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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, May 30, 1977, at 3:00 o'clock p. m. in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend David Gales, Minister of Plaza Baptist Church.

MAYOR PROCLAIMS JUNE, 1977 AS BURGLARY PREVENTION MONTH.

Mayor Belk recognized Chief of Police J. C. Goodman and read the following proclamation:

WHEREAS, burglary both in number of violations and the resultant property loss is the leading major crime across the Nation, and

WHEREAS, burglary all too frequently results in injury to and the death of the victim, and

WHEREAS, the success of burglary prevention and detention efforts is dependent to a large degree on the participation of an aroused and involved public;

NOW, THEREFORE, I, John M. Belk, Mayor of Charlotte, do hereby proclaim the month of June, 1977 as Burglary Prevention Month here in Charlotte, and call for all citizens to assist their police agencies and do all else possible to prevent, detect and report burglaries.

APPROVAL OF MINUTES.

On motion of Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, minutes of the last meeting on Monday, May 23, 1977 were approved as submitted.

ANNEXATION BOUNDARIES FOR NORTH TRYON-TOM HUNTER ROAD AREA TO BE REDRAWN ALONG ALTERNATIVES PROPOSED BY PLANNING; COUNCILMAN WITHROW EXCUSED FROM PARTICIPATING DUE TO CONFLICT.

Mr. William McIntyre, Planning Director, reviewed the subject area. He stated Council had asked specifically for the population of the pie-shaped section in the middle of the total annexation area; that the total population of this area bounded by North Tryon Street, Old Concord Road and Rocky River West is 1,765 people.

He stated if Council does not wish to annex the entire area as originally conceived, there is an alternate proposal which the Planning Commission staff has worked out. It would basically eliminate the property in the area on the northerly side of the pie-shaped section, taking out of the annexation large tracts of land and a small amount of housing on Old Concord Road. He stated if Council should elect to choose this alternative for annexation, his staff would have to have about two weeks in order to bring all of their data and official reports up-to-date and modified to that extent.

Councilman Davis stated it was his original intention, after conferring with residents in that area, to ask Council to consider eliminating Areas 1, 2 and 3 on a map which he had worked out with Mr. Richard Backus. After conferring with him further and with Mr. McIntyre, he thinks the alternate proposal addresses the objection he has.

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Councilman Davis moved that Council instruct the Planning Commission to re-draw the annexation boundaries along the lines of the Planning Commission's alternative and bring it back to Council for approval. The motion was seconded by Councilwoman Locke.

Mayor Belk asked if this would make any difference in the overall annexation? Mr. McIntyre replied it would make obvious differences in population and area and it would be up to the Budget and Evaluation Department to determine what differences in the budget would be made.

Mayor Belk asked if this would show prejudice toward people in this area over the other areas or not. Mr. McIntyre replied as they studied these areas this is the only section there could have been a modification made. This will be the first time in their history of experience with this subject that they will have made such a modification.

Councilman Gantt stated when they discussed this at the previous Council meeting one of the things he was concerned about is that they find some criteria to use other than the State's specified standards, that is anything above 2 persons per acre. It should be definable so that there might be some definite policies set. That they run the risk of appearing to be discriminatory when they draw boundary lines that might be construed to be gerrymandering.

He stated one of the approaches that he thought they were going to come back with today was in addition to taking another look at this section was to see whether or not we could actually come up with some criteria for why they would vary from the minimum standards. What the minimum standard does do is it allows the kind of non-discriminatory approach to annexing people. Whether we like it or not, if you hit that 2 persons per acre you are likely to come into the City. It seems to him if we are going to vary from that policy - he does not think there is anything wrong with varying from the policy - a norm or criteria makes some sense. Such as physical barriers, a drastic change in the land uses and some other kinds of things.

If this motion goes through, he would like to ask that the Planning Commission staff look further into other ways by which future Councils, or even this Council, may have a better guide by which they will get a handle on an area, if we are going to start to vary from the minimum standards. That time is a problem with this particular proposal.

Councilman Davis stated that in the past the instructions from the City Council to the Planning Commission have been to, for example, take a large apartment complex and working with the minimum legal requirements of the law to gerrymander these areas to take in the maximum amount of land area without regard to the character and use of the land. That this is really not a change in policy but a change in Council's instructions to the Planning Commission on implementation of the policy to say that we are going to take in all of the land area that meets the legal minimum qualifications but we are going to instruct the Planning Commission not to gerrymander these areas. That they consider the character and use of the land. When you have an 800, 1000 or 1500 acre tract that is used for cattle grazing it is obviously rural use.

Councilman Gantt stated he and Councilman Davis are saying the same thing. That one of the criteria would be drastic changes in land use that goes from an urban to a rural type situation. That is a reasonable type of criteria. A major barrier such as an interstate highway also tends to define an area.

Councilman Davis stated his thought is without altering the policy they could just instruct the Planning Commission to consider the character and use of the land.

Councilman Withrow stated he has about 15 acres in the area that will be dropped out - they took about 4 of it out and left about 10 in. He requested he be excused from voting on this item.

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Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried that Councilman Withrow be excused from voting on this item.

Councilman Whittington asked if Council votes in favor of this alternate will it be setting a precedent; that it has not been done before? Mr. McIntyre replied yes. Councilman Whittington asked if the Planning Commission staff has ever been instructed by Council how to gerrymander boundaries that we are going to annex? Mr. McIntyre replied no. Councilman Whittington stated then that should be stricken from the record because that certainly has never been the case since the annexation laws were passed in the State.

Councilman Whittington asked if the Planning staff has changed its position on what should be annexed and what should not be as far as this area is concerned? Mr. McIntyre replied no, the staff has not changed its position.

Councilman Williams asked the population density figure in the pie-shaped section? Mr. McIntyre replied the population density there is 1.38. Councilman Williams asked for the population density figure for the portion of the pie-shaped wedge that he has recommended leaving in for annexation under the alternative plan? Mr. McIntyre replied the population density for that section is 2.72. Councilman Williams asked if that is in regard to any other part of this annexation area? Mr. McIntyre replied that would be the population contained within the boundaries. Councilman Williams asked if the 2.72 figure is good for just the portion of the pie-shape that they recommend for inclusion. Mr. McIntyre replied it is the green-hatched portion on the map; without regard to the solid green. Councilman Gantt stated if you include the yellow portion with the hatched area and only the pie-shape, you have less than 2 persons per acre? Mr. McIntyre replied that is right, you have 1.3. He stated they did not figure the yellow area but it would be much less than the 1.3.

The vote was taken on the motion and carried by the following vote:

AYES: Councilmembers Davis, Locke, Chafin, Gantt, and Williams
NAY: Councilmember Whittington.

Councilman Withrow having been excused from the vote.

ORDINANCE NO. 532-X TO INCREASE THE 1976-77 BUDGET ORDINANCE TO PROVIDE FUNDS FOR AN INCREASE IN THE CETA TITLE II PROGRAM.

Motion was made by Councilman Gantt adopting an ordinance to increase the 1976-77 Budget Ordinance by \$31,241 to provide funds for an increase in the CETA Title II program. The motion was seconded by Councilwoman Chafin.

Councilman Davis asked if this is merely an increase in the estimate of our federal grants and does not involve any change in the local budget? Mr. Burkhalter replied in the affirmative.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 24, at Page 186.

CONTRACT AGREEMENT BETWEEN THE CITY OF CHARLOTTE AND MECKLENBURG COURT VOLUNTEERS, INC., TO PROVIDE FOR A VOLUNTEER ASSISTANCE PROGRAM FOR COMMUNITY DEVELOPMENT YOUTHFUL PROBATIONERS.

Motion was made by Councilwoman Chafin and seconded by Councilwoman Locke, approving a contract agreement between the City and Mecklenburg Court Volunteers, Inc., to provide for a Volunteer Assistance Program for Community Development Youthful Probationers, in the amount of \$21,517.

Councilman Gantt asked whether or not this is the only effort we have in the criminal justice area in the CD program? Mr. Vernon Sawyer, Community Development Director, replied it is the only one of this type.

The vote was taken on the motion and carried unanimously.

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CONTRACT BETWEEN THE CITY OF CHARLOTTE AND THEOREM CORPORATION TO CONDUCT A FEASIBILITY ANALYSIS OF A MOBILE DIGITAL COMMUNICATIONS SYSTEM FOR THE CHARLOTTE POLICE DEPARTMENT.

Motion was made by Councilwoman Locke and seconded by Councilman Williams, approving a contract between the City of Charlotte and Theorem Corporation, in the amount of \$59,237.01, to conduct a feasibility analysis of a Mobile Digital Communications System for the Charlotte Police Department.

Councilman Davis asked the reason for rejection of the low bid. Mr. Burkhalter replied that the estimate on this was around \$80,000 and the reason for the rejection as explained to him is they did not feel that the low bidder understood the project or could do it for \$30,000.

Lieut. H. R. Smith stated it was rejected for several reasons. Two of them were that they mentioned dealing with Charleston, and this is Charlotte, North Carolina. That they were going to do a questionnaire survey of our existing system which would not have done us any good.

Councilman Gantt stated the other bids appear to be fairly close together and this one seemed to be way out of line.

Lieut. Smith stated the evaluation they got back from Atlanta stated that by accepting the second bid, the City of Charlotte, the State of North Carolina and LEAA would benefit a lot more.

The vote was taken on the motion and carried unanimously.

CITY MANAGER DIRECTED TO AMEND POLICE DEPARTMENT'S GENERAL ORDERS SETTING GUIDELINES AND PROCEDURES FOR POLICE OFFICERS TO FOLLOW FOR OFF-DUTY EMPLOYMENT.

Councilman Whittington stated other Councilmembers have received copies of the report of the Operations Committee on the Off-Duty Employment of Police Officers, which included the names of those who appeared before the committee. After hearing from all of these people, the committee has three recommendations that they will make to the whole Council to be considered today.

1. That the types of off-duty employment currently prohibited by the Police Department should be expanded to prohibit employment by businesses not frequented by the general public. This would include such activities as nightwatchmen, warehouse security, after-hour protection of businesses and commercial establishments.
2. The Police Department general orders concerning off-duty employment by businesses involved in a labor strike should be clarified to eliminate employment situations that might cause confrontations between striking laborers and police officers working off-duty.
3. That the police officers should be prohibited from soliciting businesses for off-duty employment opportunities. (At the hearing the committee was given ads where policemen were actually soliciting business in competition with the security people)

Councilman Whittington stated the last paragraph of the report relates to the issues of the City's tort liability. That submitted with the report was a report by Mr. Underhill which said in effect that the City would be covered in most tort liabilities and situations.

Councilman Williams stated as a member of the Operations Committee, he concurs in the recommendation. That he is of the view that police officers who have special training ought to be allowed to work not only where the general public in attendance, but also where dangerous kinds of things might be present. That would include such things as fuel storage areas which have the potential for a great deal of harm if something went wrong; or a drug-store warehouse where they have a lot of dangerous drugs stored. He may want to offer an amendment at the appropriate time to include that but wishes to wait and see what other people have to say.

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Mr. Dick Thompson, 2700 Sumway Drive, stated he speaks in behalf of the police officers as a representative of the Fraternal Order of Police. They would like No. 1 dropped. He thinks what they are trying to say is turnkey type operations where a man goes around a building and checks for fires or punches a key clock. That they are adding more words to it which will in essence just complicate the matter and make it more open for criticism and problems. There are complications in No. 2 also. He can understand that, however, they may have a warehouse on strike that is picketing stores ten miles across town, or maybe there is a warehouse out of town that is picketing these stores here. However, they can probably live with this recommendation.

Mr. Thompson stated this is strictly his opinion, but he would remind Council that their responsibility is to the thousands of businesses here in Charlotte instead of two or three of which one is the major complainant, ex-Police Major James Stegall who has himself not been before this Council. He has done more off-duty work when he was a policeman than most of the policemen than are on there now. This seems to have been forgotten in his political ambitions and presently.

He stated he would like the first recommendation re-worded to read "the key-punch and fire guard type operations;" simplify it so that they will all know what it means. He feels the committee really means a guard type service where you have a guard that goes around turns a key, punches a clock, watches for fires. If you have valuables in a building where the people decide that they want to pay a police officer to go in there and work this and they do not feel like they can trust a security man when they do not know who will be sent out, then he feels they should have that right. But just checking buildings, fire watch and this type of thing - he does not know of any police officer who is doing that now anyway.

He referred to Eckerd's warehouse on Statesville Avenue. That when the committee met it was reported they could not find out who was in charge of that operation. This is not a warehouse - it is a distribution center for drugs. The warehouse concept could be used here possibly, but it would be confusing. When you have a drug situation where there are drugs coming in and out you have a need for security. If they feel they need a police officer enough to pay the extra amount for a police officer, then they should be allowed this opportunity.

He stated some things that come into town that have on the program or have a room that has valuables in it and they want a sworn police officer to stay in that room. He is not talking about on a permanent basis. You have a break-in where they cannot close up the opening right away. They call and they cannot get anyone and they can find an off-duty police officer to stay that night. This again is not on a permanent basis. This is what they are dealing with.

Councilman Gantt asked if this is the kind of thing Councilman Williams was referring to? Councilman Williams stated he wanted to ask Mr. Thompson if he could think of instances where an off-duty officer would want to be employed where there were no people present and where there were no dangerous instrumentalities present? Mr. Thompson replied not to his knowledge because he thinks "dangerous instrumentalities" would cover anything they are talking about.

Mr. Thompson stated they are also concerned about the police officer's right to work and support his family. They are already restricted by departmental rules, by the State and other guidelines. They see this as another attempt to restrict them more by these security firms. They will appreciate any consideration Council can give them on this.

Councilman Whittington stated this problem was brought to City Council; that Council did not go out and seek this; it was brought by corporate citizens who wanted an answer. That this Council has to give them an answer. That Council is not picking on anybody. That Mr. Thompson said things about Mr. Stegall. Mr. Stegall had a representative at the hearing. That Mr. Stegall himself has appeared before Council about this. That he is not defending Mr. Stegall but this problem was brought to the entire Council by

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corporate citizens who felt like the Police Department were taking advantage of their operations and it was referred to the Operations Committee. That he talked about the restrictions that the policemen have but they seem to be able to operate pretty freely because he is over here about twice a month. Mr. Thompson replied he took a vacation day today.

Councilman Whittington replied he does not know whether Mr. Thompson is on vacation or not, but he would like to mention the word "instrumentalities." That Councilman Williams did say that he has reservations about that because there were firms that said to him they thought police officers ought to be on duty or be used as reserve police officers in situations that he mentioned. He also wants members of Council to know that he has been told as chairman of this committee, by letter and by phone call; that Councilmen Williams and Withrow as well as the City Manager have been told this too; that if they put that word "instrumentalities" in there that they ought to destroy the whole report and not recommend anything; leave it like it is. That Council will have to make that decision.

Councilman Davis asked if Mr. Thompson has computed the number of off-duty policemen who would be involved if they implement these three recommendations? Mr. Thompson replied that he has not. He could not give them a figure at all; he does not know whether it would be a great number or not.

Mr. Bill McCracken, 6529 Monroe Road, No. 1, stated he would like to speak about some of the problems that members of GASP have had with off-duty police officers moonlighting, and also on occasions with on-duty police officers and offer their suggestions as to what they think would be some solutions.

He stated he can sympathize with police officers who find it necessary to maintain an average standard of living, but when police officers work while off regular duty there are many times a conflict of interest arises. A police officer is charged with enforcing the law 24 hours a day. When he is hired by a private company it is natural that he feels a loyalty to his employer. This is where a conflict of interest could develop when he observes a violation of the law that his employer chooses to ignore. He is making specific reference to the law which prohibits smoking in retail stores. Many of these stores have off-duty police for security or traffic reasons. He has observed such off-duty officers smoking in prohibited areas of retail stores. He has requested assistance from such officers in enforcing the no smoking ordinance when he has observed a violation and the officers have refused. He has observed flagrant violations of this ordinance in the elevator at the Law Enforcement Center, even police officers have reported this to him. He has filed complaints with Police Internal Affairs and with Chief Goodman and never received a reply. He has been threatened with arrest by a sergeant because he requested police assistance with enforcing the City ordinance.

He stated that several times he and other members of GASP have been treated by police like they were the accused violators of this law when they called for police assistance. An off-duty police officer actually defended a violator of the law because she was employed by him.

He feels these problems can be resolved by taking the following actions:

- (1) Raise the salaries of the police. This would reduce the number of moonlighting police.
- (2) Instruct the police that they are required to enforce the law 24 hours a day and that their first loyalty is to the public, not a second employer.
- (3) They may not exercise personal preference in the enforcement of laws.
- (4) That police officers will obey all laws and not just those that they themselves favor.

Mr. McCracken stated he believes the public benefits from the presence of off-duty police in uniform. There can be no doubt that this is a deterrent to crime. To stop police from wearing their uniforms when off-duty would be detrimental to the public interest. He does not believe police officers want to work at extra jobs but it is a necessity to meet their needs. Let them work and we all benefit as long as he is in uniform.

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Councilman Gantt moved that the report be accepted and it was seconded by Councilwoman Locke.

Councilman Davis asked about Recommendation No. 3. How about a police officer who is a painter, for example? How is he supposed to get his customers?

Councilman Whittington replied this is an old, old problem with both firemen and policemen; that policeman if he is hired by the City as a policeman that he could not under this general order, if it is changed, solicit and bid for paint jobs.

Councilman Davis stated if they are going to permit them to perform off-duty work he thinks they should be permitted to solicit.

Councilman Gantt stated he thinks the intent is to get at the security business but what Councilman Davis is talking about may mean they should define it more. He will accept an amendment to his motion.

Councilman Whittington stated they could rule out painters, contractors and plumbers, this sort of thing. Councilwoman Locke asked how many policemen are involved in that kind of off-duty work?

Councilman Williams made a substitute motion to accept the committee report with two modifications - add the words to the third recommendation "in competition with private security firms;" and in Recommendation No. 1, after the word "public" add "or where there are no dangerous instrumentalities present."

Councilman Whittington stated the majority of the committee does not agree with Councilman Williams' suggestion.

Councilwoman Chafin asked Councilman Whittington to clarify his earlier comment regarding the use of the word "instrumentalities." Councilman Whittington replied there may be some security people in the audience, but in his discussion with Mr. Scott Tyler who helped the committee and with the security people, they said if they use the word "instrumentalities" you might as well not make any recommendation to the total Council, but leave it like it is.

There was general discussion as to whether each recommendation should be voted on separately. Councilman Whittington stated the majority of Council can accept the proposed changes but the majority of the committee does not accept it. Council asked them to do a job and they tried to do it.

Councilman Davis asked if there is anyone from the Police Department who can tell them authoritatively how many off-duty policemen would be involved in each of these three proposed changes, how many it would affect. That if it is going to cause a tremendous economic upheaval he thinks they perhaps should deliberate about it a little longer and maybe hear from some of the officers as to what their individual problems are.

Councilman Whittington stated the committee was trying to help the Police Department; they were not trying to eliminate anyone's work; they were just trying to get some guidelines under which to operate. He does not think any policemen who have off-duty jobs now would have to quit.

Mr. Burkhalter stated he would like to point out, and he was in on part of the committee's discussion, that everyone has been looking at this purely from the viewpoint of police activities, not any other kind of outside work. That all Councilman Williams' amendment does is clarify it.

Councilman Whittington stated the majority of the committee will accept the amendment to Recommendation No. 3 but not to No. 1.

Councilman Gantt stated he will accept the amendment to No. 3 as part of his motion.

Councilman Williams stated in defense of his amendment to Recommendation No. 1, that right now there are very few restrictions on off-duty employment, as he understands it. The restriction that would be added by No. 1 as recommended

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without amendment would be to limit off-duty employment only to those situations where people are present, members of the general public. The theory behind that is a good one - that where people are present you need extra training and expertise to deal with people. His suggestion is to piggy-back onto that and allow off-duty employment also where dangerous instrumentalities might be present for the same reason; that you need specialized training and expertise to deal with situations involving dangerous instrumentalities because of the extra hazard that is created. If you have a gasoline storage deal, for example. There might not be any people there after five o'clock but it surely has a potential for a lot of damage if somebody got some crazy idea. Part of the question is how much training a security officer has. In the committee meeting it came out that they do not have a great deal of training.

Councilman Gantt stated the main thing is how far that definition is carried. If you simply use dangerous instrumentality without a definition it might be a problem.

Motion was made by Councilman Davis that the recommendations be voted on separately and it was seconded by Councilman Williams, and carried unanimously.

Motion was made by Councilman Gantt that Recommendation No. 1 be accepted as presented by the committee, seconded by Councilwoman Locke.

Councilman Williams made a substitute motion, adding the words "or where there are no dangerous instrumentalities present." This motion was seconded by Councilwoman Chafin, and failed to pass by the following vote:

AYES: Councilmembers Williams, Chafin and Davis.

NAYS: Councilmembers Gantt, Locke, Whittington and Withrow

Council then voted on the main motion by Councilman Gantt to accept Recommendation No. 1 as presented by the Operations Committee. The motion carried by the following vote:

AYES: Councilmembers Gantt, Locke, Chafin, Whittington, Williams and Withrow.
NAY: Councilman Davis.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously, accepting Recommendation No. 2.

Motion was made by Councilman Williams, and seconded by Councilwoman Locke to accept Recommendation No. 3 as amended by adding "in competition with private security firms." The vote was taken on the motion, and carried unanimously.

ORDINANCE NO. 533-X AMENDING ORDINANCE NO. 155-X, THE 1976-77 BUDGET ORDINANCE, TRANSFERRING FUNDS FROM THE UNAPPROPRIATED BALANCE OF THE GENERAL FUND TO PROVIDE INTERIM FINANCING FOR INITIAL COSTS FOR DISCOVERY PLACE.

Councilwoman Locke moved adoption of the subject ordinance transferring \$238,000 for interim land acquisition funds for Discovery Place. The motion was seconded by Councilman Gantt.

The City Manager stated staff will be back at a subsequent meeting with the option for Council approval. The reason for doing this in this way they had a number of options on land; the City sent its appraisal people up and appraised it. Those options which fell within reasonable appraisal, they told them they would recommend to Council that they accept this, and send them the money until they get the bond money to pay them. If the appraisals are considerably more, they will drop those options.

Councilman Whittington stated he has received communications from attorneys and property owners saying the people involved in Spirit Square did not keep their word. That he does not want Council to do something today that will place the Council in the middle.

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Councilwoman Locke asked if this is not the land they had an option on all along? Mr. Stuart, Assistant City Manager, replied this is part of the land; they have had an option on other land, but did not exercise the option.

Mr. Burkhalter stated these options are in the names of the other people - not the City - and Council has to agree to accept the options. One of the reasons we are doing this is to simplify things and these exercises, give them money, and they take options, they buy and then transfer titles and deed it all back to the City. Staff proposes to come back to Council with these options which are transferrable and have Council accept the option, and then Council exercises the options. At that point maps will be available for Council. But Council will have to agree to transfer the money and that is why this is before them today. If Council agrees to lend them the money, then Staff will bring Council all the details.

Councilman Davis asked if the option prices are too high, will the Public Works Department acquire this land by condemnation? Mr. Stuart replied once the bonds are sold, they would have the funds to go out and negotiate; if this failed, that would be the next step. Councilman Davis asked if he is saying the land could be acquired cheaper than the option price of the Discovery Place negotiation? Mr. Stuart replied what they are saying is the appraisal information they have is the information obtained by the independent appraisal process and shows that land to be valued at less than the option price. Under the existing land acquisition policy of the City Council they work on the basis of the independent appraisals, and do not bring to Council any acquisition prices way in excess of those values indicated by appraisal prices.

Councilman Davis stated he is concerned that Council not take any action that would commit them to acquiring that land regardless of the price; if they get down to the last few pieces over there and the price of it turns out to be a whole lot more than they thought it ought to be.

Mr. Burkhalter stated if they feel that way they should be careful about voting to do this because if you buy half a block and are not sure you are going ahead and buy the rest of it, you are in a bad situation. He thinks they really do commit themselves to buy the block once they start on it.

Councilman Davis stated this is why he would want to have some more information. He would assume the Directors of Discovery Place negotiated what they thought was a fair deal, and now Council is saying they think the price is too high.

Councilman Whittington stated he is not saying that at all. The reason he raised the question he did was because he has had letters from attorneys and property owners about the position which they were left hanging about these options, with no decisions until after the bonds are sold. He thought they could wait until next week before actually transferring this money for them to exercise these options for that reason. The reason he mentioned what he did was because if the people involved in land do not feel they have been treated fairly, he did not want Council to be a part of that until their questions are cleared up.

Councilman Davis stated the bonds have been approved by the voters, and Council is pretty much expected to do exactly what it said on the ballot. If Council found out the land acquisition was going to exceed their estimates to the extent the money would not be sufficient to complete the project, then Council could do nothing and leave the bonds unsold. He feels Council should have the option open if the land is too high.

Councilman Davis asked if the action today commits Council to the point where they do not have the flexibility of doing nothing? Mr. Burkhalter replied what Council is doing today is transferring the money to lend to them so that before the bonds are sold, Council can exercise these options which will expire before the bonds are sold. They are good options. They have been examined and they come well within our limits of appraised price. The first thing Council has to do is to accept the option. The next step is before the option expires, if Council wishes to do so, is to buy the land and exercise the option. Council makes all the decisions.

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

The ordinance is recorded in Ordinance Book 24, at Page 187.

Councilman Davis stated he would like to say now before Council commits any money to this, that he feels the whole thing should be under option. Mr. Burkhalter replied we cannot do this because the only way to get an option is at the seller's price. Councilman Davis stated we do not have to accept it unless we get the whole thing. Mr. Burkhalter stated if we do not accept it then he does not have to give an option either. Councilman Davis stated he does not think this is so bad if we do not have anything but if we have half a block, then spend a bunch of money, and have half a building site.

PUBLIC WORKS DEPARTMENT AND MANPOWER DEPARTMENT TO PROCEED WITH IMPROVEMENTS TO SUGAR CREEK WITHIN FREEDOM PARK FOR EROSION CONTROL AND CONSULTANT AND STAFF BRING THE PROJECT BACK WITH ALTERNATIVES FOR REDUCING COST.

Councilwoman Locke stated the Public Works and Planning Committee met on May 18 with Councilman Gantt and herself present. They heard from Mr. Groves and Mr. Hopson, Mr. Person and Mr. Diehl on the erosion control for Sugar Creek within Freedom Drive.

Councilwoman Locke stated the Committee recommends that Council authorize the Department of Public Works and the Manpower Department to proceed with the improvements to Sugar Creek within Freedom Drive for erosion control and beautification, and she moved that Council accept the recommendation of the committee. The motion was seconded by Councilman Gantt.

Mr. Al Groves, Consultant, reviewed with the Council the plans for the erosion control and beautification, pointing out the banks of the creek and the rip rap that would be used and the use of unemployed persons through the CETA program.

He stated they will put lining on the edge, shape the bank, put the concrete lining in; they propose to haul the rock from the surrounding areas, to be picked up in the fields from farmers; this would be a manpower intensive program. A crew of laborers would go out and pick up the rock, and all the materials would be free; the only cost would be to haul it in. The sidewalks and walkways could either be of concrete or native material; the differential in elevation would be taken care of by additional retaining walls, similar to the ones pointed out in the charts, which is merely rock rubble walls laid against the dirt embankment.

Councilman Davis asked if the whole thing is lined with concrete? Mr. Groves replied no; at the bottom there is a tow down to keep the water from eroding underneath.

Councilman Davis asked if there is any concrete in the bottom? Mr. Groves replied no, the area in yellow is the rock rip-rap on the bank which is put over four inches of concrete coating and goes the entire length.

Councilman Gantt asked why the whole area was not rip-rapped and Mr. Groves replied for one thing he did not think they had that much stone available; and the other was they can develop more skills. Councilman Gantt asked if they had to have skilled labor to put the concrete down? Mr. Groves replied they can develop that skill because it is not a finished surface, only a protective surface, and will be covered by the water surface. Its only function is something for protection. It could be done with rock but they felt the grade-off between the rock and the concrete made sense.

Councilman Whittington stated he says to rip-rap the banks alleviates the erosion problem, and would not do anything to the aesthetic quality which has been sought in a park the size of Freedom, that no one can disagree with that; but asked what has happened to all the rip-rap on both sides of the bank from Princeton Avenue towards the lake where all the cherry trees are located? Mr. Groves replied it is all on the other side of the cherry trees, and they propose to utilize the materials out of that rip-rap. Councilman Whittington asked if the reason we cannot rip-rap it all is because

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it would take \$800,000? Mr. Groves replied no; it could all be rip-rapped, and it could be for \$800,000; but the idea is to develop this facility which would give it an additional feature, of not only rip-rapping and erosion protection; it would develop the linear park of more beauty than rubble rip-rap. It would also be a labor intensive type project which would employ about 100 CETA people.

Mr. Groves then continued with a description of the project, pointing out the locations of the principal features such as the dam and the foot bridges, walkways and nature paths.

After he completed the description of the project, Councilman Gantt asked Mr. Groves to give his feelings if Council decides to do a "bare-bones" approach to this - simply rip-rapping the creek all the way down from one end to the other, and what the cost might be and what the eventuality is, or the likelihood of any kind of project if he eliminates the dam? Mr. Groves replied if you eliminate the dam at the other end, you would basically not need to do anything except the bare-boned rip-rap because you would have a concrete lined ditch with no water in it. This has been estimated to cost about \$800,000 by the Public Works Department.

Councilman Gantt stated this is essentially saying that we are talking about a million dollar project, including labor for rip-rapping, and in effect we could still use the same CETA employees to simply do the project? Mr. Groves replied that is correct. You could use the CETA people but they may have overlooked the enhancement of the total area which could be accomplished by adding the "icing on top." There is no question they could rip-rap the banks and solve the erosion control.

Councilman Gantt stated he is still recommending the project primarily because of the points he made during the Public Works Committee meeting. That is, it does two things that are in the public interest. It helps with erosion control and finds meaningful employment for people that are unemployed. The third area is that we are really developing a park in Freedom Park. At this point, he thinks he is shifting his position a little to say that this probably is an area Council should examine a little more closely in that they may not want to consider all the items suggested in this plan in light of the fact Council wants to allocate some funds to other projects that need parks. His position is that he does not want to go to the bare-bones project as he thinks it would be a mistake for Council to do a project of this scope and magnitude, and simply put rock on two sides of the creek, particularly in a park that is used by thousands of citizens all over Charlotte. He thinks we can do some things beyond that; but something less than the \$2.2 million. Even with the \$800,000 as he reads this breakdown, it seems that just reducing this project by \$400,000 gets us two more parks. Maybe that means eliminating one of the waterfalls or one of the plaza areas.

Councilman Williams stated the Sugar Creek Park is a linear park south of the Belmont Center. He asked the cost of the total development of that park? He asked if the City had to acquire any land for that development? Someone replied about a million dollars. The City Manager stated they did have to acquire some land.

Councilman Williams stated this was about a mile long. When he went to the dedication of that park he was very impressed with it. They had big boulder rip-rapping on both banks for about a distance of a mile with sidewalks at least on one side. Mr. Burkhalter replied there was very little rip-rapping. Councilwoman Locke stated it is eroding badly. Mr. Burkhalter stated it is eroding and the County is working on part of it now. Councilman Williams asked how much rip-rapping is on that creek? Mr. Readling, City Engineer, stated there was very little rip-rapping - only in the bends and places where they knew they would have erosion; it was not all the way, just a small percentage of the length of it. Since there is some erosion, the County is in there working on it now.

Councilman Williams asked Mr. Readling if he agrees the rip-rapping in Sugar Creek would be \$800,000? Mr. Readling replied these estimates were made by his Department. That \$800,000 included replacing that footbridge which will have to be replaced - if you are going to have a footbridge in there.

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Mr. Groves stated the only major item that can be eliminated would be the dam. If you eliminate the dam, you eliminate the project. The facilities are added for two purposes. One, they are very heavy manpower oriented. The sidewalks and everything you see along the way - the little plazas - are very heavy manpower oriented. They take very little in the way of materials, dollarwise, as far as the total project is concerned. You could eliminate two bridges. If you eliminate the two bridges, you have effectively cut off one of the big areas of Freedom Park - the nature area or the wilderness area.

Councilman Gantt stated he is sure in talking about this, they talked about \$1.2 million, and he cannot find that figure anywhere in here. Can the project be done for \$1.2 million, including the CETA funds? Mr. Groves replied it would be exclusive of the CETA funds - there would be \$800,000 CETA labor on top of that.

Mr. Hugh Casey, Attorney, stated he has an interest in this project which goes back to the time he appeared before Council in a case involving the Sugar Creek Project. He has given members of Council a copy of a memorandum which was written in 1975, after an examination of the engineering files of the City of Charlotte, with the cooperation of the Engineering Department and under a court order. That he believes in looking at the history which is related in the memorandum, Council can see the problems which Councilman Gantt has anticipated.

If this project is approved, he would caution Council to very carefully monitor it and look at those costs and see how they rise. They saw in the previous project, the cost was supposed to be \$11 million, but after looking into the documents, it went to \$23 million. He would suggest that if we have a need for putting people to work in this City, we have other labor intensive projects which can be used. They can build sidewalks and other projects. Hardly a week goes by that the newspapers do not call our attention to the fact that some child has been injured or killed due to lack of sidewalks.

Mr. Casey stated he would caution Council to first of all give this a very critical look; and secondly, to monitor it. He would also advise, before they get too deep in this project, to check with the North Carolina Department of Administration, the State clearing house which previously turned down one of these projects sometime ago due to environmental considerations, stagnation or sewer problems.

Councilwoman Locke asked if he did not feel there was a need for erosion control on this part of the creek? Mr. Casey replied he did not feel anyone would disagree with that, but in looking over the plans he feels Council would be getting into something else.

Councilman Davis asked if the \$800,000 Mr. Readling mentioned included the CETA labor, and Mr. Readling replied it did not; that they have not estimated on that.

Councilman Davis made a substitute motion that Council disapprove this project and direct staff to come up with a plan that uses these funds in a purpose more directly related to flood control, which is where the bulk of the appropriation exists now. The motion was seconded by Councilman Williams.

Councilman Williams stated about this time of the year in 1975 Charlotte had some bad floods and there was a hue and cry about doing something about flood control. Council did escrow some money for that purpose, a little over \$1 million. That some of this money will now be going into this project.

Councilman Williams stated the point he would like to make is that he voted against that \$1 million escrowing or Revenue Sharing money at that

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time because he thought it was being escrowed for this particular part of Sugar Creek instead of flood control city-wide. It appears it is and he would agree with Councilman Davis on that point, that if we are calling it flood control, it ought to have a broader concept than this six-tenths or seven-tenths of a mile inside Freedom Park.

Councilman Davis stated Mr. Reading has given the only estimate Council has and that is it would cost approximately \$800,000 to furnish the rip-rap for this entire project, and this would not consider the use of CETA labor. That he had some members of the public call him and they estimated the length of this project could be rip-rapped for as little as a quarter of a million dollars. He would like some authoritative projection of what Council can do if they take the CETA labor they have, plus the money, and rip-rap this project, plus maybe extend it or do other parks or streams within the City of Charlotte that need the same type of treatment, or consider alternative uses such as sidewalks.

A vote was taken on the substitute motion and failed to carry by the following vote:

YEAS: Councilmembers Davis and Williams.

NAYS: Councilmembers Chafin, Gantt, Locke, Whittington and Withrow.

A vote was taken on the main motion to authorize the Department of Public Works and the Manpower Department to proceed with the improvements to Sugar Creek within Freedom Park for erosion control and beautification, and carried as follows:

YEAS: Councilmembers Locke, Gantt, Chafin, Whittington and Withrow.

NAYS: Councilmembers Davis and Williams.

Councilwoman Locke moved that Council adopt an ordinance transferring \$1.5 million to fund this project. The motion did not receive a second.

Councilman Gantt stated he cannot second this motion because he feels Council has to pay some attention to some of the comments that have been made and some of the demands that are made on Council for other kinds of improvements in the City. It is in that light that he would like to defer for the moment an appropriation of funds until Council gets some substantially more justifiable breakdown of costs; or some alternatives to the costs that might save at least a half a million dollars.

Councilman Gantt stated he would like to make sure that Council has a half million dollars more that we can spend on sidewalks, or parks, or the Chantilly bridge, or some other things. He feels there is an opportunity here to do the erosion control and some of the other projects.

Councilman Whittington stated he has tried to listen to all of this and be objective since he has been in on this project from the very beginning. He thinks what is being said by Council today is they are concerned about flood control, about parks, and how far you can spread the money and let other areas benefit from these appropriations. He stated in having heard all of this, what he feels Council ought to do, rather than pass Councilwoman Locke's motion to recommend the money, is to ask the consultant who has been involved in this from the very beginning and our own staff to look at drainage only in this area between Princeton Avenue and East Boulevard, to protect that bank and to save what trees are left and plant some more; that he is talking about rip-rap; and do the other things that have to be done there and then give Council some recommendation on what Council can do with the rest of the money, either for another park or build more sidewalks, or something else in another part of the City. He stated this is what he would like to see Council do.

Councilman Whittington stated, for example, before he would want to vote on today's presentation, he would want to walk over it on the ground. That he cannot get in his mind the low area in the park which has been discussed

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today and the location of the dam and these are the things Council ought to have before them.

Councilman Whittington moved that the consultant and staff bring this back to Council with the alternatives for reducing the cost. The motion was seconded by Councilman Gantt.

Councilman Williams stated he did not know how much the City has already paid the engineering firm. He heard that we recently added \$30,000 for this much of the reconsideration. That there has to be an end to engineering fees we pay for a project which may or may not come to fruition someday. That he is curious about how much engineering fees have been paid on this creek altogether. He thinks it would be a stupendous thing, including the \$30,000 we just spent. Mr. Casey stated in the memorandum he passed out it gives the total amount of \$357,549.50, of which \$326,902.40 had previously been paid, with a balance due of \$30,647.10, plus retainage of \$7,617.00.

Mr. Burkhalter stated he is not clear on what Council wants him to do and he would like to make two suggestions. One, knowing Council's concerns, he would hope that in the very near future they would wind up their work on the Capital Improvement Budget and then will know what funds are going to be available in these areas and after that, take this subject up and see what Council wants to do about it. Number Two, he would like Council to refer this back to the Committee and let them instruct Staff on what they want them to do.

Councilman Gantt stated the only reason that he does not think it is necessary to send it back to the Committee is because he thought what they stated was very clear. That what they want to do is reduce the project from \$2.2 million, and that they want some alternative proposals from him as to what it would cost to do something less than that so they can allocate some of the funds somewhere else.

Councilwoman Locke stated they want to reduce the cost of this somehow or other and they want staff, with Mr. Groves, to come up with some alternative fundings, less than what we have today.

Councilman Withrow stated it looks like we should have some priorities on flood control somewhere. That he went out in North Charlotte during the last flooding where the water was in the people's houses. Where are our priorities? He stated we should do something and stop the studying and put something in action - do a lot of thinking on it ourselves without paying out a lot of funds.

Councilman Davis stated he wants to know if this commits us for any further consultant fees?

Mayor Belk replied they say not.

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

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

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RESOLUTION PROVIDING FOR JOINT SESSION OF CITY COUNCIL AND COUNTY COMMISSION FOR PUBLIC HEARING ON RENAMING ARROWOOD ROAD OR ARROWOOD BOULEVARD ON MONDAY, JUNE 20, 1977.

Motion was made by Councilman Gantt, seconded by Councilman Davis, and unanimously carried, adopting a resolution to meet with the Mecklenburg County Commission in joint session at 9:30 A.M. on Monday, June 20, for a public hearing on renaming Arrowood Road or Arrowood Boulevard.

The resolution is recorded in full in Resolutions Book 12, at Page 389.

AMENDMENTS TO EXISTING LEASE/PURCHASE AND MAINTENANCE CONTRACTS WITH BURROUGHS CORPORATION FOR ADDITION TO THE MIS AND POLICE COMPUTERS, AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, approving amendments to existing lease/purchase and maintenance contracts with Burroughs Corporation for addition to the MIS Computer at a cost of \$72,422.64 per year for seven years, and to the Police Computer at a cost of \$35,593.20 per year for seven years.

Councilman Davis stated Mr. Burkhalter said in his budget message there would be 34 positions eliminated with these changes. He asked what that would do on a net basis considering the ones who have been added during the year? Mr. Burkhalter replied he does not know off-hand. Councilman Davis asked that he give this to Council at the next budget session.

DUTIES AND RESPONSIBILITIES OF MUNICIPAL INFORMATION REVIEW BOARD TO REMAIN AS PRESENTLY WRITTEN IN ORDINANCE.

Motion was made by Councilman Gantt that the ordinance establishing the Municipal Information Review Board and defining its powers and duties remain as it stands. The motion was seconded by Councilwoman Locke.

Mr. James Golson, Chairman of the MIRB, stated the motion made by Councilman Gantt is very much in agreement with what those members of the Board who are present are prepared to assert. Both Ms. Kitty Huffman and Ms. Fran Wells agreed with his statement.

Councilman Davis stated he would like to hear what the MIRB has to say about this; what their objections are to the proposed changes.

Mr. Golson replied their basic point is that they look at the motion which Mr. Davis has proposed in two ways. First, it is a motion to give someone the authority to audit highly restricted files. If that is the point, then they believe the MIRB as constituted has that authority and it has been validated by Mr. Underhill. Secondly, if it is a motion specifically to give someone other than the MIRB that authority, they feel that would undercut the authority of the Board as it exists and they would like to exercise that authority themselves.

Councilman Davis asked if he is saying that Council does not have authority to audit this confidential information now? Mr. Golson replied he is not saying it does or does not; he is saying Ordinance 803, as interpreted by Mr. Underhill, gives the MIRB that authority.

Councilman Davis stated he says that Council also has the obligation and responsibility to audit everything that goes on within the City, including the classification and storage of this information. Does the fact that Council has this responsibility and authority bother the MIRB? Mr. Golson replied if Councilman Davis feels that is the Council's authority, what is the point of his motion to give it such authority?

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Councilman Davis asked what is the point of his objection if it does not change it? Mr. Golson replied the objection is that he perceives the motion as implying that the MIRB would not because part of the motion implies that he, as a Councilmember, would report that to the MIRB. They are simply saying they do not need a group of Councilmembers to act as the investigatory body; they are perfectly capable of doing that themselves.

Councilman Davis asked if Mr. Golson has read the Attorney's comments? He says "First, the Operations Committee would only be reviewing information that is not readily available for public inspection. Second, the Operations Committee would not take the place of the MIRB nor would it circumvent or curb the powers of the MIRB."

Mr. Golson replied his feeling on that would be that by bringing the MIRB into this it tends to confuse an issue that perhaps was already somewhat confused but understandable. If the intention is to give Council that authority that, representing the MIRB, he would prefer that all mention of the MIRB be removed from this motion and what a City Councilmember may have as the authority be defined totally out of context to the MIRB.

Councilman Davis stated it is his contention that each individual Councilmember has the authority and the responsibility to audit this information today. Mr. Golson asked then what is the point of the motion? Councilman Davis replied the motion which he had included in the agenda material had three sentences in it pertaining to the Operations Committee.

He read the first sentence as follows: "Notwithstanding any other provision of this ordinance, any department, agency, board or Commission of the City that collects and maintains information that has been placed in the restricted or highly restricted categories pursuant to this ordinance, shall make their procedures for the collection and maintenance of such information, together with the information itself, available for inspection upon request to the Operations Committee of the City Council." He stated he contends that involves no new authority; any member of the City Council today has the authority to ask for that information and to have it presented to him. There is nothing new about this; it merely sets up a routine involving one of the Council committees for routine audit of this information. It really does not involve anything new and maybe in a sense it is not necessary.

He read the second sentence as follows: "If, in the opinion of a majority of the members of the Operations Committee, information is being collected or maintained in a manner inconsistent with the provisions of this ordinance, the Committee shall report its findings" - here he stated he would make a change from what the Attorney suggested. Instead of saying "to the MIRB" he would say "to the full Council for appropriate action." That it is inappropriate for a committee of this Council to report to someone other than this full Council. That when the committee reports back to Council, then Council at least has the obligation to take some appropriate action. He stated here again, that does not really involve anything new except asking a committee of this Council to assist them in a responsibility they already have to audit this type of information.

He read the third sentence as follows: "The Operations Committee shall also report its activities to the entire City Council on an annual basis, or at such other times as the Council deems necessary." This is a new item in that it asks for an annual report which he thinks is infrequently enough for this Council to consider the classified information that is being collected and stored and used within the City of Charlotte.

The reason he thinks this is important is that it is a responsibility Council has and so far as he knows they have not dealt with this other than what the MIRB may have done. That a recent example at the Federal Governmental level is that of Mr. J. Edgar Hoover. He was head of the FBI for a period of about 50 years, his career spanning 8 different presidents of both political parties. A lot of people wondered how he was able to get along with so many different bosses and do it so well. Recently, we have found out that he did not get along; that in fact, his last three Presidents of the United States attempted to fire him and they were unable to because Mr. Hoover had confidential information about them, their families and friends, and when the showdown came he was allowed to remain in office.

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out of it, so there is still some grey area about it. That the State Law says everything is public, but the ordinance creating the MIRB classifies certain information and says no it is not going to be public. That he agrees to some extent with Councilman Davis that anytime you restrict public access to this type of information you incur some risks.

Mr. Golson stated he would point out to Mr. Davis that by law within the City, a board such as the MIRB is only required to meet quarterly. They are attempting to meet monthly and he thinks it is commendable on their part, not that some of them fail to meet the standards of monthly attendance, but that almost everyone of the names appearing on the agenda certainly puts in more than one or two meetings per quarter. That for approximately three years now the board has been created and for perhaps the first two years, including the May of 1976 framework, they did feel a tremendous lack of understanding of exactly what it was they were set up to do. That about this time last year they really decided it was time to not wait for outsiders, including Council, to tell them what to do but to take off in the direction they considered worthwhile and perhaps they reconstituted the membership or re-challenged the membership and have been active. They are tentatively scheduled now for June 13th to report to Council on the past year's activities and some feelings of concern for the future, one of which is they would like more interaction with Council.

That the point Councilman Davis is raising here of having the sub-group of Council undertake this responsibility he feels would be a weakening of the role that the MIRB is attempting to undertake. The ordinance says that the MIRB "shall approve the collection, storage, usage and dissemination of information collected, stored, used or disseminated by the City of Charlotte." That is a pretty broad charter; it certainly includes what Mr. Davis is referring to. That the feeling on at least some of the members' part, some more than others perhaps, is that if the Council's feeling is such that they do not feel this board is capable of undertaking and exercising that authority it will tremendously weaken the board and perhaps take away some of the most fundamental aspects of continuing the work they have now begun.

He cannot speak to the fact of whether or not members of Council do indeed have that authority to go through and look at highly restricted information. He can say, based on Ordinance 803, the MIRB members do---

Councilman Davis stated as a Councilmember he believes he is entitled to look at any kind of information the City has. If he is incorrect he would like to know that now. He requested a ruling from the City Attorney.

Councilwoman Chafin stated that prior to becoming a member of Council she was a member of the MIRB for well over a year. At that time they had a very good attendance record. She knows that the board has worked very hard to deal with their attendance problem; they recognized that they had a problem. She really thinks what they are asking the Operations Committee to do - she disagrees with the merits of the proposal because she thinks they would be undercutting the authority of the Board to which Council has delegated certain responsibilities that she thinks they are fulfilling.

Moreover, the time involved in doing what they are proposing is just mind-blowing. It takes this board sometimes as many as three or four meetings to audit the information collected by one department and each of these meetings may last two, three or four hours. It is a very, very time-consuming process. To go through all of the hearings and explanations that the department heads provide the Board before you have any comprehension of what the information means, how it is collected, how it is disseminated. It is impractical to ask a committee of Council to undertake this responsibility without going through the same process that the Board goes through.

Councilman Davis stated when she says "undertake responsibility" and "delegate responsibility" that he thinks Council has certain responsibility that you accept when you become a Councilmember and you cannot delegate responsibility; they can delegate authority to the MIRB or the Manager or to anyone else, but the responsibility rests now and always will on the members around this table. That is why he is confident that any member of Council who wants

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to go down and audit the Police Department's confidential files is free to do so; that Chief Goodman stood here and invited them to all come down there. That it is incomprehensible that we have employees who are authorized to keep secrets from Council.

Mr. Underhill, responding to Councilman Davis' request for a ruling, stated that as a general matter a member of the legislative body such as City Council has the right to review information, records and files that are kept by the unit of government that they are elected to oversee. The reason that he hesitated to begin with is that there are some restrictions that the State Law places on the types of information that people may have access to. For example, employee personnel records and portions of employee records may only be reviewed by certain people or categories of people, without a court order. That if Councilman Davis wanted to see his personnel file in the City's Personnel Office, by State Law the City Personnel Director, who would be the custodian of that document, would have to find that he had a necessary and essential purpose and function to examine that record before he could release it to him.

That is the reason he was hesitating because there are some limitations placed on even a Councilperson's right of access to some information, but in general he would think that a member of the legislative body, such as the Councilperson, would have the right to review information collected by the City. Under the ordinance the same sort of release and authorization of that information must be granted by the custodian where the information has been classified as restricted or highly restricted. That information is open to persons granted access by the municipal information officer because they have shown a proper governmental purpose for the use of that information.

Mr. Underhill stated Mr. Davis as an individual Councilperson, or any other member of Council, within the general purposes, could review all information.

Councilman Davis stated the presumption is they have this authority unless they have been guilty of some kind of conduct that would indicate that they were abusing this authority.

Mr. Underhill stated he would not necessarily agree with what Councilman Davis has said. That if a Councilperson - going back to his personnel file - could demonstrate to the satisfaction of the City Personnel Director that he had a legitimate purpose in wanting to review it, he is permitted under State Law to show it to him. If the Councilperson cannot demonstrate that purpose, then he is prevented by State Law from showing it to him or face incriminating himself for disclosing confidential information. That is the only exception he can think of off-hand where a Councilperson may be denied access to looking at information. In general, they have the right as a legislative body to review practically any record the City kept.

The vote was taken on the substitute motion and it failed to carry by the following vote:

AYES: Councilmembers Davis and Williams.

NAYS: Councilmembers Chafin, Gantt, Locke, Whittington and Withrow.

The vote was taken on the original motion and it carried by the following vote:

AYES: Councilmembers Gantt, Locke, Chafin, Whittington, Williams and Withrow.

NAY: Councilman Davis.

Councilman Davis stated he wants an answer from the Attorney with something definite with what information members of City Council are not authorized to see in their role as elected public officials with responsibility for protecting the public interest. He wants a list of any information that the Attorney feels might be excluded from their view.

ONE YEAR'S EXTENSION OF SERVICE GRANTED TRANSPORTATION PLANNING COORDINATOR,
HERMAN J. HOOSE.

Motion was made by Councilman Whittington, and seconded by Councilman Withrow extending the service of Transportation Planning Coordinator Herman J. Hoose for one year.

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Councilman Davis asked what is Mr. Hoose's job title? Mr. Burkhalter replied Transportation Coordinator. Councilman Davis stated as such he is responsible for? Mr. Burkhalter replied when he came to Charlotte there was great clamoring on the part of the Chamber of Commerce and others that the City should create a Department of Transportation. One of the reasons they gave was that it would conform to the Federal and State bodies and such. From an organizational viewpoint this is not practical in a municipal government. One of the things they decided would be in the best interest to serve our city would be Planning Department for transportation functions. One of the things that has taken place in our city over a period of time was that the Traffic Engineer would be making certain transportation recommendations to Council; the Airport Director would be making certain recommendations; the Public Works Department would be making certain recommendations; the Highway people would be in here with recommendations; the Federal Highway Administrator would be requesting information - there was no one in this city that had any grasp on what was supposed to be going on. He stated he felt this more than anyone else in the City.

He stated the idea was to create a department that would, at the time it was created, serve a two-fold purpose - as coordinator and to begin the planning studies that were to be done when it was obvious that something was going to have to be done by the bus system. Now it includes transit, it includes the highways, it includes the airport, it includes all transportation. That probably they do not realize the major amount of work required now. For one thing, just attending meetings that are involved in highway coordinating.

Councilman Davis stated he is responsible for all our surface transportation? Mr. Burkhalter replied he is not responsible for any of it. He is responsible for collecting and coordinating this work. For example - Mr. Hopson does not go to Raleigh to talk about a highway or an improvement or correction unless Mr. Hoose is involved. Mr. Birmingham does not go to talk about the highway running in his direction if Mr. Hoose is not involved. Mr. Corbett does not recommend to this Council any information regarding the acquisition of rights-of-way for sectional improvements or anything unless Mr. Hoose has been involved. The reason for it is so that everybody involved will have some information and knowledge about what is going on. He certainly did not know because it was coming at him from all directions. He stated Mr. Hoose has a very tough job. He is action oriented; he is operation oriented. He has a vast wealth of knowledge and is very helpful in setting this up. In fact, at the beginning he was the only knowledgeable person in the City regarding traffic. In the early stages where they were beginning to get information concerning the UMPTA act and its effect on the City, he was very helpful in this direction.

Councilman Davis asked what is Mr. Hoose's current salary? Mr. Burkhalter replied he cannot answer that question exactly but it is in the 30's. It is over \$30,000.

Councilman Davis stated his objection to this is (1) there is a little conflict of interest when a department head or a key staff employee comes up to retirement and because of the very influential position they operate, and a bigger conflict comes up for the Councilmembers in that they are responsible for seeing that some effective personnel planning is done. That today over 30 percent of our department heads, or within the next five years, will be 65 years of age or older and will be eligible to retire. As of today, we have no way of anticipating when they will actually retire. It could be any year over a five-year period. That this makes it impossible to do any intelligent personnel planning. He has tried to keep this discussion on a basis of the principle and the policy involved; it has gotten a little bit away from that. That as far as Mr. Hoose's qualifications are concerned he can summarize this in one question by saying that in the investment business, if you own a group of stocks and you are wondering if you should sell some or hold them, there is a tendency to let things remain as they are, go with the status quo. If you decline to sell a stock that you hold, you are in effect making a decision each day that you continue to hold that. That a parallel exists with employees. That when the Manager considers making a recommendation to Council on a department head as far as accepting an extension or rejecting it, this has to be looked at on a basis of if we were putting out bids for this job today, would we hire the person that has the qualifications that holds the job right now.

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He asked Mr. Burkhalter if he needed to hire a Transportation Planning Coordinator and he advertised for people to fill this job and a resume came to him from some unknown person that had exactly the qualifications of Mr. Herman Hoose and was 67 years of age would he hire such an individual?

Mr. Burkhalter replied he cannot answer that question. He can only say that whenever a position like Mr. Hoose's appears, quite often the person makes the job, rather than the job making the person. Mr. Hoose's background is traffic. That he does not have to speak for Mr. Hoose; he speaks well enough for himself, but he will say that his service has been loyal, it has been effective. That Council gets countless reports that are turned out by him. All these production reports. It has become a center for citizen information concerning particularly the network of roads problems. This is where people have learned to go to get information on State and Federal plans. People from the County even come in to look at the programs that are going on. He is constantly in touch with all these people. The reason he was selected originally for this project was because of his vast acquaintanceship throughout the land in connection with people involved in these programs.

By way of explanation to Councilman Davis on his statement that a person makes the job, Mr. Burkhalter stated you can write all kinds of job descriptions for any job; that sometimes when an individual quits or leaves you do not utilize that service anymore. You pursue it in other areas. He feels Mr. Hoose is well qualified for this position.

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

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

COUNCILMAN GANTT GRANTED OPPORTUNITY TO TRY TO SELL PROPERTY IN FOURTH WARD REDEVELOPMENT AREA TO RESOLVE CONFLICT: AND CITY ATTORNEY INSTRUCTED TO WORK WITH LEGISLATIVE DELEGATION TO AMEND URBAN REDEVELOPMENT STATUTES.

Councilman Withrow stated that Councilman Gantt explained to Council last week that when he purchased this lot he did not know the complications, or what he would get into in doing this. He suggested in order to take all reflection from any individuals throughout Charlotte, that Councilman Gantt retract the purchase of the lot and then without embarrassing anybody on the Council or of anybody even suspecting this Council of doing anything wrong, or Councilman Gantt doing anything wrong. Then, that they go to the Legislature, or any other way, get it cleared up through them rather than have any reflections thrown on him or this Council.

Councilwoman Locke stated she would rather do it the other way around. See if they cannot get Legislative relief to eliminate this and then, if they cannot, ask Councilman Gantt to sell his property. She requested the City Attorney to get with Mr. Rash, who spoke at the informal meeting, and see if this can be resolved first with some sort of legislative relief.

Councilman Gantt stated he started off with what appeared to be a fairly innocent transaction for a possible future homesite and it turns out to be something that starts to smack of Watergate, if you read the papers yesterday. He stated he bought the property fully unaware of the consequences with regard to the conflict of interest law of the State. He was informed of this in May after purchasing the property in April. He thinks most of them knew that he was considering buying into Fourth Ward. His purpose was to build a house for his own personal use and his family.

One of the things that has come out of this, and having thought about last week's disclosure to Council and the public, he would suggest that to avoid some future complications, particularly in view of the fact that we will have a new Council coming on in November of four new members, that they get a list of do's and don'ts. There might be some need, short of setting certain kinds of codes of ethics, for some effort on the part of the City Attorney to make up a check list of things to do. That his attorney, his realtor, the people he purchased the property from, himself included, were just totally ignorant

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of the fact that this was a redevelopment area - that it had much to do with the fact that Fourth Ward does not look like that animal - the Brooklyn area or the downtown area. That they purchased from a private owner.

He stated he does not feel guilty of any impropriety. He does not believe the law was intended to be punitive in circumstances such as his. However, the law is the law and he is willing to abide by it. He would like Council to consider the kind of thing Mr. Rash said, which he heard for the first time, that they possibly look into possible legislation at the State level to fine-tune the conflict of interest law. It is a good law as it is written but it does not apply very well in situations. As it stands now, he is really in effect, denied the right to live where he wants to live. He is not talking about speculating on business, or developing property for other uses. The fact is that Fourth Ward is the place his family wants to live and there is a very good chance that it could be totally developed by the time it comes out from under redevelopment in 1981 - that, in effect, he has been denied his constitutional rights.

Councilman Gantt stated he wishes to withdraw the proposal he made last week. He agrees with Councilman Withrow's assessment. Initially he made the proposal with good intentions, that he expected this was a way that he might be able to resolve or remove the conflict, the conflict being that he purchased property that he might have a direct bearing on in terms of increasing that property's value. Obviously, living where he does live now in Hidden Valley if they build some sidewalks on the next street over he could vote on that; in fact, he believes he could vote on sidewalks in front of his house. Because of the law, he finds himself in this situation: He wants to withdraw the proposal because he thinks in effect it may be damaging to the Council. Council might be construed to have put itself in the position of giving him some special treatment on the issue. The only problem with that is that in withdrawal of the proposal, he is left with some very tough alternatives to face. The first is to resign from the Council; the second is to sell the property. He has decided that he is going to ask Council to allow him the opportunity to try to sell the property. That precludes any opportunity for him to live in Fourth Ward, he thinks, short of some remedial legislation that might be developed before this General Assembly is over. He asked them to give him enough time - he cannot sell the property next week. He thinks he has an obligation to the public to finish serving this term and to the people who have shown up here in support of his work on Council. While the choice is a personal sacrifice to his family, so be it.

Mr. Hoyle Martin, 3012 Burbank Drive, stated Mr. Gantt has already said all he intended to say. But, he would hope there is some way that this issue could be resolved without Mr. Gantt having to take the kind of drastic action he is proposing. He says that because each of them as Councilmembers know that they have made many personal sacrifices in order to serve on Council. This man is no different. He has already indicated he is willing to sell this land and ask his family to make an additional sacrifice. He knows Mr. Gantt personally and knows that this was a long time commitment and plan for his family. He asked Council to find some means of resolving this conflict short of either having Mr. Gantt resign and have to give up his land. He feels very personally that each of the Councilmembers are the kind of people who if they were in the same position, he would come before them and say pretty much the same thing because of the quality and character of the members of this Council. He speaks on behalf of himself as a citizen; on behalf of the officers of Precinct 25 and he comes before them because Mr. Gantt is a man of character and a man of honesty and integrity. He hopes some way can be worked out to keep Mr. Gantt with us, he is a meaningful voice on this Council.

Councilman Whittington stated that what Councilman Withrow has suggested to Councilman Gantt is the right one. That no one can question the fact that Mr. Gantt has character, has integrity, is honest and has been a good Councilperson. That he thinks Mr. Gantt will tell everyone in this audience that he has not discussed this with him and he doubts if anyone else on this Council has since last Monday. That he thinks Mr. Gantt shows the kind of man he is who offers here today to sell the property and he commends him for that and would hope that would be what he would agree to do so that he would be the one not in the middle and at the same time Council would not be embarrassed either. He stated he would be the last member of this Council to ask Mr. Gantt to resign because he believes what he did he did without

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knowledge of the fact that he was doing anything wrong. But, that is what the law is; he did not know it and they did not know it. He stated he believes there will be other ways and other times that he can get some more property in Fourth Ward. That in this case, that is the best thing for him to do and he hopes that is what he will do and if he does he commends him for it.

Councilman Withrow stated Councilman Gantt knows, he hopes, how hard he worked to get him on this Council when he was first appointed. There were those who called him and wanted him to appoint some other black person, but he thought so much of Mr. Gantt that he went all out for him, and he still does. That the paper yesterday left a lot of doubt in people's minds and he thinks he will have to erase that doubt that he was honest. That it takes a pretty big man to do what he did.

Councilwoman Locke asked the City Attorney to address this legislative relief that he and Dennis Rash have obviously talked about.

Mr. Underhill replied they have only talked about it in very broad conceptional type terms. In fact, Mr. Rash asked him after his presentation to Council whether he thought Council would take him up on the suggestion he made - to work with him and try to draft some legislation which would help clarify this particular statute. He told him he was sure Council would do that when they reached this item.

He stated they have not come up with any draft legislation. He will be happy, if Council so desires, to discuss this with Mr. Rash and members of the Legislative Delegation, lawyers in his office and anyone else to come up with some legislation which could be introduced in this Session that might clarify this statute and permit purchases of property in urban renewal under limited circumstances.

Councilman Davis stated he is opposed to the motion on the floor and to taking Mr. Rash up on his offer for the same reason. They have a simple case of official misconduct, although unintentional. No one he has ever heard of questions Mr. Gantt's intentions, character or integrity. But, they want an easy and honorable way out of this to restore Mr. Gantt to full status on the City Council. That he has committed a misconduct and it must be dealt with in light of existing law. The worse thing they could do would be to run to Raleigh and try to redraft a new piece of legislation that would exclude one of own members from official misconduct which has already happened. That they should deal with this as it is now and the limit of the Attorney's participation should be to interpret the statute as it now exists. In that regard, he is very disappointed that the agenda material does not state what the statutory conflict is, it does not state the law that has been violated, it does not even state that there has been a violation - it says a possible statutory conflict. There is no precedent. There must be examples of official misconduct in the past - unintentional. That might give them some idea of how to proceed on this. But, to do what the motion on the floor suggests would leave a cloud over Mr. Gantt and this entire Council.

Councilman Gantt stated he thought he had made it clear that what he would like to see done is that kind of legislation pursued. The fact is that he has already committed this particular act and has said that he would sell the property.

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COUNCILMAN GANTT EXCUSED FROM VOTING ON ISSUE.

Councilman Withrow moved that Councilman Gantt be excused from voting on the issue. The motion was seconded by Councilwoman Chafin, and carried unanimously.

Councilman Withrow made a substitute motion that Councilman Gantt be asked to dispose of the piece of property, and that Council give him time to do so. The motion was seconded by Councilman Whittington.

Councilman Davis stated he has no particular objection to this. That it probably sounds like a good solution; however, he thinks before Council acts they should hear from the Attorney to know what law, if any, has been violated, and what options Council has. That may be one of the options.

Councilman Whittington stated he would react this way. What they are doing here today is very difficult for him. That this is what Mr. Gantt asked Council to do, and that is the reason he is complying with what he wants to do. That as he has indicated, he does not want him to resign, and would not make a motion to that effect. That Mr. Gantt has taken Council off the spot, and himself says "give me time to sell the property". That Council is only acquiescing to what Councilman Gantt requested them to do.

Councilman Davis stated the agenda material says to resolve a possible statutory conflict. It may be that none exists. He thinks they should hear this from the Attorney.

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

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

Councilman Gantt having been excused from voting on the issue.

Councilwoman Locke moved that the City Attorney be instructed to work with the Legislative Delegation to amend the urban redevelopment statutes dealing with ownership of property in redevelopment areas. The motion was seconded by Councilman Whittington, and carried unanimously.

NUMBERING OF DISTRICTS TO REMAIN AS PRESENTLY ASSIGNED.

Councilwoman Chafin stated about a month ago she brought up the subject of re-numbering the districts of the city in a clockwise direction. She brought it up as she felt the districts had been misnumbered and perhaps created a stigma on some of the residents who reside in some of the districts.

She stated she has been informed by several people that changing the numbers at this point might create more confusion. That she stills disagrees with the way the districts were originally numbered, and would like to hear some discussion from the Council.

Councilwoman Locke stated people are already thinking in terms of where their district is, and even before the vote on it people were becoming aware of where their districts were; she thinks the people who have talked with her would like for them to remain the same as they are oriented now to their district. That to realign them at this point would be very difficult.

Councilwoman Chafin stated she would not like to create more confusion at this point.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried that the district numbers remain as they are presently assigned.

ESTABLISHMENT OF LIAISON COMMITTEE BETWEEN THE CITY, COUNTY, BOARD OF EDUCATION, AUTHORIZED.

Councilman Whittington moved that a liaison committee consisting of representatives of the City Council, County Board of Commissioners, Board of Education, and Planning Commission be established. The motion was seconded by Councilman Withrow.

Councilman Whittington stated when Mayor Belk first came into office, we met with the determination to try to create some coordination and lines of communications between the various elected bodies of this County, and appointed Boards. Then, as it is today, we have as an example, the School Board building a new school in a location without consulting the Public Works Department on the needs for sidewalks or streets; they build it and say here it is. He stated in the last two or three weeks he has talked to members of the School Board who say that some of the housing projects under the Housing Authority and Motion are affecting their transportation of school children. This is the reason he wanted to bring this back. He thinks there should be such a liaison committee between Planning, Transportation, maybe the bus system, schools, Board of County Commissioners, and anything else Council would like. This could be a member of each governing body, or each commission. If Council approves this, then it can be taken to the Board of County Commissioners to see if they will approve it. He believes the Board of Education will accept it. It just makes sense to him that everybody be together.

Councilman Williams asked if he contemplates there will be several members of Council on the Committee, and who will make the appointments? Councilman Whittington replied he had not thought about who would make the appointment; but he does not think you need more than one member from each Board, which would make the total of about six members on the Committee. Councilman Williams asked if it could be handled the way the COG delegate is appointed? Mayor Belk replied that would be all right.

The vote was taken on the motion and carried unanimously.

RESOLUTION PROVIDING FOR PUBLIC HEARINGS ON PETITIONS FOR ZONING CHANGES.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, adopting a resolution providing for public hearings on Monday, June 20, 1977, at 7:30 P.M., in the Educational Center, on Petitions No. 77-16 through 77-23 for zoning changes.

The resolution is recorded in full in Resolutions Book 12, at Page 390.

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CONTRACT AWARDED TO BATTLEFIELD SUPPLY COMPANY FOR SANITARY SEWER TELEVISION INSPECTION SYSTEM.

Motion was made by Councilwoman Locke, and seconded by Councilman Gantt, awarding contract to Battlefield Supply Company, on their low base bid in the amount of \$18,816 on a unit price basis, for sanitary sewer television inspection system. The vote was taken on the motion, and carried unanimously.

The following bids were received:

<u>Base Bids:</u>	
Battlefield Supply Company	\$ 18,816.00
Halliburton Services	19,235.00
Cues, Inc.	19,864.00

<u>Alternate Bids:</u>	
Halliburton Services	\$ 21,535.00
Cues, Inc.	22,000.00
O'Brien Division - Conco, Inc.	26,875.00

CONTRACT AWARDED CROWDER CONSTRUCTION COMPANY FOR THE THOMPSON ORPHANAGE CHAPEL PARKING LOT AND DRIVE.

On motion of Councilman Withrow, seconded by Councilman Davis, and unanimously carried, contract was awarded to the low bidder, Crowder Construction Company, in the amount of \$19,674.70, on a unit price basis, for the Thompson Orphanage Chapel parking lot and drive.

The following bids were received:

Crowder Construction Company	\$ 19,674.70
Rea Construction Company	22,275.80
Laxton Construction Company	23,309.15
Blythe Industries, Inc.	24,985.80

CONTRACT AWARDED BLYTHE INDUSTRIES, INC. FOR NORTH CHARLOTTE COMMUNITY DEVELOPMENT DRAINAGE IMPROVEMENTS - III.

Councilwoman Locke moved award of contract to the low bidder, Blythe Industries, Inc., in the amount of \$148,960, on a unit price basis for North Charlotte Community Development Drainage Improvements - III, which motion was seconded by Councilwoman Chafin, and unanimously carried.

The following bids were received:

Blythe Industries, Inc.	\$148,960.00
Crowder Construction Company	157,112.50
Dickerson, Inc.	176,880.00
Sanders Brothers	181,619.00

CONTRACT AWARDED CHRISTOPHER CONSTRUCTION COMPANY, INC. FOR GENERAL CONSTRUCTION FOR McDOWELL CREEK WASTEWATER TREATMENT PLANT.

On motion of Councilman Davis, seconded by Councilman Withrow, and unanimously carried, contract was awarded to the low bidder, Christopher Construction Company, Inc., in the amount of \$4,880,000, on a unit price basis for general construction for McDowell Creek Wastewater Treatment Plant.

The following bids were received:

Christopher Construction Co.	\$4,880,000.00
James E. Cox Construction, Inc.	4,939,673.00
Noll Construction Co.	5,073,333.00
Republic Contracting Corp.	5,150,000.00
Lee Construction Co.	5,441,669.00
Crowder Construction Co.	5,492,000.00
Gulf Contracting, Inc.	5,534,800.00
James A. Federline, Inc.	5,872,000.00
Evans, Eller & Associates	5,932,000.00
Hickory Construction Co.	6,011,901.00

CONTRACT AWARDED TO DRIGGERS ELECTRIC AND CONTROL, INC. FOR ELECTRICAL WORK FOR McDOWELL CREEK WASTEWATER TREATMENT PLANT.

Councilman Withrow moved award of contract to the low bidder, Driggers Electric and Control, Inc., in the amount of \$455,510, on a lump-sum basis for electrical work for McDowell Creek Wastewater Treatment Plant, which motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Driggers Electric and Control, Inc.	\$ 455,510.00
Reid Electric Company	535,445.00
Ind-Com Electric Company, Inc.	538,450.00
The Industrial Electric Co.	556,500.00
Watson Electric Co.	586,690.00

CONTRACT AWARDED TO MECHANICAL CONTRACTORS, INC., FOR MECHANICAL WORK FOR McDOWELL CREEK WASTEWATER TREATMENT PLANT.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and carried unanimously, awarding contract to the low bidder, Mechanical Contractors, Inc., in the amount of \$57,485, on a lump-sum basis for mechanical work for McDowell Creek Wastewater Treatment Plant.

The following bids were received:

Mechanical Contractors, Inc.	\$ 57,485.00
Climate Conditioning of Charlotte, Inc.	63,818.00
Hicks & Ingle Corp.	73,615.00

CONTRACT AWARDED TO TOMPKINS-JOHNSTON COMPANY FOR PLUMBING WORK FOR McDOWELL CREEK WASTEWATER TREATMENT PLANT.

On motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, contract was awarded to the low bidder, Tompkins-Johnston Company, in the amount of \$19,487, on a lump-sum basis for plumbing work for McDowell Creek Wastewater Treatment Plant.

The following bids were received:

Tompkins-Johnston Co., Inc.	\$ 19,487.00
Mecklenburg Plumbing Co.	19,806.00
H. V. Allen Co., Inc.	20,370.00
Hicks & Ingle Corp.	24,998.00

ALL BIDS RECEIVED BY COMMUNITY DEVELOPMENT ON APRIL 29, 1977 TO PURCHASE AND DEVELOP PARCELS NOS. 6A AND 6B IN BROOKLYN URBAN RENEWAL PROJECT NO. N. C. R-43, REJECTED.

On recommendation of the Director of Community Development, motion was made by Councilman Whittington, and seconded by Councilman Withrow to reject all bids which were received by Community Development on April 29, 1977 to purchase and develop Parcels Nos. 6A and 6B in Brooklyn Urban Renewal Project No. N. C. R-43.

After comments by Mr. Bruce Ballenger and Mr. Keith Morris, architects for the bidders, Mr. Sawyer, Director of Community Development, explained the reasons he made the recommendation to reject all the bids. During his comments he stated he would recommend that the City just hold the land; that he thought the land should not be offered again until there are better economic conditions.

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

- YEAS: Councilmembers Whittington, Withrow, ^{Davis}Chafin, Gantt and Locke.
 NAYS: Councilmembers ^{Davis}Chafin and Williams.

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CONSENT AGENDA APPROVED.

Councilman Withrow moved approval of the following Consent Agenda items. The motion was seconded by Councilman Whittington, and carried unanimously.

1. Change Order No. 1 in contract with A. P. White and Associates of Charlotte, increasing the contract price by \$2,040 for the water distribution project in Greenville Urban Renewal Area.
2. Ordinances No. 534-X and 535-X amending the General Fund Revenue estimates and establishing appropriations for the LEAA Crime Prevention Project and Police Planning Project, approved by the City Council on May 23, 1977.

The ordinances are recorded in full in Ordinance Book 24, at Pages 188 and 189.

3. Ordinances authorizing the removal of weeds, grass, trash and rubbish:

- (a) Ordinance No. 536-X ordering the removal of weeds and grass at 308 Marsh Road.
- (b) Ordinance No. 537-X ordering the removal of weeds and grass at 332 Marsh Road.
- (c) Ordinance No. 538-X ordering the removal of weeds and grass at 619 East Kingston Avenue.
- (d) Ordinance No. 539-X ordering the removal of weeds and grass at 1152 and 1200 Queens Road.
- (e) Ordinance No. 540-X ordering the removal of weeds and grass at 610 Knight Court.
- (f) Ordinance No. 541-X ordering the removal of weeds and grass at 3411 Dalecrest Drive.
- (g) Ordinance No. 542-X ordering the removal of weeds and grass at property adjacent to 4916 Greywood Drive.
- (h) Ordinance No. 543-X ordering the removal of weeds and grass at property adjacent to 3426 Mountainbrook Drive.
- (i) Ordinance No. 544-X authorizing the removal of weeds and grass at corner of Wintercrest and Arundel.
- (j) Ordinance No. 545-X authorizing the removal of trash and rubbish at 1305 Fillmore Avenue.
- (k) Ordinance No. 546-X authorizing the removal of trash and rubbish at 2028 Kennesaw Drive.

The ordinances are recorded in full in Ordinance Book 24, beginning at Page 190.

4. Ordinances affecting housing declared unfit for human habitation:

- (a) Ordinance No. 547-X ordering the occupied dwelling at 2800 Bancroft Street to be vacated and closed.
- (b) Ordinance No. 548-X ordering the unoccupied dwelling at 2904 Clemson Avenue in a Community Development Area to be demolished and removed.
- (c) Ordinance No. 549-X ordering the unoccupied dwelling at 1920 Parson Street to be demolished and removed.
- (d) Ordinance No. 550-X ordering the occupied dwelling at 1700-02-04 Kenilworth Avenue to be vacated, demolished and removed.
- (e) Ordinance No. 551-X ordering the unoccupied dwelling at 125 West Kingston Avenue to be demolished and removed.

The ordinances are recorded in full in Ordinance Book 24, beginning at Page 201.

5. Contracts for the construction of water and sewer lines, with:

- (a) Roberts Development and Construction, Inc., for the construction of 3,790 feet of 8-inch, 6-inch and 2-inch water mains, and three fire hydrants to serve Holly Hill Subdivision, outside the city, at an estimated cost of \$32,600.

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ORDINANCE NO.552-X TRANSFERRING FUNDS FROM THE UNAPPROPRIATED FUND TO THE COUNTY WATER BOND FUND TO ESTABLISH AN APPROPRIATION TO CONSTRUCT A 16-INCH WATER MAIN IN HIGHWAY 51.

Motion was made by Councilman Whittington, and seconded by Councilwoman Locke to adopt the subject ordinance transferring \$100,000 to construct a 16-inch water main in Highway 51, (Pineville-Matthews Road), from Blue Heron Drive west approximately 4,000 feet.

(Mayor Belk left the meeting at this time, and Mayor pro tem Whittington presided for the remainder of the Session.)

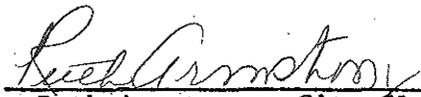
Councilman Davis asked why this is being done at this time rather than waiting for the capital projects in the new budget, and the City Manager advised the request came from the County, and it is using County funds.

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

The ordinance is recorded in full in Ordinance Book 24, at Page 206.

ADJOURNMENT.

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


Ruth Armstrong, City Clerk