

1200 SAM NEWELL RD

19323117

4/15/08

marliwr

Groundwater and Wastewater Services File Imaging Project
May 2007
Barcode Font = IDAutomationHC39M

File 1491A

Mecklenburg County
Health Department

MEMORANDUM

TO: File

FROM: Lisa Mialik, R.S.
Individual Water and Wastewater Systems

Date: May 22, 1997

Re: Fish Farm Restaurant, Sam Newell Road

This memorandum is in response to the May 17, 1997, Charlotte Observer article entitled "School Site Purchase Scrutinized" in which reference is made to "a septic tank spill" onto a new middle school construction site.

On March 17, 1997, Kevin Gunnell, with the Town of Matthews, notified me of a malfunctioning sewage disposal system serving the Fish Farm Restaurant located on Sam Newell Road in Matthews. During my on-site visit on March 18, 1997, it appeared that effluent was surfacing from the sewage disposal system drainfield in an area near the rear woods line of the restaurant property, however, grass clippings over the area obstructed the view. A surface sample was collected at that time. The restaurant manager informed me there had been a plumbing leak within the establishment. Judy Kiser, R.S., spoke with the owner, Claude Savage, by telephone and was told they had serious plumbing leaks and had just completed extensive repairs to the plumbing system. He felt this was the reason for the sewage malfunction. Bill Hardister, Program Chief, and Ben Luke, EHS, of the Food & Institution Program were notified of this situation on March 19, 1997. Representatives of the Charlotte-Mecklenburg Utility Department indicated that municipal sewer could be made available to serve this site with a sewer line extension. A notice of violation was issued on March 27, 1997, instructing the owner to repair the septic system or connect to the Charlotte-Mecklenburg Utility Department sewer system and to pump the septic tank as needed during the interim time until either connection is accomplished or a repair is installed as the effluent must be kept off the surface of the ground. I had visited the site on May 13, 1997. This was prior to the newspaper article. At this time the surfacing of the effluent had subsided. I visited the site again on May 19, 1997, and it appears that the system is not malfunctioning at this time. Please refer to the attached copy of the service order request for complete documentation regarding the activities and visits at this site.

Our records indicate that an extensive repair was made to the sewage disposal system in February 1987. Apparently after 1987 a grease trap tank and a pump tank were added to the system. There are no records of this activity on file.

Due to the following factors, it is my recommendation that the establishment be connected to municipal sewer:

- limited area for repair of which a portion would be under an existing parking lot (prohibited in .1950 (c)).
- the age of the sewage disposal system.
- historical aspects surrounding the restaurant operation, parking area, septic system maintenance and alteration, etc.

Racing revs up

ll Elliott bumps Dale Earnhardt ▶ from the all-star pole **1B**

MARK MARTIN WINS IROC RACE



Weather

TODAY: Mostly sunny and breezy. High near 80. Mostly clear tonight. Low near 60.
SUNDAY: Sunny. High in mid-80s. **2C**

rlotte Observer

SATURDAY, MAY 17, 1997 C **METRO EDITION** **50¢**

School site purchase scrutinized

Officials say that high price paid shows a need for better planning

By TAYLOR BATTEN
Staff Writer

They knew the land was expensive and filled with flaws: partly in a floodplain, bordered by high-voltage power lines, polluted by a septic tank spill, and across from an asphalt plant and quarry.

With students jammed into overcrowded classrooms, though, the Charlotte-Mecklenburg school board needed a site for a middle school in Matthews, and fast. So it paid $3 million, or $61,000 an acre — the most per acre the board has paid for a school site.

Now, as the schools seek to put a massive bond package before voters this November, critics are questioning why the schools paid so much, and what it says about how they manage their money.

In a letter this week to County Manager Jerry Fox, Schools Superintendent Eric Smith said he was convinced the board "acted as good stewards of the taxpayers' money in this transaction." But even he and board Chairperson Susan Burgess say the episode is a reminder of the schools' obvious need for better planning. Right now, some board members say, they often feel rushed into land purchases.

"We should be anticipating out more years in advance, and be able to acquire land when we can negotiate the best price possible for it," said Smith, who was hired after the Matthews deal was made last summer. "We need to do some projection out of school needs and school locations more than we have been able to up to this point."

Last year, the schools consid-

Please see **SITE** */ page* **17A**

INSIDE

- How this site cost compares with other land purchased by the school board.
- A map of the land.

Page 17A

e or feel they owe me anything.
ar grandma."

ER GRANDCHILDREN



Photos by **JEFF SINER**/Staff

uring a Saturday afternoon nap. Alewine carried and

s tested

birth leads to tangles

S.C. official admits

THE CHARLOTTE OBSERVER

Smith defends deal, vows better planning

SITE

Continued from page 1A

ered nine sites in southeast Charlotte and Matthews. They quickly dismissed seven as too small or too expensive, then dropped a site on Margaret Wallace Road because of traffic safety concerns.

That left a 48-acre site on Sam Newell Road off Independence Boulevard owned by The Executive Building Co., a group headed by Samuel Kaplan.

Thomas "Skeet" Harris, a well-known Charlotte appraiser who has frequently worked for the schools, initially valued the land at $2.47 million, about 3½ times its 1991 tax value. He based that largely on his belief that the land — most of which was zoned for single-family use — would probably be rezoned to multifamily. Multifamily zoned land is much more valuable because a developer can build many more living units on it.

Two and a half weeks later, in the middle of negotiations, Harris increased his appraisal to $2.8 million. Harris said the landowners contended they could fit more units on the property than the 466 he had calculated. Harris increased the amount to 528 units, even though his initial appraisal raised concerns that even a 466-unit complex might be difficult to sell.

The schools paid $2,996,000 — 21 percent above Harris' initial value and 7 percent more than his updated value. The school board and commissioners approved.

Critics question why Harris would assume the land would be rezoned, which would more than double the cost of the land.

Harris said appraisers must consider the probability — not the possibility — that the land will be rezoned to a more valuable use. Harris said it was probable because nearby land was zoned for multifamily or business uses. Also, he said, Matthews planning director Kathi Ingrish told him a rezoning to multifamily was probable.

But Ingrish told The Observer she never said that.

She called an all-multifamily rezoning just "one possibility. A lot of questions would have been raised with whatever proposal came forward. . . . I wouldn't single out any one particular use, because there were too many options available."

Cleve Davis, the schools' real estate consultant for 30 years until 1993, says the schools should have questioned Harris' appraisal because it assumed the rezoning.



BOB LEVERONE/Staff

A construction crew works to clear the plot of land on Sam Newell Road that Charlotte-Mecklenburg Schools purchased as a site for a new middle school.

"It is our opinion this appraisal report should not have been used," Davis wrote last month to Burgess and county commissioners Chairman Parks Helms.

"We suggest that changes be taken by the . . . superintendent since the finance officer recommended a substantial overpayment. . . ."

Finance director Hilton L'Orange, who was involved throughout the negotiations and recommended the purchase, has since left the system, although Burgess said his departure had nothing to do with the Sam Newell site.

An adjoining 17.5 acres sold in March for $1.4 million, or $80,000 an acre. But broker Bill Ziegler said that price was justified because it was virtually the last piece of undeveloped land in Matthews with multifamily zoning already in place.

Ziegler said a buyer of the Sam Newell property would be foolish to base a price on an assumption the land would be rezoned. Since Matthews officials want to limit new apartment construction, Ziegler said, it's extremely uncertain a developer could get the land rezoned. Ziegler has worked extensively in Matthews.

Donny Crews, deputy director of the state board that licenses and regulates appraisers, said determining a land's "highest and best use" is tricky.

While not commenting on Harris' appraisal, Crews said a rezoning "is certainly not a done deal until it's done. You're sticking your neck out there to say it's going to be rezoned, unless you know for certain it's going to be done. Sometimes you think it's going to go through real easy and it gets turned down. It's hard to judge that type of thing."

Crews also said flaws like those on the Sam Newell land would affect a parcel's value, but wouldn't render it worthless. Often a buyer can work around floodplains and power lines, he said.

School officials acknowledge the land was expensive. But they say they must pay market price, and land in southeast Mecklenburg is more expensive than anywhere but parts of the center city.

A reputable appraiser — Harris — told them the land was worth $2.8 million, they argue, and they paid only $196,000 more than that.

Kaplan and his partners initially asked for $3.65 million, school officials say.

"If we wanted land in that part of the county, that's just what it costs," Burgess said. "Even though the land was more than we had hoped to pay, we were told it fit within the budget."

She added: "If we wanted to open the school on time, we had to buy something."

Planning effort criticized

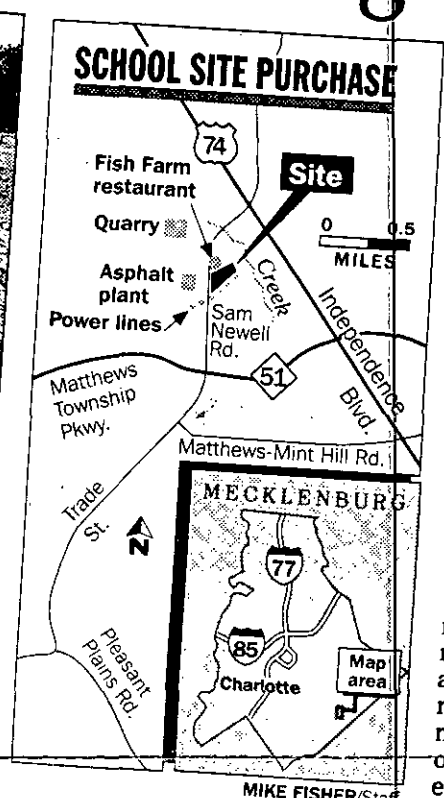
That pressure to buy quickly is the schools' larger problem.

County commissioners and officials have long urged the schools to better plan where schools will be needed in 10 years. Doing so could save taxpayers millions, they say.

"They haven't paid attention to where the growth is going, and haven't done a good job of getting out in front of it," said Walter Fields, land development manager for the Charlotte-Mecklenburg Planning Commission. "When they get pressed to get a site, and it fits their criteria, they don't have the luxury of shopping around. If you do advanced planning, you'd have some time to shop."

The schools go from bond issue to bond issue, snapping up land and instantly building on it as each bond issue passes. Planners want the schools to take a longer view.

Smith, Burgess and other board members agree it's a problem, and say they are working to address it.



MIKE FISHER/Staff

RECENT

School site
Sam Newell
Greenway P
Elizabeth La
David Butler
Governor's V
Winding Spri
Hambright Rc

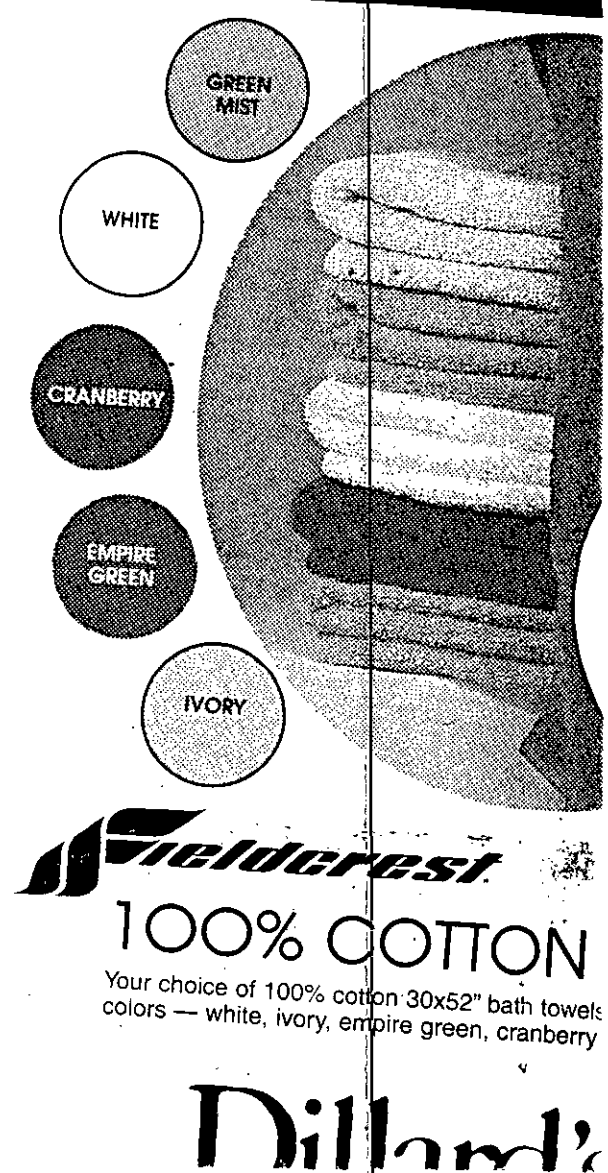
SOURCE: Charlot

"What we're professionalizin that we can pl (and) have more selection of lanc

County Mana ing with Smith missioners mo about possible much earlier in th missioners want offer details abou ered, and why lected the one the

In January, aft ing by commissio others, the sch proved a 10-yea Helms said it "lea desired."

Last week, Hel schools to hire so solely with long-t tion projects and "The planning pro capital needs simpl



McKinney, twinkle in the ACC's eye, is gone

GREEN

Continued from page 1A

ington Capitals and Boston Celtics in the NBA and coached the Carolina Cougars of the American Basketball Association; and made all-league teams in high school, college and the pros.

As a player and coach [illegible] who worked in the ACC, or anywhere. Because he spent only eight years as head coach of the Wake Forest Deacons, he doesn't have the numbers in the record books that dazzle us. But he did have this: He was one of only three ACC coaches to have a winning record (8-2) against North Carolina's Dean Smith; he had a .616 winning percentage in ACC games; and he had a .667 winning percentage in ACC tournaments.

Bones could coach. He could really coach. But more than that, he could make us smile.

INSTALLATION, CONSTRUCTION, ALTERATION, AND/OR REPAIR PERMIT

MECKLENBURG COUNTY ENVIRONMENTAL HEALTH
1200 BLYTHE BOULEVARD
CHARLOTTE, NC 28203
PHONE (704) 376-4603

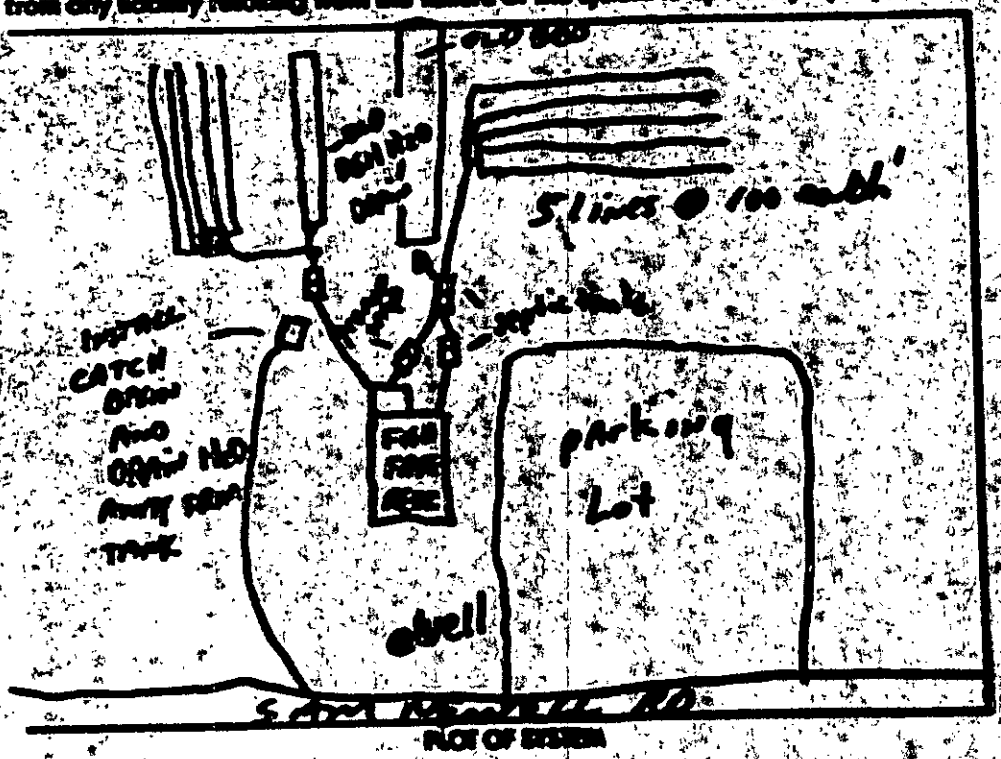
FILE: 1491-A DATE: 1-28-87

TC: 193-231-08 ☐ L

SERIAL No: 10571

Permission is hereby given to _____ Install or Construct, ___✓___ Alter or Repair the individual septic tank wastewater treatment system with subsurface, soil absorption, effluent discharge as specified herein at the described location. This permit is granted based upon the information supplied in the application dated 1-20-87. All work shall be completed on or before 2-10-87, after which date this permit shall be null and void. The system shall meet all of the construction requirements of 10 NCAC 10A .1900 which are in effect on the date of the granting of this permit. A Certificate of Completion or an Operation Permit must be obtained from the Mecklenburg County Department of Environmental Health before any system can be covered up or placed into service. The issuance of this permit does not in any way guarantee that the system anticipated to be constructed will operate properly, or relieve any person now or hereafter owning, controlling or using such system from any liability resulting from the failure of the system to operate properly.

REPAIR



Liquid Capacity of Septic Tank _____ gallons

Liquid Capacity of Dosing Tank _____ gallons

Tank Construction _____

Absorption and/or Nitrification Lines:

Trench Width 3 feet

Total Line Length 500' on septic 500' on alternate

Number of Lines 10 (5 each)

Depth of Stone 12" inches

Distance from House 5' feet

Distance from Property Line 10' feet

Distance from Well 50' feet

NAME OF OWNER SAVAGE, CLAUDE

LOCATION OF PROPERTY 1200 SAM NEWELL RD

Comments: install new pipe + d-box for septic lines 5 lines @ 100' each x 12" rock; install new pipe + d-box for drainage 5 lines @ 100' each x 12" rock; install catch basin + new pipe for roof and gutter drainage from 1 line

Kelly Rudell

Children or Section Head

* If this permit is for the installation or construction of a new system it must be signed by the Division or Section Head of the Department of Environmental Health in order to be valid. Only the signature of the Sanitarian is required where an existing system is [illegible]

WHITE - ENVIRONMENTAL HEALTH DEPARTMENT'S COPY ● CANARY - ENVIRONMENTALIST'S COPY ● PINK - OWNER OR AGENT'S COPY

C of A (s) No. 1491-A

Date Issued 2-9-87 Serial 9080 T. C. No. 193-231-08

MECKLENBURG COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH

CERTIFICATE OF APPROVAL
(Individual Septic Tank System with Subsurface, Soil Absorption, Effluent Discharge)

Name of Owner SAVAGE, CLAUDE. (LAST, FIRST, MIDDLE)

Location of Property 1200 SAM NEWELL RD

Application Number 1491-A Permit Number B91-A

Inspection Data: REPAIR

Liquid Capacity of Tank _____ Tank Material PC

Total Length of Drain Tile 300' ON ST 420' ON DUST NOD Number of Lines 5 each sys

Depth of Filter Material 12" Cover Depth 2'-1

Water Supply Source well Distance from Water Source 100'

Excavation Inspected 2-5-87 (DATE) Tank Inspected — (DATE)

Nitrification Field Inspected 2-5-87 (DATE)

Washing Machine Line Inspected, If Applicable _____ (DATE)

The undersigned has inspected the Individual Septic Tank System with subsurface, soil absorption, effluent discharge as described above and it has been _____ installed or constructed, _____ altered or repaired in accordance with the permit issued and the regulations of the Mecklenburg County Health Commission in effect on the date of issuance of the permit. The issuance of this Certificate of Approval does not in any way guarantee that the system will operate properly or relieve any person now or hereafter owning, controlling, or using such system from any liability resulting from the failure of the system to operate properly. This Certificate of Approval is issued subject to those restrictions and conditions shown on the permit(s) in addition to those listed below under comments. This Certificate of Approval shall be null and void if any information contained in the application is untrue or if any additions are made to the property which would increase the requirements for said system.

Comments: 1987, REPAIR (FISH FARE REST)

Sanitarian

EHD-S-76

Environmental Health Program's Copy

APPLICATION FOR AN IMPROVEMENT PERMIT

MECKLENBURG COUNTY ENVIRONMENTAL HEALTH

1200 BLYTHE BOULEVARD
CHARLOTTE, NC 28203
PHONE (704) 376-4603

Mecklenburg County services are available without regard to ethnic origin, sex, or disability.

MECK COUNTY DEPARTMENT OF
RECEIVED
JAN 23 1997
ENVIRONMENTAL HEALTH

(OFFICE USE ONLY)
FILE: 1491A
TC:
SERIAL: № 12255 ☐ L ☐ CI

JOB LOCATION

① ADDRESS: 1200 (STREET NO.) Sam Newell Rd. (STREET) ② FILE:
③ JURISDICTION: ④ TAX PARCEL NO.: 193-231-08
⑤ SUBDIVISION: ⑥ LOT: ⑦ BLOCK:

OWNER

⑧ NAME: Claude (FIRST) (MIDDLE) Savage (LAST)
⑨ MAILING ADDRESS: 106 Benbow Ln
⑩ CITY: Charlotte ⑪ STATE: N.C. ⑫ ZIP: 28214
⑬ PHONE: (WORK) 847-8578 ⑭ (HOME) 399-5085

REQUEST

This request is for a(n):

⑮ ☐ New permit ⑯ ☐ Authorization for mobile home exchange
⑰ ☑ Repair or alteration permit ⑱ ☐ Other (specify)

DESIGN CRITERIA

System will serve:

⑲ ☐ Residence ⑳ ☐ Mobile home ㉑ ☑ Business or place of public assembly
㉒ Number of bedrooms?
㉓ Maximum occupancy?
㉔ Basement? ☐ yes ☐ no ㉕ Type? Resturant
㉖ Maximum number of employees? 40
㉗ Maximum number of seats? 426

WATER SUPPLY

㉘ Water supply from (present or proposed):

A ☑ Individual well
B ☐ Municipal system
C ☐ Community well
D ☐ Community system

㉙ The undersigned, owner of the property described above as the "JOB LOCATION" has read the foregoing application, acknowledges that the contents of same are true, and authorizes agents of the MECKLENBURG COUNTY DEPARTMENT OF ENVIRONMENTAL HEALTH to enter onto the property for the purpose of processing this request.

Signed: Claude Savage
Date: 1-20-97

IMPROVEMENT PERMIT

The undersigned, an authorized agent of the MECKLENBURG CO
DEPARTMENT OF ENVIRONMENTAL HEALTH, certifies that the Depa
has approved the Request for the Job Location contained in this doc
This approval is granted in accordance with the provisions of Law
Rules For Sanitary Sewage Collection, Treatment And Disposal in eff
the time of issuance of the permit and is subject to the following pro

(No work shall be conducted on the septic tank system u
Installation, Construction, Alteration and/or Repair permit is issued
Department.

This permit is not transferable, and shall become null and v
months from the date of issuance.

Environmentalist / Date

Director or Authorized Section Head / Date

MECKLENBURG COUNTY
DEPARTMENT OF ENVIRONMENTAL HEALTH

Date 1/13/87
Hour 2:45
A.M. ___ P.M. ___

SERVICE REQUEST/WORK ORDER

Section SFHO
Log No 412
T.C. No. ___

REQUESTING PERSON'S NAME: Dr. Ruth Kirby

ADDRESS ___ Tel. No. ___

PROPERTY CONCERNED Jack Jamerson Dr. Davidson NC ZIP ___

SERVICE REQUESTED Septic Investigation

SIGNATURE (PERSON TAKING REQUEST)

ENVIRONMENTALIST ASSIGNED TO: Ken Ault

ACTIVITY REPORT:

Date

1-14-87 VISIT SITE - EFFLUENT ON GROUND FROM BROKEN 3" PVC PIPE COMING FROM HOUSE.

CLAUDE SOURCE - 126 BEATTIE AV DAVIDSON
LOG COMMENCE 193-231-08
VIOLATION CAR SENT TO OWNER 1-15-87
COMPLIANCE 1-20-87

1-14-87 RELEVE PICTURES TAKEN BY M. FIRST OF SITUATION AND FROM ROADSIDE

1-14-87 COLLECT SAMPLES FROM PROPERTY AND FROM DITCH

1-21-87 PC to DOTTIE CONRAD M&R CONSTRUCTION. SEPTIC TANK TO BE INSTALLED BY SUN 1-25-87. AND TO MEET WITH PERSONNEL TO DISCUSS REPAIR BY 1-26-87 OR LETTER WILL BE SENT

1-29-87 PERMIT INSTALLED

2-9-87 REPAIR COMPLETED. CLOSE FILE

NOTIFICATION OF FINAL DISPOSITION TO REQUESTING PERSON:

WRITTEN 2-9-87 VERBAL ___

REQUEST REVIEWED: SED