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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, May 9, 1977, at 3:00 o'clock p. m., in the Council Chamber, City Hall, with Mayor pro tem James B. Whittington presiding, and Councilmembers Louis M. Davis, Harvey B. Gantt, Pat Locke, Neil C. Williams and Joe D. Withrow present.

ABSENT: Mayor John M. Belk and Councilwoman Betty Chafin.

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INVOCATION.

The invocation was given by Reverend Thurman B. Stone, Minister of Calvary Baptist Church.

PROCLAMATION PRESENTED TO PRESIDENT AND CHAIRMAN OF GOODWILL INDUSTRIES PROCLAIMING MAY 8-15, 1977 AS "NATIONAL GOODWILL WEEK."

Mayor pro tem Whittington recognized Mr. Michael Elder, President of Goodwill Industries and Mr. John Craig, Chairman of the Board, and read the following proclamation:

WHEREAS, the rehabilitation and training of handicapped Americans is a goal worthy of the support of all the citizens of Charlotte, and

WHEREAS, such rehabilitation requires a sophisticated, modern program, vocational testing, counseling, guidance, work experience and job placement services, and

WHEREAS, this program is best carried out in an atmosphere of encouragement and understanding that fosters the development of pride, independence and self esteem in individuals involved, and

WHEREAS, Goodwill Industries of America has been providing all these essential services for 75 years, making it possible for hundreds of thousands of handicapped persons to become self-sufficient, contributing members of society, and

WHEREAS, Goodwill Industries of Charlotte was established in 1965 to bring the benefits of this national program to our local area, and

WHEREAS, May 8 through 15 has been set aside as National Goodwill Week to encourage public support for the rehabilitation programs of Goodwill Industries throughout this country;

NOW, THEREFORE, I, John M. Belk, Mayor of Charlotte, do hereby proclaim May 8 through 15, 1977, as "Goodwill Week in Charlotte" and urge all our citizens to give their support and attention to the efforts of this fine organization.

Mayor pro tem Whittington presented the proclamation to Mr. Elder and Mr. Craig on behalf of Mayor Belk and members of Council. He stated he was a member of that Board in 1965 when it started and he knows it is a fine organization.

PROCLAMATION PRESENTED TO MS. PATSY KINSEY AND MR. MILTON BLOCK PROCLAIMING MAY 8-14, 1977 AS HISTORICAL PRESERVATION WEEK IN CHARLOTTE.

Mayor pro tem Whittington asked Councilwoman Locke to read a proclamation for the Historic Preservation Week. She read as follows:

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WHEREAS, historical preservation is both an entity of life in our community and a vital aspect in the growth and development of Charlotte-Mecklenburg, and

WHEREAS, many organizations, individuals and agencies ought to be commended for their preservation projects and programs, and

WHEREAS, acknowledging the urgent need to preserve and enhance the historical past and to insure appreciation of it, we consider it an obligation and a privilege to honor the citizens who are working to save our historic, architectural and cultural landmarks and urge all of our citizens to join their ranks;

NOW, THEREFORE, I, John M. Belk, Mayor of Charlotte, do hereby proclaim May 8 through 14, 1977, as Historical Preservation Week in Charlotte and call upon all our citizens, and especially the Preservation Organizations, Historical Societies and other civic groups, to observe this week with activities and ceremonies designed to call public attention to the urgent need to save our historical landmarks for the enjoyment and edification of our people, present and future, and to demonstrate our lasting respect for our heritage.

Mayor pro tem Whittington recognized Ms. Patsy Kinsey and Mr. Milton Block and presented them with the above proclamation.

COUNCIL RULES SUSPENDED TO ALLOW COMMENTS BY MS. VIRGINIA WOOLARD RELATIVE TO THIRD WARD DEVELOPMENT PLAN.

Mayor pro tem Whittington asked members of Council to suspend Council rules, allowing Ms. Virginia Woolard to speak at this time about the Third Ward Area Development Plan.

Councilman Withrow moved approval of Mayor pro tem Whittington's request, which motion was seconded by Councilman Williams, and unanimously carried.

Ms. Woolard, 630 Hempstead Place, stated she has some interest in the Third Ward Redevelopment Plan, which is the area bounded by West Fourth Street Extension, South Cedar Street, West First Street and Frazier Park. She stated Council has approved the Target Area Redevelopment Plan for this, with reservations concerning Cedar Street and West First Street.

She asked about the advisability of moving the houses that could be saved into the open field as was proposed. That Council requested cost figures for that move and also requested another plan for the area involved in these two streets that would allow the houses to remain on Cedar Street and the two houses on West First Street. She asked Council not to consider another plan.

Ms. Woolard stated the work is proceeding quite rapidly; bulldozers are in the area - a great deal of work has been done. She stated to bring another plan into the process seems to really hurt their chances for development of the community. This would be the third plan which they have dealt with down there. Four years ago, under the old Redevelopment Plan, a very elaborate drawing was brought to the citizens of the neighborhood in which the older homes would have been removed and very attractive garden-type apartments would have been built, with townhouses. Then, the people were disappointed at that point because the philosophies of federal government and the pocketbook gave out. Then came the new Community Development Plan and city representatives came down with news that there was no money available for new townhouses or new apartments and the only money available was to rehabilitate the old houses. That she is happy no Councilmembers were there because of the responses from the people.

Ms. Woolard stated to her rehabilitating an old house can be a very exciting prospect, but apparently to people who are living in that type house, it is difficult for them to see the romance in it. After several meetings,

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there was a calming of the waves and a very brilliant plan was presented that took the great eyesore from the community and turned the houses around and put them in the space available, and got them off of Cedar Street; this has caused great stress in their neighborhood.

That she lived in the neighborhood for twenty five years and she goes down there to work every day. When she was growing up there, across the street, Cedar Street was called the junkyard - it is now called the Salvage Recycling Station, but no matter what it is called, it is certainly not a place that would aid in the development of rehabilitation of this particular neighborhood.

She stated she could not possibly criticize a new Plan that has not come out, but she can speak for what good could come from taking the houses that are left and moving them into this central area.

Councilman Gantt stated he is not sure what Ms. Woolard means by a re-planning of that area. That he does recall they talked about removing the houses in that area that were savable for putting into a new cul-de-sac, or courtyard-type treatment, but he does not know of any new plan on top of that which is being planned for that area.

Ms. Woolard stated Community Development has a new plan which she understood Council instructed them to do. Councilman Williams replied there is some confusion about this - they took a tour of this area by bus and the results of that tour, and conflicting informational instructions were given to the Community Development Department, now he does not think they are clear on the plans for contemplating reverse frontage, or turning the houses around and facing the cul-de-sac or leaving them in place.

Councilman Gantt stated it seems to him if they are unclear, they ought to come back to Council and get it cleared up so everyone would know what they are going to do.

Mayor pro tem Whittington stated Council made an on-site inspection of this Plan and they were concerned about the houses Ms. Woolard mentioned on Cedar Street and he understands Community Development is now going through an inspection to see if these houses can be moved or re-developed right where they sit on Cedar Street today. Mr. Burkhalter replied that is correct.

Mayor pro tem Whittington stated Council was also concerned about some of the homes on First Street and Greenleaf. That since Council was down there he has been approached about buying all of the recycling facilities and using it as a store yard for the city's satellite equipment. He stated he has a lot of reservations about spending that much money for that much property along a railroad, when they can spend that much money and build houses in Third Ward. He stated the Community Development Department is working just as diligently as they can on this because he has talked with Mr. Sawyer at least five times in the last month to see when Council is going to get the Third Ward Plans.

Ms. Woolard stated her concern was not that they were moving too slowly, but that they would consider a Plan that would leave housing facilities facing on Cedar Street, because the success of the total development would be greatly reduced if that were allowed. She stated she has no personal interest in terms of ownership; they have their home down on West Fourth Street and they continue to have interest in the community.

Mayor pro tem Whittington stated they are trying to get those answers so Council can make a decision. Mr. Burkhalter stated Council has approved a Plan for Third Ward and if anything different is done, Council will have to have another hearing. That Ms. Woolard is concerned that Council will change what they have already approved.

Councilman Williams asked if the present plan calls for turning the houses around and facing the cul-de-sac? Mr. Burkhalter replied he is not sure, but a plan was adopted, after Council had a hearing, but Council asked

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them to go back and do something else which has not been officially done - this is what Ms. Woolard is concerned about.

Councilman Williams stated he would like to get this cleared up as quickly as possible and asked if the City Manager could get it on the Agenda in the next couple of weeks. Mr. Burkhalter replied a report is being prepared for Council at the present time; he has not seen the report, possibly Ms. Woolard has been over there and seen the proposal. Ms. Woolard indicated she had not. Mr. Burkhalter stated he will ask Mr. Sawyer for a report later in the meeting.

MINUTES APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the minutes of the meeting on May 2, 1977 were approved as submitted.

LETTER EXPRESSING FAREWELL TO TOM SWEENEY, WSOC-TV NEWSMAN.

Mayor pro tem Whittington stated since the Mayor is out of town today, he would like to read a letter addressed to Mayor Belk and signed by the "City Hall Press Corps." He requested Mr. Tom Sweeney to come before Council, at which time he read:

Dear Mayor:

Charlotte will lose the services of WSOC-TV Newsman Tom Sweeney this Friday, May 13th. Tom leaves then for an enviable position as Chief Reporter, News Writer and Anchorman for Station WLOS in Asheville.

We of the media will miss Tom and suggest officials of City Government will also miss his accurate, timely news reports.

If you and the Council consider a word of recognition for Tom to be in order, it will be seconded by his friends in the local media.

(Signed) City Hall Press Corps

P. S. Tom departs barely a week after being notified by the Radio-Television News Directors Association of the Carolinas that he was named 'Sportscaster of the Year.' We know this will recommend him to Mayor Belk whose dedication to sports is second only to his devotion to the City. This award as Sports caster of the Year may or may not have anything to do with his City Hall coverage.

Mr. Sweeney stated he will miss covering this city because of the next six to eight months of budget, annexation, district representation and elections coming up and it is going to be a hot town. That he appreciates the comments from Councilmembers.

He stated the place he is going to is not as sophisticated, in terms of covering government, as Charlotte and the reason for the good news coverage in Charlotte is good news competition; the basis of that is not television-radio, but printed journalism and Charlotte has a good news 'root.'

ORDINANCE NO. 501-X TRANSFERRING FUNDS WITHIN THE GENERAL FUND TO PAY LEGAL FEES CHALLENGING THE CONSTITUTIONALITY OF RECENT AMENDMENTS TO THE FEDERAL UNEMPLOYMENT COMPENSATION ACT.

Councilwoman Locke moved adoption of the subject ordinance transferring \$7,500 within the General Fund to pay legal fees challenging the constitutionality of recent amendments to the Federal Unemployment Compensation

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Act, which motion was seconded by Councilman Withrow to get it on the floor.

Councilman Gantt asked Mr. Underhill how many votes would it take for this ordinance to be adopted and Mr. Underhill replied four affirmative votes.

Councilman Davis stated at the beginning he wanted to go along with Mr. Underhill's recommendation but what made up his mind to vote against it was because so many questions came up during the discussion and we had so few answers, it seemed no one knew all the ramifications of this and he is reluctant to commit \$7,500 in tax monies to something that no one knows that much about. He asked if there are anymore answers as to who is covered under this unemployment or how big a hazard it is to Charlotte? Mr. Underhill replied it covers any former employee of state and local government after January 1, 1978 who would be eligible for coverage. That their eligibility depends on a lot of things: their length of service, the reasons why their employment was terminated, whether they had worked a sufficient period of time in order to qualify under the basic provisions of the law, and things of this nature.

Mr. Underhill stated depending upon the option of financing that the City of Charlotte might choose to exercise to fund its share of the benefits, it is conceivable, as he told them last week, that no North Carolina cities would be liable to reimburse any unemployment benefits paid until August of 1979. That is, if Charlotte opts for what is called the Reimbursement Option, where the employee is paid the benefits and once the benefits are paid to him, then the City is billed by the Employment Security Commission for the benefits which have been paid out of a fund that they have established which right now is basically contributed to by private employers.

That any City employee, full time or CETA, or temporary employees, would be eligible for this compensation insurance after the effective date. The cost would be difficult to say because so much depends on the option of financing that is ultimately selected. The National Institute of Municipal Law Officers has sent out information which estimates that it is conceivable that the tax could ultimately cost approximately \$9.00 per person in your population, which is a rough approximate formula which they have given to us to calculate what the annual cost might be. That this is the best estimate he can give at this point in time. He stated the Budget and Evaluation people say it could run as much as \$220,000 per year, or as little as \$100,000 per year.

Mr. Underhill stated it probably would not be until 1979 that we will feel the full financial impact of this cost because of the way this program is structured a city does not receive a bill for what they have been paying in benefits until a period of time after it has been paid.

Councilman Davis asked if these unemployment benefits would cover striking employees? Mr. Underhill replied they would not be covered; that one of the things that is left up to the State since the inception of Unemployment Compensation Programs is the determination of benefits rights. He stated in order to be eligible, a claimant must be free from disqualification for such acts as voluntarily leaving without good cause, discharge for misconduct connected with work and refusal of suitable work. That he has been told that striking employees who might ultimately be dismissed from their jobs for participating in that strike would not be considered eligible for participation in Unemployment Compensation Programs.

Councilman Davis asked if Mr. Underhill's recommendation is based on this being good business to spend this \$7,500 to offset any possible liabilities of from \$100,000 to \$200,000 per year, or just on the basis of challenging the laws that Council takes opposition to? Mr. Underhill replied he does not really characterize all this as being his recommendation; he felt a professional responsibility to bring this matter to Council's attention - probably more so because this litigation is being proposed under the umbrella of an organization he belongs to and he felt it was a matter that Council ought to be aware of. That Council can weigh the pros and cons of getting into the lawsuit, or declining to get into the lawsuit themselves.

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But he can tell Council that a great number of the lawyers he has talked to who work in the area of constitutional law feel that the possibility of this law being declared unconstitutional is good. Whether the issue is one this Council feels the City should participate in in litigating the constitutional questions that are involved, he does not know; but he is presenting this to Council and telling them this is an opportunity to participate and if Council wants to, it will cost \$7,500, and an agreement to make the City's Finance Director available to testify if necessary.

Councilman Davis asked if the outcome would be known in about two years? Mr. Underhill replied it is estimated that the litigation will take at least three years to run its course and get to the U. S. Supreme Court and have some decision reached.

Councilman Davis stated in view of the fact the City is going to benefit from whatever the outcome is and the limited period of time the City would have this hazard, does he still think it would be a good procedure to participate? Mr. Underhill replied he did not really have a recommendation for Council; that he thinks a lawsuit is going to be brought and if we do not get into the lawsuit and an injunction is issued, and Charlotte is not a named party, then Charlotte is going to have to pay what the law requires them to during the period of time that the matter is in litigation, until some ultimate decision is reached. If it is decided that the law is unconstitutional, then regardless of whether Charlotte is in the lawsuit or not, it will not be required to participate in this Unemployment Compensation Program. That if Charlotte does get in it and an injunction is issued, then we will be protected from having to pay any benefits which were incurred until the lawsuit is finally determined.

Councilman Gantt stated he is against this in principle but he asked to have this ordinance reconsidered to allow the full Council the opportunity to vote on it. That as it stands today, Mayor pro tem Whittington will not have a chance to vote on it, and he is ready to offer a substitute motion to delay it again for another week.

Councilwoman Locke stated it is important for Council to participate in this and if we do not participate, then Charlotte will have to pay out for a long period of time.

Councilman Davis stated he still has the same reservations about this; but since he knows how Mr. Whittington and Ms. Chafin feel about it, he does not want to burden the staff with putting it on the agenda again, and he will vote for it.

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

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

The ordinance is recorded in full in Ordinance Book 24, at Page 93.

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A TRUST AGREEMENT AND A BILL OF SALE, WARRANTY DEED AND ASSIGNMENT OF INTEREST TO CERTAIN TRUSTEES OF IMPERIAL COTTON MILLS AND AUTHORIZE THESE TRUSTEES TO SELL PROPERTY FOR THE CITY.

Councilman Gantt moved adoption of the subject resolution authorizing the Mayor to execute a Trust Agreement and a Bill of Sale, Warranty Deed and Assignment of Interest to certain trustees of Imperial Cotton Mills, and authorize these trustees to sell property for the City. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, at Page 368.

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ORDINANCE NO. 502-X AMENDING THE CITY CHARTER TO IMPLEMENT THE DISTRICT REPRESENTATION PLAN.

Councilman Gantt stated in reading the proposed ordinance, it looked innocent enough to him until he read down to Section 3. That in reading the words going from 4 to 6, 3 to 5, 6 to 10 and 5 to 9, it seemed to him to mean, in effect, that the Mayor will have, on the new Council, veto powers in every situation except that in which more than 10 persons vote in the affirmative. Mr. Underhill stated this is not entirely correct - it does not involve every Council action, only the ordinances.

Councilman Gantt stated he questions the above numbers because it requires almost a consensus of the 11-member Council and this seems to be a terribly high number. He stated he went back to see what Council has been doing previously and it required 6 of the 7, and asked if 6/7ths of 11 would be 10? Mr. Burkhalter replied 6/7ths of 10 would be 9 and 3/7ths.

Councilman Gantt stated Council should take another look at this situation.

Councilman Williams stated the number of votes it would require for something to pass on the first reading is probably not a lot of difference between 10 out of 11, or 6 out of 7, if you broke it down percentagewise; but the critical part is what it would take to over-ride the veto. On the over-ride, right now it takes 5/7ths, or 71.4 percent - that what Mr. Underhill proposes with 9 out of 11, is about 80 percent. He figured that 8 out of 11 would give Council at least the same percentage that 5/7ths does right now and probably a little bit more. He suggested it be 8 instead of 9 to over-ride the veto.

Councilman Gantt asked if this change had to occur with this Council or could the new Council make its own amendments to the Charter? Mr. Underhill replied no, for two reasons. One, it is not the kind of thing that the General Home Legislation allows the Council to change in its Charter and this is in our Charter; there are some things Council can change, and there is a list of them, but this is not one of them.

That the reason for doing this now is because the voters told Council to implement a District Representation Plan and there is authority in the law that says Council has to carry through and make consistent not only the changes which were specifically approved, but anything that is related to it in order to make it consistent. For example, a quorum, and this sort of thing. That we will not have any problems with a quorum, because a quorum is not defined in terms of numbers in our Charter, it just says a majority.

Mayor pro tem Whittington asked what the alternatives were and if Council could reduce this figure down, legally, to 8? Mr. Underhill replied the reason he was being a little bit careful about this figure is because the Charter change dealing with the Mayor's power of postponement rather than veto power was put in the City Charter, not as a request of City Council, but by the 1969 Mecklenburg Legislative Delegation, who thought it was a good idea.

He stated, as he recalls, Council did not necessarily oppose this change being made, nor did they not request it, so this was a piece of legislation that was not Council-initiated, the enlargement of the Mayor's power. He stated he was reluctant to tamper with the numbers too much but he can see the point in using percentages - there is a lot of persuasive logic in the way Councilman Williams approached it. That he had looked at the way the Legislation was written - it took one less than unanimity for the first reading and two less on the second reading and he just built the numbers up accordingly.

Councilman Williams stated that being a member of the legislative body, he is very jealous of our prerogatives; that they are being eroded and being given to the executive member of the body. Usually these vetos are expressed in percentages - 2/3 will over-ride a veto rather than a certain number. He would imagine it went to percentages in figuring what is the

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same percentage roughly of 11 that the present 5 is of 7; that 8/11ths is 72.7 percent compared to 5/7ths which is 71.4 percent.

Mr. Underhill stated the law reads as follows: "The authority conferred by this Article to amend Charter provisions within the options as set forth also include authority to amend other Charter provisions, dependent on the form of City Government, conform them to the form of the amendments. By way of illustration and not limitation, if the Charter provides for a five-member Council and is amended to increase the size of Council to seven members, a Charter provision defining a quorum of Council as three members shall be amended to define a quorum as four members." He stated what he did was to try to make the numbers consistent with the enlarged Council, as this Section gives Council the authority to do. That if Council wants to approach this from a percentage standpoint, he feels it can be done.

Councilman Gantt stated he would prefer the numbers 8 and 7. That with the figure 8, it would be at least 75 percent of the 11-member Council, or three-quarters of Council would have to vote affirmatively on an ordinance to avoid postponement by the Mayor and if it does not get that, on the subsequent vote, 7 members, or two-thirds of Council, would have to vote affirmatively.

Mr. Underhill stated this would be tampering a little bit with what the original provision stated. Councilman Williams stated he was using the figures of 9 and 8 because he was just looking at the over-ride provisions. He does not think the other is all that critical. The critical comes back on the over-ride. On the over-ride, it calls for 5 out of 7 now and if you used 8 out of 11, it would give you almost within one percentage point, of 72.7 percent compared to 71.4 percent. That he agrees with Councilman Gantt and would be in favor of giving up as little authority from this Body to the Chair as possible, but if we cannot do it because we are locked in by the Charter, then we cannot.

Mr. Underhill stated this has been set up in the Charter and Council has to make their amendments in a fashion so they are consistent with the changes that were required by the results of the referendum. He asked how much can Council deviate from the way it is set up? That the purpose of percentages, such as the way Councilman Williams figured it, makes sense, but if you reduce it below where the relative percentages would have been under the present set-up, he questions how much leeway Council can do legally.

Councilman Williams moved adoption of the ordinance as proposed by Mr. Underhill, except substituting on the number required to pass an ordinance to 9, from the proposed 10, and substituting on the over-ride, the number 8 instead of 9, as proposed. The motion was seconded by Councilwoman Locke.

Mayor pro tem Whittington asked Mr. Underhill to read Section 3 with the suggested changes and Mr. Underhill replied the Sections Councilman Williams' motion would amend would be Section 3, Subsection C, where the word "ten" appears, strike "ten" and substitute "nine" and then in Subsection D, underneath that, where the word "nine" appears, in the third line, strike the word "nine" and substitute the word "eight". That these are the only changes to his recommendation.

The vote was taken on the motion and carried unanimously.

Councilman Withrow asked how this would affect zoning matters and Mr. Underhill replied it would be three-quarters of 11 or 9 affirmative votes; that the Mayor is required by Charter to vote in this situation and there is no way to change that.

The ordinance is recorded in full in Ordinance Book 24, at Pages 94 and 95.

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ESTABLISHMENT OF FILING FEES FOR THE OFFICES OF MAYOR AND CITY COUNCIL FOR THE 1977 MUNICIPAL ELECTION.

Councilwoman Locke moved the filing fees for the Offices of Mayor and City Council for the 1977 Municipal Elections remain the same. The motion was seconded by Councilman Williams.

Mayor pro tem Whittington requested the City Attorney to give Council these figures and Mr. Underhill replied the action by Council for the 1975 Election was to set the fees for the Office of Mayor at \$110.00 and for the Office of City Councilmember at \$45.00.

The vote was taken on the motion and carried unanimously.

REVIEW AND DISCUSSION OF MUNICIPAL OFFICE BUILDING.

Mr. Paul Bobo, Assistant City Manager, stated representatives of J. N. Pease and Associates are present today to review the Municipal Office Building concept with members of Council and to answer any questions they might have.

Mr. Norman Pease, Jr. stated for sometime they have been working with Council to provide a necessary administrative and executive space in the Governmental Center and would like to present a status report on this project at this time. He introduced Mr. John Duncan, an architect with their firm.

Mr. Duncan presented drawings to Council of the proposed concept and stated they have been working on different concepts for the Municipal Office Building for several months and have done a fairly comprehensive analysis of space needs, different ways to approach the building, different ways of going about this and today they present a proposal which they have recently revised from the one which was presented earlier.

He stated they have many ideas and concepts which were presented earlier with a few changes. That the basis of the proposal or program data they took from an up-date of the SUA Program which was done in 1970. They updated it approximately two years ago and are using those square footage figures for a basic background data. The concept they are presenting here involves an office facility and a Chamber facility. The Office facility has been split into two portions, which they call Phase I and Phase II.

In the Phase I program, he showed a photograph which included an office facility of 150,000 square feet and included the departments that are now leasing space in the Cameron Brown Building and other offices in the immediate area. He stated it will be approximately five stories high, depending upon the number of square footage they end up with per floor. This building is shown as two pieces but they are suggesting that it be one large building with some kind of break in it. That the second phase of this building will be an eight-story addition on the top of it to accommodate the space which is now in the City Hall Annex and in the City Hall itself.

Mr. Duncan stated this square footage will change from time to time but right now, these are their best projections. Also included in this office facility will be parking for 80 cars below the building, primarily for visitors but will accommodate those people who work in City Hall but need to go in and out on a daily basis, every day.

He stated the second portion of this concept is the Chamber facility which includes the Council Chamber, a Press Room, Information and Exhibit Area, Assembly and a Conference Room, some office space, audio-visual facilities for televising of Council meetings, furnishings and also extension of Public Services spaces to complete the total complex.

Mr. Duncan stated the Council Chamber and the Chamber Facility is in a very prominent location because they believe this is important for the image that it is to have in the City and in the Governmental Center Complex. He

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Councilman Davis stated earlier Mr. Duncan totalled up \$24,000,000 for the total package. Mr. Duncan stated that is correct - it depends on what phase and at what time the jobs are bid. Councilman Davis asked him to repeat this part and put the individual prices on them again.

Mr. Duncan stated if Council can imagine drawing a line along the base of one building and then everything on one side, which includes the Chamber and all the facilities he listed under that, the development of this portion of the block is estimated at approximately \$3,000,000.

Councilman Davis asked how much would just the Chamber cost and Mr. Duncan replied approximately \$1,400,000; there is a lot of equipment and furnishings, a very specialized type of building.

Mr. Duncan stated on the other side of that line, which is the office facility and the 80 parking spaces below, they are estimating \$9,000,000, based approximately 150,000 gross square feet at somewhere in the neighborhood of \$55.00 per square foot for the office facility. Councilwoman Locke asked the size of the Chamber and Mr. Duncan replied approximately 20,000 square feet.

Mr. Duncan stated what we really need to do is to proceed to develop these plans so they know what kind of structures we are talking about, what kind of partitions, the whole building system and they can get a much better idea in terms of dollars per square foot; right now, they are estimating at what office buildings cost from what they can dig up in terms of past information on this type of facility.

Councilman Davis asked if this totals \$12,000,000 and Mr. Duncan replied that is correct. He stated the eight floors they have designed this building to accommodate above, a rough estimate is somewhere in the \$12,000,000 range.

Councilman Gantt asked if this was based on the program that included the County Offices and Mr. Duncan replied that is right - this is 350,000 gross square feet which includes county offices and city offices, as stated in the original program, which they have updated. Councilman Davis asked if Phase I of the building was five floors and Mr. Duncan replied that is correct.

Councilman Gantt stated since the article came out in the Charlotte News back on Thursday, he has been getting all kinds of calls from citizens who say they have been down to City Council and have seen the Chambers and the room is so wide and now you people are getting ready to spend a million and a half dollars to build a Council Chamber? What kind of Council Chamber are you going to have? He stated he feels more information is needed on what they are proposing to the Council in terms of that million and a half dollars. That he does not know how far ahead they are projecting the \$55.00 a square foot in the future, but if it were put into today's dollars, do they feel \$55.00 for just general office space is somewhat inflated or does he feel it is very realistic? Mr. Duncan replied their original figure was around \$45.00, based on the bids last January; they are estimating now about two years, which gives them the \$55.00 figure.

Councilman Gantt asked if this figure includes the partitioning of the space and everything and Mr. Duncan replied that is correct, but would not include office furniture.

Councilman Gantt stated the next time we build a Council Chamber in this town, he feels we ought to build one that is more accessible to the public and allows a reasonable kind of audience to sit and view the Council.

Councilwoman Locke stated according to the schematic drawings which she and Councilwoman Chafin saw earlier, it was almost entirely and exclusively City Council Chambers and directed to the media, audio visual and that sort of thing. It was a fantastic concept, the same type concept she saw in Toronto.

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Mr. Duncan stated in the original concept, approximately a year ago, they had a round-shaped type building for the Council Chamber facility, but now they are proposing to revise this design to accommodate this change in the concept but basically, it would seat 200 people. It would have a sloped floor so that everybody would be able to see the proceedings, as in the auditorium. The original concept was a round building and there were a lot of advantages to that because there would be area available for the people to make presentations so that everyone could see; it would include all the facilities for televising the meetings, all audio-visual type of equipment; it would include seats for all elected officials, an area for the Press, an area for the Staff, storage and whatever kind of media devices which would be necessary to make a very modern, up-to-date facility. They are talking about something that is more sophisticated than the concept he has today, in terms of allowing the public to see the political process and see what goes on here.

Councilman Gantt asked about the volume of square footage and Mr. Duncan replied they have roughly come up with approximately 20,000 square feet but they really need to design this to the point that they can say these are the types of things we are putting in and more than just a room; there would be, for example, a Press Room and exhibit areas and other space in there that they feel pertains to the Chamber itself.

Councilman Gantt asked about the offices in the new concept and if his space study included full time offices for Council? Mr. Duncan replied this has been proposed and this is what they are referring to in the new concept. Exactly how many and exactly how that would work - they have not gotten into, but they did allow for a certain number of offices in that 20,000 square feet.

Councilman Gantt asked if they are at a stopping point in their work, or their design, until Council gives them another signal to go? Mr. Duncan replied yes, in terms of preliminary design, they feel this concept is a realistic one and it does relate to the Governmental Center and they are to the point where they need the concurrence of Council to say "yes, this is a good way to go, let's do this design and specifications for this" so they can see exactly what they are going to have and proceed with it.

Mayor pro tem Whittington asked if the \$3,000,000 Phase I, referred to earlier, was for the lower part of the office building and the Council Chamber with 20,000 square feet? Mr. Duncan replied Phase I includes \$3,000,000 for the Council Chamber and \$9,000,000 for the Office Building and these two facilities would basically complete the block. That Phase II is the expansion up above.

Councilman Withrow asked about the financing and if they approve this, what charges are they getting into before they could go to the people for the office building? Mr. Fennell replied he would be glad to develop whatever information Council needs. Councilman Withrow asked if Council just went along with the Council Chamber, the \$3,000,000, could they get the money to do that and later on they could go to the people for the \$9,000,000 and tell them that we have \$750,000 we are spending for rent, to get cheaper money by using taxpayers' credit rather than going the revenue route and paying 9-12 percent. That if Council went along with the one building and let the other go with the office building. Mr. Fennell replied the main economic advantage of off-setting cost is to eliminate the current rental expense; therefore that would be eliminated by the construction of the office building. Councilman Withrow asked even with paying the extra amount of money in percent to borrow money it would be more advisable to go on with it? Mr. Fennell replied he would hope that an alternative would be developed where you would not be paying such a large differential. You do have some costs that by eliminating the present rental expense you would have that to apply to both the total complex. You probably will come out with a better off-setting plan by eliminating the rental expense.

Councilwoman Locke moved that City Council approve the design concept as presented and that the architects, J. N. Pease Associates, be authorized to proceed with the development of design drawings and specifications of

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the concept as presented here today, and further, that a schedule for financing each phase be brought to Council as quickly as possible. The motion was seconded by Councilman Withrow for discussion.

Councilman Gantt stated he really does not have a problem with the concept that the Pease firm has come up with. But there are a number of questions Council needs to examine more closely, not the least of them being a thorough analysis with the architects and the staff of the Program. That when he says "program" he probably has more reference to the Council Chamber, to the development of the park space and the other kinds of things that are desirable from his standpoint; but as a Public Official, one in which we need to examine the extent that we need to go to at this point in time.

He stated this resolution would set the architect in motion for developing that Plan and he would feel that budget, as of today, has totally been approved, without full examination. That he looked at a program last year that dealt with a much more expanded type of scheme than we are dealing with on the \$2 million one and he would prefer another look at the program. He stated he is sure what we have in the way of a Council Chamber is more than adequate and it would take care of the future. He would simply want to take another look at the \$1,500,000 expenditure in that area and another look at the \$1,500,000 expenditure in the park and a more thorough look at the financing. We need to do that and then tell the architect clearly that we know how we are going to finance it and this is the approach we are going to take, now you start drawing.

Councilman Withrow asked if Council should go ahead with one part of this, possibly the Council Chamber and those office spaces, rather than go ahead with the whole Phase I until possibly later we could go on with the office structure? That he is not positive the people would not buy it if Council could prove to the people that it would pay for itself in all the rents we are paying now.

He stated when he went to a COG meeting one time, they were talking about spending \$80,000 for some space and said they would rent this space from the city if the city would build an office building and possibly there are other governmental agencies who would rent space. He feels this could be sold to the people if we could say we could afford an office building, but right now, he is not in favor of going on with an office building until we have more information.

Councilman Williams stated it is his understanding that in amortizing General Obligation bonds, as a general rule, it takes about one-tenth of the face amount of the bonds every year to pay the debt service, and asked if this is correct? Mr. Fennell replied in our case we probably get around 5-1/4 percent so if you would want to amortize on a straight line, it would run around \$80,000 for every million, if financed over about 22 or 23 years, at at least 5-1/2 percent rate. It would not run over \$80,000 per \$1,000,000 that you borrowed. He stated, on the other hand, over a twenty-five year period, the interest will be roughly equivalent to your principle pay back.

Councilman Williams asked how much Bond Indebtedness will the amount we currently pay in rent amortize, or pay each year? That he understands the City is paying about \$500,000 per year in rent. Mr. Fennell replied if we went to market right now, we could amortize about 6-1/4 or \$4.0 million; one of the things you have to remember is you want to forget the increased purchasing gains as the result of inflation by going ahead now; rather than waiting. You have already seen how life is beginning to escalate as a result of this factor; it is a real good hedge against future budget impact if you do hedge by eliminating some rental costs because they will go up. They will probably go up at least seven or eight percent when you go back for renewal.

Councilman Williams stated this is true but as a landlord you have other expenses that you did not have when you were renting from some other landlord and Mr. Fennell replied this is true and these expenses will be included in his feasibility study.

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Mayor pro tem Whittington asked Mr. Fennell to repeat what he stated about the \$6,250,000. Mr. Fennell replied that when the lease is renewed at Cameron-Brown Building in 1979, the City will probably be paying at least \$500,000 per year for this facility and he was saying that as an offset, if Council wanted to build a \$6,250,000 building, you could really offset it by the present rental costs.

Councilman Withrow asked if this included the higher interest rate and Mr. Fennell stated there is a possibility we would not have to pay a higher interest rate but it might be about 1/2 percent higher. Councilman Withrow asked if 1/2 percent was all the difference there is in Revenue Bonds and GO Bonds? Mr. Fennell replied he was thinking about going to some alternative that is permissible under the Federal Internal Revenue laws if we can work it out with the Local Government Commission; this would probably run the City about 1/2 percent more even if it was tax exempt unless it was for a shorter pay-back period; to offset it in order to get the 5-1/4 percent, the City would probably have to offset it by a shorter length of borrowing time.

Councilman Gantt asked why it will take Mr. Fennell an additional two weeks to figure out the financing alternatives? Mr. Fennell replied he could probably give him about 90 percent of the figures at this time but he felt this would justify a little consideration or thought, to make sure he is correct.

Mr. Underhill stated there are some legal considerations which they are looking at and they do not have answers for so if there is any delay on the part of Mr. Fennell, it is because the Legal Department has caused some of them in getting him some answers to some legal problems concerning financing.

Councilman Gantt stated he is personally committed to providing proper facilities to the City and he does not see the City paying rent forever if we can build our own facilities, but this is a very important development we are talking about and he does not want to run into it blindfolded. That he thinks Council ought to wait and get Mr. Fennell's thorough thinking on this and all the alternatives available to us, get the architect's most up-dated program, what he is proposing to Council and take a look at that and then sit down and deliberate on them. He stated Council should not make the motion today. That the motion may very well be appropriate a month from now, but the reason they are discussing this today was prompted by the District Representation election, and there is another whole issue to be discussed in terms of that.

Councilwoman Locke stated we have talked about the City Hall/Council Chambers before and the office buildings before, but what Council should do is have Mr. Fennell come to them and talk about Phase I, which she sees as the City Council Chamber; Phase II, the \$9,000,000 office building - the five-story building; and then Phase III, which would be the \$12,000,000 addition. But, right now we are really interested in Phase I and Phase II.

Councilman Davis stated Council is obviously not going to arrive at a decision today, but he thinks the earlier we find out where Council stands on this, the more valuable it would be to the people involved. That he feels it is important to reiterate that the architects, Mr. Pease, his associates and Mr. Duncan, have done exactly what Council has asked them to do and have done it well and what he has to say does not have anything to do with the architectural renderings they have seen as they are excellent and he has seen enough of the work of the J. N. Pease firm to know that whatever they get into, they are going to do it well. He stated his remarks have nothing to do with the architectural content. That in looking at whether or not they should proceed with this, he looks at it two ways.

First of all, he feels Council is supposed to act as a Board of Directors running a business and our business is Government and has to justify this economically. That if the business presentation made before the Board of Directors said that the City's requirement is 88,000 square feet of office space which is about what we are dealing with after you eliminate the

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Police Garage, that certainly today, we are providing office space for the City, first class office space, and whether or not we should go to a publicly-owned building or not is another matter.

He stated in considering any action on this, we have a requirement for 88,000 square feet of office space per year, approximately, and we are governing the City, or providing the leadership in a city that has approximately 2-1/2 million square feet of vacant office space on the market today, so our requirements exist in the City of Charlotte right now and can be met, if you look at the whole deal, twenty eight times over. That he thinks that a Board of Directors, considering building this much office space in a city like Charlotte, which is already overloaded, would require some tremendous justification; it would have to be unique requirements that are met nowhere else in nature. It does not make sense to build new office space in Charlotte today.

Secondly, looking at it from the standpoint of business, we are in the business of government, and we have sister governments here. We have the County Commission - we have an almost common constituency and this would certainly drive a deeper wedge between the two local governments at the expense of the over-burdened taxpayer.

That the third thing, and there are a number of ideas provided for in this, if we build this space we can be sure that it will fill up rapidly. Whatever office space we have available, employees tend to expand to consume it. This is true, not just of government workers, but anyone, this is human nature. So, having a big facility like that would be committing us to bigger government.

Then, in addition to Council wearing the hat as a Director of a business, we have to look at this from the standpoint of the citizens, too. He feels if the taxpayer realized Council was down here seriously considering a \$24,000,000 expansion program for this purpose, at this time, they would probably view this as one of the most wasteful and uneconomic programs that Council could undertake, not to mention its impact on our conserving energy. It could not be justified in any business manner that he knows of.

Councilman Davis stated at one time in history leaders of government felt that the people wanted a large, massive, impressive building to communicate to the people the stability of our government and to reinforce our assertiveness. This period has passed and he does not think this sort of architectural "P. R." that governments have paid for in the past is necessary any longer. That what is important now is that we project concepts of being close to and accessible to the people. He stated under the present set-up that the staff has outlined for Council in the attachment, the City is renting space in eight or ten different buildings. This means that our local government is working side by side with private industry to share offices in the same building - the public is exposed to them, they see them coming to work, performing, going home. He feels this makes government accessible to the people. They know who the government is; the Planning Commission is not some abstract governmental agency. That if they know Margaret Cline, or someone else, and they eat with them in the restaurant, and they can walk into their offices and talk to them - he feels this is something we would lose if we went to a large office building where we had nothing but government workers. The public would be, to some degree, excluded and about the only public people we would find in there would be those who came in for some specific purpose. That he does not feel we would have any kind of traffic, or inter-play, between government and the private industry workers like we have today.

Councilman Davis stated he thinks if this matter were brought to a vote in some manner, that it would receive the most overwhelming negative vote from the public of anything that has come around lately. He is opposed to proceeding any further with it other than having the plan which may be revised at some future date.

Councilwoman Locke asked if Mr. Davis did not feel the City needed a new Council Chamber and he replied he felt Council needed a different place

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to meet. That there are a lot of possibilities without building a million and a half dollar building.

Councilman Withrow stated he would like to see the City go ahead with the Council Chamber and give the okay today, or as soon as possible, on that one phase of it. That he really believes Council should go on with that and then at the same time, right after that, we should be talking about what they are discussing today with Mr. Fennell. He stated we are not going to save any money with the inflation rates we have just been told about.

Councilman Davis stated Council could save all of the money if they do not really need the building. Councilman Withrow restated that he, personally, would like to see Council go ahead with the first phase.

Councilman Williams stated the discussion has gone into just Phase I, the Council Chamber and the landscaping connected with it - the million and a half part of it. He would like to ask where that money will come from; will it be General Obligation bonds or what? Mr. Fennell replied you could go with the General Obligation bonds, or you could go with the lease-purchase arrangement if we can work out a tax exempt arrangement with the Local Government Commission. We could go in either of those two directions. There are options on revenue financing. Councilman Williams asked if you would amortize \$3.0 million at eight percent? Mr. Fennell replied that is right; on \$3.0 million you would have to pay on a straight line; we can rearrange a pay-back schedule, but if you want to take a straight pay-back on a straight serial, uniform amount, it would cost you about \$240,000 to accommodate that on an annual basis.

Councilman Gantt stated he really cannot understand why Council needs to take any specific action today except to let Mr. Fennell go ahead through these alternatives and then Council can look at Phase I, Phase II and Phase III.

Councilwoman Locke stated she would have no objection to that and would withdraw her motion, and Councilman Withrow stated he also would have no objection to that.

Mr. Burkhalter stated one of the problems he has had is that Staff does not really know what Council wants them to do and this is why he is coming to Council today so they can be given some direction. That it concerns him that Council wants to build a City Hall and that their City Hall is their Council Chamber and he just wants Council to be aware of what this does.

That the design of the Council Chamber will be the City Hall and if that is what Council wants them to do and this is the way they want this focus to take, then that is what staff will do. That the next thing is that they are only building enough office space to look after Cameron-Brown and that is phased in the second part. If that is what they envision as the center of government, then this is what they will do.

Mr. Burkhalter stated then the second part would be when do you tear down the City Hall Annex and do you ever go and build another building just to tear down one. This is something Council has to be concerned about because this building will last from now on if we keep spending the money on it like we are.

Councilman Gantt stated Council is talking about some financing alternatives that are available to them but, of course, these financing alternatives carry some architectural implications as to what you have got left. That he can see some problems to building just an isolated Council Chamber because a Chamber in the location, blocked by the City Hall Annex and a park that ends up facing that particular building is not going to be what Mr. Duncan has designed here. That the truth of the matter is that Council did not ask the architect to do it in Phase I, Phase II or Phase III to see what the implications of the overall design would be and

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it might well be that we are talking about an additional study to see what would happen but the most important thing is the cost of this, where we are going to fund it, whether Council needs to do it in pieces, and a number of questions such as that. He stated some of these things might be answered by the dollars and where they come from.

Mr. Burkhalter stated his point is if Council just wants a Council Chamber and a way to finance it so it could be done right away or if Council just wants to build for Cameron-Brown office space and just relocate offices from one place to another, then that is fine, too. But if the idea is to put all of City Hall together, as much as you can, in one convenient structure, possibly they ought to look at financing the whole thing rather than part of it. That it would be a lot easier for them to work on the financing of twelve million than on the twenty-four million. If Council is happy to leave out the twenty-four million, then tell staff now.

Councilman Gantt stated it was his understanding that the five-story facility had 150,000 square feet and he also understands we have less than 98,691 square feet in other places, which means he has built in about fifty or sixty thousand square feet replacement - unless, of course, he is counting the Annex space. He asked about the net square feet and Mr. Duncan replied there is about 110,000 square feet net; in addition it includes expansions to 1985.

Mr. Burkhalter stated he would like for Council to tell them what information they want them to bring back.

Councilman Withrow asked if the County is going to use all those new courtrooms and if anyone had ever contacted the County with the possibility of putting a Council Chamber in one of those courtrooms, or would they let the City do it until Council had time to go over the whole package?

Mr. Burkhalter replied they have explored two areas and even discussed the possibility of the County going in with the City on the Council Chamber, but this is unofficial.

He stated we have to make some arrangements right away and he has asked several people on the staff to find a room that will take care of a larger number of Councilmembers. That is one of the areas being explored; they have indicated a very reasonable approach to working out something. He understands the County Commissioners will move out of the present office building, and the courts will meet in the County Office Building space. Mr. Underhill stated it will be used for court related activities.

Councilman Davis asked how the figures Mr. Fennell is to furnish Council are going to differ with the figures he presented to Council at the luncheon briefing some time back, at which time he gave them some projections on amortizing the new office building.

Mr. Fennell replied he was not sure; that you still have the relative influence of inflation; but it will also influence the cost of completing the construction.

Councilman Davis stated he did not believe the financial information could change much unless you changed one of the basic factors, except for inflation rates going up or down, or the cost of money, etc. That it will work out substantially the same with a tremendously long time to amortize these investments on the office building, according to the last time they looked at it.

He stated he believes we are looking at the wrong aspect of this; instead of thinking in terms of a new building, we ought to think in terms of how we can utilize the facilities and resources that already exist today in

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the City of Charlotte that are not being used. To do otherwise is about like seeing the citizen, or the taxpayer, chained to the bottom of the tank and water up to here, and the City Council deliberating about sending out for another bucket of water. It does not make any sense.

Mayor pro tem Whittington stated Mr. Claiborne wrote an article in the Charlotte Observer last week about the history of municipal buildings and local government. That all of us are aware, if you read anything about it, as to what the governmental plan was in the area we are now operating from McDowell Street, Brevard, back to Trade Street - they know what is in that area today.

He stated the late City Councilman Sandy Jordan made a motion about five years ago for Council to hire the J. N. Pease Company to make feasibility studies and draw plans for a City Hall and office building combination. That it is his understanding that they have been working on that plan since that time. Today, they have brought Council a revised plan, and even though Mrs. Locke has withdrawn her motion, he would just like to review that little bit of history and bring Council up to where he thinks we are today.

Mayor pro tem Whittington stated it seems to him that Council has three alternatives. One, to proceed on the basis of the concept that has been presented by Mr. Duncan for J. N. Pease and Company. Two, to not do anything today and get the plans that Councilman Gantt thinks are necessary, that is, everything out on the table from Public Works, Mr. Fennell, J. N. Pease and Company - all of their studies - and make some disposition of that alternative. The last one includes what Councilman Davis says: use office space downtown where everybody can be together. Three, go from where we are.

He stated Council ought to know this and get it out on the table as soon as we can because district representation has caused Council to have to do something about a Council Chamber, either on a temporary basis or to build one later. We all know that we are paying anywhere from \$402,000 to a little better than \$600,000 today, as he reads the figures in Attachment No. 5. Lastly, we need to know how to finance this sort of thing. That it seems to him that it is in order for Council to get all these facts together so Council can make a decision. That Council has already said what they want; they said this sometime ago. It can be changed by this Council, or the next one; but this boils down to - if we are going to go with this, or go with Councilman Gantt, or go with Councilman Davis, until we get all of these things together, we cannot really make a decision. To delay it is just costing more money. We need to get this information post haste.

Councilman Gantt stated there is another consideration that comes to his mind and nobody has said anything about it; that is, no matter what plans Council comes forth with - financially feasible, architecturally feasible - at some point we have to take this back to the voters for some method of financing. Possibly he is wrong, and he wonders about the pressure that Council seems to be putting to bear on themselves here as a lame duck Council, to place the burden upon a future Council for a fairly large expenditure. That this is another thing Council ought to think about in terms of setting up some priorities. The pressure should be on Council to find space somewhere to handle the new Council when it comes in, which is a much easier task for Council to accomplish probably than the task of a new Council Chamber.

Mayor pro tem Whittington stated the City Manager is working on that at this time.

Councilman Gantt stated the very point he wanted to make is the reason that he did not want to rush a decision today is because Council does need time for some serious deliberation. He stated Councilman Davis is

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right to some extent, because the voters in this community approved ten million dollars in additional bonds, and to turn around and have to go through this in August, September or November for \$24,000,000, \$9,000,000, or what have you, on a construction package is something Council is going to have to sit down and think about seriously in terms of what their decision should be with regard to that. That he does not see the rush, and that is why he would like to see all this information put to Council. That we ought to be considering, at the same time, the fact that we should not be laying priorities on a new Council.

Mayor pro tem Whittington stated in talking about a bond issue, he would hope there would be a way that Mr. Fennell could come to this Council, lame duck as it is, and tell them a way it could be financed in stages, without going back to a General Obligation bond. That he does not agree with Councilman Withrow because he does not feel Council can get that kind of bond issue passed.

Councilman Williams stated he is not going to vote for anything that does not involve a bond vote by the people. If Council wants to do something else, all they are saying is we are doing it because we do not think the people will vote for it. That if the people will not vote for it and Council does it anyway, then Council is not representing the people.

Mayor pro tem Whittington stated that first Council needs to get the alternatives; then they can make a decision on how they can pay for them.

Councilman Withrow stated this discussion today has been about the healthiest discussion they have had in talking about offices. That the previous Council, when Sandy Jordan was here, probably would have gone on at that time. If they had, we would have been way ahead today. That they have to sit down as a Council and talk this thing out and come to some conclusion.

He stated he is not positive that doing nothing is right because some day they have to face the facts that they have to sit down long enough to discuss this, with all the facts on paper, and make a decision. That we do not win by passing this from one Council to another - that is all they have done since he has been on Council.

Mayor pro tem Whittington thanked Mr. Pease, Mr. Pease, Jr., Mr. Stenhouse and Mr. Duncan for today's presentation. He also thanked City Manager Burkhalter and City Finance Director Fennell for their input.

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RESOLUTION DECLARING AN INTENT TO ABANDON AND CLOSE THAT PORTION OF KINGS DRIVE LOCATED BETWEEN PARK DRIVE AND ELIZABETH AVENUE, IN THE CITY OF CHARLOTTE, AND CALLING A PUBLIC HEARING ON THE QUESTION ON MONDAY, JUNE 6, 1977.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, to adopt a resolution entitled: Resolution declaring an intent to abandon and close that portion of Kings Drive located between Park Drive and Elizabeth Avenue, in the City of Charlotte, and calling a public hearing on the question on Monday, June 6, 1977.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 370.

RIGHT-OF-WAY AGREEMENT AUTHORIZING DUKE POWER COMPANY TO RE-ROUTE PLANNED UNDERGROUND POWER CABLES ACROSS RUNWAY 18-R APPROACH CLEAR ZONE, DOUGLAS MUNICIPAL AIRPORT.

Councilwoman Locke moved approval of a right-of-way agreement authorizing Duke Power Company to re-route planned underground power cables across Runway 18-R approach clear zone, Douglas Municipal Airport. The motion was seconded by Councilman Withrow, and carried unanimously.

CONTRACT AWARDED BAUCOM BATTERY SERVICES FOR AUTOMOTIVE BATTERIES.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, contract was awarded the low bidder meeting specifications, Baucom Battery Service, in the amount of \$34,572.64, on a unit price basis for 1,055 automotive batteries.

The following bids were received:

Baucom Battery Service	\$34,572.64
Goodyear Service Stores	40,012.40
Joint & Clutch Service, Inc.	42,144.25

Bid received not meeting specifications:

Sears Truck Tire Center	33,476.75
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CONTRACT AWARDED KENDRICK BRICK & TILE COMPANY FOR CLAY BRICK.

Councilman Gantt moved award of contract to the only bidder, Kendrick Brick & Tile Company, in the amount of \$10,450, on a unit price basis, for clay brick. The motion was seconded by Councilman Withrow, and carried unanimously.

CONSENT AGENDA APPROVED.

Upon motion of Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, the consent agenda was approved as follows:

1. Settlement in the case of the City versus Howard Nathan Davis, Northwest Junior High Area Park Site, in the total amount of \$1,000.
2. Resolution authorizing the refund of certain taxes in the total amount of \$902.98, which were collected through clerical error and illegal levy against 14 tax accounts.

The resolution is recorded in full in Resolutions Book 12, at Pages 374 and 375.

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3. Contracts for water main installations:

- (a) Contract with William Trotter Development Company for the construction of 1,200 feet of 8-inch, 6-inch and 2-inch water mains and one fire hydrant to serve Sardis Forest Subdivision, Section II, outside the city, at an estimated cost of \$9,600.
- (b) Contract with Arlen Realty, Inc., for the construction of 3,435 feet of 8-inch, 6-inch and 2-inch water mains and five fire hydrants to serve West Park Mall, Tyvola Road, inside the city, at an estimated cost of \$36,000.

4. Encroachment Agreements with the North Carolina Department of Transportation:

- (a) Agreement for an 8-inch sanitary sewer to serve Sharon Road at Coltsgate Road.
- (b) Agreement for existing water and sewer mains in Montibello Subdivision, Phases V and VI.
- (c) Agreement for the construction of various water mains to serve the Westmoreland Subdivision within seven state-maintained roads.
- (d) Agreement for existing water and sewer lines to serve Walnut Creek, Walnut Creek II and Walnut Creek III within several state-maintained roads.
- (e) Agreement for 35 feet of 6-inch cast iron water main in Park Road (SR 3636) at Salem Drive.
- (f) Agreement for proposed two-inch water main in Peachtree Road (SR 2019).

5. Property transactions:

- (a) Acquisition of 30' x 1502.96' of easement at 12000 Statesville Road, from William Glenn Monteith and Don Reid Monteith, at \$2,000 for Torrence Creek Outfall, Phase II.
- (b) Acquisition of 1.49' x 15' of easement at 6200 York Road, from Grady L. Ross, et al, at \$1.00, for sanitary sewer trunk to Springfield Pump Station.
- (c) Acquisition of construction easement at 6200 Jim Kidd Road, Neck Road (north side), 12901 Beatties Ford Road, and south off Jim Kidd Road, from Duke Power Company, at \$1.00, for McDowell Creek Outfall and North Mecklenburg Wastewater Treatment Plant Site.
- (d) Acquisition of 30' x 869.05' of easement at 20100 Floral Lane, from Cornelius Development Co., Inc., at \$1,000 for McDowell Creek Outfall, Phase III.

DISCUSSION OF QUESTION OF PARK & RECREATION COMMISSION BECOMING A CITY DEPARTMENT TO BE PLACED ON NEXT AGENDA.

Councilwoman Locke stated she read with great interest the City Attorney's report on the legislative actions of the General Assembly in Raleigh. Because of what has been done, she would like to ask that Council proceed as quickly as possible with the hearing on the question of the Park & Recreation Commission becoming a City department. She asked how long that will take, and how long it takes to post the notice? The City Attorney replied about 30 days. At the City Manager's suggestion, Councilwoman Locke requested this be placed on the next agenda for discussion - when to have the public hearing and how to proceed. Mayor pro tem Whittington asked if this will affect the Joint Committee of the City and County that is to consider the consolidation of these two departments? Councilwoman Locke replied she thinks it will expedite it.

LUTHER L. CALDWELL PLACED IN NOMINATION FOR TERM ON CIVIL SERVICE BOARD.

Councilman Withrow placed in nomination the name of Luther L. Caldwell to serve on the Civil Service Board, to lay on the table for one week. Councilman Gantt asked who he will replace? Councilman Withrow replied he is

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putting him up for the first position to become vacant. Councilman Gantt stated there will be three positions open. Councilman Withrow stated Council has to make a decision on Mr. Thomas' position as it was extended for one year. Mayor pro tem Whittington stated he was the one who asked Council to do that, and he would like the privilege of naming someone when that comes up.

COUNCIL ADVISED THAT SIX APPOINTMENTS ARE TO BE MADE TO THE SPIRIT SQUARE BOARD.

Councilman Davis stated he would like to remind Council about the Spirit Square Board; Council is suppose to make six appointments. He is on the nominating committee and that is the reason he is bringing this up. As he requested in his letter, those who have nominations to make should place them before Council. If we do not have any at the end of the next meeting, then he will suggest a total of six names, all of which will come from a list, with the exception of one, and he will nominate Pat Locke. He stated these appointees are to be representatives of City Council.

PRESENTATION ON ANNEXATION BY PLANNING COMMISSION TO BE MADE MONDAY, MAY 16.

Councilman Davis stated he is very concerned that what he believes to be our annexation policy has caused the Planning Commission to draw the annexation lines to include the maximum amount of territory without regard to the existing land use. That he cannot vote for it in the form it is now. He does not know what changes should be made. If there is going to be an effort to modify it he would like to see some of the areas that are apparently rural in use eliminated somehow by either increasing the density requirement, or by going through and eliminating areas of certain size in some fashion. He cannot vote for the annexation in its present form.

Mr. Burkhalter, City Manager, stated he hopes Councilmembers will wait and see the actual use of the land and the pictures. At Council's convenience, staff is prepared now to meet with them, and go through all of this in detail. He stated he would like for Council to decide the date and time to do this; and second, if Council wants another public hearing. That Councilman Davis has asked him to notify a lot of people when this is done. Do they want to allow the people to come and hear it, or do they want to open it up for another public hearing? Or do they want to be informed by the Planning Commission on what it is, and make their decision? Mayor pro tem Whittington stated Council asked that a tour be arranged so they could go out and see this vacant land. Then put it back on the Agenda with the Planning Commission's side of it.

Mr. Burkhalter stated it will take quite a bit of time for Planning to go through this; that he would like for Council to select a time for Planning to do this, then they will take Council to the site at the members' convenience.

Councilman Davis asked how much time it will take to notify these people? Mr. Burkhalter replied they can be notified in the morning. Mayor pro tem Whittington stated the hearing has been held. Councilman Davis stated they raised the question and a number requested they be advised. Mayor pro tem Whittington stated they are the questions that anyone who lives in the county has raised since 1960; and they will raise from now on. It is a question of whether you are going to change your annexation laws or not. Councilman Davis replied he thinks they are entitled to hear Council's response. Mayor pro tem Whittington stated he thinks Council should go out there and look, and then have it presented by the Planning Commission, and then they would have a better understanding of it. Councilman Davis stated he has been out to see the land and he does not feel he needs to see it again; but he would like to hear from the Planning Commission.

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Mr. Burkhalter stated Council should hear from Planning before going out to tour the land; Council should see and hear what the Planning Commission has - the land use; showing every piece of the property; what it is used for now, and what is proposed.

Mayor pro tem Whittington suggested that the City Manager set the meeting.

After further suggestions of date and time, it was decided to have the presentation on Monday, May 16, at 2:00 p. m., in the Council Chamber.

BEVERLY FORD NOMINATED FOR REAPPOINTMENT TO THE CIVIL SERVICE BOARD.

Councilman Gantt placed in nomination the name of Dr. Beverly Ford for re-appointment to the Civil Service Board for a three year term.

He stated he understands from other members of the Board she has served very well the times she has been there. When he originally appointed her she was a professor at UNCC; and received another job appointment in Salisbury. She spent a year there, commuting back and forth; he understands she made most all of the regular meetings but it was the called meetings of the Board where she had some difficulty, and even there she has been doing better than 80 percent of her attendance. He does not think her lack of attendance has been a lack of interest in the Board. He stated she informs him now she has been reappointed to Johnson C. Smith University, and will be in Charlotte. That he would like to see her re-appointed to the Board.

CITY MANAGER REQUESTED TO INVESTIGATE SEVERAL PROBLEM AREAS.

Councilman Gantt stated he has a letter from Mr. A. R. Witherspoon who apparently has been trying to deal with the City and the City Attorney. Mr. Underhill stated Mr. Witherspoon has been in touch with him four or five times; that he has the file with him, and he has some pictures of Mr. Witherspoon's driveway. If they will look at the file, some of the questions his letter may have raised will be answered. That he only asks that Councilmembers take a look at the pictures as to where the water line is and the condition of the remainder of the driveway.

Councilman Gantt asked if Mrs. E. P. Freeman's problem has been looked into? That she really needs an explanation as to how the tap on fee works. Mr. Burkhalter replied he will send a copy of the answer to all members of Council.

Councilman Gantt stated the last one is from Mr. Ed Gomerly, Campus Street, who complains of sewage backing up in front of Rev. Battle's church, AME Zion Church. The problem appears to be coming from a neighbor's yard. He asked if there is anything the City can do to force the owner to repair the problem. That Mr. Gomerly informed him that some inspectors from the City came out and looked at the problem; there was water backed up there in the streets on Friday. Mr. Burkhalter replied this would be for the Environmental Health, and he will check to see what can be done.

EROSION PROBLEM ON SUGAR CREEK REFERRED TO THE COUNCIL COMMITTEE ON PUBLIC WORKS AND PLANNING.

Mayor pro tem Whittington referred to Bulletin No. 54 from the City Manager on the Thoroughfare Plan Presentation, which will be Wednesday, at 12:30 at the Civic Center. He cannot be there. Councilwoman Locke stated she will be out of the city, and cannot be there.

Mayor pro tem Whittington stated also included in the bulletin was the Sugar Creek improvements. If Council does not object - if Council recalls partial funds for erosion have been approved - he would suggest that the Public Works and Planning Committee of Council get into this, and bring back to Council a recommendation on what we can do on that portion of

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Sugar Creek. That Council received a letter from a lady across Princeton Avenue who said she was being washed away. All of this is right together.

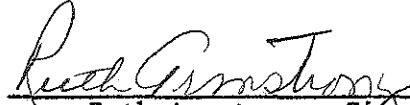
There were no objections from the Council to referring it to the Committee for recommendations.

PROGRESS REPORT ON DEAD-ENDING ARBOR WAY REQUESTED.

Mayor pro tem Whittington stated back in November 1976, the City Manager said he was awaiting the results of a study on dead-ending Arbor Way, and would give Council some recommendations. He asked if this has been finalized any more? The City Manager replied he will look into this and see what the progress is.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk