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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, October 11, 1976, 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 Rev. Lardner C. Moore, Presbyterian Missionary to Japan.

#### OCTOBER 11-17, 1976 PROCLAIMED AS ALL NATIONS FESTIVAL WEEK IN CHARLOTTE.

Mr. Grant Whitney was recognized. He stated this is All Nations Week and on Thursday night at 8 o'clock at Freedom Park will be the first performance of the new drama by Legette Blythe called "Thunder in Carolina." It depicts the history immediately after the signing of the Mecklenburg Declaration and through the Revolutionary War. On Friday night the All Nations Festival will open with 35 countries participating. An invitation was extended to the Mayor and City Councilmembers to be present.

Mr. Whitney presented the Chairman of the Festival, Mr. Sam Copsis. Mr. Copsis accepted the Mayor's Proclamation on behalf of the All Nations Festival, stating it is an honor to be a citizen of Charlotte and a privilege to celebrate together the 200 years of freedom for the United States of America. He also extended the invitation to Mayor and Councilmembers.

#### - PROCLAMATION -

WHEREAS, Charlotte was created and nurtured by settlers who came from many foreign lands, and

WHEREAS, it is to the advantage of all of us to remember and pay respect to the contributions of these our ancestors, and

WHEREAS, the sons and daughters of these settlers have banded together to plan an All Nations Festival in Freedom Park, October 15, 16 and 17,

NOW, THEREFORE, I, John M. Belk, Mayor of Charlotte, do hereby proclaim October 11-17, 1976 as All Nations Festival Week in Charlotte, and urge all our citizens to remember the sacrifices and ethnic contributions of our forefathers in the past, and in the continued involvement in civic affairs of those with foreign heritage as we strive to live side by side in peace.

Representatives of Germany, Colombia, South America, Ecuador, Italy, England, Cuba, Peru, Japan and Panama were introduced.

#### DISCUSSION OF WATER AND SEWER BOND ISSUE DEFERRED UNTIL A LATER MEETING.

Councilman Davis stated he had asked for this item to be placed on the agenda for several reasons. In preparing for this agenda item it was his intention to draft a resolution of support for the annexation and for the water/sewer bond issue. But in preparing for that there were a number of questions raised. One of the items to be dealt with was the projection of revenues and expenditures for the annexation area. He stated the projection of revenues has not been provided to all members of Council; also the projection was not signed and had no cover letter with it. It extended on for five years which he is afraid will not provide for the possible impact on water and sewer rates.

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The second reason for the deferment is there was no statement from the Charlotte-Mecklenburg Utility Department confirming this statement. In dealing with this, it would be helpful for all the Councilmembers to have a review of the projection of increased general fund revenues as a result of the annexation.

Councilman Davis moved the discussion of the Water and Sewer Bond Issue be deferred until October 25th. The motion was seconded by Councilman Williams.

Councilwoman Locke stated Mr. Sheridan, Chairman of the CFC, is present. She asked if Councilman Davis talked with him about this? Councilman Davis replied he asked last week that the entire Community Facilities Committee be invited and they have not been invited and he thinks they owe them that courtesy. Before the bond issue came up the first time, they were contacted two days before the discussion and asked for a resolution of support which they came up with rather hurriedly. He thinks they are entitled to, and Council is obligated to provide them, more time to intelligently consider these things before they commit themselves on an item of this importance.

Councilwoman Chafin asked if it would not be appropriate for Council to just respond to their endorsement and recommendation? Councilman Davis replied Mr. Williams asked that their letter of support of the bond issue be placed in the minutes, but their support was qualified. He does not think Council has addressed that qualification yet.

Mayor Belk stated they put in the minutes what the CFC said and he does not think there have been any changes.

Councilman Williams stated he agreed in part and disagreed in part with what the CFC said, but he thinks fundamentally they had no disagreement. They indicated in their report that when the money from the bonds is actually spent we are probably going to have upward pressure on water and sewer rates. On the other hand, when you annex a large area of the county to the city, you gain additional taxpayers and additional revenue from ad valorem taxes. Consequently, as he recalls their report and recommendations, they said in order to avoid the increase in water and sewer rates as the result of the expenditure of bond funds, that the general funds should subsidize the Utility Department in order to keep utility rates from increasing.

It is at that point he has his disagreement with the report of the CFC, but it is on a matter of policy and not on the prediction of what will happen. He is inclined to agree that there will be pressure on the water and sewer rates. He does not feel that it makes a great deal of difference to the average citizen whether or not the extra money is paid into the tax fund or into a utility fund. Consequently, he would prefer to see any extra revenues derived from annexation - revenues which exceed expenses - go into a fund available to reduce the ad valorem tax rate instead of using that same money to subsidize the Utility Department. He thinks the utility rates should find their own level. He believes in maintaining the enterprise integrity of the Utility Department as much as possible. If you subsidize the Department in order to keep the rates from increasing, then you sacrifice some of that integrity of the system. It is no longer completely self-sustaining. We departed a little from that principle in the past few years, but it was because of the extraordinary requirements of the last annexation when we had to purchase some of the existing systems. We did that not with ad valorem tax monies but with general revenue sharing monies, so it was not quite the same thing as an outright subsidy of the day-in-and day-out operation of the Utility Department.

Mr. Burkhalter asked for clarification of the motion. He thought they did what Mr. Davis asked for. Council did not vote to have this on the agenda, but it was asked for and he had it placed on the agenda for that reason.

Councilman Davis restated his motion to defer the discussion of the Water/Sewer Bond issue until October 25 and requested that staff provide all Councilmembers with a ten-year projection of water and sewer revenues in the annexation area plus a projection of the increased general fund revenues

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in excess of expenses resulting from annexation; to invite the full Community Facilities Committee to be present and to invite Mr. Lee Dukes from the Charlotte-Mecklenburg Utility Department and also include his comments on the ten-year projection of the water and sewer revenues. He stated the report he has with a projection of five years indicates there will be a surplus generated in the Utility Department resulting from annexation. Mr. Dukes has been before Council recently stating there has been upward pressure on water and sewer rates. It does not mention the \$40.0 million that Mr. Dukes thinks we are going to need to meet EPA standards. He is concerned that we have a projection here that does not include all of the material factors.

Mr. Burkhalter stated the great debate in the sewer and water public hearing was on the type of information Mr. Davis is talking about. Council agreed at that time to employ an experienced firm that would be competent to review that type of material and come up with a rate making procedure and a formula for establishing rates. The CFC is in the process of selecting such a firm now, with the help and assistance of his staff. It just seems a little premature that we go through a debate on this situation on the 25th when they are getting ready to bring Council a contract to be signed with a firm to do this work probably the next week.

Councilman Williams asked, assuming these bonds pass, and they all hope they will, is there a target date for annexation yet? Mr. Burkhalter replied he thinks they are aware they have some serious problems with annexation. Mr. Underhill and others are doing some work on it now but they have been shooting for the earliest possible date for annexation and everytime he reviews it it is postponed. He thought it would be around January or February and they would make it effective June 30th. Fortunately, or unfortunately, the City elections have been changed in the meantime and the primaries are in September. He stated there are a lot of complicating factors involved here he thinks they need to spend a lot of time talking about as to the effective date. If he were to be pinned down on an effective date now, he would say that the earliest possible time would be sometime in November of next year. That depends on some decisions Council makes.

Councilman Williams stated he is glad to hear that because he thinks that is a realistic target date. This ties in with the item on today's agenda on district representation, because if there are boundaries and district lines to be drawn you have to know what whole is you are drawing those lines within. If it gets to be contingent upon adding some more territory during the time you are drawing these lines you have mass confusion and chaos and you probably could not do it. He is sure there are other problems besides that. What he hears them saying is that we will not have the benefit of the revenues and the corresponding obligation to provide the services until about midway through next fiscal year?

Mr. Burkhalter replied that would be his guess. He is not sure and would not want to be held to these dates, but it looks like now they might suggest around December 31, 1977, but at the earliest it would be November. It depends on what Council does about some other things; and it also depends on what other people do - nobody can predict. It is important that they know that they will get it. Budget time will be much rougher this year if we do not get annexation; it would be even rougher if there are no plans to have annexation even the following year. If you know it now even though you are not going to get it until the middle of the next year, you can plan that way reasonably well and you can take advantage of some things that you would not do if you were not going to get it at all.

Councilman Williams asked if it is true also that tax revenues from the annexed areas start to come in on a pro rata basis; it is not a whole year or a part of a year? Mr. Burkhalter replied that is another thing that is different from the last time; we would start getting it from November if we had a November deadline, provided we had no legal problems.

Councilman Williams stated you have the same start-up expenses whether you are providing these services in the six months or twelve months. That gets in a little bit to what you do if there is any surplus that Mr. Davis is talking about.

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Mr. Burkhalter stated he does not want to "pour cold water" on everybody, but he would like to point out some facts of life. Council gave a 5 percent raise to all city employees effective December 1 of this year. That means that five months of this year we did not have to have that raise. The total cost of that raise is about \$200,000 a month. Next year before we can start our budget we have to give that raise to everybody for a year.  $\$200,000 \times 5$  is \$1.0 million. They have to have a million dollars to start even next year on this one thing.

Talking about the annexation, he thinks the overage, the difference between the first year's operational cost and revenues, was about \$1.2 million. When you put these in and put inflation in and a lot of other things, let's not think there is going to be a tremendous amount of money that will come into hand. We are going to need every penny.

Councilman Williams stated you always have the natural growth. Mr. Burkhalter replied true, they hope that will take care of inflation but it did not do it last year.

Councilman Davis asked Mr. Burkhalter if this meant that last year when they voted the 5 percent increase, barring some unforeseen windfall or some foreseen windfall, that they were at the same time putting ourselves in the hazard of a tax increase? Mr. Burkhalter replied they were putting themselves in the position of meeting the payroll for the next year. Councilman Davis stated without the revenues to do it if we do not get annexation pretty fast? Mr. Burkhalter replied you either cut costs or you raise taxes.

Councilman Davis stated he thinks this is one of the major points to be addressed: Are we doing annexations to provide our operating budget and if so what areas are these additional revenues flowing into? And, whereas a vote here is on water and sewer bonds, actually the revenue may be and is being used elsewhere, for example, in pay increases. He thinks if the taxpayer is voting on a pay increase or funding some capital project or something other than annexation or water and sewer bonds, he ought to be told that.

He stated, specifically on today's issue, the Community Facilities Committee said when they responded to Council's request for a resolution supporting the bond issue, they came forth with a resolution saying they did support it, providing that the City finance any deficit caused by annexation of these areas from general fund revenues. So, in their minds, apparently the possibility exists that there might be a deficit in the Utility Department. In the projection of revenues and expenditures which he received and was prepared by our staff, they project an actual surplus for the Utility Department each year beginning in 1977-78 and on through 1981-82. Maybe the Community Facilities Committee's concern was not valid. It may be that the staff estimate is correct. But before they "go to press" on this he would like to have some meeting of minds between our staff and the CFC who are the two primary advisers Council has in this matter. He would like all Councilmembers to have a copy of the projection of revenues and expenditures and also a copy of the projection for increased revenues over expenses in the general fund revenue. He does not see how they can address the CFC's reservations if they do not have that information.

There was general discussion on the advisability of waiting until the October 25th Council meeting.

Councilman Gantt stated he did not know what would be gained either way. They are dealing with projections and people talking about changes in rate structures - none of the projections will mean anything if rate structures change. He questioned the impact this might have on the upcoming election. He does not know what they can tell the citizens of the community with any degree of accuracy.

Councilman Davis stated that rather than this bond issue just tending to water and sewer requirements, Mr. Burkhalter has told them that it is also needed to fund the 5 percent pay increase. Councilman Gantt stated he did not hear it that way at all. Mr. Burkhalter stated the increase would come

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out of general fund revenue; it will be \$1.0 million more next year than this year. Councilman Davis stated this is \$1.0 million that has to come from somewhere and he believes Mr. Burkhalter stated earlier that if we do not get it from annexation we maybe have to look at a tax increase.

Mr. Burkhalter stated what he was trying to point out was that any increase in revenue should not be spent until you know what the total picture is; that is all he was trying to say.

Mayor Belk asked if it would not be better to have this discussion with the CFC after November 2? Councilman Davis replied the reason they have to is that the CFC made their support of the bond issue contingent upon the City Council agreeing to fund the deficit out of general fund revenues, which is a departure from the enterprise system of operating the Utility Department. If Council endorses the bonds without addressing this reservation, they are going against their advisers. Councilwoman Locke stated they do have the endorsement of the CFC and since Mr. Sheridan, the Chairman, is present she would like to hear from him.

Councilman Williams stated because the target date of annexation is so contingent right now and so far down the road, they probably should take this up at a time closer to that target date, but yet far enough ahead of the formulation of the next budget. Councilwoman Locke agreed this is a good point.

Mayor Belk stated they have to realize they are still operating the utilities of the city and the county. If the county would finance the whole thing they would not have the problem they are talking about now. The question is when do they want to take care of these people in this area.

Councilman Davis stated if they wait until closer to the annexation target date to discuss this, that would be more convenient, we would have more information then, but the voter on November 2nd has to go into the voting booth armed only with the information and question "what happened to the last annexation?" We had a considerably bigger windfall then - he understands in the range of \$5.5 million. If you compare the level of the 1971 budget with now, you can say that annexation added to all of these increased items in some pro rata amount; it also enabled us to hold taxes at a stable rate. That's true - but what else did it finance? He thinks it would be helpful to the voter to have some kind of statement of intentions from Council prior to the election date.

Mayor Belk stated the bond package is about water and sewer; you are muddying the water if you start talking about the payrolls and everything else on this particular issue, unless they want to muddy the water for the bond package. They need to decide if they want to discuss this when they are talking about annexation or do they want to discuss this before the bond package?

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

YEAS: Councilman Davis.

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

The discussion continued with Councilwoman Locke requesting that Mr. Sheridan's report from the CFC be heard. Did they endorse the bond package or not? Councilman Williams stated he would like some amplification on what they meant by subsidizing the Utility Department with general fund revenue.

Mr. James R. Sheridan, Chairman of the Community Facilities Committee, stated they were looking at the effect the expansion of the water and sewer system and the effect of annexation on the revenue structure of the Utility Department. They felt instinctively, if in no other way, that any annexed areas in the earlier years when you have residents coming in at half the rate they were paying and you have additional bond financing and the requirements attached to it, that you would have some sort of a deficit in the Utility Department. They could not really qualify that amount. So they

made the resolution saying they felt if there is any deficit apparent in the Utility Department budget as a result of annexation it should be made up from the general fund revenue to preserve the enterprise aspects of the Utility Department. To ask Council to subsidize it and not know the amount seemed somewhat shortsighted. They attempted to look at the marginal cost aspects of the annexation and to that extent he asked the staff to prepare a suggestion of the impact of the annexation. The committee has not had time to study that projection. It would be helpful for the committee members to have a chance to study it and formulate their own opinions. Council now has the projection and he thinks they should look at it very carefully.

Councilman Williams asked Mr. Sheridan if it made any difference to him whether or not they let the utility rates find their natural level and take the money that they would have used from the general fund to subsidize the Utility Department and use it instead for some tax relief? Mr. Sheridan replied he thinks the Utility Department price structure should always be set at the cost of whatever it takes to provide the services, so they ought to set their own rates. It would be more desirable from his standpoint.

Councilman Withrow asked if you have to have a law passed by the Legislature to use tax money or can you just use tax money to subsidize? Mr. Watts, Deputy City Attorney, replied if you run into a deficit you have to either use it or raise the utility rates. You can use tax money. Councilman Withrow stated, then he does not see why this cannot be taken up later.

Councilman Davis stated he would like to determine if he interpreted Mr. Sheridan's remarks the same as others do. Council has given the CFC the charge to advise them in the operation of the Charlotte-Mecklenburg Utility Department and they have specified they want the enterprise system, that is self-supporting. He believes they diligently try to do this. In giving them a recommendation on this important water/sewer bond issue that involves \$16.5 million in capital improvements, Mr. Sheridan just told them the committee has rather incomplete knowledge to go on. They do not have an authoritative projection of water and sewer expenditures or revenues for the next five years or ten years on which to base this. He also told them that the full committee has not had an opportunity to meet on it. Mr. Sheridan replied he had discussed it with the individual members but they are still working on it. He has no indication as to whether they have reservations about the report. They have a meeting scheduled for tomorrow and that is the reason their resolution is not more precise in setting out an amount they think would be appropriate as a deficit.

Councilman Davis stated that at the prior meeting when the CFC was present Council indicated considerable appreciation for their work and a great deal of confidence in them. On this most important item that is going to affect our water and sewer revenues and expenses for the next thirty or forty years, and they have not even had time to examine the information, he would like very much to have the benefit of their counsel before having to indicate his support of the bond issue.

FLOOD AREA MAPS FOR VARIOUS CREEKS WITHIN THE CITY OF CHARLOTTE, ADOPTED.

The public hearing was held to consider adoption of flood area maps for Little Sugar Creek, Derita Branch, Sugar-Irwin Creek, Sugar-Irwin Tributary No. 1, Kennedy Branch, Stewart Creek, Stewart-Creek Tributaries Nos. 1, 2 and 3, Taggart Creek and Edwards Branch.

Mr. Bob Landers of the Planning Commission staff, stated today they are presenting just about all the creeks and streams that will be mapped under the Charlotte Floodway Mapping Program. Shortly, they will come back to Council with two tributaries of McAlpine Creek which will complete the program.

He explained from a map, the locations of the creeks considered today. He stated one of the main thrusts of the Charlotte Flood Planning Management Program is preventive control. The maps identify the 100 year flood plain

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- that is the flood that is expected to occur approximately once every hundred years. The program regulates and generally prevents structures from being located within these flood plains. The program is indirectly tied in with the Federal Flood Insurance program. Charlotte and Mecklenburg County has had flood insurance available at subsidized rates through the Federal Insurance Administration for some two years.

Mr. Landers stated the maps are for regulatory purposes and are local control maps to control development which occurs. In addition the Federal Insurance Administration has to establish actuarial rates for development which may occur in proximity to the flood plain. Approximately one year ago the FIA initiated another detailed study and the final draft report has been completed by the U. S. Geological Survey, and will be presented to the public at a public meeting on October 21, in the Education Room of the Board of Education at 10 o'clock a. m. The Council and County Commission members are invited to attend.

He stated the importance of this is that right now any structure within the Flood Plain has subsidized insurance available. If it is a single family structure they have insurance up to \$35,000. After the report is finalized, anticipated to be by January, it will be possible for the individual to receive another \$35,000 coverage on his structure at actuarial rates.

People in Pineville, who suffered extensive flood damage last weekend, are participating in the flood insurance program through Mecklenburg County, so the insurance is available to them. Other towns are generally not situated as Pineville is.

Mr. Landers stated there are approximately 430 structures located in the areas being designated today, and he would say a majority of these are single family homes, with some businesses.

He stated these maps come to City Council with the recommendation of the Planning Commission, the Engineering Department and Public Works.

No one spoke for or against the designation of the flood areas.

Motion was made by Councilman Gantt, seconded by Councilman Withrow, and unanimously carried approving the maps as recommended.

**CONTRACT WITH HOMEOWNERS' COUNSELING SERVICE FOR A HOME MANAGEMENT AND HOME IMPROVEMENT PROGRAM FOR COMMUNITY DEVELOPMENT TARGET AREAS.**

Motion was made by Councilman Gantt, and seconded by Councilman Whittington to approve the subject contract in the amount of \$26,190, for a period of eight months beginning November 1, 1976 and ending June 30, 1977.

Ms. Barbara Lucas, of the Homeowners' Counseling Service, stated they have served a total of 135 target area families which comprises 29.5 percent of their total program. Of this number, 46 are homeowners and 86 tenants. Of the homeowners helped that were in default, no one had a foreclosure. Of the tenants in default, they have lost only four by eviction. Also their efforts do not stop with housing; they help get community benefits, employment and basic life support items.

The vote was taken on the motion and carried unanimously.

**RESOLUTION TO SELL LAND IN GREENVILLE URBAN RENEWAL PROJECT TO COUNTY OF MECKLENBURG FOR USE AS MAINTENANCE SHOP, DEFERRED UNTIL AFTER ELECTION.**

Councilman Withrow stated he would like for Council to defer action on this item. Last week he asked that we have some conversation with the County. He has talked to two of the County Commissioners and from his understanding there has been no conversation from the City to the County with the idea of having a consolidated maintenance shop. That he would like to defer this until we can have some talks with the County on the prospects of having a consolidated maintenance shop.

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What is happening now is that the City is not able at this time to do shop work or body work or paint work; the County is not able to do the same thing. All of this is put out for bids or sent to other shops. If we could go together and put in a maintenance shop, we could have this sort of thing. He hopes we can talk to the County with the idea of consolidating a maintenance shop - maybe with the idea of having a transportation department within the city or county.

Councilman Withrow moved that the resolution be deferred. The motion was seconded by Councilwoman Chafin.

Councilman Gantt stated that we might want to consider this as an introductory possibly to consolidation. He thinks he has heard some pros and cons on that issue. That he would not mind seeing some discussion started. Perhaps Mr. Burkhalter has already done that. If he has he might like to enlighten Council.

Councilman Withrow stated he would like to say in his motion that we set up a meeting if necessary between the County Commissioners and the City Council and talk about consolidation - not only the maintenance shop, but the dog pound. That the County had a meeting with UNCC, and if he is not mistaken we went to that meeting, and there were certain recommendations they thought we should follow, and he believes the County went along with trying to consolidate certain departments. He would like to see them get back together and talk some about it. That he would like to defer this until after the election and discuss it.

Councilman Withrow amended his motion to defer the resolution until after the election. There was no objection from the remainder of Council.

Mr. Burkhalter, City Manager, stated today at noon Council instructed staff to set up another meeting with the County Commissioners. He wonders if this can all be handled at one time. Then it can wait until after November.

Councilman Whittington asked if the motion is just to delay this so that we can talk about consolidation of the two garages. That he does not want to get into Park and Recreation and all these other things. Councilman Withrow stated that is all the motion is.

Councilman Davis stated when the results are transmitted to the County Commission he would like it clear that Council is not going to ultimately block the purchase of this land if they want it for a maintenance shop. But before doing it the City would like to explore the joint facility. If it works out they want separate shops he does not think any stipulation should be put on it.

Councilman Withrow stated his motion is only to defer the item.

Mr. Hal Marshall of the County Manager's office explained the county needs for the facility and how this location would suit their needs.

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

CONTRACTS BETWEEN THE CITY OF CHARLOTTE MANPOWER DEPARTMENT AND EMPLOYMENT SECURITY COMMISSION, COMMUNITY HEALTH ASSOCIATION, INC. AND CENTRAL PIEDMONT COMMUNITY COLLEGE.

(a) Councilman Whittington moved approval of a contract with Employment Security Commission to provide outreach and recruitment, intake, assessment, allowance payment, job development and placement, follow-up, on the job training and youth work experience services to CETA participants. Term of contract, October 1, 1976 to September 30, 1977, with the cost of contract \$1,035,846. The motion was seconded by Councilwoman Locke and carried unanimously.



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(b) Councilwoman Locke moved approval of a contract with Community Health Association, Inc. to evaluate the physical and mental ability of up to 1,000 CETA applicants to undertake the desired education training and/or job placement. Term of contract, October 1, 1976 to September 30, 1977 with the cost of contract \$48,432. The motion was seconded by Councilman Withrow and carried unanimously.

(c) Upon motion of Councilwoman Locke, seconded by Councilman Gantt and unanimously carried, contract was approved with Central Piedmont Community College to train forty-five unskilled and unemployed individuals in various vocational skill areas to enable them to be employed at entry level in the occupations of clerical, medical, dental, correctional science, graphic arts, human services and business. Term of contract October 1, 1976 to September 30, 1977 with cost of contract \$41,250.

(d) Motion was made by Councilman Gantt, seconded by Councilman Whittington, and unanimously carried, approving contract with Central Piedmont Community College to train sixty unskilled and unemployed individuals to enable them to be employed at entry level in the occupation of clerk typist. Term of contract October 1, 1976 to September 30, 1977; with no cost to the prime sponsor as funds are granted by the U. S. Department of Labor through the North Carolina Vocational Education Board.

HEARING ON AMENDMENT TO TREE ORDINANCE SET FOR MONDAY, NOVEMBER 15, 1976.

Councilman Gantt moved that hearing be set for Monday, November 15, on amendment to the Tree Ordinance providing for protection of trees on private commercial property within the City. The motion was seconded by Councilman Withrow, and carried unanimously.

Councilman Davis asked if there is any formal procedure whereby the public is notified of a hearing, or the people are notified who might have a particular concern or interest. Are these people's views and comments solicited? The City Manager replied the legal requirements are met. Councilman Davis stated it occurs to him there are a number of people in the community that have a considerable amount of knowledge on this subject such as arborists and our own Tree Commission. He asked if Council will have the benefit of their input on this? Mr. Burkhalter replied Council will receive input from the Tree Commission; that in hearings we meet the legal requirements, and notify the people involved, and in Zoning we go beyond that and post signs on the property. At times special ones have come up where Council thought it might have a particular impact on an area and have asked that they be given special notices. Normally, we follow the regular procedures and give whatever notice is necessary. Then we get the most notice from the news media from their attendance and in their reports.

ORDINANCE NO. 335-X AMENDING ORDINANCE NO. 155-X, THE 1976-77 BUDGET ORDINANCE AMENDING THE TABLE OF ORGANIZATION FOR THE CHARLOTTE POLICE DEPARTMENT TO ADD TWO SCHOOL CROSSING GUARDS.

Councilman Gantt moved adoption of the subject ordinance adding two school crossing guards to the Table of Organization for the Police Department. The motion was seconded by Councilwoman Chafin, and carried unanimously.

The ordinance is recorded in full in Ordinance Book 23, at Page 402.

RICHLAND AVENUE REMOVED FROM DISCONTINUED STREET PROGRAM AND RECOMMENDATION FOR PEDESTRIAN WALKWAY, DEFERRED.

Councilwoman Locke, Chairman of the Public Works and Planning Committee, stated the recommendation of the Committee on the discontinued street program is to construct a pedestrian walkway, and she in particular is interested in seeing that bike trails are included in it. She asked the Public Works Department the cost on this?

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Mr. Hopson replied they have a very high spot estimate on a sidewalk-bikeway path for the Richland Avenue only, and it is estimated at approximately \$60,000. It will be quite lengthy as they want to run it from Craig to Water Oak, and it would be a nice help in the area.

Councilwoman Locke moved that Richland Avenue not be extended, but that a pedestrian walkway be constructed. The motion was seconded by Councilman Williams.

Councilman Whittington stated Richland Avenue comes off at Seventh Street, crosses the Seaboard Railroad tracks and goes over to either Craig Avenue or Walker Road? Mr. Lee Rea of the Public Works Department replied it crosses Craig, and deadends just below Litchfield. Councilman Whittington stated what the Committee is proposing is a pedestrian walkway to be continued from wherever Richland deadends over to Water Oak. He asked if the City will have to buy any right of way? Mr. Hopson replied the City will have to buy the right of way. Councilman Whittington asked what proximity this walkway will be to people's property? Mr. Hopson replied very close; severage damage is estimated at \$24,000 of that \$60,000. That is where the cost comes in. The construction cost is about \$30,000. Councilman Whittington asked if the Committee heard from any of the residents who wanted this? Councilwoman Locke replied a survey was done by the Planning Commission, and 78 in and around that area wanted the street opened; but it was almost even as to whether they wanted the street opened or not opened. But those nearest, on Richland, wanted the street open; but the Planning Commission's recommendation was to have a walkway.

Councilman Whittington stated he thinks we should let the people out there know that a sidewalk and bikeway is being considered near their property, which a lot will not like either because they have had that area for recreation and privacy, and they are not going to want this.

Councilman Gantt stated the idea of the sidewalk came about on the basis of trying to serve the high school which was the only identifiable means of why we were going to open the street in the first place. Councilman Whittington stated his point is that the people should be notified now of what Council is proposing to do.

Councilman Davis stated he agrees very much with Mr. Whittington that we might get into a deal here just like we did on discontinued streets with a \$60,000 improvement that no one wants. He thinks Council should decide on the discontinued streets program and not confuse it with the pedestrian connector or bike path issue. That we are on Richland now because it had priority on the discontinued streets; it may not occupy the same priority if we are looking where to put bike paths or pedestrian connectors. He would prefer to rule on the Richland Avenue connector, and then have a separate study to determine where we may want to locate a pedestrian connector; then bring it up as a separate item after it is publicized.

Councilman Williams asked if the sidewalk-bikeway is to follow the same route as the street if it had been opened? Mr. Hopson replied this was an entirely new element inserted by the Planning Commission on mandatory referral the second time. It is almost identical to the route the street would follow. Councilman Williams stated a sidewalk is not going to disrupt a neighborhood as much as a street would. He asked the difference in costs? Mr. Hopson replied the sidewalk would be approximately \$60,000 and the street approximately \$140,000. Councilwoman Chafin stated 600 children walk into that school every day. Councilman Davis stated the children are walking through there now; there is no real impediment to pedestrian traffic now.

Councilman Whittington made a substitute motion that Richland Avenue be removed from the continuous street plan and that this recommendation of the sidewalks be deferred and the citizens contacted and told what Council proposes to do before actually voting on it. The motion was seconded by Councilman Withrow, and carried unanimously.

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**PROPOSAL TO AMEND BOUNDARIES OF THIRD WARD URBAN RENEWAL PLAN TO INCLUDE BELL PROPERTY; APPROVED.**

Councilwoman Locke referred to the request of Mr. Charles Bell for the City to purchase his property on Irwin Avenue in connection with the Trade-Fourth Street Connector.

She stated the recommendation of the Public Works and Planning Commission is to amend the boundaries of Third Ward Urban Renewal and that the property be bought within the next sixty days.

Councilwoman Locke moved approval of the recommendation of the Committee. The motion was seconded by Councilman Williams.

Councilman Davis asked if this involves the matter of whether or not we are compensating him for damages? Mr. Watts, Deputy City Attorney, replied when you buy the property he assumes that is all the damages involved; there will be dislocation because it is under redevelopment, whatever that may be. Councilman Davis stated Mr. Underhill's recommendation was that we should not compensate him for uncompensable matter. Mr. Watts replied if you buy it under the community development rules then you have to give him relocation. You pay the fair market value for his property, and compensate him for relocation. Councilwoman Chafin stated the Committee felt this property would be more appropriately used for residential use, and that it would be quite appropriate for it to become part of the redevelopment area. That Mr. Underhill felt this was a very satisfactory approach to Mr. Bell's problem. Councilman Davis stated his only concern is that we would not compensate him for damages which would set a precedent that we would have to follow with others.

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

**TRAFFIC ENGINEER'S RECOMMENDATION ON CONSTRUCTION OF MEDIAN ON ALBEMARLE ROAD AT JENKINS DRIVE, CONFIRMED.**

Councilwoman Locke referred to the request for a median opening on Albemarle Road at Jenkins Drive, and stated the Public Works and Planning Committee's recommendation is to support the Traffic Engineer's recommendation.

Councilwoman Locke moved that the recommendation of the Traffic Engineer on the construction of the median on Albemarle Road be supported. The motion was seconded by Councilman Whittington.

Mr. Jim Allison, Attorney representing Charles Allison, stated his uncle owns property off Wilora Lake Drive. That he is asking Council to defer any additional action on recommendations with respect to a median on Albemarle Road. That he, his uncle and some of the other property owners have not had sufficient time to study the problem. They were not aware of the plans for a median on Albemarle Road. He asked that Council make no additional recommendation until they have a chance to look at and talk with the Traffic Engineering people and make concrete suggestions. If Council does not take any actions, he thinks the State will continue along its present course, and that is to build a median. He stated they will try to come back to Council in the hopes of some recommendations to alter the present plans for construction.

Mr. Tom Hartis of Jenkins Drive stated he submitted a petition to the Committee. There are only 12 homeowners in this neighborhood, and they feel they are being pushed aside with the office complex getting the best of the whole deal. He stated he thinks he went at it backwards because they are in the County. So he contacted the County Commissioners who put him in touch with Mr. Hoffman, County Engineer. Mr. Hartis stated there are 50 acres back of them that should be looked into as to what is going to happen to that property. That Mr. Hoffman told him to wait, but he thought he should get up and speak to Council. The fact this is the only entrance into a rural, state-maintained road has some bearing on it as this is the

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only entrance. What he wanted to do was to get something stopped before it was built as he did not want the taxpayers to have to put up another \$70,000 to put in a median and then take it out. He just wanted a small opening in there before the entire road was blocked off.

Also speaking was Mr. Charles Allison, owner of property in the area.

Councilwoman Locke stated the Committee heard a lengthy report from Mr. Corbett and the Committee sympathized with everyone on the street. She asked that Council go ahead with this recommendation. It would create a hazard to have an opening to go into Jenkins Drive, and the Committee's recommendation is to support the Traffic Engineer's recommendation.

Councilman Davis asked how much time there is if we want to allow citizens additional time for input? Mr. Corbett, Traffic Engineer, replied the project is presently under construction, and unless there are some changes approved by the N. C. Department of Transportation it will be built with the median there. When they will get to it he does not know.

Councilman Gantt stated the Committee heard Mr. Corbett's discussion and Mr. Hartis' discussion, and everyone on the committee empathized with his particular situation. What it boils down to is where we put the opening. That Jenkins Drive is not far away from the drive that leads into the office complex. The question had to be asked where would the greatest danger lie in terms of conflicts with that particular intersection. In his opinion it boiled down to 12 citizens who live on the street, and possibly hundreds of people trying to turn into the office complex. It is a tough decision to make, and it does not sound as if we are supporting citizens in this area. But he has not heard anything yet, and he does not know what would be gained by any further study of that situation that would not lead to something more hazardous in his opinion. He would hope to stand by the recommendation.

Councilman Davis stated he is in agreement with Mr. Gantt. If we had to vote today he thinks that is the proper place for the opening. But due to the fact Mr. Allison, the property owner involved, only learned about it Friday he should have the opportunity to respond. Councilman Gantt stated he understands Mr. Allison owns a substantial amount of property in the area. If it were to be developed he has the opportunity to align his opening into his development with the new entrance.

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

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

W. DONALD CARROLL, JR.'S NAME WITHDRAWN FROM NOMINATION TO THE PLANNING COMMISSION.

Councilwoman Chafin stated she would like to withdraw the name of W. Donald Carroll, Jr. for consideration for appointment to the Charlotte-Mecklenburg Planning Commission.

THOMAS H. BROUGHTON APPOINTED TO FILL UNEXPIRED TERM ON CHARLOTTE-MECKLENBURG PLANNING COMMISSION.

Councilman Whittington moved appointment of Thomas H. Broughton to the Charlotte-Mecklenburg Planning Commission to fill the unexpired term of Tom Finley, Jr. which will expire June 30, 1977. The motion was seconded by Councilman Withrow, and carried as follows:

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

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**RESOLUTION CONCERNING DISTRICT REPRESENTATION TO BE PLACED ON AGENDA FOR NEXT MEETING.**

The continued discussion of the resolution and amendment on establishing districts for the election of members to the City Council was called. A motion to adopt the resolution presented by Councilwoman Chafin with an amendment to hold a referendum on the plan remains on the floor.

Councilman Williams stated the motion and amendment on the floor was tabled until today. That he has prepared an overall substitute motion which he would like to offer at this time. He stated he has discussed this with Councilwoman Chafin and it does not do violence to her original motion, but perhaps simplifies it a little.

Councilman Williams made a substitute motion to adopt the following resolution incorporating the timetable which has been prepared by staff. The motion was seconded by Councilwoman Chafin.

**- RESOLUTION ON DISTRICT REPRESENTATION -**

Whereas the majority of the Charlotte City Council has at some time expressed an interest in developing a plan to establish some form of district representation for the election of Councilmembers;

Now, therefore, be it resolved by the Council of the City of Charlotte in regular session duly assembled this \_\_\_ day of October, 1976, as follows:

- (1) That the Council move immediately to develop a plan for a combination of district and at-large seats for the election of Council members in the 1977 municipal election; and
- (2) That the Council shall determine the total number of seats, the ratio of district vs. at-large seats and the method of electing district representatives; and
- (3) That district lines be drawn so as to conform to voting precinct boundaries; and
- (4) That any plan developed by Council be submitted to referendum in time for implementation prior to the 1977 municipal election.

**- TENTATIVE CALENDAR -- DISTRICT REPRESENTATION PLAN SPECIAL ELECTION -**

October, November, December, January	- Preparation of plan.
Monday, February 7, 1977	- Council adopts resolution(s) of intent to amend Charter and fixes date of public hearing.
Wednesday, February 16, 1977	- Publication of notice of public hearing.
Monday, March 7, 1977	- Public hearing.
Monday, March 14, 1977	- Council adopts ordinance(s) amending Charter subject to special election and adopts resolution calling special election on the ordinance amendments.
Thursday, March 17, 1977	- Publication of notice of election.
Monday, April 18, 1977	- Last day of voter registration for special election.
Tuesday, May 17, 1977	- Special election.
Tuesday, September 27, 1977	- Party primary.
Tuesday, October 18, 1977	Second party primary (if required).
Tuesday, November 8, 1977	- Municipal election for Mayor/Council.

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Councilman Williams stated Council has already discussed the original motion to a considerable extent. The timetable prepared by the City Attorney's office essentially says that during the next four months we would be involved in the preparation of the plan. Hearings would be held as required by the statutes in March, and all of that would lead to the special election on May 17, 1977. That would be the election on the referendum on whether or not to adopt the combination district - at-large system.

He stated the substitute resolution does not change much; it still has the same general directions. There are a few minor changes. The first and perhaps the major one concerns the effect of annexation on this whole thing. In the original resolution the district boundaries were to be drawn as they would exist after annexation. He has discussed this with the City Attorney and that would present problems if it is left that way. In the substitute resolution it does not say it would be done after annexation, so presumably the boundaries would be drawn as the city exists right now. With annexation, the boundaries of the present city will change. If you had any kind of districts at the present time, they would have to change after annexation. So you get into a confused situation if you try to redraw district boundaries after you set the machinery in motion. The City Manager has indicated the target effective date of annexation now is sometime after November 8, 1977, which is the date of the next election for Mayor and Council.

The Council has the power, and is required by law, to redraw districts whenever there is an annexation to conform to the one man/one vote requirements and other requirements. Council would have to do that in any event. What he would propose is to go ahead and draw whatever districts are to be drawn based on the situation that now exists; if the referendum is successful, then the district boundaries would be modified after the date of annexation. If annexation is effective on December 31, 1977, and there were four or five districts, there would presumably be four or five districts with the lines redrawn to include the annexed areas. That is the main reason for deleting that part.

Councilman Williams stated this did not include the requirement that professional assistance be obtained from knowledgeable sources to work on this plan. He supposes what was contemplated there was further academic assistance. He thinks they have spoken to the point already sufficiently, so that it is time now for the practical politicians to go to work, and decide where the district lines will be if this is adopted today. That means the Board of Elections will become involved because the boundaries will have to conform to precinct lines.

Mayor Belk stated he thinks this is a selfish motive they have because they are only talking about Council. He thinks they are leaving out a lot of things and not putting the priorities right. He thinks the first priority is consolidation, which is not being considered at all. When he played ball, he always thought if you had a winning team you should leave it alone. If they are going to change local government, and they did not mention the mayor in there, they might have the mayor in a different precinct, or a different district each time, and rotate it around like a pinball machine. This seems like the time to put the mayor in a position to make all the appointments to committees, and under that he is very much in favor of city manager form of government, and this is the time to give the mayor that authority, and also give him power of veto on Council. If the mayor has the right to make appointments, then he thinks this is the time to do that.

He stated Council would always have the authority to sanction any appointments as he does not think that should be taken away from Council; but he thinks they should consider the operations. That he has talked to Dr. Lyons and he thinks this is part of his deal. Mayor Belk stated if Council considers his whole form, they would come up with a better solution than they have just considering the council members on election.

Councilwoman Locke stated he is talking about a strong mayor form of government. Mayor Belk replied he is not; that he does not know what a strong mayor is. That he thinks you should have a mayor with certain appointments and a veto power. A lot of people get a strong mayor confused with what they say in the big cities. This is what they are heading towards. There is a danger to it, and he thinks there should be a mayor with certain powers.

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That he thinks there should be a city manager, but it is a confused thing when you talk about a strong mayor as that does away with the city manager. You eliminate something, and it has been proven in most all cities that a good operation today has a city manager form of government, and he does not think it should be eliminated. Mayor Belk stated he is talking about a weak mayor system to give the mayor appointive power with Council to have the authority to disapprove anyone recommended - such as the federal government does. That he is not in favor of what people call the strong mayor system. He thinks it would be wrong to go to the strong mayor system and eliminate the city manager. That he is still in favor of consolidation. This is the first priority that we should be pushing for, and we are getting further and further away from that.

Councilman Williams stated in this particular situation the enabling legislation which permits any kind of modification of the form of government will not permit Council passing any sort of ordinance or legislation which would give the mayor the veto or make him in a position to appoint all boards and commissions, as far as he knows. It does, as he understands, give the Council permission to elect the mayor from its own membership. That no one is suggesting that. The statute sets out certain constraints which we can not go beyond in modifying the form of government. We cannot affect the mayor except indirectly - indirectly possibly by changing the number of Council seats to an even number where the likelihood of a tie vote would be greater; then the mayor would have more of an opportunity to vote.

Councilman Williams stated he mentioned the problem of consolidation. That is a disturbing problem. Some members of Council have said they would prefer to wait to do anything on this subject until we get along with consolidation. That had some appeal to him in the beginning. But he is not too optimistic that consolidation is imminent. He wishes it were; but he does not see us making that much progress. That he thinks everyone would almost concede if we were to consolidate it would have to be some form of district system - not like the last district system in the charter - but some kind of district. So if you set the proposition in consolidated government some sort of combination of at-large district system is inevitable. This gives a good opportunity of a trial run. If we do not make such a radical change that it really upsets the apple cart, and if this turns out to work and people like it, he would say it would be moving us closer to a district/at-large combination in a consolidated government. But if it does not work, it will not do that. He hopes in deciding what nature this will take, that we will keep that in the back of our minds.

Councilman Williams stated in comparing the original resolution with the one now, probably the most important change of all is the one dealing with the referendum. The resolution today commits the Council to putting whatever plan is developed to a public vote. The public will have the last say on this, and not the Council.

Mayor Belk stated he is sort of like Mrs. Hair, he thinks the County should do this and not the City Council. Then if you go to consolidation, speaking of figures only and distribution, you do not necessarily have to stay with five members on the Commission. Councilman Williams stated he makes a good point about the case for district representation on the County Commission, or even enlarging the membership for the County Commission because there are five representing 400,000 people; whereas right now we are seven representing 400,000. Mayor Belk stated if they went to districts he would think they would have to go to more than five. If consolidated, you would have to go to more than five. If consolidated you would have to go to a council larger than seven. Councilman Williams replied that is true, and if this change is made, he hopes it will be a modest change and not add too many members. That he cannot see there would be any less than the combined total of the two bodies when and if the marriage is brought about.

Councilman Williams stated the Mayor mentioned the problem of five representing 400,000 people. He feels the problem of this Council representing 300,000 people; that is one reason to move towards districting. You have so many more diverse people with different interests and problems. It is hard for one person to represent all of them, and really be true to his own philosophical conviction. He is not saying that is impossible but it makes it hard at times. You have to resolve a lot of tough conflicts.

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Mayor Belk stated this is an interesting trend he is talking about. When we go to the State we are really messed up in Mecklenburg because our representatives are from Mecklenburg; if you start breaking them down that is where it should be with the representatives. But when you go to the Senators we are in Cabarrus. It would be better for Mecklenburg to have three and Cabarrus to have one. Councilman Williams replied the one man/one vote principle will not allow that. Mayor Belk stated they can re-district. They have Mecklenburg in an awkward position so that the people from Mecklenburg end up arguing with themselves; then they do not have to worry about people from here. When they want to get together they have a minority and still control it. This is what he is saying! District representation - the more people you get on it the easier it is to control, because they can control the smaller minority. This is where the State has us; we are in a very awkward position. But he does not think it will change it a lot from the state angle.

Councilman Williams stated diversity is the problem of urban areas getting together. The urban areas are diverse; there are a lot of different kinds of people in Mecklenburg and Guilford County. People are pretty homogeneous who live in Craven County and in Charlotte. It is easy for them to get together on something. Mayor Belk stated they have it lined up to where you are not going to get together. They have it messed up now so that everybody feels they are different.

Councilman Gantt stated he thinks the discussion on consolidation has some merit. He tends to agree that the question of whether we district now or wait for consolidation is not a valid one. He feels that much as we want to move ahead with certain kinds of functional consolidation now prior to the actual consolidation of the city and county that we can do similar kinds of things regarding the nature of representation, and possibly get some feel as to how that works. That he tends to agree with Councilman Williams. The problem is and the reason he is supporting this resolution is that he made a commitment to the citizens of this city to seek to change the form of representation. It seems to him if we hide behind the question of consolidation we will not be true to that. He particularly feels that way now since the new resolution does allow the citizens to have the say so at the ballot box. We have that built in protection. The question of whether it is five or six districts or whether the mayor gets some additional power can be taken care of in the four months allowed for in the schedule which he hopes will become workshops for the council to get together periodically and discuss all aspects of this. This can be done later on. He does not want the public to get confused. What we are actually voting on are four points of a resolution that says we are committed to going ahead with district representation. How that is developed, how many districts, how many at-large, how we vote them - these are things that can be settled a little later on. He does feel there is a relationship on special appointments on advisory boards. The relationship between a system of district representation and geographic distribution of advisory boards. For that reason while he thinks the Mayor might have more appointive powers, some process must be built in such that those districts are allowed to get certain of their people on appointed boards.

Councilwoman Chafin stated she had no intent when the original resolution was introduced of doing anything to impede movement toward consolidation. In fact, if she had had any reason to believe that we were any closer to consolidation than a year ago, she does not think she would have introduced the resolution. All indications are from conversations with current County Commissioners as well as candidates for County Commissioners, we may be further away. She agrees with Mr. Gantt and others that this current council was elected on a platform of districts and she thinks it is time to move ahead with it.

Mayor Belk stated he is very understanding of their viewpoint, but just because she is in favor of districts that is not necessarily the best way that local government is run efficiently. Councilwoman Chafin replied she guesses



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they have a difference of opinion. Mayor Belk stated that is the way with the County Commissioners, they are not interested in the city, and so they have a difference of opinion on how it is.

Councilman Davis asked about Paragraph 4 of the substitute resolution. It says any plan developed by Council be submitted to a referendum. That is a little different wording too. He knows how careful Mr. Williams is in his choice of words. Does that commit us to definitely put a plan before the public in 1977? Councilman Williams replied that is the intent. Councilman Davis stated it says "any plan developed" by Council be submitted. If we do not develop a plan, there is no obligation to come up with something? He stated he would like to know from Mr. Williams his interpretation of that portion of the resolution. Does it commit Council today to come up with an affirmative plan for district representation in the November 1977 election?

Councilman Williams replied he thinks it does. But, he is going to reserve the right, and he thinks this is implicit and ought to be understood, that if and when we start hammering this thing out, if we start to create some monstrosity, he is going to reserve the right to say no. Councilwoman Locke stated he cannot do that. Councilman Williams replied then he is going to borrow the prerogative to change his mind, if he has to.

Councilman Gantt stated he assumes if a plan is developed by Council that means you have at least a 4-3 vote that is the plan Council wants. Councilman Davis stated he wants to know if they are committing themselves today to produce a plan. He wants to know if the resolution intends that? Councilman Gantt stated he thinks the resolution says what it says - that any plan developed by Council be submitted to a referendum.

Mayor Belk stated Councilman Davis is asking if Council is obligated to have a Plan? Councilman Davis stated he thinks sufficient questions have been raised about the wording that it could be interpreted either way next year when they get ready to implement this time table, if they do. Since some members feel like the vote is taking place today, he thinks it is a little casual and peremptory treatment of a change in the form of government. The first resolution came before Council last Monday, and the substitute which has changed substantially is before Council today. Normally, the seven Councilmembers do not have personal staff or a whole lot of resources to deal with an item of this importance in a short period of time. When a subject comes up they have a staff resource or an advisory board or agency they can call upon for advice and study to give them some guidance and the details that should be looked into. He would like very much to have the opportunity to defer this to perhaps one of the Council committees or to a committee of the whole to give some thought to this. Some of these paragraphs that Councilman Williams has in his resolution commit them right now to a course of action that after they study it may not seem prudent. This is a plea for some type of deferral to give Council an opportunity to study this.

Councilwoman Locke stated they have talked about in in campaigns for a long time, and they knew it was coming. Councilman Davis replied right, but when you say you stand for district representation that covers a whole field that has to be narrowed down as to what form of district representation. He does not think it is prudent to commit themselves to anything before they have some time to study it.

Councilman Davis made a substitute motion to defer this item and have it lay on the table until recalled by this Body. The motion was seconded by Councilman Whittington, and failed on the following vote:

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

Councilman Withrow stated it is true when he was running for City Council he committed himself to some sort of district representation. He also was a

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great advocate for a consolidated government. He is a great advocate to have district representation in a consolidated government, and he will work for that; but he believes this will defer consolidation at least five to ten years. There is an election of County Commissioners coming up in November. The people on that County Commission are going to change because there are two who are not running. There is a possibility you might have a County Commission that will vote for a consolidated government. In that case, this would be pre-empting them. In other words they are setting up committees before we even find out what happens in the County Commission race. He would like to see them hold this off until after November and see what shape the County Commission takes, and see if the County Commission will abide by what was decided at the meeting at UNCC. They decided to consolidate certain departments; just today Council went on record as saying they would try to consolidate some maintenance shops. He believes they should go this route. He thinks they have to have representation by districts, but he would like to see consolidation first and not let this have anything to do with preventing their chances of consolidating the two governments. We need consolidated government.

Councilman Whittington stated his position on district representation is the same today as it was last week. It is the same today as it was when they were at the retreat at Myrtle Beach. For what it is worth, he wants to say to members of Council and to the audience that today, in his opinion, they seriously jeopardized annexation on November 2 by some of the things they did earlier in the meeting and he thinks they are seriously jeopardizing annexation if they vote on district representation, or the plan to do that recommended by Ms. Chafin. In all fairness to her, he has to believe this was concocted by the UNCC people who certainly would have to be biased in this situation - he hopes he is wrong.

Second. He thinks what they are doing here is developing a test tube plan for the Board of County Commissioners who are opposed to consolidated government - the present Board and boards in the past.

Third. If we go into district representation, he believes as honestly and sincerely as he knows how that they are eroding the good local government that we have now, and have had in the past.

Fourth. If they do this, any way you cut it, you are going to deny the majority of the citizens of this City the right to vote on some of their representatives.

Fifth. Councilman Williams mentioned that the County represents more people than we do, and that is perhaps true; but he thinks when you talk about County government, you are talking about health services, social services and schools. Council talks about the nuts and bolts of everyday government operation. Yesterday, in his church as they talked about the budget for fiscal year 1977, his good friend and theirs, C. C. Hope, budget chairman, was called on by the minister to present their budget. Mr. Hope took a cake with icing on top with dollar signs, and called on people from the audience that represented his family and his needs as he planned his budget from year to year. These included the church, education requirements for his children, insurance, expenses in the home, and on and on. When he started to cut the cake the first person who came forth was the church, and what he should give the church. He asked the church to wait a minute, as he wanted to get into these other things; that he was going to take care of the church. But, when he got down to the end, there were only crumbs left for the church, and the church and its programs they had to develop and finance was left with the crumbs.

Councilman Whittington stated the reason he uses that as a reference - whatever districts are aligned, Council is going to have to do it. If they try to cut that four ways or six ways they are going to leave people out, and they are

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going to have precincts meshed together and people who are registered now it is going to take them two or three years to get re-registered because they will be confused. He is talking about people who sit around the Council seats, but when we had to re-register everybody in this County we still have not recovered from re-registration. That is a fact of life and he says it for what it is worth.

Ms. Barbara Gammon, 2000 E. Village Lake Drive, stated she was a City Councilman in a distant city of 250,000 population where they had districts. That it does not take outside consultants; it takes just practical politicians. In this very city is the man who did all of their drawing of districts. He is now Centralina Council of Government Director, John Harvey, who at the time was Planning Director for St. Petersburg, Florida. Charlotte has an excellent planning director who could do this districting himself and apportionate registered voters into six or seven districts. She knows the Mayor feels left out, and she would like to tell them how it was done in her area.

After you draw the districting plan, which was never done by referendum, it was simply passed by Council, you have a nomination system in each of the districts in the primary election. The person votes for the slate of district candidates plus the mayor - the mayor runs in every single district. Then in the general election, and this is important, because they all seem to feel that what would come about would be a ward system - it would not at all. Because in a general election the entire city would then vote on every single nominee at large, including the mayor. You would not be confined to representing your own district. You would in effect be an at-large candidate. It is very simply and it is very good. She stated she interviewed most members of Council last year for the FCC. She did 60 agency heads, all local government and Mecklenburg delegates and County Commissioners. To a man, and to a woman, they all said that apathy on the part of this citizenry was what they considered their chief concern. With districting, with them being close to the people, this would open the door to consolidation. She does not think consolidation will come unless districting comes first. When you get right down to it, it is cheaper to run for office, and you are much closer to the people. She thinks it would do away with the apathy.

Ms. Gammon stated they review the district system every two to five years to make sure there is the proper proportion of registered voters. Also they had four year terms, and she thinks this should be a four-year term. The odd numbered districts and mayor ran every two years, and then the even. So it was not just constant; there was always continuity of membership.

You do have to watch out for gerrymandering. She knows this is a good Council and they do not have to fear that. Also, you have to be careful what you gerrymander for, as well as gerrymander against. The Planning Director could have a plan like this ready in six weeks. She thinks they need to bear in mind the registration deadline to run for office, not a November, 1977 deadline.

Councilman Davis asked if it is not true that St. Petersburg is one of the most homogeneous cities in the United States? She replied it is. You probably would have to cut through the precincts, that is true. But they will find they have to realign the precincts anyway for various reasons.

Councilman Davis stated his point is it would be much more difficult to district a city as diverse as Charlotte than a city like St. Petersburg. Ms. Gammon replied she disagrees. She thinks you need to do this to reawaken the interest of the citizenry. Charlotte has a problem because mobility is so high. There is a turnover of citizens every 18 months.

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

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

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Mayor Belk requested the Deputy City Attorney to read from Section 3.23(b) of the City Charter.

Mr. Watts read the following:

"..... provided as to ordinances, unless they are approved by at least six members of the council, the mayor shall have the power to provide for a period of additional deliberation by postponing the passage of the ordinance until the next regular or special meeting of the council.

An ordinance postponed for additional deliberation by the mayor shall automatically be on the agenda at the next regular or special meeting of the council, but shall not become effective until reapproved by the council with at least five members voting in the affirmative at such regular or special meeting...."

Mayor Belk stated he has never seen the need to use this until this time, but he now chooses to exercise this power, and he invokes this prerogative under the provision which has been read.

COUNCILWOMAN LOCKE EXECUSED FROM REMAINDER OF SESSION.

At the request of Councilwoman Locke, Councilman Whittington moved that she be excused from the remainder of the session. The motion was seconded by Councilman Williams, and carried unanimously.

CONTRACTS AWARDED FOR VARIOUS ITEMS AND PROJECTS.

(a) Motion was made by Councilman Withrow, seconded by Councilman Davis, and unanimously carried, awarding contract to the low bidder, Howe Fire Apparatus Company, Inc., in the amount of \$52,417, on a unit price basis for one fire truck.

The following bids were received:

Howe Fire Apparatus Co., Inc.	\$ 52,417.00
Seagrave Fire Apparatus, Inc.	52,771.00
Spartan Fire & Emergency Apparatus	53,817.00
American LaFrance	56,270.00
Fire Trucks, Inc.	58,762.00

(b) Councilman Whittington moved award of contract to the low bidder, H-H Home Improvement, in the amount of \$6,824.00, on a lump sum basis, for repairs to 222 North McDowell Street in the First Ward Urban Renewal Project. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

H-H Home Improvement	\$ 6,824.00
Harold E. Casperson	7,350.00
Graves Building Contractor	7,500.00

(c) Upon motion of Councilman Gantt, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder on a lump sum basis, H-H Home Improvement, in the amount of \$6,964.00, for repairs to 411 North McDowell Street in the First Ward Urban Renewal Project.

The following bids were received:

H-H Home Improvement	\$ 6,964.00
Harold E. Casperson	7,250.00
Graves Building Contractor	7,400.00

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(d) Councilman Gantt moved award of contract to the low bidder, Pump & Lighting Company, in the amount of \$8,562.26, on a unit price basis for 2,475 corporation stops and couplings. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Pump & Lighting Company	\$ 8,562.26
A.Y. McDonald Mfg. Co.	8,697.74
Mueller Company	9,546.42
Pyco Supply Company	9,579.73

(e) Motion was made by Councilman Withrow, seconded by Councilman Davis, and unanimously carried, awarding contract to the low bidder, Pyco Supply Company, in the amount of \$5,504.40, on a unit price basis for 1,200 curb stops.

The following bids were received:

Pyco Supply Company	\$ 5,504.40
Mueller Company	5,507.60
The Ford Meter Box Co., Inc.	5,512.00
Pump & Lighting Company	9,515.80
A. Y. McDonald Mfg. Co.	9,627.52

(f) Councilman Davis moved award of contract to the low bidder, Pyco Supply Company, in the amount of \$7,336.64, on a unit price basis for 205 check valves and gate valves. The motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Pyco Supply Company	\$ 7,336.64
ITT Grinnell, Inc. (did not meet specifications)	8,400.00

(g) Motion was made by Councilman Whittington, and seconded by Councilman Withrow to award contract to the low bidder, Crowder Construction Company, in the amount of \$199,372.50, on a unit price basis for Tyvola Road Widening.

Mr. Rick Dancy stated he represents the Neighborhood Organization and they would like to ask Council to leave Tyvola Road as it is at present. During his comments he stated they feel at least it should not be widened until the road is entirely opened; also they have not had a traffic count on this street, and they are still requesting that an up to date traffic count be made on Tyvola Road, from South Boulevard to Farmbrook Drive, and to include the side streets also.

Mayor Belk requested the City Manager to have this looked into.

The vote was taken on the motion to award the contract and carried unanimously.

The following bids were received:

Crowder Construction Company	\$199,372.50
Rea Construction Company	201,212.25
Blythe Industries, Inc.	207,562.50
Dickerson, Inc.	209,462.00
F. T. Williams, Co., Inc.	214,908.50
Propst Construction Company	226,154.50
T. A. Sherrill Construction	233,582.50

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CONSENT AGENDA APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, the consent agenda items were approved as follows:

- (1) Settlements in the following lawsuits:
  - (a) Settlement in the amount of \$8,700 in two lawsuits involving the First Colored Baptist Church on Oaklawn Avenue, in connection with the Oaklawn Avenue Widening project.
  - (b) Settlement in the amount of \$50,150 in the case of City of Charlotte vs. V. P. Piercy and wife, Tessie Piercy, et al, for Byrum/Wilmount Widening project at Airport, Parcels No. 444 and 808.
  
- (2) Tax refunds denied:
  - (a) Hideaway Hills Inc., Columbia Mortgage Company, in the amount of \$43,993.28.
  - (b) Xerox Corporation in the amount of \$50,810.45.
  
- (3) Resolution authorizing the refund of certain taxes levied and collected through clerical error and illegal levy, against two tax accounts in the amount of \$5,131.22  
  
The resolution is recorded in full in Resolutions Book 12, at Page 97.
  
- (4) Claim of Southern Knitwear Mills, Inc., 622 East 28th Street for water and sewer charge refund denied.
  
- (5) Resolution approving a municipal agreement between the City and the North Carolina Board of Transportation for the installation of two overhead sign structures on Independence Boulevard. (1) between Pecan Avenue and the Plaza; and (2) near Oakland Avenue. The city will purchase the necessary right of way for the location between Pecan Avenue and The Plaza.  
  
The resolution is recorded in full in Resolutions Book 12, at Page 98.
  
- (6) Confirmation of appointments to the Building Standards Board for three year terms as recommended by the City Manager:
  - (a) W. R. Moore from Mechanical Advisory Board.
  - (b) Charles C. Dixon, Jr., Architect.
  - (c) Ralph E. Caudle, from Electrical Advisory Board.
  - (d) Ralph E. Brice, Architect from Plumbing Advisory Board.
  
- (7) Ordinances affecting housing declared unfit for human habitation:
  - (a) Ordinance No. 336-X ordering the demolition and removal of the unoccupied dwelling at 1505 Parson Street.
  - (b) Ordinance No. 337-X ordering the unoccupied dwelling at 1909-11 Gibbs Street to be closed.  
The ordinances are recorded in full in Ordinance Book 23, beginning at Page 403.
  
- (8) Property Transactions:
  - (a) Acquisition of 15.05' x 19.73' x 15' x 20.92' of right of way, plus a construction easement, from Clyde E. Pope and wife, Ruth S., at 5829 Sharon View Road, at \$175, for Sharon View Road culvert, at Swan Run Branch.

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- (b) Acquisition of 15.05' x 26.76' x 15' x 28.04' of right of way plus a construction easement, from William M. Porter (widower), at 5828 Sharon View Road, at \$175, for Sharon View Road culvert, at Swan Run Branch.
- (c) Acquisition of 17' x 50' x 17' x 50' of drainage easement, from Charlotte-Mecklenburg Board of Education, at 400 Tyvola Road, at \$17 for Tyvola Road Improvements.
- (d) Acquisition of 15' x 2,010.05' of easement from Waters Construction Company, at 3133 Chaucer Drive, at \$1.00, for sanitary sewer for Sharon Woods No. 2.
- (e) Acquisition of 15' x 922.42' of easement from Waters Construction Company, at 3224 Chaucer Drive, at \$1.00, for sanitary sewer for Sharon Woods No. 2.
- (f) Acquisition of 15' x 15.14' of easement from Forrest Irvin Honerich, at 1154 Cedarwood Lane, at \$1.00, for sanitary sewer to serve Cedarwood Lane.
- (g) Acquisition of 15' x 7,240.79' of easement from John Crosland Company, off Lawyers Road, at \$1.00, for Chestnut Lake Subdivision sanitary sewer right of way revision.
- (h) Acquisition of 15' x 11.42' of easement from Howard T. Nance, at 5900 Monroe Road, at \$15.00, for sanitary sewer to serve Florence Avenue.
- (i) Acquisition of 30' x 547.41' of easement from The McClung Corporation, at 6239 Sullens Road, at \$1,000 for Paw Creek Outfall.
- (j) Acquisition of 35.19' x 21.47' x 9.92' x 29.70' of easement from June Cassaday Estate - Lee M. Kerns, Trustee, at 6025 Beatties Ford Road, at \$1.00, for 16 inch water main along Beatties Ford Road, north of Sunset Road.
- (k) Acquisition of 15' x 32.29' of easement from John W. McWhirter (widower), at 5711 Sharon View Road, at \$32, for sanitary sewer to serve River Oaks Lane.
- (l) Acquisition of 15' x 156.64' of easement from Thompson R. Jamieson and wife, at 6411 Summerlin Place, at \$950, for Providence Utility trunk relocation.
- (m) Acquisition of 15' x 234.97' of easement from Joe A. Haley and wife, at 6419 Summerlin Place, at \$900, for Providence Utility trunk relocation.
- (n) Acquisition of 15' x 80.68' of easement from Windyrush Country Club, at 6441 Windyrush Road, at \$130, for Providence Utility trunk relocation.
- (o) Acquisition of 15' x 50.16' of easement from Windyrush Country Club, behind 6441 Windyrush Road, at \$50, for Providence Utility trunk relocation.
- (p) Acquisition of 15' x 265.84' of easement from The Ervin Company, behind 7022 Lancer Drive, at \$285, for Providence Utility trunk relocation.
- (q) Acquisition of 30' x 1,863.12' of easement from Jackie Ray McGee and wife, at 7900 Gilead Road, at \$2800, for McDowell Creek Outfall, Phase I.

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TALENT BANK FOR APPOINTMENTS TO BOARDS AND COMMISSIONS AS PROPOSED BY THE COMMUNITY RELATIONS COMMITTEE, AND INFORMATION CONCERNING SOUTHEAST CHARLOTTE LOCATION REQUESTED PLACED ON COUNCIL AGENDA WITHIN THE NEXT FOUR MEETINGS.

Councilman Davis referred to his request in the informal session of Council and stated he would like the Council agenda for October 25 to include an item to discuss the talent bank for appointments to boards and commissions as proposed by the Community Relations Committee in their report to Council on September 20. He requested staff to provide Council with some authoritative material as to what southeast Charlotte is, and how many of our appointed members of boards, agencies and elected officials do, in fact, live within the southeast Charlotte area.

The City Manager stated Council will have a very long meeting on October 25, and he would suggest this be placed on an agenda for a later meeting.


Councilman Davis amended his request to have it on the agenda within the next four meetings.

TRAFFIC ENGINEER REQUESTED TO INVESTIGATE THE NEED FOR ADDITIONAL LIGHTING ON SHARON AMITY ROAD, BETWEEN INDEPENDENCE BOULEVARD AND CENTRAL AVENUE.

Councilman Withrow stated he has received numerous calls about Sharon Amity Road, between Independence Boulevard and Central Avenue, concerning the street lights. A lot of people are running up over the median, and having wrecks. He requested the City Manager to have the Traffic Engineer look into the possibility of putting some more street lights in so they can see the medians; it is particularly bad when the streets are wet.

ADJOURNMENT.

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

  
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Ruth Armstrong, City Clerk