

The City Council of the City of Charlotte, North Carolina, met in a tele-vised session on Monday, May 16, 1977, at 7:30 o'clock p. m., in the Board Room of the Education Center, with Mayor John M. Belk presiding, and Councilmembers Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: Councilwoman Betty Chafin.

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INVOCATION.

The invocation was given by Reverend Ralph H. Eanes, Jr., Minister of Covenant United Methodist Church.

BI-CENTENNIAL SOUVENIR SHEETS PRESENTED TO CITY COUNCIL AND CITIZENS OF CHARLOTTE, CHAIRMAN OF THE BOARD OF COUNTY COMMISSIONERS, AND TO THE CHAIRMAN OF THE CHARLOTTE-MECKLENBURG BI-CENTENNIAL COMMITTEE.

Mayor Belk recognized Mr. O. B. Sloan, Sectional Center Manager/Postmaster of the United States Postal Service; Mr. Willie Stratford of the United States Postal Service; and Mrs. Liz Hair, Chairman of the Mecklenburg County Commissioners.

Mr. Stratford stated he would like to give the City Council and citizens of Charlotte, the County Commissioners and the Chairman of the Bi-Centennial Committee some souvenir sheets from the Bi-Centennial Celebration in honor of the Bi-Centennial Year and the cooperation they received from the City and the County.

He stated back in 1775, Mecklenburg County broke away from England and then in 1794, Charlotte began its own Post Office for 325 people.

He presented Mrs. Hair with a Souvenir Sheet and Mrs. Hair stated it is a pleasure to receive this memento and that it would hang in a place of honor in the Mecklenburg County Office Building. She thanked Mr. Stratford for the gift on behalf of the citizens of Mecklenburg County.

Mr. Stratford then presented another Souvenir Sheet to Mayor Belk and the citizens of Charlotte, and Mayor Belk expressed appreciation to Mr. Stratford for all the fine work he is doing for the City.

Mr. Stratford stated they have another award to present to Mr. Grant Whitney, who headed the Bi-Centennial Committee; that Mr. Whitney, one of the most dynamic men in our community, could not be present tonight. He asked Mayor Belk to present the Souvenir to Mr. Whitney at a later date.

APPROVAL OF MINUTES.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the minutes of the last meeting, on May 9, 1977, were approved as submitted.

MOTION TO ALLOW DISCUSSION OF THE DENIAL OF A BUILDING PERMIT TO FOTOMAT CORPORATION, APPROVED.

Mayor Belk stated during the Citizens' Hearing at 7:00 o'clock, Mr. Pete Fogarty of the Fotomat Corporation, did not have time to complete his appeal to Council regarding the denial of a building permit to his company. He asked if Council would agree to allow the discussion at this time.

Councilman Whittington moved that Mr. Fogarty's request be placed on the agenda. The motion was seconded by Councilman Withrow.

Councilman Davis stated he would agree to hear Mr. Fogarty but not to call for a vote at this time.

The vote was taken on the motion to allow discussion of the denial of a building permit to Fotomat Corporation, and carried unanimously.

DISCUSSION OF DENIAL OF BUILDING PERMIT TO FOTOMAT CORPORATION.

Mr. Pete Fogarty of Fotomat Corporation, 1200 Highridge Road, Stamford, Connecticut, stated his company applied for a building permit for a standard kiosk building but was denied the permit by the Building Inspection Department because they did not have a restroom within the building. They subsequently appealed to the Building Standards Board, stated their position, and were denied again, based on the fact they did not have a restroom in the facility.

He stated they are basing their appeal to City Council on the Charlotte City Code which states: "This requirement may be waived if satisfactory arrangements for sanitary facilities are provided elsewhere on the same property or on adjacent property under the same ownership."

He stated they included a restroom authorization letter from a business on the same parcel with their building permit application. This is the same standard procedure they used in applying for building permits in all their locations but this was recognized as "unsatisfactory" by the local Building Inspection Department. He stated they maintain they are complying with the laws that are on the books today and it was a capricious determination by the Superintendent of Buildings that they be denied.

Mr. Fogarty stated in the Citizens' Hearing he referred to a gentleman who sat in competition with his company who spoke glowingly about the restroom facilities in his buildings. That it is amazing that in Winston-Salem, Raleigh, Durham or any other location they have built in this State, they did not see fit to put them.

He stated he has a copy of the Minutes of the Building Standards Board, dated April 13, 1977, which fairly well states his comments but there is no reference in the minutes of the statements made by Mr. Jamison regarding his complete disdain for this type of building and he feels Mr. Jamison's comments should have been included. The basis for Mr. Jamison's denial was that in 1962 he had some unsavory people here in the City of Charlotte that were operating parking lot booths and were using the nearby grounds for their sanitary needs. That Mr. Jamison stated he does not want this to happen again in the City of Charlotte.

Mr. Fogarty stated he has a little more confidence in the type of young people who are here in the City of Charlotte. They feel under the same conditions approved by the State of North Carolina, by the Federal Board of OSHA and by all the National Building Codes, this is a viable vehicle and that without too much difficulty, they will be able to find the kind of people that Fotomat needs, right here in this community. It will not be difficult to find upstanding people who are not going to behave in the manner which Mr. Jamison described.

Mr. Fogarty stated his opposition stated it would be a very simple matter to redesign the building. He stated they build their buildings in their plants in Cincinnati, Ohio and their buildings are constantly supervised by Underwriters' Laboratory and are under constant inspection to maintain the high building codes. That two years ago they revised the building, and installed new material to replace the polystyrene floor material because of some conflict of possible toxic fumes even though they never had any problems. Just to make sure they had a building that met all these standards, it was tested by the University of Cincinnati Engineering Department, an uninterested third party, to make sure they conformed.

He stated this building will withstand wind loads, snow loads or whatever loads, far in excess of the design load of the building. To tear this

apart and do something else they feel is totally unnecessary and is completely accepted in the United States and Canada; that they have 3,000 units in operation this same way.

Mr. Fogarty stated they certainly want to do business in Charlotte. They feel they are within the law, within the Code, but it is simply a feeling of one of the City Officials that this is not acceptable.

Mr. Claude Kinder of Easco Photo, 5114 Glen Alden Drive, Richmond, Virginia, stated his company did not promote toilet facilities in these units because the cost is so much greater with them; but have borne these costs in Charlotte after they had gone as far as they could go in getting in without the facilities.

He stated Mr. Jamison still feels strongly about this and his company was told in 1974 that the only way they could get in Charlotte was to include these facilities in their buildings. That he checked with the Building Inspection Department last fall, prior to construction, and the Building Inspector's Office restated this position that toilet facilities were required in Charlotte. He talked with the Mecklenburg County people and they also told him these toilet facilities were required.

Mr. Kinder stated they have been doing business in the City of Charlotte since 1974 and it would be totally unfair at this point to change the rules. If the rules were going to be changed, they should have been changed before the ballgame started. He stated it is not just a matter of cost in his opinion, because Fotomat Corporation is a giant in the industry and can well afford these changes if his company can.

He stated another company is coming into Charlotte and has already poured the concrete and is putting in toilet facilities. If Council allows another firm to come in without putting in the toilet facilities, they will have created a situation where businesses are competing on different foundations or different footings and it is unfair. They strongly urge Council to stand by their ordinance which requires toilet facilities in these buildings.

Mr. Fogarty stated the Building Codes and ordinances, as now applicable in the City of Charlotte, state this requirement may be waived if a company provides satisfactory facilities elsewhere.

Mr. Underhill, City Attorney, stated Council may want to review the official file from the Building Inspection Department which would include the minutes of the Building Standards Board Meeting of April 13 and the other documents which would appear to be pertinent to this before it reached a decision. That he can make copies of these documents if Council wishes to defer action on this matter until a subsequent meeting.

Councilman Whittington moved to defer a decision on this matter until the next meeting and that the City Attorney furnish Council with the information from the file. The motion was seconded by Councilman Withrow, and unanimously carried.

Mayor Belk stated this item would be on the agenda for Monday, May 23, 1977, at 3:00 o'clock p. m. and requested the City Clerk to notify these men by letter so they will have official notice.

MOTION TO ALLOW DISCUSSION OF REQUEST TO PLACE MONUMENT IN FRONT OF CITY HALL, APPROVED.

Mayor Belk stated we have a request to discuss the placing of a monument in front of City Hall and asked if Council would agree to allow the discussion at this time.

Councilman Withrow moved approval of the discussion of the request, which motion was seconded by Councilman Whittington.

Councilman Davis stated he would agree to this only for the purpose of discussion, not for the purpose of a vote.

The vote was taken on the motion and carried unanimously.

DISCUSSION OF REQUEST BY MR. LARRY WALKER TO PLACE MONUMENT IN FRONT OF CITY HALL.

Mr. Larry Walker, 4900 Auburndale Avenue, stated he is present as a representative of the Confederate Memorial Association of Charlotte. That his group represents a number of patriotic organizations, as well as Civil War history buffs, and those interested in preservation of our cultural heritage in the South, such as United Daughters of the Confederacy, Daughters of the American Revolution, Metrolina Retired Officers Association and various groups that have contributed to the erection of a monument.

He stated he has done everything he has been told to do to put this monument in place. He contacted the Mayor's Office in June of last year. He spoke to Mr. Paul Bobo, Assistant City Manager, in the latter part of June and was given permission by Mr. Bobo to have the monument erected. He told Mr. Bobo at the time that he wanted to do everything he was required to do to obtain the permission before it went up. Not only did he not want to go through all the time and effort spent in obtaining the money for the monument, and then not have anywhere to put it, but he also wanted to make sure it was put where people considered an appropriate place - in front of City Hall, near the historical marker area.

Mr. Walker read from a letter he wrote to Mayor Belk on September 30th of last year:

Dear Mr. Mayor:

In June I wrote to you concerning erection of a monument to Confederate troops from Mecklenburg County. At that time you had Mr. Paul Bobo talk with me and he informed me the City would be glad to have the monument erected on the lawn of City Hall, near the Doughboy Monument. For this permission, I am extremely grateful and I hope to have sufficient funds within the next six months or so to accomplish the project.

Mr. Walker stated since that time he has spoken to Mr. Bobo on a number of occasions in the process of giving his talks to the various patriotic groups. One organization suggested that he contact some members of the City Council because they felt he should also get Council's permission. That based on this suggestion, on the 7th of October he talked by phone with Councilmembers Locke, Chafin and Whittington and every one of them gave their wholehearted approval of this project and stated they would fully support it. He stated they thought it was a good idea and a fine tribute to the veterans from this County.

Mr. Walker stated he would like to express to Councilman Gantt that there is no intention on his part, or anyone who is a member of these organizations, of any sort of racial slur, or any sort of indication that they feel to be a superior race, or anything of that nature. They just want to honor veterans who have served in an American war, just like veterans of any other war. This is part of our cultural heritage in the South and they feel it is very worthwhile not to bury our cultural heritage. That cultural diversification in this country is what this whole country is founded on - Polish, black, white, Irish, Indian, Italian or whatever; this country is not composed of all one sect and for that reason they feel that our culture in the South should not be suppressed, should not be buried or covered up. They do not believe in the suppression of any culture or any cultural pride in the black races. They do not have any objection to the statue of Dr. Martin Luther King going up and, by the same token, they would like reciprocal treatment on that account.

He stated he has done everything he was told to do to get permission for this monument. That Councilman Whittington advised him that Mr. Bobo had the authority to grant him permission to place the monument on this property.

Councilman Gantt stated apparently some members of Council have been in the dark with regard to Mr. Walker's efforts to establish this memorial. He understood it was the policy of Council that placement of such things required Council's approval. He asked the City Attorney to advise him of the City's policy regarding this and stated he is somewhat appalled that at least three or four members of Council have given Mr. Walker tacit approval of this. It seems to him we have gone about this in a back way.

He stated in reference to the Martin Luther King effort, either he has been misled or he does not understand the City's policy. That the point he made to Mr. Walker in an earlier meeting still stands. He stated someone once said that history is "what you say it is, what I say it is, and what the historians ultimately write." That the fact is, in his opinion and in the opinion of a large body of black Americans and many white Americans in this country, the reason the Civil War was fought had much to do with the question of slavery, had much to do with the position of black people in this country as first class citizens and while that is a part of our history, it is not a very proud part of American history.

Councilman Gantt stated it seems to him that in a city that has 90,000 black citizens, one has to question whether a monument, placed to honor the Confederate dead, is a part of the history that he, and collectively other blacks, would like to account for to their children. That he feels, in a public place, public statues ought to be erected that would embody the entire American dream. He stated he would vote that the monument not be allowed, once we can clarify the City's policy.

Councilman Gantt stated this does not preclude Mr. Walker's right, or anybody else's right, to erect any monument they want to, to honor their heritage or any part of their heritage, but he does not think a monument placed in a prominent place in this city, with the diverse population it has, that is erected to glorify soldiers who fought in defense of slavery, however one wishes to interpret it, is right and he will say this as loud and clear as he possibly can.

He stated he would like to know the City's policy with regard to placement of monuments of any kind since it appears to him that Mr. Walker did not get his opinion and apparently did not get the opinion of a few other members of Council and he was not aware of anything about this before it came to pass. The monument is there and he is asking for it to be placed after the fact. He has been misled or at least some members of Council were in the dark about this and this needs to be clarified.

Councilman Withrow moved that this item be placed on the agenda for consideration at the next Council meeting. The motion was seconded by Councilman Davis, and carried unanimously.

Mr. Walker stated the group he represents have planned the dedication service of this monument for this coming Saturday and about 100 people are committed to coming, and he has invited Council to attend. He asked if he should call off the dedication service, and Mayor Belk stated Council has not yet approved this monument and they will have to approve it first. He stated the vote was only to have the item appear on the agenda for the next meeting. Mr. Walker asked about the delay and Mayor Belk replied in his opinion it is because they did not all know about it.

Councilman Whittington stated he did not remember Mr. Walker calling him but he did remember some conversation with him and advising him to call Mr. Paul Bobo; that if Mr. Bobo gave him permission to erect the monument there, he gave it without the knowledge of Council. Mr. Walker stated Mr. Bobo told him it was just a formality and they had always received approval of Council in other instances.

Councilman Whittington stated he remembers discussing the Doughboy statue being on the front lawn but he certainly did not give Mr. Walker permission to put the other statue there.

Mayor Belk stated he did receive a letter from Mr. Walker and turned it over to Mr. Bobo for further action.

Councilman Whittington stated Council should make a decision on this at its next meeting.

Mr. Walker stated this is the reason why he contacted the Mayor's Office even before he began making efforts to raise the money.

Councilman Whittington stated he is not condemning Mr. Walker, he is just trying to get the record straight as far as he is concerned. That apparently, from what Mr. Gantt has stated, there are other members of Council who were not contacted about this either.

Councilwoman Locke stated she does not remember talking to Mr. Walker about this statue. That she remembers voting on the Doughboy statue and feels it is important for Council to vote on all these issues.

Mayor Belk stated Mr. Walker is in an awkward position on this, but he does not know what he should do regarding the dedication service planned for Saturday.

Mrs. Walker stated her husband has been working on this project for months. He has taken it step by step by step, working hard to try to preserve a little history in this city and she cannot see how an organization such as the Charlotte City Council can sit there and try to get out of what they have told him.

She stated she has heard him on the telephone with Councilmembers and has seen the letters he has written; countless letters to people who are in full support and then when it comes down to the wire, because of one comment negating this, then all of a sudden, Council has to postpone it. She stated her husband has left countless words with Mr. Bobo to return calls and Mr. Bobo has tried to get the Mayor's Office to answer questions about whether the Mayor can attend and place a wreath upon the monument and no one could give her husband any time over the last month.

Mrs. Walker stated Mr. Bobo has known the purpose of this monument and that they hoped to get it up by Confederate Memorial Day, but no one had time to come, and no one had time to listen. Now, after everything is planned, all of a sudden, no one can vote on it because Council wants to postpone the dedication which has been set up and postpone the hopes of quite a few people who have contributed to this thing.

Mr. Walker stated Mr. Bobo knew all along the date when it would be dedicated and received his approval.

Councilman Withrow stated it should be brought out there are some legal problems here and Council has to act upon this procedure of putting the monument in the park and in order to get it on the agenda, it has to have 100 percent of the votes of Council. That Council did not get 100 percent of the votes required to act on this item tonight, only 100 percent to discuss the item - it is a legal process that we have to go through.

Mrs. Walker stated someone stated earlier that her husband only contacted three members of Council. That the reason he did not contact anymore was because when he got to Councilman Whittington, Mr. Whittington told him there was no reason for him to contact Council or even to come before Council. She stated after Mr. Bobo let the monument go up, he then wanted her husband to come and face Council rather than bringing it himself.

Mr. Walker asked what he is supposed to do with a 2,000-pound monument if he does not get Council's approval?

Mrs. Walker stated the monument is a tribute to the past and if someone does not agree with that past, that does not mean it is not there. The people who served in that past were not people to be thrown out the back door. She stated probably some of Councilmembers' fathers or grandfathers served in that war and she would hope that they would have a little bit more pride in their ancestors than that.

Councilman Davis stated Council has already voted to put this item on the agenda for the next meeting. It would appear that Mr. Walker has gotten some sort of runaround, either through oversight or lack of experience in dealing with this. He stated if he has heard of this before, he has no recollection of it. The Martin Luther King statue was a precedent-setting decision for this Council.

He stated the next formal meeting is the earliest time Council can act on this request and he does not see anything wrong with Mr. Walker conducting the dedication ceremonies since he already has the monument up. If Council later votes against it, it will have to come out, but it should not interfere with the dedication services.

Mrs. Walker stated if Council votes against this, they will fight against it every inch of the way, even if they have to hire a lawyer.

Councilman Gantt stated he is sympathetic with Mr. and Mrs. Walker from the standpoint that it appears they did get the runaround and went much too far through no fault of their own but through some fault of the staff. That it seems to him that these people were led along a primrose path and they expended a lot of time, which is unfortunate.

Councilman Davis stated Mr. and Mrs. Walker are due an apology.

Mrs. Walker stated she hopes when Council gets ready to vote on this issue, they will think on it as something to be proud of and not something that is a disgrace to anyone - black, white, purple, or whatever.

Councilwoman Locke stated Council does not think of this statue as a disgrace at all and commends what they have done, but staff has erred and this request must come before Council for a decision and this is not the time. The decision will be made next week.

Mayor Belk stated if he was going to be in town Saturday, he would attend the ceremonies.

Councilman Withrow asked the City Attorney if it would be permissible for them to go ahead and have the dedication ceremony and then Council could rule to either leave it or take it out; that he knows the Walkers are in a predicament with this many people coming? Could they not go ahead with the dedication? Mr. Underhill replied he did not know of any way Council could prevent them from having an assembly on public property; there is nothing to prevent them from having their dedication ceremonies, legally.

Mrs. Walker invited members of Council to attend the ceremony.

Mr. Burkhalter stated he would like to clarify one thing and that is there is no monument placed on public property without this Council's approval, as far as he is concerned. When he found out this monument had been prepared and they wanted it located on public property, he notified Staff to place it on this agenda for discussion. He understands that a number of people have remarked this was a good idea.

He stated when this letter came to the Mayor, it was turned over to the Landscaping Division as all others are who make requests of this nature to see if there was an appropriate place Landscaping could recommend for a public monument and they agreed on a location site that would be appropriate. No one puts a monument up unless they get a letter from the City Manager stating it has been approved from Council's action in a resolution. He stated a misunderstanding has occurred somewhere along the road when Mr. Walker worked with the Landscaping Division and they thought he had approval

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to do this. The Landscaping Division was simply helping him to find a location for this type of monument. He stated the Doughboy statue which Council approved and is out there now, and the cannon which Council approved, and the Martin Luther King statue, which Council approved for location in another park - they have all been done with the approval of this Council.

Mayor Belk asked that this misunderstanding be straightened out with Mr. Walker. He stated he is sorry for the embarrassment which this has caused him and Staff will try their best to get it worked out.

REPORT OF STUDY COMMITTEE ON 911 EMERGENCY REPORTING SYSTEM FOR CHARLOTTE-MECKLENBURG.

Councilman Whittington introduced members of the 911 Committee who were present: Councilwoman Pat Locke; Glenn Stirewalt and Charles Hill of the telephone company. Other members are Raymond Casner, Sam Williams and Marvin Pridgen. He also recognized Ms. Carol Loveless, of the City Manager's Office, who served with the committee and who "did all of the work."

Councilman Whittington stated in 1967, the President's Commission on Law Enforcement and Administration of Justice recommended that a single emergency number be established for use in metropolitan areas and preferably in all communities throughout the United States. This recommendation prompted the American Telephone and Telegraph Company to announce that the three-digit number - 911 - was designated and available for installation on a national scale as the single emergency number. Further stimulus for implementation was a policy statement issued by the Office of Telecommunications in the Executive Office of the President encouraging local and regional governmental units to provide the public with 911 Systems.

When the Mayor appointed this Committee last year, already in existence in North Carolina was a 911 System which existed in Durham, Creedmoor, Butner and Avery Counties in North Carolina and one similar to the 911 in Newberry.

911 is a nationally recognized emergency telephone number which is used in many communities for accessing Fire and Ambulance service.

He stated during the months following their appointment, members of the committee met with representatives of the telephone companies, emergency service agencies, and governmental bodies in Mecklenburg County to discuss the effects and benefits of a 911 System serving Mecklenburg County. Officials of Southern Bell informed the committee that the process of converting telephone equipment to provide a 911 System will take approximately two years. The 911 Study Committee considered the various emergency communication designs which would be required to implement the 911, each incorporating the communications operations of the Charlotte Police Department, the Mecklenburg County Police Department, the Charlotte Fire Department and the Mecklenburg Emergency Medical Services, Inc.

Following months of research and discussion, this Committee unanimously recommends to the City Council today, and did so to the County Commissioners this morning, the implementation of a 911 Emergency Telephone Service. The Committee further recommends adoption of the Call-Transfer model outlined in this report, which is the only model they refer to.

The Call-Transfer 911 model provides for centralized call reception and a decentralized dispatching. Under this system, the Charlotte Police Department's Communication Center would be designated as the Emergency Answering Center for receipt of all 911 calls. Calls for emergency services of the other three agencies - the Charlotte Fire Department, Mecklenburg Emergency Services, and the Mecklenburg County Police Department, would be transferred via the telephone system to those agencies. This would allow each emergency agency to remain at its present location and continue operating under current procedures.

Mr. Whittington stated they wanted to bring this to both governing bodies today because both of them will be into their budgets in the very near future. Hopefully, it will be approved by both bodies during their budget sessions. He re-stated that it will take two years to put this operation into existence after it has been approved. It is proposed that the cost be shared by both of the governing bodies according to a formula. The formula was arrived at because 74 percent of all telephone calls for emergency services come into the City and 26 percent go to the County. Based on that, the start-up cost for the City would be \$70,776; for the remainder of this fiscal year, \$34,000; and for the County it would be about \$13,000 for the remainder of the year, and \$24,867.

He pointed out that Councilwoman Locke, prior to coming on Council, and since becoming a member of Council, was the one who advocated the 911 System in Charlotte-Mecklenburg County. Those who have attended meetings that the various ladies' organizations have called in Charlotte and Mecklenburg County, he believes will attest that they are very concerned about this equipment and this service, and would concur in the recommendation of this committee. That when he reported to the County this morning, he stated to them as he does to Council, that if it is not supported by both governing bodies, they do not have much of an opportunity to get it "off the ground."

ORDINANCES EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHARLOTTE BY ANNEXING NINE AREAS TO BECOME EFFECTIVE DECEMBER 1, 1977; AND THE NORTH TRYON - TOM HUNTER ROAD AREA DEFERRED FOR TWO WEEKS FOR ADDITIONAL INFORMATION.

The City Attorney stated the ordinances on annexation as attached to the agenda are complete except for the effective date of annexation. Council should properly insert in each motion an effective date of annexation. The date that has been suggested by the Staff is December 1, 1977.

Councilman Gantt stated he has thought long and hard about whether or not this Council really wants to get into the business of analyzing any of these ten areas to take into account some of the apparent injustices that people feel have been brought to bear on them. He would imagine - he was not here in 1974 - but they probably had very similar kinds of arguments made with regard to some of the property being taken in that is very clearly in the opinion of the average observer, a rural piece of property. He stated he has been out and looked in the Tom Hunter Road area and in the Little Rock - Tuckaseegee Road area and some of the other areas that have a large amount of rural land. In the discussion with Mr. McIntyre, Planning Director, this afternoon he did make it clear that the attempt that is being made by the Planning Staff very conscientiously was to use the density criteria - the minimum density as given by the statute of two persons per acre.

He stated he asked the question if there are any situations by which he might use a higher density per acre to draw a smaller area? But, when you follow that scenario all the way out, you are going to get into a situation of really having no standard by which to go - except a very judgmental kind of standard which can easily be construed to be discriminatory on its face. For that reason he has decided, after living with these things for the last year as they all have, that if they ask them to draw another line or to exclude a particular piece of property, they open up a Pandora's box that might not be useful to them at all.

He thinks there are some alternatives to some of the kind of things that people ask. For example, it may be the time to reconsider our zoning classifications. Take another look at property that is being used for rural purposes within the city limits, particularly given the kind of policy we have with regard to annexation, such that, in fact, these people will not have to pay taxes on "urban property" when in fact the property is not being used for urban purposes. He says that because many of them know he has been deliberating on doing something in some of these areas, but he does not see where they are going to be able to set up any reasonable criteria that does not get them into an area that might be construed to be discriminatory.

(a) Motion was made by Councilman Whittington, and seconded by Councilwoman Locke, adopting an ordinance for the annexation of the Arrowood Road - York Road Area, effective December 1, 1977.

Councilwoman Locke stated she agrees wholeheartedly with Councilman Gantt in that you do open up a Pandora's box, but there were some questions asked today on the North Tryon - Tom Hunter Road area that she would like to hear about and she would like to have that one deleted for another week to get some of those questions answered - that she and Mr. Williams both request this.

Councilman Whittington stated to the people he was on the bus with today and to the people who appeared at the public hearing that he appreciates their views but obviously he does not agree with them. He thinks that it is absolutely necessary that this city do annexation as often as we can under the law and that we do the best job we can monetarily to treat those people that we take in the same as those who are already in the city limits. That growth is absolutely necessary and orderly growth is a must. Having said that, and having listened to these people at the hearing and having ridden with some of them today, he thinks those who went on this bus trip found that what the Planning Commission staff recommended was right and proper. The year 1974 was mentioned by Councilman Gantt - this is the third time, maybe fourth, that we have had large areas of property to be annexed. Each time we did that we went through these hearings and heard the same thing from people who lived outside the city who did not want to be brought in for various and sundry reasons, all of which he appreciates. But again, it is necessary for this city to grow, to protect the tax base of the citizens who have lived in this city all these years and have been "paying the freight."

The vote was taken on the motion and carried unanimously.

(b) Councilwoman Locke moved adoption of an ordinance annexing the Chesapeake - Seaboard Industrial Park Area, effective on December 1, 1977, which motion was seconded by Councilman Whittington, and carried unanimously.

(c) Councilman Whittington moved adoption of an ordinance annexing the Albemarle - Delta Road Area, effective on December 1, 1977, which motion was seconded by Councilwoman Locke, and unanimously carried.

(d) Motion was made by Councilman Withrow, seconded by Councilman Gantt, and unanimously carried, adopting an ordinance annexing the Sterling Area, effective on December 1, 1977.

(e) Motion was made by Councilwoman Locke and seconded by Councilman Whittington, to annex the Little Rock - Tuckaseegee Road Area, effective on December 1, 1977.

Councilman Williams stated he does not want to raise false hopes or expectations because he intends to vote for this ordinance. But he would like to make a comment about the area and about the City's general annexation policy, particularly in the North Tryon - Tom Hunter Road Area. He stated he agrees with Councilman Whittington that annexation is very important to our city and that our State Law which permits annexation without a vote even of the people in the area to be annexed is an enlightened law.

He stated when he first became involved in City Government this sounded a little bit unfair and undemocratic to him - that people could be annexed against their will, but we have to face the facts of life sometime. That he does not think the people in a proposed annexation area would ever vote to be annexed because they simply do not want to pay the additional taxes that come with being city citizens. In some instances, many of the benefits they would get back would just about balance the extra taxes, by the time you count the reduced fire insurance premiums and the reduced water and sewer bills. A bigger point than what the people in the area get out of it is what the City gets out of it. He has said before that the City needs these people more than they maybe need the City. That they might be self sufficient and have their water and sewer systems but the City needs the people for one reason, which Councilman Whittington has pointed out, and that is to maintain our stable tax base.

Councilman Williams stated the state law which permits annexation without a vote is an enlightened state law and a lot of places do not have it and in those places - like Atlanta, Louisville and New York - you see what can happen to those cities that get choked and strangled to death eventually.

He stated with respect to whether or not this Council routinely adopts all these ordinances, he cannot agree with Councilman Gantt about that because this annexation law, enlightened as it is, is a privilege which sets our state apart and makes it somewhat special. But he does not think Council should use that privilege and automatically gobble up all they can irrespective of the character of the land use, even though the planners propose this to Council. That he feels it is Council's job to make some judgments about it and not automatically accept everything that the planners propose to Council. The elected politicians ought to take a look at these proposals which the planners submit to them and then, based on Council's experience, pass a judgment on it.

He stated with regard to the Little Rock - Tuckaseegee Road area, there are some "holes" in this area. There are areas that are undeveloped just beyond the present city limits as noted on the bus trip today. The problem with the area is that the most densely populated area is the farthest away and our state law also requires that Council annex property adjacent to existing city limits - it has to be contiguous; and in order to get the density area, or the area most urban in nature, into the city it will also require annexation of these less developed areas. That he is referring to the Pawtucket Area in the extreme northwest section; between the Pawtucket area and the existing city limits are some "holes" and appear on the map as undeveloped areas and he has not seen any way to annex Pawtucket without also annexing areas between this point and Pawtucket in order to keep the continuity as the statute requires. This is the reason he is going to vote for it.

Councilman Williams stated he has different feelings about the North Tryon - Tom Hunter Road Area because the most sparsely populated area there is on the outside, or fringe, so that you do not have to skip over some less populated area to get to a more populated area and that will be the explanation for a different vote on that, but he is going to vote for the Little Rock - Tuckaseegee Road Area Annexation.

Councilman Withrow asked if the Legislature gave cities authority to annex satellite areas and Mr. Underhil replied it did but the primary difference between satellite annexation and the annexation procedure we are looking at right now is that satellite annexation requires the unanimous consent of the property owners.

Councilman Davis stated it has been suggested that this would be 'opening a can of worms' if Council tried to get into the details of how the lines were drawn and why and possibly re-drawing them but he feels it is a 'can of worms' that Council has no choice about opening. In fact the 'can of worms' was opened by members of the public who attended the hearing which was required by law for Council to hold and he does not feel Council has any choice except to respond to this and the only way it can respond, unless the public hearing was a charade, is to examine the complaints.

He stated he has looked into each of the complaints that came out at the public hearing and there were two areas that caused him concern - the Little Rock Road area and the North Tryon Street area. His concern comes from a disagreement over our annexation policy which is that he has heard we have requested the Planning Commission to draw these lines to take in the maximum amount of area in adhering to the minimum population density of two per acre and the Planning Commission has done a good job of this. In the course of doing that, they have taken in some rather large land masses that are obviously rural in character and usage. In the Little Rock Area it appears that the lines have been drawn not only to get the minimum density, but in this case, have been drawn in the most economical manner and this is a requirement that he would seek to add to their policy - that we should not only have the minimum population density but the annexation area should also be economically justifiable, in terms of city services. That later on in the North Tryon Street area, he would want to make some exceptions.

The vote was taken on the motion and carried unanimously.

Councilwoman Locke moved adoption of an ordinance annexing the Morris Field Drive - West Boulevard Area, effective on December 1, 1977, which motion was seconded by Councilman Whittington and carried unanimously.

Councilman Whittington moved adoption of an ordinance annexing the North Tryon - Tom Hunter Road, effective December 1, 1977, which motion was seconded by Councilman Withrow.

Councilman Williams made a substitute motion to postpone consideration of this ordinance annexing the North Tryon - Tom Hunter Road Area until two weeks from today. Councilwoman Locke asked the reason for the delay and Councilman Williams replied he would like to have more time to get some information and also that Councilwoman Chafin expressed an interest in this particular area and she is not present at this meeting, but will return in two weeks. The motion was seconded by Councilwoman Locke.

The vote was taken on the substitute motion to postpone Council action for two weeks, and carried by the following vote:

YEAS: Councilmembers Williams, Locke, Gantt and Davis.

NAYS: Councilmembers Whittington and Withrow.

Councilman Williams stated Council has requested some information from the Planners and he hopes it will be available within the next two weeks.

Councilman Gantt stated in thinking over criteria for a change from a policy of minimum density, there probably are, in retrospect, certain kinds of things that might be taken into consideration, such as natural boundaries and rivers, etc. and he would hope that Councilman Williams would look at those kinds of things as a reasonable facet. Councilman Williams replied he does consider those things as part of the test.

Councilwoman Locke moved adoption of an ordinance annexing the Providence Road - Rea Road Area, effective on December 1, 1977, which motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Whittington moved adoption of an ordinance annexing the Sardis Road North Area, effective on December 1, 1977, which motion was seconded by Councilman Withrow, and carried unanimously.

Councilman Whittington moved adoption of an ordinance annexing the Thermal Road Area, effective on December 1, 1977, which motion was seconded by Councilman Withrow, and carried unanimously.

Mayor Belk asked if the City Attorney felt he would have a conflict of interest in presiding during this meeting because of the Albemarle Road Annexation Area and Mr. Underhill replied he did not feel it would be a conflict of interest.

Councilman Withrow stated he owns property in two or three of these areas and asked if it would be a conflict of interest for him to vote on these and Mr. Underhill replied it would depend on the extent of the property. Councilman Withrow stated he also has brothers and in-laws who own property in some of the other areas and asked if this would be considered a conflict of interest and Mr. Underhill replied the City Charter requires every member of the City Council to vote on every matter that comes before the Council unless that member has been excused from voting and he may be excused from voting in only two areas; one, on matters which involve the consideration of his own official conduct and two, matters which involve his own financial interest. The Charter does not provide any test for how substantial a financial interest a Councilmember must have in order to be disqualified or excused from voting.

Mr. Underhill stated in Councilman Withrow's instance, it would depend on a large measure to the amount of property he owns and its relationship with the total amount of property which was under consideration for annexation. Councilman Withrow stated the property he owns is not very valuable.

Mayor Belk stated even though the property was not very valuable, it should still be in the record.

Ordinances Nos. 503-X through 511-X are recorded in full in Ordinance Book 24, beginning on Page 96.

Later in the meeting, Councilman Withrow stated for the record he has one lot in the Little Rock Road Area which is worth approximately \$2,500; in the Morris Field Area, he has a house and lot (no other acreage) worth approximately \$7,500.

Mr. Underhill stated the Little Rock Road-Tuckaseegee Road Area consists of 4,085 acres. In his opinion Councilman Withrow's ownership of property in that area is insignificant in terms of the total area that is being annexed and it would not constitute sufficient grounds to present a conflict of interest situation, prohibiting him from voting. It is up to the Council after hearing the facts, if they decide that a conflict does exist, to excuse him from voting.

That the Morris Field Drive Area consists of 403 acres, and in his opinion Councilman Withrow's property is insignificant and would not constitute legal grounds for disqualifying him from voting on this area.

ORDINANCE NO. 512-X APPROPRIATING \$259,236 IN COUNTER-CYCLICAL REVENUE SHARING FUNDS.

Councilman Gantt asked if there is any particular reason why Mr. Burkhalter wants to appropriate these funds for police salaries? Mr. Burkhalter replied because it can be done and we need to save the money; that the counter-cyclical money has to be used before a certain time. What they are doing is freeing up this amount of money and Council can do anything they want to with it. It is easy to apply it to the salary situation and they can apply the amount that would have been spent to next year's budget. Councilman Davis asked for the total of revenue sharing money. Mr. Burkhalter replied the total counter-cyclical money is about \$400,000. Mr. Bill Stuart, Budget and Evaluation Director, stated it is \$485,000.

The motion to appropriate \$259,236 in counter-cyclical Revenue Sharing Funds was made by Councilwoman Locke and seconded by Councilman Davis.

Councilman Whittington asked if this money can be put in housing, or in summer employment? Mr. Burkhalter stated this money is supposed to keep from raising taxes, that is what they said about it when it was made available.

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

The ordinance is recorded in full in Ordinance Book 24, at Page 166.

BRYCE A STUART CONGRATULATED ON RECENT APPOINTMENT AS ASSISTANT CITY MANAGER.

Mayor Belk recognized Mr. Bryce A. Stuart, Budget and Evaluation Director, and stated he has recently been appointed to the position of Assistant City Manager.

Mr. Stuart was congratulated by the Mayor and Councilmembers.

ORDINANCE NO. 513-X AMENDING THE 1976-77 BUDGET ORDINANCE INCREASING REVENUES FOR FY-1977 TO IMPLEMENT THE CETA TITLE III SUMMER YOUTH EXPERIENCE PROGRAM; AND CONTRACT WITH EMPLOYMENT SECURITY COMMISSION FOR ADMINISTRATION OF THE PROGRAM.

Motion was made by Councilman Gantt, and seconded by Councilman Withrow, adopting the subject ordinance to amend the 1976-77 budget ordinance increasing revenues by \$185,807 for FY-1977 to implement the 1977 CETA Title III Summer Youth Experience Program; and approving a contract with Employment Security Commission in the amount of \$658,412, for the administration of the program.

Councilman Gantt asked if we are really getting one large grant but are splitting it up to finish the FY-77, and then FY-78; if we are talking about a thousand youngsters? Mr. Burkhalter replied yes.

Mr. Robert Person, Manpower Director, stated it is for the economically disadvantaged; that college students can be involved if they fit the criteria. Councilman Gantt asked if we have another summer job program that would apply to just any youngsters and Mr. Person replied no, that we do have another summer program under a different title that will be coming to Council a little bit later, but all new programs that we can fund through CETA are for economically disadvantaged youngsters.

Councilman Davis stated some months ago Council approved an Amendment to the personnel policy to provide for routine notification when a relative of a city employee was hired. Mr. Burkhalter replied he does not remember changing the personnel policy; he remembers discussing it. Councilman Davis stated he thought they agreed on some basis for routine notification when this happens. He has not seen any such notification. He requested that Mr. Burkhalter check and see what action Council took on this. Councilwoman Locke stated she remembers it being discussed, but she does not believe they took action on it.

Councilman Gantt asked how this level of funding compares with the funding we have received in the past years, particularly in the area where they had the dispute with the School Board; are we increasing every year?

Mr. Person replied this does represent an increase. Last year our funding level was approximately \$0.5 (1/2 million); this year it is \$647,000 or thereabouts, so there was an increase this year of approximately \$150,000. They expect to serve this year, through the Title III Program, approximately 1,000 youngsters. Under the Title I Program, which Council will get in the next few weeks, they expect to serve an additional 600 youngsters perhaps. That would be the maximum with the number of dollars they have in hand.

Councilman Gantt asked if he has any idea how many youngsters in the City are trying to get jobs this summer; is this going to be just a tiny drop in the bucket? Mr. Person replied yes, it is going to be a drop in the bucket; they have applications now totalling more than 5,000 youngsters, but of course many of them are not eligible. He stated he was in Washington this past week and youth unemployment is at the "top of the ladder" - not only locally but nationally. That we can expect some relief from the President's package, signed last Friday. He does not know all of the implications, guidelines, requirements and that sort of thing but he is hopeful that some other youngsters can be served through this.

Councilman Whittington asked how a young person makes known that he wants summer employment; what is the criteria for employment? He expects that every member of Council gets as many as six calls a month now with young people coming out of college, trying to get a summer job.

Mr. Person replied they started making known to the community back in March that they were going to have summer jobs. Applications were made available in various distribution points throughout the City.

Councilman Whittington asked where these distribution points are and Mr. Person replied the neighborhood centers that are sponsored by City Government. Councilman Whittington asked how about the parks and Mr. Person replied park centers. Councilman Whittington asked if he had been in there with notices and Mr. Person replied yes; that Mr. Tom Moore with Park and Recreation, Bob Meacham, Marion Diehl, all of them make this information very much available to everybody in the City.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 24, at Page 167.

PROCEDURES FOR TRANSFER OF THE CONTROL, MANAGEMENT AND OPERATION OF THE PARK AND RECREATION COMMISSION TO THE CITY AS A CITY DEPARTMENT, APPROVED AND DATE FOR PUBLIC HEARING ON THE QUESTION TO BE SET LATER.

The City Attorney, Mr. Underhill, stated Council included as part of its Legislative Program this year a Bill which provides authority for the City Council to abolish the Park and Recreation Commission and establish in its place a City Department. The Bill was enacted by the General Assembly in April this year and is now ratified into law. It sets forth a procedure that must be followed if Council desires to exercise this authority.

The first step in the procedure is a public hearing which may be held only after 30 days notice is published once in the newspaper having general circulation in the City. Following the Public Hearing, if the Council is desirous of abolishing the Commission and creating a City Department in its place, the Council must adopt a Resolution which provides for the transfer of property, personnel, authority, responsibilities and obligations of the Commission to the City, and which the City must assume.

The matter that is pertinent today is the first step - a Notice of a Public Hearing, which if they allow time for advertising would mean they should not set the date for the hearing any earlier than Monday, June 20.

Councilman Whittington stated a Committee was appointed from Council and the County Commission was to appoint one or two people; and Mr. Tyler, of the City Manager's Office, was to set up a meeting. Mr. Burkhalter replied it has not been set up to date. Councilman Whittington stated he does not feel they should go into this until this Committee has had at least one meeting. That if they are talking about consolidating, he does not think Council should be taking action tonight, or next week, that might throw "cold water" on that sort of thing.

Councilwoman Locke stated she disagrees; that they should proceed with the hearing as quickly as possible. If and when Park and Recreation is a department of the City, it will make it much easier for them to consolidate.

Councilman Whittington replied he cannot disagree with that. He just does not want Council to take any action tonight or next week that would cause the County Commissioners to think they were grabbing the ball and trying to take away from them the discussions and meetings for consolidating this department.

Councilwoman Locke stated Park and Recreation is a Department of the County and they are not an autonomous Commission like ours is at this point in time. She thinks it would make it much easier to consolidate if it is a department of the City.

Councilman Williams stated he agrees with Councilwoman Locke. Councilwoman Locke moved that Council proceed with a public hearing.

Mr. Burkhalter, City Manager, stated he hopes they will postpone this at least for awhile. He does not object to the public hearing but he certainly hopes they do not put it in the near future because they are not prepared to give Council the information it should have to conduct a hearing, unless they just want to hear who is for it and who is against it. There are some real serious problems about this that ought to be discussed, not the least of which is retirement. There are some 400 employees of this department which has an independent retirement system and when they become members of the City employee force would have to be under our retirement system.

He does not know what to tell them about this today or he might not know within the next several weeks. To work out that sort of information here at budget time is going to be a chore that he does not think they can undergo right at this minute and give Council the best information they can get.

Councilwoman Locke stated she has been talking about this for two years. Mr. Burkhalter replied he understands, but they are going to have a public hearing now and they ought to be able to answer these questions that people will ask.

Councilman Withrow asked how long it would take to get the information on cost; that cost is the big problem and Mr. Burkhalter replied the City pays all of the costs anyway; there will be no difference. Councilman Withrow stated if you bring it into the City you do away with the Commission; someone has to do the job they are doing. Mr. Burkhalter stated the question would be do they want an Advisory Commission? He conferred with Mr. Stuart who stated it would be hard to get into it very well until after the budget is completed. Councilwoman Locke asked how long after they start looking into it could they hold a public hearing and Mr. Burkhalter replied what they would like for them to do tonight is tell them they are on that track and they plan to do it, then they can start work on getting the information.

Councilman Gantt stated he does not think they should set a definite date at this point. That Mr. Stuart stated he needs a couple of weeks. It takes some time to go through the budget. That all of them want to give some real attention to the Park and Recreation subject when it does come up. He would prefer not setting a date, but saying sometime the latter part of July.

Councilman Gantt moved that the procedure be adopted and that a public hearing be held, the date to be set later. The motion was seconded by Councilman Whittington, and carried unanimously.

CONSIDERATION OF AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY CODE RELATING TO THE MUNICIPAL INFORMATION REVIEW BOARD, POSTPONED UNTIL THE MEETING OF JUNE 6.

Mayor Belk advised that Councilman Chafin has requested that consideration of an amendment to the ordinance relating to the Municipal Information Review Board be delayed until she returns to the City.

Councilwoman Locke moved that the item be delayed until the first meeting in June. The motion was seconded by Councilman Withrow.

Councilman Davis asked if Ms. Chafin gave a reason for this request and Mayor Belk replied he did not ask, but he assumes it is so that she can be present. Councilman Davis stated she did not mention this to him and staff has been put to a good bit of trouble to get the information on tonight's agenda, and he would be in favor of discussing it tonight.

Councilman Gantt stated Ms. Chafin served on this Board for sometime and is perhaps very knowledgeable about it. Councilman Davis stated he believes the concern she expressed when it was placed on the agenda was if this in any way took away from the authority of the MIRB, which it does not, and Mr. Underhill, City Attorney, addressed in his memo.

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

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

MOTIONS TO RESCIND COUNCIL'S ACTION OF JUNE 21, 1976 AND TO REAFFIRM THE 1972 AGREEMENT WITH REGARD TO THE ROLE OF THE COMMUNITY FACILITIES COMMITTEE, APPROVED.

In the discussion of the role of the Community Facilities Committee, Mr. Underhill, City Attorney, stated he will be glad to explain the memorandum he did which hopefully will provide some historical perspective, or legal perspective, as to the documents - the 1969 Agreement between the City and County and the later document of 1972 between the City and County. What he has attempted to do in the memorandum he provided is to trace for Council how the role of the CFC appears to have changed from 69 at the time it was first established, and 1972 at the time the merger of the separate City and County Utility Operations took place and the Charlotte-Mecklenburg Utility Department was established - how the CFC role changed in the area of extensions of lines. As he pointed out in the memo, it is his opinion that the 72 Agreement changed rather substantially the legal role of the CFC regarding their review of individual water and sewer extensions, and he explained his underlining rationale of that opinion in the memorandum. Basically the policy established in the 72 Agreement has not been changed, and has been amended in one instance; but that Agreement dealt with the provisions of the Agreement that relate to the use of County Bond Funds and the timetable in which the City must repay the debt services on those Bonds - it did not make any change in any portion of the Agreement dealing with the CFC.

In the 72 Agreement, particular Section 14 of that Agreement, a new procedure for handling requests for extensions appeared to be established. That procedure, in his opinion, remains the procedure for handling requests for extensions at the present time.

The only actions he can find that this City Council has taken that might in some way change that is a motion (which is also attached to the material in the back of the agenda) by Councilman Williams back on June 21, 1976, seconded by Councilwoman Locke, and carried unanimously by a vote of Council "that Council reaffirm a charge to the Community Facilities Committee as it appeared in the Minutes of the City Council Meeting of August 18, 1969, and request the CFC to report to the Council on a quarterly basis." Those Minutes that are referred to as August 18, 1969 are the Minutes of City Council in which the original Agreement between the City and County which established the CFC are contained.

The legal effect of that motion other than perhaps to express a view of the City Council, and that is in fact what it did express, he does not think legally changed the 72 Agreement which came later after the 69 Agreement, which made in his view a rather substantial change in the role and relationship of the CFC to utility extensions.

He was only asked to look at this to give an analysis of those two documents. That is what he has tried to do in his memorandum.

Councilwoman Locke moved that Council rescind the action taken on June 21, 1976 and go with the 1972 Agreement.

Councilman Whittington stated he was going to say that we incorporate the conclusion on Page 3 of the second role of the Community Facilities Committee, and that we adopt that which is on Page 3, and forward that to the CFC, and to the Board of County Commissioners, and anyone else that it needs to go to. That would be repealing Section 14 and he does not know if that is bad or good.

Councilman Williams stated it appears from a quick analysis of this that the 69 Agreement gave the CFC greater responsibility than the 72 Agreement did. That he is in favor of giving that responsibility to them - a greater amount of responsibility instead of a lesser amount.

Mayor Belk stated the only thing is the County and City agreed on the 72 Agreement, and now if we change it, the County has to change it. That the City and County both agreed on the 72 Agreement.

Councilwoman Locke stated she agrees; it was an Agreement made between the City and County in 1972, and it would be a step backwards.

Councilman Whittington stated his motion is to approve the 1972 Agreement again. The motion was seconded by Councilwoman Locke.

Councilman Davis stated he was hoping for some discussions before getting the motion because there are a number of different ways this discussion could lead. The Attorney's remarks involve mostly one item in the 1969 and 72 Agreements, and that is for extensions outside the City, within the County. There is some confusion on that. There appears to be conflict between the 1969 and the 72 Agreements, and Mr. Williams' motion of 1976. However, aside from that, he thinks in the 1969 Agreement some rather broad responsibilities were delegated to the CFC. He thinks in general that this clarification places a rather narrow interpretation on the role of the CFC. The 1969 Agreement between the City and County established the CFC, and outlined these procedures. He read one, which is a catch-all paragraph - Paragraph (H) in the 1969 Agreement: "The CFC shall make recommendations to the City Council and the Board of Commissioners on any other matters related to water and sewer services." This gives them the broadest possible authority to look into anything they want to related to water and sewer services, and report to the City Council and the Board of Commissioners. (This is on Page 3 of the attachment.) This part of the 1969 Agreement appears not to be in conflict with the 72 Agreement or Mr. Williams' 1976 motion. That is his own opinion that the CFC does have and should have broad powers to look into most any area they want to.

However, if this clarification does represent the majority thinking of this Council and based on precedent in some of the procedures we have had, it may well do that, then he does not think there is much to be served by discussing this a whole lot further. However, we should keep in mind that we are dealing with legal documents - both the 1969 and 72 Agreements are legally binding contracts between the City and County, and also a third party, the CFC. Money is changing hands between the City and County, based on these agreements. If this clarification is to represent anything more than just another opinion, he thinks we should take it and submit it to the County and get their agreement to the interpretation, or else we do not have anything.

Mayor Belk stated he thinks he is missing two important points. One, since 69 the City has taken over the utilities; and that was when the City and County got together and agreed this was a different day, and therefore the circumstances were a little different than previous. The other thing is that both have agreed - the County has never come back and agreed with what the Council did in 76. What we are trying to do now is where the City and County are operating on the same basis. Otherwise, you will confuse the CFC if one groups tells them one way and the other tells them another. If you go back to the 72 Agreement then you have the City Councilmembers and the County Commissioners telling the CFC the same story. He thinks you confuse it if you do not get back on that - the County has not changed.

Councilman Davis stated he recognizes the 1969 Agreement which established a joint Utility Department the first time, and also he does think it is important that the City agrees with what we do. But even within the Council we do not agree on the interpretation of the 1969 and the 72 Agreements. However, once we get a majority agreement on this matter, if this clarification does represent the majority thinking on the Council, then in order for this to have any weight, he thinks we should submit it to the County and ask them if they agree with this interpretation.

Councilman Withrow stated the 72 Council did agree, and the County Commission agreed. Councilman Davis stated he (Councilman Withrow) voted along with every member of this Council, plus Councilwoman Chafin, to reaffirm the 1969 Agreement.

Councilman Gantt stated that was a mistake - the entire motion was a mistake because some of us, who were new members of Council, thought that 69 Agreement was the only document we had establishing the Committee. Councilwoman Locke stated we thought that was the existing policy. Councilman Gantt stated that was his understanding. The 72 Agreement amended it in view of the fact we had a consolidated utility department.

Councilman Davis stated it amended it and reaffirmed it to a large degree. Councilman Gantt stated both bodies did that, and all we are getting now, because of the confusion we had with regard to that, is the clarification. He thought the clarification was pretty good.

Mr. Burkhalter stated our problem in dealing with CFC is the conflicting information that comes from these documents. A clarification is really a step by step spelling out of the last Agreement. That is all it is. If Council will rescind its action confirming the 69 one, and reaffirm the clarification as submitted here, then if they will look at the last part of the clarification, at anytime Council desires the CFC to perform any function they want it to perform, just tell him. That is all they have to do. They can refer any question they want to them, and ask them any information. But this will clarify our relationship and make it much easier for us to work with them, so they will know - they have asked over and over "what are we supposed to do?" This would do it.

Councilman Whittington stated there is a motion to approve the 72, let's get that out of the way, and rescind 69 again. Mayor Belk stated it would be better to rescind and then reaffirm.

Councilwoman Locke stated she will go back and make her original motion to rescind the motion passed unanimously on June 21, 1976. The motion was seconded by Councilman Whittington.

Councilman Williams stated he finds the Community Facilities Committee very helpful to him in this highly technical area. They come forward with information from time to time which he does not get from any other place - or perspectives he does not get from any other place. It is for that reason he wants them to have as much responsibility as they can have. They are very qualified people on that Board and always have been. He values their advise and he feels the ratification of the 72 Agreement does detract from some of their responsibilities. He is going to stick to the broader responsibilities of the 1969 Agreement.

The vote was taken on the motion to rescind the June 21, 1976 action, and carried as follows:

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

Councilman Whittington moved that the 72 Agreement be reaffirmed. The motion was seconded by Councilwoman Locke.

Councilman Davis asked Mr. Whittington to explain what this motion is and Councilman Whittington replied he is going to say what he said the first time. On Page 3 of the clarification and what Mr. Underhill alludes to in his conclusions.

Councilman Davis asked the purpose of approving something that is already an agreement and Councilman Whittington replied because the presiding officer said we needed to rescind one, and approve the other one, and the City Manager said that is what the problem was that we were working under two different policies, and it was confusing to Staff and CFC - CFC not knowing what they were supposed to do.

Councilman Davis asked if it is not the feeling that the 1976 motion does not remove the confusion and Mr. Burkhalter replied he thinks it removed most of it. That as the people present when the agreement was made - the Mayor, Mr. Short and himself - have all told Council, that it was the understanding of all the people involved that the 69 Agreement was done away with - that is what they agreed to do. Now the document may not read that way exactly. But it was not drafted by our attorneys, although it is what everybody felt would take place. It was the intent at the time. He only suggested this - it is not essential, but he would suggest if Council tells the CFC that this is the direction they want them to operate, it is clarified. They have asked for it over and over, and this will clarify it in his opinion.

Councilman Gantt stated as he reads this, he really thinks that maybe we are grasping at some straws here. He still thinks that the very kinds of things Mr. Williams wants to see the CFC do - he is interested in the same thing - are embodied in the 72 Agreement. He reads things like the Annual Report, which is a report on the operations of the department to be a license to the Committee, to find out what is going on in there, and say anything they want to. The catch-all at the end says we can charge them with the responsibility. He agrees with Mr. Davis and does not see why we have to vote on anything since the Agreement was made in 72, unless you want to reaffirm it.

Mayor Belk stated it was because in 1976, they changed and went back to another thing, and the County did not.

Councilwoman Locke stated then we do not need to vote on Mr. Whittington's motion because we have already rescinded the 76 motion. Mayor Belk stated except to reiterate - that is the only thing; you are back to 72.

Councilman Davis stated what we do need now is the County's Agreement on this clarification of the role. Mayor Belk stated they never changed it. It was just the City Council who changed it. What we are trying to do now is to go back to the agreement, because technically, you cannot do it any way unless the County wants to go along with you.

Councilman Davis stated that is right, and that is why we should involve the County. Councilman Gantt stated we have an attorney, and he has his personal attorney who will interpret something for him, and if the County has another interpretation, their attorney is going to interpret something for the County Commissioners, then we could be blocking heads forever on that.

Mayor Belk asked if the City Attorney had a legal opinion on rescinding the 76 motion, or should we reiterate the 72 Agreement? Councilman Davis stated to just tell him if Paragraph (H), on Page 3, in anyway offsets the 72 Agreement?

Mr. Burkhalter stated without a legal opinion he can tell Council they can do that anytime they want to, right now. Mr. Underhill asked if Mr. Davis means unrequested recommendations and Councilman Davis replied this Paragraph (H) gives them authority to look into any facets of the Charlotte-Mecklenburg Utility Department, and to make recommendations to Council as long as it is related to water and sewer.

Mayor Belk asked if we are now back on 72 or should Council reiterate 72 and Mr. Underhill replied he thinks that is a matter of policy rather than a legal question. It seems to him by the action taken tonight, and that is to rescind the action of 76, really leaves the 1972 Agreement in tact, and

it stands completely on its own, and it is subject to different interpretations as any written document always is. Whether you adopt what is attached as a clarification or not, he thinks is not legally necessary; he thinks the City Manager is suggesting it might be helpful insofar as staff's dealing with the CFC. But it is not legally necessary. He has read the clarification and it does nothing other than take the language of the 72 Agreement and capsulizes it. He did not see anything in there that changed anything that was contained in the 72 Agreement.

In response to Councilman Davis' question if there was anything in the agreement which changed Paragraph (H) of the Agreement - he has not looked at the 72 Agreement with that in mind. Councilman Davis stated the 72 Agreement, under Section 2, says the organization, function, responsibility and activities of the committee and the appointment of its members shall continue as now. The only document that could possibly refer to is the 1969 Agreement. That appears to reaffirm the 1969 Agreement unless somewhere in the rest of the document they specifically exclude portions such as the one he referred to on extensions. Mr. Underhill replied there is nothing that prohibits the CFC from making recommendations to City Council and the County Commission, on any water and sewer matter, solicited or unsolicited - on any matter related to water and sewer services.

Councilman Davis stated he thinks the motion is out of order. He asked the City Attorney for a ruling and Mr. Underhill replied he does not think the motion is out of order - it is pertinent to the subject under discussion. If the question is whether it is legally necessary, then no, it is not. If the question is whether it is something the Council should do as a matter of policy in an effort to clarify what the role of the CFC is, and the various areas they are charged with dealing with, all he can say is this is a policy matter. He does not think it is out of order.

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

MRS. BEVERLY FORD RE-APPOINTED TO THE CIVIL SERVICE BOARD FOR A THREE YEAR TERM.

Councilman Withrow stated he would like to withdraw his nomination of Mr. Luther Caldwell for a term on the Civil Service Board.

Councilman Gantt moved the re-appointment of Mrs. Beverly Ford to succeed herself for a three year term on the Civil Service Board. The motion was seconded by Councilman Davis.

Councilman Whittington asked how long Mrs. Rogers had served on this Board and the Clerk advised Mrs. Rogers was on the Board for a three year term, then left and has served this time for one year. Councilman Gantt asked if Mrs. Rogers had served only a total of four years and the Clerk replied that is correct.

Councilman Williams stated a question has come up with regard to Mrs. Ford's ability to attend the meetings. That all the reports he has heard about her have been glowing - that she is very qualified and capable, but she has had a problem about being out of town a lot and asked if this has been solved? Councilman Gantt replied one of the difficulties Mrs. Ford has had is that she has been working in Salisbury and it has been hard for her to attend the called meetings of the Board; that she has attended the regular meetings, but now she has been re-appointed to Johnson C. Smith University and she will be in the city again which indicates to him she will be in a better position to attend all the meetings.

A vote was taken on the motion to re-appoint Mrs. Ford, and carried unanimously.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO CHARLES S. MOORE, AT 505 WEST INDEPENDENCE BOULEVARD IN THE WEST MOREHEAD COMMUNITY DEVELOPMENT TARGET AREA.

Upon motion of Councilman Gantt, seconded by Councilman Davis, and unanimously carried, subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Charles S. Moore, at 505 West Independence Boulevard, in the West Morehead Community Development Target Area.

The resolution is recorded in full in Resolutions Book 12, at Page 376.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO MR. & MRS. CHARLES V. BELL, AT 256 AND 242 VICTORIA AVENUE IN THE THIRD WARD COMMUNITY DEVELOPMENT TARGET AREA.

Councilwoman Locke moved adoption of subject resolution authorizing condemnation proceedings for the acquisition of property belonging to Mr. and Mrs. Charles V. Bell, at 256 and 242 Victoria Avenue, in the Third Ward Community Development Target Area, which motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 377.

CONSENT AGENDA APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Davis, and unanimously carried, approving the following Consent Agenda items:

- (1) Settlement with Cora Ann Clark (widow) in the amount of \$65,000 for the acquisition of Parcel 2, for the Mallard Creek Wastewater Treatment Plant.
- (2) Resolution to rescind resolutions authorizing condemnation proceedings for the acquisition of property belonging to Cora Ann Clark (widow), and Leasehold Interest, located off Harris Houston Road, in the County of Mecklenburg.

The resolution is recorded in full in Resolutions Book 12, at Page 378.

- (3) Settlement in the case of City versus W. H. Protz and wife, for Mallard Creek Wastewater Treatment Plant Site, Parcel 3, to acquire additional 21.296 acres of land, at a total settlement of \$140,000.
- (4) Encroachment Agreements with the North Carolina Department of Transportation, as follows:
 - (a) Agreement for existing water and sanitary sewer lines in Chestnut Lake Subdivision.
 - (b) Agreement for existing water and sewer lines in Candlewych Subdivision.
 - (c) Agreement for existing water and sewer lines in Sardis Woods Subdivision.
 - (d) Agreement for existing water and sewer lines in Meadowbrook Subdivision.

- (5) Contracts for the installation of water mains, as follows:
- (a) Contract with Carolina Connecticut Properties, Inc., for the construction of 1,020 feet of 6-inch water main to serve Meadowbrook Subdivision, Section II, outside the City, at an estimated cost of \$7,900.
 - (b) Contract with Carolina Connecticut Properties, Inc. for the construction of 1,420 feet of 6-inch and 2-inch water mains and one fire hydrant to serve Innisfree Subdivision, outside the city, at an estimated cost of \$9,400.
 - (c) Contract with Evans Construction Company for the construction of 2,290 feet of 8-inch and 6-inch water mains and one fire hydrant to serve Carmel Woods, Section 2, outside the city, at an estimated cost of \$21,350.
- (6) Ordinances ordering the removal of weeds, grass, trash, junk and an abandoned vehicle, as follows:
- (a) Ordinance No. 514-X authorizing the removal of weeds and grass at 237 Marsh Road.
 - (b) Ordinance No. 515-X authorizing the removal of trash and junk at 1116 Beatties Ford Road.
 - (c) Ordinance No. 516-X authorizing removal of trash and junk at 2126-36-37-44-47-53 and 1664 Lincoln Heights Court.
 - (d) Ordinance No. 517-X authorizing the removal of trash and junk at 3134 Monroe Road.
 - (e) Ordinance No. 518-X authorizing removal of weeds and grass at 800 Woodside Avenue.
 - (f) Ordinance No. 519-X authorizing removal of weeds and grass from vacant lot adjacent to 1424 East Independence Boulevard.
 - (g) Ordinance No. 520-X authorizing removal of weeds and grass from vacant lot adjacent to 1424 East Independence Boulevard.
 - (h) Ordinance No. 521-X authorizing removal of weeds and grass and trash at 317 East Boulevard.
 - (i) Ordinance No. 522-X authorizing removal of abandoned motor vehicle at 908 Belmont Avenue.

The ordinances are recorded in full in Ordinance Book 24, beginning on Page 168.

- (7) Property transactions, as follows:
- (a) Acquisition of 5,445 square feet, from James Loo, 313 West Seventh Street, at \$21,000, for Fourth Ward Urban Renewal Area.
 - (b) Acquisition of three parcels, including one tenant interest of real fixtures for the West Morehead Community Development Target Area:

- 1.) 4,120 sq. ft. from E. C. Griffith Company, at West Independence Boulevard, and South Church Street, at \$9,500.
 - 2.) Tenant real fixtures from Lamar Dean Outdoor Advertising at West Independence Boulevard and South Church Street, at \$2,700.
 - 3.) 3,888 sq. ft. from Dr. Worth A. Williams, at 1120 South Church Street, at \$7,500.
- (c) Acquisition of 11,486 sq. ft. from A. S. Cathey, at 316 South Cedar Street, at \$24,000, and tenant real fixture interest from Lucille Black, at \$2,500, for Third Ward Community Development Target Area.
- (d) Acquisition of four parcels for the Grier Heights Community Development Target Area:
- 1.) 28,200 sq. ft. from Willie J. Cuthberton, 201 Skyland Avenue, at \$19,750.
 - 2.) 9,851 sq. ft. from Willie J. Cuthberton, 3137 Goldwyn Street and 209 Alpha Street, at \$17,500.
 - 3.) 4,892 sq. ft. from Willie J. Cuthberton, 220 Alpha Street, at \$6,750.
 - 4.) 9,000 sq. ft. from Willie J. Cuthberton, 3201 and 3205 Goldwyn Street, at \$13,500.

MOTION TO ALLOW DISCUSSION OF THREE BILLS PRESENTLY UNDER CONSIDERATION BY THE GENERAL ASSEMBLY, APPROVED.

At the request of the City Attorney, Councilman Whittington moved to allow discussion of three Bills presently under consideration by the General Assembly. The motion was seconded by Councilman Withrow, and unanimously carried.

ENDORSEMENT BY COUNCIL OF THREE BILLS PRESENTLY UNDER CONSIDERATION IN THE GENERAL ASSEMBLY.

Mr. Underhill, City Attorney, stated each Councilmember recently received a copy of a memo which came in too late to be included on the formal agenda, which recommended that Council endorse and support three pieces of legislation presently pending in the General Assembly.

The first is Senate Bill No. 645 which deals with increasing the privilege license tax on pinball machines from \$25.00 per year per location to \$50.00 per year per machine. He stated he would hope Council could take some action on this request tonight so he could notify them.

Councilman Whittington stated he would like to cooperate with the County Commissioners but he is not in favor of increasing the tax to \$50.00 per machine. This is a pretty steep increase and he feels it is too much; that he would have to vote against endorsing this bill unless it were reduced to \$25.00 per year per machine.

Mr. Underhill stated the original bill was for \$75.00 per year per machine and was amended in Committee to reduce it to \$50.00. That if Council would be in agreement at least to the principle of taxing this type activity on a per machine basis, rather than on a per location basis, this is almost as good as the amount of money that is involved. Under the present legislation, we are not allowed to charge any more than \$25.00 per location.

Mr. Underhill stated if Senate Bill 645 were adopted it would amend a pertinent section of the License Tax Law to allow a \$50.00 tax per year per machine on pinball machines and other related devices. That the tax would be applicable both in the City and County and the legislation is being supported by the Tax Collectors Association. He stated the Tax Collectors Association has requested the support of governing bodies across the State for this legislation and he is only presenting it to Council for their consideration.

Councilman Davis moved Council authorize the City Attorney to express this Council's support, in principle, of the idea of making tax per machine and also to report that Council is unable to agree on the amount that would be reasonable. The motion was seconded by Councilman Williams, and carried unanimously.

Mr. Underhill stated the next Bill is House Bill No. 399 and is a mandatory certification of Code Enforcement people and will require testing, etc. Motion was made by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, to support and endorse House Bill No. 399.

Councilman Whittington moved endorsement and support of House Bill No. 1057, which motion was seconded by Councilman Withrow, and carried unanimously.

NOMINATIONS TO SPIRIT SQUARE BOARD.

Councilman Whittington placed in nomination the name of Mrs. Frank Cockinos as a member of the Spirit Square Board.

Councilman Withrow stated the City should run a small ad in the newspaper stating the nominations for different Boards in the City. He stated a lot of people do not know how to get on a Board or Commission and unless you are a personal friend and just ask them, they do not know they can write a letter stating they would like to be of service to the City on some Board. The public should have an opportunity to write Council if they so desire, but they do not know how to go about it.

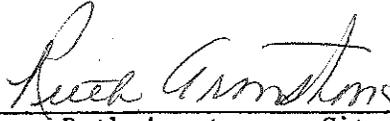
Mr. Burkhalter, City Manager, stated Council has asked the Community Relations Committee to help do this and they are working on this right now. They are making a slate of people's names who would be interested in serving in this capacity.

Councilman Gantt placed in nomination the names of Mr. Willie Stratford, Jr. and Mrs. Shirley Kennedy as members of the Spirit Square Board.

Councilman Davis stated he would like to submit three names that came from the Nominating Committee of Spirit Square Associates - Mr. Edgar Love, Mrs. Marjorie Crain and Mrs. Pat Locke.

ADJOURNMENT.

There being no further business before Council, the meeting was adjourned.



Ruth Armstrong, City Clerk