained in the total Fourth Ward area and is the parcel occupied by the Interstate Milling facilities. The attempt here is to establish a pattern of zoning compatible with the objectives of the Development Plan which is proposed for the area.

Mr. McIntyre stated Item (a) is the resolution which creates an Historic District Commission of five members, the majority of whom have demonstrated special interest, experience or education in history and architecture.

That Item (d) establishes the proposed boundaries of the Historic District to be incorporated into the zoning map and could be the same as the boundaries on the map before Council.

That Item (f) would change the subdivision ordinance to allow smaller lots than are now allowed by the regulations so they might create smaller lots for more intensive urban development than elsewhere. Generally, the subdivision ordinance was designed for new subdivisions and consequently these subdivisions are in the outlying areas, and established a higher lot standard than they think should be universally applied in this section.

Item (b) would provide facility for the creation of the Historic District and this provision would authorize historic districts to be established within the zoning ordinance providing the possibility not only of establishing a specific district within this area, but as time goes on and it is desirable to establish additional historic districts elsewhere. The design review of the external aspects of the proposed building of structures or existing structures would be performed by the Historic District Commission. The ordinance provides general directions for the Commission in the responsibilities that would be assigned to the Commission.

Item (g) is not a matter of legislation and does not require a public hearing. The Planning Commission felt the public should have an opportunity to review and comment on these matters in order for the Commission to have the benefit of public reaction before endorsing them for Council's consideration. They will be used as guides for the Historic District Commission, the Planning Commission and the Community Development Department in the administration of their respective responsibilities in the area, since the three agencies will have administrative responsibilities in the area.

Mr. McIntyre stated the Historic District Commission would be a design review group. In addition this Commission by its organization and by the membership qualifications would have a perspective of the history of the area - historical values, historic developments in the community and the reception of the desirability of preserving it. It does design review in a general way, and it also would do design review with some particular emphasis on historic patterns.

Councilman Gantt stated he thinks the UR-10 area is the one that has the lowest density and would probably have most of the pre-victorian type homes that might go into that area. Since the district is assuming responsibility for the entire Fourth Ward area, what comes to his mind with any potential development occurring adjacent to a railroad track, whether the Commission will be

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selected on the basis of their ability to assess the merits of that against what for all practical purposes would be only a very small portion of the entire Fourth Ward area that is to be historically restored.

Mr. McIntyre replied the Historic District Commission is required to have members who have a background of experience in architecture as well, so they would have the capabilities of doing general design review above and beyond the historic perspective of design review.

Mr. McIntyre stated the State Legislation that authorizes the creation of Historic District Commissions provides for appeal to the Board of Adjustment; it does not provide for appeal to the City Council. Councilman Whittington stated he does not want to create the impression that he is not enthusiastically in favor at this time of what they are proposing. But at the same time, regardless of what the State law says, we can still have our own law that says they can appeal to this Council which is the elected representatives. He believes Council should make sure that is in this ordinance before approving it.

Councilman Williams asked the reason for going west of Graham Street to the railroad? Mr. McIntyre replied if we confine ourselves to the area east of Graham Street, we really will have a very limited neighborhood area. He thinks it raises a question about whether the neighborhood that we would create by just including that is large enough, expansive enough, to be reasonably self-protected from external factories and environments. The area west of Graham at the present time seems to be suffering from the basic kind of malady that the area east of Graham Street is suffering from. That is that nothing is happening in that area, nothing has happened for years; the Area is a stagnant area in terms of development. Third, they would like to take as much advantage of as much of this area as possible to create a fairly generous or good scale of in-town residential neighborhood, in terms of being able to house in this neighborhood a population that will give adequate support to the provision of some community facilities. They believe the area west of Graham Street can be insulated from two of the most adverse environmental factors in the area at the present time - one is the railroad and the development plan proposes that a landscaped berm be established along the railroad which will insulate that portion west of Graham Street area from the railroad environment. The other adverse factor on the west side is no different than the same adverse factor on the east side - that is Graham Street. Their objective there is to insulate Graham Street by berms from property on both sides, east and west. They have talked with the Division of Highways, State Department of Transportation, about another objective that would reduce the problem from what it is today, and that is to take truck traffic off Graham Street. The State Department of Transportation indicated they have an open attitude towards that. They feel they can work toward that objective with them.

Councilman Whittington asked if anything has come back about widening Graham Street? Mr. McIntyre replied as a result of the other facilities being built in the area, the traffic lines are decreasing on Graham Street, so the discussion of widening to carry more traffic has merely come to a dead end, as far as his agency knows and as far as they know off-hand from the engineering agencies. Councilman Whittington asked where we are on the big interchange at I-77, Northwest Expressway, Graham Street and Statesville Avenue? Mr. McIntyre replied as best he can recollect, this has not been scheduled in the State's seven-year program.

Councilman Gantt stated he wants to be clear on two things. That is in a UR-30 district which is an area they are all concerned about, a residential development on a railroad track, you are allowed to use 50% of the ground floor area for other uses? Or anywhere within the structure you can use it? For any kind of office facility? Mr. McIntyre replied that is correct. Councilman Gantt stated he wonders why the O-6 did not extend additionally down in that area; that you can still put residential development in there,

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and would not have to buy some additional flexibility for that kind of development to occur and still accomplish the goals he has given. Mr. McIntyre replied it would provide additional flexibility if there was an O-6 area paralleling the railroad; but again he thinks in terms of the views that have been expressed by the people that have worked on the plan so far, they are concerned about having a sufficient area to provide a viable medium.

A number of citizens spoke on the subject.

Mr. John Orvin, Orvin Court Motel, Graham Street, stated during his comments that he finds himself very much being shut out because of the zoning change; he finds himself being zoned into a new classification, and he cannot even sell his property. He probably would have some trouble giving it away unless some kind of adjustment is made for this and some kind of economic reimbursement in the acquisition of his property is provided. He had hopes his motel would be able to enjoy the fruits of the increased business in the atmosphere of a historically preserved area. They find this compatible in Charleston; they have several motels and a hotel right in the heart of the historical preservation.

He stated he is not opposed and will not fight them; but he implores them to consider the man that has been there for 23 years to improve the neighborhood and will not be allowed to go into the promised land.

Councilman Gantt stated he thinks Mr. Orvin has made his objection to the zoning very clear. He asked if he is asking for total exemption from all the other requirements that they will be bringing on the entire Fourth Ward area? As he reads the documents, if he was to make improvements to the Orvin Court, does he go along generally with the idea of a Historic District Commission reviewing the exterior improvements that he might make for appropriateness, design and compatibility with the Fourth Ward Area? Mr. Orvin replied that at a meeting held last fall he made a statement that he would be willing to put money into his property to make it compatible with any restoration. It is not feasible at this junction. He would want to see some concrete evidence before he makes a statement that he would be completely agreeable.

Councilman Gantt stated that he means if business really thrives, and we have a thriving Fourth Ward, is he in agreement with the purpose of the district? Mr. Orvin replied he is, and he would be a fool to fight the atmosphere from an architectural standpoint. It would be good sense and good business for him.

Mr. Robert Kitterman, Central Charlotte Association, stated the proposal before Council has been studied by the Association and they agree and support them wholeheartedly in philosophies and goal. They feel there are some adjustments that need to be made in the zoning proposals relative to traffic proposals and some others.

Mr. Dennis Rash stated he and his family and many others who desire to live in Fourth Ward have a real vested interest in Fourth Ward. Foremost in their minds is some expeditious handling of the matter. The concepts they are talking about today have been dealt with extensively. They have been friends of the Fourth Ward for about a year and a half now, discussed viable residential options and such. They have had a team of experts throughout the United States come to Charlotte and look at the plan, and many of their concepts have proven to be important. The Planning Commission and the City Manager's Office have been helpful in encouraging citizen input and now the plan comes to Council.

Mr. Rash stated it is unusual in Charlotte to have an historic district. We have no precedent for that. But State Law is specific and State Law provides for that blend of historic over-view together with the design review process. To him it seems important in Fourth Ward, given the amount of vacant land that

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exists, to have a process which is sensitive to the old structures which are important to be preserved, but recognizes the need for new construction. He would suggest that the Historic District Commission with all the authority it has is much more important than simply design review process which would speak basically only to the aesthetic design process. The Historic District Commission must blend considerations of the older structures with the new development and with the sensitivity of Council as to the appropriate appointees to that Commission must indeed be very high.

He stated with respect to the UR zoning the Planning Commission might want to consider several questions. The wisdom of the 40-foot height limitation in UR-100, and the amount of parking regulations in UR-100. He stated it is very important that Fourth Ward maintain a pedestrian character. Also it is questionable whether or not it is important to consider the possibility of having museums in the UR-100 area which presently would be prohibited. He stated the development standards are flexible, they are very creative, they have worked in Charleston. He stated they have talked to a number of people in Charleston, Georgetown, New Orleans, and they have design standards very much like that, and he would encourage that to be retained as a guideline.

Mr. Charles Myers and Mr. John Ray, Attorneys for the Continental Trailways, stated their garage property is located next to the railroad tracks, between the Southern Railway tracks and Smith Street. That they also represent L. A. Love, Jr. and Bruce Love who have a building on West Sixth Street. Both Mr. Myers and Mr. Ray requested this property to be excluded from the redevelopment plan.

Mr. T. L. Odom, Attorney for Morris Speizman Industries and several other owners of property on West Trade, westward to the tracks, and all the property bounded between Fifth and Sixth Streets, requested that this property be excluded from the plan.

Mr. C. D. McKinsey, Interstate Milling Company, stated they are in accord with the objectives of the Fourth Ward rehabilitation and improvement plans, but they are concerned about the idea of going as far as they are west of Graham Street. That a buffer zone is needed between the railroad and Graham Street. That they lease from Southern Railway and they are in the process of negotiating for the purchase of an area from Eighth to Ninth, and from Smith to the Railroad for their expansion plans. They operate 24 hours a day, loading trucks. That they are talking about several million dollars to move the Interstate Milling Company out.

Mr. Charles Henderson stated he is attorney for Harold Keith who has a business at the corner of Ninth and Graham Streets - one a used car agency and the other is a general automobile repair business. He stated Mr. Keith has no objections to the Fourth Ward Historic Plan but he was quite surprised when he found it extended westwardly of Graham. He stated Mr. Keith would be willing to sell and relocate as he has other property out Statesville Road. It is not presently zoned appropriately, and it would take a considerable time to develop the whole plan. Mr. Keith would like to cooperate but he does not believe it is practical for the Plan to go to the west of Graham Street. But if that is the decision, he asks that his property be treated as a whole, as a piece of business property whereby there may be a continuation of the used car dealership and the automobile garage business.

(COUNCILMAN WILLIAMS EXCUSED FROM MEETING AT THIS TIME.)

Mayor Belk advised that Councilman Williams has been called into court and has to leave the meeting. Councilwoman Locke moved that he be excused. The motion was seconded by Councilman Whittington, and carried unanimously.)

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Mr. James Frieson stated he is not against the revitalization of Fourth Ward. His concern is his business located on the corner of Eighth and North Church Streets, and he also has property across the street on both corners of Eighth and Church Streets. That he was involved in the first community group that asked for redevelopment of the Greenville area, and that has been many years ago. But they have the land sitting there, and they have First Ward area also vacant or at a standstill. The question he asked is what kind of commitment they will have from the City that something will be done other than designating it as an area, and then leaving it for haphazard development. That he is not concerned about his business as he can move. But he hopes a commitment will be made to develop the Fourth Ward area over a total number of years.

Council decision was deferred for recommendations from the Planning Commission.

MEETING RECESSED AND RECONVENED.

Councilwoman Chafin moved that the meeting recess at 4:05 p. m., and reconvene at 4:25 p. m. The motion was seconded by Councilwoman Locke, and carried unanimously.

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Sitting with the City Council during the hearing on proposed wastewater rate changes were members of the Community Facilities Committee: Chairman Sheridan, and Members Beck, Harward, Huson and Johnston.

HEARING ON PROPOSED WASTEWATER RATE CHANGES.

The hearing was called on the wastewater rate changes.

Mr. Lee Dukes, Director of the Utility Department, reviewed with Council the proposed rate changes and all the alternatives which had been given to Council previously in written form.

The three alternatives are as follows:

No. 1 - Referring to the present rate, they are suggesting that to get up to the payment of 62 cents, they simply add ten cents to every rate block each year until it is eliminated. Do it over a five-year period. The five-year period will lessen the impact on the larger user. The larger user is not only industries, they are apartments, hospitals, other towns. So, they are saying to lessen the impact that they go up ten cents a year on each rate block until that block is eliminated.

No. 2 - Take the difference between the present rates and the average cost, which is 62 cents, and divide that by three and add 1/3 of it each year for three years until they reach the 62 cents and it is eliminated.

No. 3 - Get rid of it right now. In their report they did not recommend it. When he looked at what it takes to pay the bill, he wishes he had recommended that. He projected on the screen the estimated expenditures for the present revenue that they anticipate, and the three alternatives. Alternates No. 1 and No. 2 do about the same thing. It would be necessary in 1976-77 for something to help the rate out because we do not have enough money with Alternates No. 1 and No. 2 to pay the bill. Alternate No. 3 would start paying the bill, and looking at the projected period, it would just about get us out of debt.

Councilman Gantt stated it seems we are into the discussion because of the federal requirements. Do we really have a choice? Is Mr. Dukes saying if we do not do this then we are not eligible for the 75 percent funding, and

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we would then have to ask the community to pay for it in other ways - through bonds, directly through the citizens of Charlotte? Will we still be required, whether we get the federal funds or not, to come up to the EPA's stringent requirements?

Mr. Harward stated in Alternate No. 1 regarding the comment underneath the rates where the discharge strength is C-250 BOD, would this be possible for "non-clean" sewage to be at a less rate than a homeowner or "clean" sewage? Mr. Dukes replied that the waste up to 250 is subject to whichever alternate we accept. That is waste under 250. Only that waste above 250 is subject to a surcharge. But since he has already paid for his volume, they do not think they should double it, and so the only thing that is not subject to double is the surcharge.

Mr. Gary Alden, 6613 Elm Forest Drive, read a letter that was sent last spring to the Administrator of the Environmental Protection Agency in Washington, D. C. to the Governor of North Carolina, and to Mayor Belk in which it was stated the purpose of the letter was to notify the recipients that a lawsuit will be commenced at the appropriate date for violations of the Water Pollution Prevention and Control Act.

Mr. James Barnhardt of Barnhardt Manufacturing Company, stated it is totally unreasonable to ask for an increase of more than 100 percent this time when they were before Council less than a year ago asking for more than a 50 percent increase at that time, when actually an increase of 40% had been put into effect only 24 months before, an increase of 25 percent was invoked less than a year ago, making a total increase of 65 percent in less than 24 months. All of this at a time when the Utility Department has published an audit that shows they had more than \$2.0 million profit in the last year (1974) of operation and a little more than \$5.0 million profit in the last five years. On the same balance sheet it showed they had almost \$20.0 million in certificates deposited and other instruments which was the equivalent of approximately two years' income from Utility Department bills. In addition they had a cash balance of about \$200,000.

The Utility Department has two basic sources of income. Revenue from water bills to pay operating expenses and bond revenues for expansion of facilities. He cannot imagine what they are doing with more than \$5.0 million in profit from operating revenues they have had in the last several years unless they have moved this into the bond revenue area and used it for expansion. He is asking that the profit from operating revenues be used for the operation of the Department only and that this annual request for exorbitant increases in rates be stopped.

He stated they want a good Utility Department and they want to pay their fair share. He is convinced they have done this in the past and they are willing to do it in the future. It takes just so much money to operate the Utility Department in total and if they want to raise the sewer rate this time, he is proposing they decrease the water rate correspondingly in view of the profits they have been making over the last several years during which time their bills have been increased over 65 percent.

Mr. Bill Warren of Sealtest Company stated they are happy to pay their fair share and will continue to do so; however, they think this is perhaps a little inequitable on the basis of what they have been paying all through the years.

Mr. Wayne Pettis, Assistant Vice President of Southern Wipers, stated they do not know where they are going to come up with the money to take care of these extra increases and they are pleading with them to take into consideration people like the small businesses, when they do make the new price increases. To them, over a 200 percent price increase to a user of his sort is pretty absurd over a five-year period.

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(MAYOR BELK EXCUSED FROM THE MEETING DURING THE NEXT PRESENTATION.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington to excuse the Mayor during the next presentation.)

Mr. Bradley, General Manager of SouthPark, stated increasing the rates over a five-year period in excess of 200 percent is very excessive. He called attention to a segment of a "60 Minutes" program in which a small town in Ohio, with residents of less than a thousand, is being forced, or it appears is going to be forced, into installing a water treatment facility that will cost them in excess of \$3.0 million. That \$1.0 million of this these people have to come up with, and in addition they are going to have to pay \$1,000 at least per household to hook into the system. That does not have a whole lot of relevance to the City of Charlotte, but what it says to him is that he is not sure that the EPA's standards are very relevant to actually what is going on. He thinks they need to take a good look at it and he thinks they need to consider it, not only as businessmen, but as homeowners in the City of Charlotte.

(Mayor Belk returns to Meeting at this time and presides for remainder of Session.)

Mr. Paul Leonard of John Crosland Company, stated he is in charge of their apartment division. He stated they are required to master meter all apartment projects which means the cost of all increases will be borne directly by their company in the initial stages and only later passed on to apartment residents. The time lag will be from 18 to 24 months. He made a comparison of two projects, one in the city and one out. The one in the City would have a 38.5 percent increase; the one outside would have a 38.5 percent increase.

He stated they need to know how the 62 cent figure was derived; they need to know why the cost projections from one year to another for the same period has risen 20 to 30 percent; they need to know whether or not the cost of annexation is being anticipated in the cost project, and the rate charges leveled to pay for it; and they need to know whether the double charges to those outside are being used to reduce the overall charge to all users.

Mr. Bryan Bullard of Presbyterian Hospital stated he appeals to them to share their concern about the rising costs of medical care, especially hospital costs. If this proposed rate goes into effect, it will increase the cost by 66 percent over four years. This would be several cents that every patient would have to pay every day that they are in the hospital.

Mr. Joe Grier, Attorney, stated he represents Barnhardt Manufacturing Company and certain other large users of water and sewer services. Each time there has been a proposal since 1961 for increases it has been suggested that unless the increase was put into effect there would be a deficit and bills could not be paid. He referred them to Page 80 of the City's audit for last year, which will indicate there was a cash flow from revenues as against expenses and taking into account both depreciation and debt service in excess of \$600,000. He would refer to them the March 31st statement of this year which indicates that as of that date there has been a cash flow in the first nine months in excess of \$3.0 million for this year. He has heard every year for the past 15 years the system was about to go broke. He stated the rates they now have in effect are adequate to cover whatever they have to spend in normal circumstances. Thrown into the argument for the first time this year is the matter of federal regulations and that does present some problems. In 1972 at the height of EPA there were many regulations proposed that in today's different circumstances are being suggested as being needed for review and he would suggest that whatever requirements are involved, in the estimates that are being made now, need to be considered in light of changed circumstances and what is apt to occur in time to come.

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The EPA in its proposals say that a declining rate schedule based on volume is not to be tolerated; that it must be based on a unit system. The regulator has gone beyond what Congress authorized them to do in the language of the statute. The language of the statute says that each category of user must pay their proportion of the charges, whatever they may be. Every study this City has ever had made shows that there are economics to be realized by delivery of service in volume. Until someone proves there are no economics to be realized, then if you adhere to the statute and not to the regulation, you would continue to permit the sort of schedule that you have. You are faced with a problem in that you apply for a federal grant and you might not get the grant unless you comply with the regulations no matter how invalid they may be. He stated he would welcome the suit mentioned in Mr. Alden's letter to test the regulations because he has an idea there is a good probability a court might find, as is often the case, the regulators have gone beyond what Congress authorized, and that you are at liberty to determine what the cost is for setting various categories of services and he would hope until some expert tells them to the contrary that they will continue to have some sort of declining rate based on the economics of delivering services in volume.

In deciding what to do with respect to Mr. Dukes' proposal, they need to try as best they can to determine whether Mr. Dukes' estimates of revenue, his estimates of cost are accurate; and they need to determine whether they are to retain, as they historically have, some declining scale based on volume or whether they are to resort to the 62 cents which Mr. Dukes has estimated. These are the three things that it seems to him they must face up to in deciding what to do. He stated they are asking them to look carefully at the figures they have been furnished with, and to go very slow.

Mr. William Trotter stated he is speaking for himself, his Company, and the Homebuilders Association of Charlotte, or a study committee thereof. He stated the last major water-sewer rate revision was enacted by City Council in 1975 and for the first time to his knowledge Council adopted a policy of singling out one, and only one, particular class of water-sewer users for unfavorable and discriminatory high rates. At that time it was proposed by the Water Department staff that multi-family dwellings be singled out for a higher rate structure than any other class of users. The Community Facilities Committee went along to some extent with the staff recommendation in that instance. They recommended a more moderate position. The City Council overruled the Community Facilities Committee in this regard and went back to a higher rate structure than recommended.

The use of the water-sewer rate as a tax rather than an equitable operated public utility is very unwise because generally speaking it is the poor and less affluent segment of our citizens who live in the multi-family structures. The larger volume users of whatever category in effect are being subsidized now by the poor people who live in multi-family structures.

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He stated previous Councils have consistently held back from making these difficult decisions to raise the rates on all users to their proper rates. This is why these percentages that have been thrown at them sound so high. In other words, the rates are going up 66 percent. This is because City Council has consistently raised the rates an amount lower than the Community Facilities or other groups that were really closer to the events, had recommended.

Now we are being forced by the federal government to do what we should have been doing all along. The federal government is telling the City to operate this water-sewer system as a public utility, to charge what it actually costs. The actual cost of treating sewer is what the people that are using it should pay for. The people residing in a multi-family housing should get the break to which they are entitled, which is equal treatment with all other users as determined by metered volume use. That he is referring to all phases of this - the water production, distribution, billing, sewer collection, treatment, repairs, and so forth.

Councilman Whittington requested Mr. Dukes to present to City Council as quickly as he can the alternative Mr. Gantt mentioned - that is, the alternatives we have if we do not do what EPA tells us to do. What the consequences are?

That he would like to say to Mr. Grier and to anyone else that he represents, that perhaps we as a municipality, as the government and as citizens, should consider going to Washington and presenting a case there that must be presented across the Country. We either do what Mr. Dukes recommends, and that is what the federal government tells us to do, or we have to pay for it another way. But he thinks the federal government in this case, based on what the man said about Dunkirk, Ohio that they are putting requirements on us that, over a period of time, we cannot live with, and neither can Mr. Grier or his clients. Somewhere this has to give.

Councilman Whittington stated before he considers Mr. Dukes' recommendations he will have to have more information. That he has given this to Council in a rather short form way, and he thinks it should come to them in more detail.

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RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON MONDAY, MAY 24, 1976
FOR ZONING CHANGES.

Motion was made by Councilwoman Locke, seconded by Councilman Gantt, and unanimously carried, adopting subject resolution providing for public hearings on Monday, May 24, 1976, at 2:30 o'clock p.m. for zoning petitions Nos. 76-47 through 76-54.

The resolution is recorded in full in Resolutions Book 11, at Page 401.

RESOLUTION STATING AN INTENT OF COUNCIL TO CLOSE PORTIONS OF EAST 8TH STREET IN THE FIRST WARD URBAN RENEWAL AREA AND CALLING FOR A PUBLIC HEARING ON MONDAY, MAY 31, 1976.

Councilwoman Locke moved adoption of subject resolution stating an intent of Council to close portions of East 8th Street in the First Ward Urban Renewal Area and calling for a public hearing on Monday, May 31, 1976, which motion was seconded by Councilwoman Chafin, and carried unanimously.

The resolution is recorded in full in Resolutions Book 11, at Page 402.

RESOLUTION STATING AN INTENT OF COUNCIL TO CLOSE PORTIONS OF CANTON JOHNSON STREET, MCCALL STREET, LIDDELL STREET, FONTANA STREET AND CRAVEN LANE AND CALLING FOR A PUBLIC HEARING ON MONDAY, MAY 31, 1976.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, subject resolution was adopted stating an intent of Council to close portions of Canton Street, Johnson Street, McCall Street, Liddell Street, Fontana Street and Craven Lane and calling for a public hearing on Monday, May 31, 1976.

The resolution is recorded in full in Resolutions Book 11, at Page 404.

REVISION OF APPROVED B-1 S.C.D. SHOPPING CENTER PLAN AT LAWYERS ROAD AND DELTA ROAD, APPROVED.

Mr. Fred Bryant, Assistant Planning Director, stated this is a very minor change in the Plan. It is a change from a convenience store to a pizza parlor.

Motion was made by Councilman Whittington, and seconded by Councilwoman Locke to approve the revision in the plan as recommended by the Planning Staff.

After discussion the vote was taken on the motion and carried unanimously.

Councilman Davis stated he has received calls from various people about the procedures for zoning changes. That it is easy for them to get into a bind with our planning process; that they are not familiar with the procedures and the time delays being required. That if the Planning Commission could come up with some sort of standing operating procedures so that when a citizen enters the bureaucratic maze of getting a petition through the Planning, City Council and through the public hearing exactly what type of procedure is necessary. It is difficult for him to deal with the problem when a person comes in with their plans, has a commitment and is facing economic loss and due to his own lack of preparation or his own inability to go through the process.

Mr. Bryant replied when they come into them first, they try to identify for them the process. The time factor can vary depending on how quickly they can get it to a Planning Commission meeting and then how quickly after that it can be placed on City Council's agenda. This item before Council today is not a public hearing; it is action on the part of Council without the public hearing required.

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RESOLUTION OF CITY COUNCIL APPROVING SALE OF LAND TO WASHBURN GRAPHICS, INC. IN BROOKLYN PROJECT NO. N. C. R-43, DEFERRED FOR ONE WEEK.

Councilwoman Locke stated Councilman Williams is not here and he would like for this item to be deferred. There are a lot of questions she has and there are a lot he has on this, and he would like it deferred until next week. She called Council's attention to the minutes of previous meetings she would like for them to review before the matter is discussed.

Councilwoman Locke moved that the consideration of the resolution be deferred for one week. The motion was seconded by Councilman Whittington, and after further discussion, the vote was taken and carried unanimously.

AMENDMENT TO THE CONTRACT FOR SALE OF LAND BETWEEN THE CITY AND PROFESSIONAL A & E ASSOCIATES, LTD., DEFERRED FOR ONE WEEK.

Councilman Whittington moved that the subject amendment to the contract be deferred for one week. The motion was seconded by Councilwoman Locke, and carried unanimously.

WATER LINE EXTENSION CONTRACT WITH E. C. GRIFFITH COMPANY FOR SERVICES ALONG LOCKLEY DRIVE AND HUNGERFORD PLACE, AUTHORIZED TERMINATED.

Motion was made by Councilman Gantt, seconded by Councilman Withrow, and unanimously carried, approving the request of E. C. Griffith Company that a water line extension contract dated June 1, 1970 for services along Lockley Drive and Hungerford Place, off Museum Place, be terminated.

ORDINANCE NO. 76-X TRANSFERRING FUNDS WITHIN THE GENERAL CAPITAL IMPROVEMENT FUND TO COMPLETE THE FINANCING OF THE CALDWELL-BREVARD CONNECTOR PROJECT.

Motion was made by Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, adopting subject ordinance transferring funds, in the amount of \$7,920.00, within the General Capital Improvement Fund to complete the financing of the Caldwell-Brevard Connector Project.

The ordinance is recorded in full in Ordinance Book 23, at Page 86.

SOAP BOX DERBY TRACK ON TYVOLA ROAD RENAMED "DREW HEARN DERBY DOWNS."

Councilman Withrow moved that the Soap Box Derby Track on Tyvola Road be named "Drew Hearn Derby Downs". The motion was seconded by Councilwoman Chafin.

The City Manager advised that at the request of Council the Park and Recreation Commission was contacted about the request, and they were agreeable to the naming of the track. Also Mr. Hearn was contacted and he agreed to the naming of the track.

The vote was taken on the motion and carried unanimously.

Mr. Doug Little stated they would like to request that two signs be placed on the track by June 1. One being at the work shed, and another at the judges' bridge over the track at the finish line, with the name Drew Hearn Derby Down. WBT has agreed to do all the art work associated with these signs. Then they would like to pass the art work to the appropriate city sign painter.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and unanimously carried, approving the request.

The City Manager stated Staff would work with these people to get this worked out.

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ORDINANCE NO. 77-X AMENDING ORDINANCE NO. 662-X, THE 1975-76 BUDGET ORDINANCE, AUTHORIZING THE TRANSFER OF FUNDS WITHIN THE GENERAL AND UTILITIES FUNDS AND REAPPROPRIATING PRIOR YEAR MONEY IN THE MANPOWER FUND.

Councilman Gantt moved adoption of subject ordinance authorizing the transfer of funds within the General and Utilities Funds and reappropriating prior year money in the Manpower Fund, which motion was seconded by Councilman Withrow, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 87.

RENEWAL OF THREE LEASES DEFERRED.

Motion was made by Councilwoman Locke, and seconded by Councilman Gantt to approve the following leases:

- (a) Renewal of Lease Agreement between the City of Charlotte and A.M.E. Zion Publishing House, 401 East Second Street, for 6,912 square feet of space for the Manpower Department. The terms and conditions are the same as the former lease, with a monthly payment of \$3,241.44, or \$41,057.28 annually. The new lease begins on July 1, 1976 and ends on June 30, 1977 and can be renewed for one year with a 60 days written notice to the Lessor prior to termination.
- (b) Renewal of Lease Agreement between the City of Charlotte and Westside Professional Associates, Ltd., for Suite 655, Independence Plaza Building, 951 South Independence Boulevard, for 2,162 square feet of space for the Civil Defense Department. The terms of this lease are for a three (3) year period, beginning August 1, 1976 and ending on July 31, 1979, at \$1,081.00 monthly, or \$12,972.00 annually. In the second year of the lease, if real estate taxes are increased, the lease is subject to review and a proportionate share of these tax increases will be billed to the City for a lump sum payment.
- (c) Renewal of Lease Agreement between the City of Charlotte and The Nelson Company, for Suite 410, Executive Building, for 1,738 square feet of space for the Community Relations Department. The terms of the lease are for one year, beginning July 1, 1976 and ending June 30, 1977, at \$810.00 monthly, or \$9,720.00 annually.

Councilman Davis made a substitute motion to defer action on the three leases. The motion was seconded by Councilman Whittington.

During the discussion, Councilman Davis stated he talked to a number of people during the morning and it seems there is space available at less cost to the city, and he would like this deferred to give staff time to reconsider these leases on competitive bids or for better rates. Also, Councilman Withrow asked that the City Manager look into the NCNB Building with the thought that it might be purchased.

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

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

CONTRACT AWARDED TRIAD FIRE & SAFETY EQUIPMENT COMPANY FOR TWO FIRE TRUCKS.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, Triad Fire & Safety Equipment Company, in the amount of \$102,507.76, on a unit price basis, for two fire trucks.

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The following bids were received:

Triad Fire & Safety Eqpt. Co.	\$ 102,507.76
Emergency One, Inc.	104,256.00
Spartan Fire & Emergency App.	104,668.00
Sutphen Fire Eqpt. Co.	110,112.00
American LaFrance	117,492.00
Fire Trucks, Inc.	119,148.00
Hahn Fire Apparatus	127,632.00
Mack Trucks, Inc.	142,703.30

CONTRACT AWARDED BLYTHE INDUSTRIES, INC. FOR PLANT MIX ASPHALT (NORTH GRAHAM STREET AREA).

Councilman Whittington moved award of contract to the only bidder, Blythe Industries, Inc., in the amount of \$96,525.00, on a unit price basis, for 7500 tons of Plant Mix Asphalt, which motion was seconded by Councilman Withrow, and carried unanimously.

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR PLANT MIX ASPHALT (ASPHALT PL. AREA).

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the subject contract was awarded the only bidder, Rea Construction Company for 7500 tons of Plant Mix Asphalt, in the amount of \$96,000.00.

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR PLANT MIX ASPHALT (LANCASTER STREET AREA).

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, awarding contract to the only bidder, Rea Construction Company, for 7,500 tons of Plant Mix Asphalt, in the amount of \$96,000.00.

CONTRACT AWARDED BLYTHE INDUSTRIES, INC. FOR PLANT MIX ASPHALT (OLD PINEVILLE ROAD AREA).

Councilwoman Locke moved award of contract to the only bidder, Blythe Brothers, Inc., in the amount of \$96,525.00, on a unit price basis, for 75,00 tons of Plant Mix Asphalt. The motion was seconded by Councilman Whittington, and carried unanimously.

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR PLANT MIX ASPHALT (OLD DOWD ROAD AREA).

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, subject contract was awarded the only bidder, Rea Construction Company, in the amount of \$96,000.00, on a unit price basis, for 7,500 tons of Plant Mix Asphalt.

CONTRACT AWARDED REA CONSTRUCTION COMPANY FOR COLD MIX ASPHALT (900 OTTS STREET AREA).

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, awarding contract to the low bidder, Rea Construction Company, in the amount of \$15,610.00, on a unit price basis, for 1,000 tons of Cold Mix Asphalt.

The following bids were received:

Rea Construction Co.	\$ 15,610.00
Blythe Industries, Inc.	15,650.00

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CONTRACT AWARDED BLYTHE INDUSTRIES, INC. FOR COLD MIX ASPHALT (810 PATCH AVENUE AREA).

Councilman Withrow moved award of contract to the low bidder, Blythe Industries, Inc., in the amount of \$15,650.00, on a unit price basis, for 1,000 tons of Cold Mix Asphalt. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The following bids were received:

Blythe Industries, Inc.	\$ 15,650.00
Rea Construction Co.	15,720.00

RESOLUTION OF THE CITY COUNCIL FOR CONDEMNATION PROCEEDINGS FOR ACQUISITION OF PROPERTY OF SOUTHERN ASBESTOS COMPANY IN GREENVILLE URBAN RENEWAL AREA PROJECT N.C. R-78, DEFERRED.

After explanation by Director of Community Development and discussion by Council, Councilwoman Locke moved that the subject petition be deferred and Council go out and look at the property. The motion was seconded by Councilman Whittington, and carried unanimously.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO BERKSHIRE REALTY CORPORATION, A NORTH CAROLINA CORPORATION, AND SPARTAN FOOD SYSTEMS, INC., A SOUTH CAROLINA CORPORATION, LESSEE, LOCATED AT 4421 RANDOLPH ROAD, IN THE CITY OF CHARLOTTE, FOR THE RANDOLPH ROAD WIDENING PROJECT, ADOPTED.

Motion was made by Councilman Davis, seconded by Councilwoman Chafin, and unanimously carried, adopting the subject resolution authorizing condemnation proceedings for the acquisition of property for the Randolph Road Widening Project.

The resolution is recorded in full in Resolutions Book 11, at Page 412.

CONSENT AGENDA.

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin and unanimously carried, approving the consent agenda items, as follows:

(1) Settlements recommended by the City Attorney:

- (a) Settlement in two (2) cases of City of Charlotte vs. Easthaven Development Corporation, et al, Sharon Amity Road Widening, Parcels 55 and 63, in the total amount of \$6,000.00.
- (b) Settlement in case of City of Charlotte vs. Almetto H. Alexander and husband, James Alexander, Belmont Neighborhood Service Center, Parcel 3, in the amount of \$11,000.00.
- (c) Settlement in case of City of Charlotte vs. Alfred Eugene Crater, Sr. and wife, Patsy E. Crater, Hickory Grove Area Sanitary Sewer Project, in the amount of \$950.00.

(2) Contracts for the construction of water mains and sanitary sewers:

- (a) Contract with John Crosland Company for construction of approximately 2,380 feet of 8", 6" and 2" water main and one (1) fire hydrant, to serve Candlewyck, Section III, outside the city, at an estimated cost of \$18,250.00. The applicant has requested the City to prepare the plans and specifications necessary for the construction of the mains and a deposit, in the amount of \$1,825.00, which

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represents 10% of the estimated construction cost, has been advanced by the applicant. The applicant will finance the entire project with no funds required from the City. The City will own, operate and maintain the mains.

- (b) Contract with Arrowood-Southern Company for construction of approximately 2,520 L.f. of 8" sanitary sewer pipe to serve Cordage Street and Brookford Street, outside the city, at an estimated cost of \$37,800.00. The applicant is to construct the entire system at their own proper cost and expense. The City is to own, maintain and operate said system at no cost. The City is to retain all revenue.

(3) Encroachment Agreements:

- (a) Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct an 8" VCP sanitary sewer pipe to serve 6313 Albemarle Road.
- (b) Encroachment Agreement with the North Carolina Department of Transportation for the construction of a 6" C.I. water main in Craigwood Drive at Hickory Grove Road.
- (c) Encroachment Agreement with the North Carolina Department of Transportation for a 15" VCP sanitary sewer line crossing N.C. 16, Rozzells Ferry Road, for Long Creek Outfall - Phase II.
- (d) Encroachment Agreement with the North Carolina Department of Transportation permitting the City to construct a 2-inch water main in Green Street.
- (e) Right of Way Agreement with the North Carolina Department of Transportation for right of way across a portion of city-owned land located off Oakdale Road, at N.C. Highway 16, and occupied by the Charlotte Mecklenburg Utility Department's Hoskins Plant. In addition, a temporary construction easement is also requested which will cease to exist upon completion of the project.
- (f) Resolutions authorizing encroachment agreements with Southern Railway Company for the installation of an 8-inch gravity flow sanitary sewer pipe line crossing beneath the railroad's right of way and tracks at four different points in the area of Chastain Avenue and Minuet Lane.

The resolutions are recorded in full in Resolutions Book 11, beginning at Page 413.

(4) Streets taken over for continuous maintenance by the City:

- (a) Barringer Drive, from 1,200 ft. north of Pressley Road to 1,860 ft. north of Pressley Road.
- (b) Waybridge Lane, from Knights Bridge Road to 270 ft. southwest.
- (c) Knights Bridge Road, from 220 ft. west of Regents Park Lane to 330 ft. east of Waybridge Lane.
- (d) Sulstone Lane, from Stokes Avenue to 167 ft. south.
- (e) Long Meadow Road, from 430 ft. south of Stokes Avenue to Sulkirk Road.

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(5) Property transactions:

- (a) Acquisition of 7.5' x 100.0' of drainage easement at 4101 North Sharon Amity Road, from James W. Miller and Betty A. Miller, at \$1.00, for Sharon Amity Road Widening Project.
- (b) Acquisition of 7.5' x 100' of drainage easement at 4101 North Sharon Amity Road, from James M. McClelland and Mary D. McClelland, at \$1.00, for Sharon Amity Road Widening Project.
- (c) Option on 19.00' x 26.70' x 449.75' x 31.52' x 24.54' x 489.25' of property, plus a construction easement at 4200-02-04-08 and 4232 Randolph Road and 4500-02-04-06 Woodlark Lane, from Sharon Corporation, at \$850.00, for Randolph Road Widening Project.
- (d) Option on 8.15' x 50.00' x 14.29' x 50.13' of property, plus a construction easement, at 1020 West Trade Street, from Mildred Louise Hoover, Margaret Ann McWaters Edwards, John Robert McWaters and Ruby Quick McWaters, Lloyd L. Hoover, Jr. and Joan S. Hoover, Ann Hoover Windle and S. Brice Windle, William D. Hoover and Ann Myers Hoover, at \$2,673.00, for Trade-Fourth Connector Project.
- (e) Acquisition of 49.50' x 4.85' x 48.97' x 8.83' of right of way, plus a construction easement, at 812 West Fourth Street, from Roberta H. Hobbs, at \$800.00, for Trade-Fourth Street Connector Project.
- (f) Acquisition of 83.23' x 5.06' x 78.10' x 0.32' of right of way, plus a construction easement, at 128 South Cedar Street, from Minnie P. Yandle and Leroy S. Yandle, at \$800.00, for Trade-Fourth Connector Project.
- (g) Acquisition of 3.85' x 75.07' x 74.96' of easement at 1317 Tyvola Road, plus a construction easement, from James Alexander and wife, Elsie C., at \$500.00, for Tyvola Road Improvements.
- (h) Acquisition of 15' x 173.00' of easement at 5519 Hickory Grove Road, from Blake Samuel Graves and wife, Jean O., at \$823.00, for Campbell Creek Sanitary Sewer Outfall, Phase II Project.
- (i) Acquisition of 30' x 599.19' of easement at 6610 Barcliff Drive (off Farm Pond Lane), from Mar, Inc., at \$599.00, for Campbell Creek Sanitary Sewer Outfall - Phase II Project.
- (j) Acquisition of 15' x 1,505.95' of easement at 4800 Wilkinson Boulevard, from Callie E. Pruette (widow), at \$2,500.00, for Sanitary Sewer Trunk to serve Withrow Road and I-85.
- (k) Option on 50.11' x 106.00' x 20.31' x 37.28' x 87.40' of property, plus a construction easement and a two-story frame dwelling, at 1001 West Trade Street, from Mary Ellen Watts Chambers (widow), at \$20,050.00, for Trade-Fourth Connector Project.
- (l) Option on 40.01' x 98.56' x 40.0' x 98.51' of property, with a one-story frame residence, at 111 South Irwin Avenue, from Laura E. Bell and husband, Charles V. Bell, at \$13,850.00, for Trade-Fourth Connector Project.
- (m) Option on 101.39' x 148.05' x 130' x 150' of property, with one-story, five-unit brick apartment building, at 130 Victoria Street (off West Trade Street), from Elizabeth A. Harkey and husband, Henry L. Harkey, at \$42,500.00, for Trade-Fourth Connector Project.

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- (n) Option on 6.52' x 5.08' x 8.83' of property, plus a construction easement, at 108 S. Irwin Avenue, from Mary Ellen Watts Chambers (widow), at \$4,025.00, for Trade-Fourth Connector Project.
 - (o) Option on 197.92' x 50.00' x 197.90' x 49.94' of property, with a two-story frame dwelling, four-unit apartment, at 1009 West Trade Street, from Clara J. Wilson and husband, Richard E. Wilson, Jr., at \$26,903.00, for Trade-Fourth Connector Project.
 - (p) Acquisition of 10' x 40' x 10' x 160' of easement at 1729, 1800, 1807, 1811 and 1815 McDonald Street, from K. Martin Waters, Jr. and wife, Dorothy N., at \$1.00, for Proposed Right of Way McDonald Street.
 - (q) Acquisition of 10' x 120' x 10' x 40' x 10' x 90' of easement at 1819, 1831, 1835-39 McDonald Street, from Domar Corporation, Inc., at \$1.00, for Proposed Right of Way McDonald Street.
 - (r) Option on 9.50' x 112.04' x 255.62' x 27.12' x 20.17' x 365.00' of property, plus construction and drainage easement, at 4300 Randolph Road, from Sharon Corporation, at \$2,200.00, for Randolph Road Widening Project.
 - (s) Option on 9.50' x 111.50' x 9.50' x 111.50' of property, plus a construction easement, at 4325 Randolph Road, from Sharon Corporation, at \$8,500.00, for the Randolph Road Widening Project.
 - (t) Option on 10.46' x 346.91' x 548.78' x 9.50' x 553.28' x 344.96' of property, at 4400 block of Randolph Road, from Sharon Corporation, at \$66,200.00, for the Randolph Road Widening Project.
 - (u) Option on 9.22' x 333.00' x 9.42' x 329.05' x 3.95' of property, plus a construction easement, at 4421, 4425 and 4312 Randolph Road, from Sharon Corporation, at \$14,950.00, for the Randolph Road Widening Project.
 - (v) Option on 9.42' x 162.39' x 32.04' x 11.99' x 35.63' x 159.94' of property, plus a construction easement, at 101 Greenwich Road, from Sharon Corporation, at \$11,550.00, for the Randolph Road Widening Project.
 - (w) Acquisition of 59,320 square feet of property, from William H. Trotter, off Spencer Street, at \$11,000.00, for North Charlotte Community Development Target Area.
- (6) Resolution of the City Council of the City of Charlotte approving the exchange of property between the City of Charlotte and the owners of Tyson's Grocery, Inc., for the widening of Remount Road.

The resolution is recorded in full in Resolutions Book 11, beginning at Page 417.

MEETING WITH PARK & RECREATION COMMISSION CHANGED FROM 10:00 A.M. TO 7:30 A.M. ON MAY 6.

Councilman Davis moved that the time of the meeting with Park & Recreation Commission be changed from 10:00 a.m. to 7:30 a.m., on Thursday, May 6. The motion was seconded by Councilwoman Locke, and carried unanimously.

COUNCILMAN WILLIAMS RETURNS TO MEETING.

Councilman Williams returned to the meeting at this time, and was present for the remainder of the session.

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CITY MANAGER REQUESTED TO REPORT ON NEED FOR GUARDS AT CITY OWNED CEMETERIES AND FOR DOWNTOWN POLICE.

Mayor Belk requested the City Manager to look into the need for guards at city owned cemeteries. That he received several calls about this; that there have been several robbery attempts made recently. He asked if one could be stationed there on Sunday afternoons as this is when more people are visiting.

Mayor Belk stated he would like for the City Manager to look into the request for downtown police officers. He understands there have been a number of breakins down there recently.

FURTHER COMMENTS ON COMMITTEE SYSTEM.

Councilman Whittington stated earlier in the meeting Councilman Withrow was talking about what guidance Council could give the Finance Committee about the budget.

He stated at this late date he does not know anything else this Committee can do except wait until the budget is submitted by the City Manager. But he does think this Committee could make some rather substantial contributions to this Council on requests from Mr. Burkhalter such as a salary raise for a person during the middle of the year, who has been doing a job for a certain period of time and he and personnel say the individual should be paid for that classification. Almost once a month Council receives requests on the Agenda to go along with LEAA for another year, to go along with BOR with more appropriations; the police are talking about a new helicopter that will run faster. He stated these are things he would like to see referred to this Finance Committee. Then the Committee would come back to Council with recommendations after meeting with the staff and finance and tell Council if it should continue in the programs and be obligated for additional revenue.

Councilman Gantt asked what he means about pay raises? Councilman Whittington stated he mentions this as an example. That on four occasions this fiscal year Council has delayed approving a salary increase or new classification until budget time against the objection of staff. This is something this committee could look into and come back to Council with a recommendation. Councilman Gantt stated he means as a policy question? Councilman Whittington replied as a policy.

Councilman Davis stated he does not think there is as much confusion about these committees. That Councilman Williams' resolution establishing standing committees on Council was very well worded and very concise, plus there is a good reference in Roberts' Rules of Order. Also there has been much discussion about the charge given this committee. There is a very good set of notes that covered Mr. Withrow's comments that was referred to this Committee by the Council. Also comments by Councilman Williams and others who felt this would be more appropriate for these matters to be aired before the entire Council. He stated committees were put in on Council by a majority vote of Council and the idea was through a committee system more area could be covered. That he thinks Staff and Council should now pull together and try to get this to work as this is a policy of the Council now.

INVITATION EXTENDED TO MAYOR AND COUNCIL TO ATTEND COG MEETING MAY 15, AND COUNCILWOMAN ANNOUNCES SHE HAS BEEN NOMINATED TO STATE UTILITIES COMMISSION.

Councilwoman Locke issued an invitation to the Mayor and Council to attend the COG meeting scheduled for May 15, at Top of the Towers.

Councilwoman Locke stated that Governor Holshouser today nominated her for appointment to the State Utilities Commission.

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ADJOURNMENT.

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



Ruth Armstrong, City Clerk