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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, April 25, 1977, at 3:00 o'clock p. m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend James E. Barnette, Minister of Mount Zion Baptist Church.

RETIREMENT PLAQUES PRESENTED TO CITY OF CHARLOTTE EMPLOYEES.

Mayor Belk stated he has the pleasure of presenting some retirement plaques to employees who have worked diligently and devotedly for the City of Charlotte.

He announced the following names:

1. Doris C. Force, Relocation Assistant I, Community Development Department, who was employed on December 1, 1967 and retired on March 31, 1977. (Absent)
2. Edward W. Waddell, Assistant Community Development Director, who was employed February 2, 1967 and retired March 31, 1977.
3. Dozier L. Wilson, Traffic Signal Construction Chief, who was employed October 17, 1940, and retired March 22, 1977.
4. Hubert C. Harris, Labor Crew Chief I, Utility Department, who was employed on September 16, 1955, and retired February 25, 1977.
5. Robert B. Utley, Labor Crew Chief II, Utility Department, who was employed on January 6, 1954, and retired January 25, 1977. (Absent)
6. James R. Nance, Public Works Street Division, who was employed on October 14, 1966, and retired January 25, 1977.

Each retiring employee was individually congratulated by Mayor Belk and members of Council.

LETTERS OF APPRECIATION FROM UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE.

Mayor Belk read two letters from UNC-C; one from the Chancellor and one from Coach Lee Rose, expressing appreciation for the support of the members of Council and Mayor during the past year.

He stated he feels the City will see the University play a more and more important part in the growth of the City as time goes on.

REQUEST FOR "NO SMOKING" DURING COUNCIL MEETING, APPROVED.

Councilman Davis moved that Councilmembers voluntarily agree to Mr. William T. McCracken's request for "no smoking" during the Council Meeting today. The motion was seconded by Councilman Withrow, and carried unanimously.

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AMENDMENT TO CONTRACT PROVIDING FOR PLANNING, ENVIRONMENTAL ASSESSMENT AND ENVIRONMENTAL IMPACT STATEMENT SERVICES FOR THE COMMUNITY DEVELOPMENT PROGRAM WITH ERIC HILL ASSOCIATES, INC. AND HENSLEY-SCHMIDT, INC., APPROVED.

Motion was made by Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, approving subject amendment to contract, increasing the contract amount from \$148,000 to \$167,000, for a total increase of \$19,000.

ACCEPTANCE OF ADDITIONAL CETA TITLE I FUNDS FOR FISCAL YEAR 1977, APPROVED.

Councilman Gantt moved acceptance of \$348,168 in additional CETA Title I Funds for fiscal year 1977, increasing funding from \$1,520,475 to \$1,863,643, which motion was seconded by Councilwoman Locke, and unanimously carried.

AMENDMENT NO. 1 TO THE CONTRACT BETWEEN THE CITY OF CHARLOTTE AND EMPLOYMENT SECURITY COMMISSION OF NORTH CAROLINA, APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Gantt and unanimously carried, approving Amendment No. 1 to the contract between the City and the Employment Security Commission of North Carolina, increasing the contract amount by \$306,233, from \$1,035,846 to \$1,342,079, to be used to increase the On-the-Job Training Program, sustain the In-School Work Experience Program and finance the Summer Work Experience Program.

ORDINANCE NO. 493-X APPROPRIATING FUNDS TO FINANCE THE SEALING OF THE PAVING ON THE AIRCRAFT PARKING RAMP.

Councilman Whittington moved adoption of subject ordinance appropriating \$100,000 of unappropriated Airport Fund Balance to finance the sealing of the paving on the Aircraft Parking Ramp. The motion was seconded by Councilwoman Locke, and unanimously carried.

The ordinance is recorded in full in Ordinance Book 24, on Page 82.

STUDY OF MOTOR MAINTENANCE OPERATIONS AND RELATED ACTIVITIES BY TALBOT AND ASSOCIATES/LYDENS ASSOCIATES, APPROVED.

Councilman Gantt moved approval of a study of motor maintenance operations and related activities by Talbot and Associates/Lydens Associates, at a cost of \$35,000. The motion was seconded by Councilwoman Locke for discussion.

Councilman Gantt stated he would like to commend the department because he read the program and thinks this is a very good firm and that the City is taking the right approach to this study.

Councilwoman Locke stated her concern is if this study might be accomplished with in-house staff.

Mr. Paul Bobo, Assistant City Manager, stated this study is very involved and requires a certain amount of specialty. That they found this out by trying to get some firms to give them some proposals on this study. It is a comprehensive study that is going to take a lot of expertise and he does not feel the staff, at this time, has the time to do it even if they had the expertise.

Councilman Whittington asked why the City has waited until now to let this contract when Council authorized it at budget time last year? Mr. Bobo replied first they had to identify what areas were going to be studied, which took some time, and then other priorities took some time, too.

Councilman Whittington asked how long this study would take before it would be back to Council? Mr. Bobo replied the firm has said 90 days or 3 months.

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Mr. Burkhalter, City Manager, stated staff went through a rather trying experience on the location of a county facility about the time this all started and had to rezone and had a lot of problems. That subsequent even to that, they still made an effort at staff level to get it county-wide rather than just a city study of this situation, hoping to be able to do that, but staff was not able to do that. That accounted for some of the delay.

Councilwoman Locke asked if our computer expertise - if a lot of this could not be done through Municipal Information? Mr. Burkhalter replied a lot of the information they will use will come from there. Councilwoman Locke stated a lot of the information is there.

Councilman Gantt stated this is more than just a collection of the data they have on file; this really boils down to a management study and a technical study.

Mr. Burkhalter stated it is a lot of management study. For example, where are you going to grease the sewer trucks that work in the Sugar Creek Plant and if you are going to grease them, why not tighten the brakes there and if you are going to tighten the brakes there, why not put the spark plugs in there, and if you are going to put the spark plugs in there, why not overhaul it there?

Councilwoman Locke stated she just wanted to hear the staff say why they needed it so badly.

Councilman Williams asked if it is anticipated this feasibility study will lead to the recommendation for the construction of a new facility? Is it contemplated this firm is likely to be the one? Mr. Bobo replied this would require the employment of an architect to do this. Mr. Burkhalter stated Council will select the architect.

Councilman Whittington stated he is concerned about the delay we have gone through and the concern about the cost of maintenance in this department, which is astronomical. Until Council gets this report, and this is why he is complaining because Council does not already have it, and he would hope that this study can be brought back to Council in less than 90 days. At least before budget time, so Council will know what to include in the next budget.

Councilman Davis stated we have ten different agencies using the maintenance facilities. It would be similar to looking at a neighborhood where you have yankees, southerners, maybe a Chinaman or a Cuban, or various ethnic groups living and ask should they be consolidated under one roof. It seems to him if there is any similarity interest it looks like we would have had consolidation before.

Councilwoman Chafin stated this is one of the things the study will tell us.

Mr. Burkhalter stated he does not anticipate ever having them all consolidated; that he does not want to pre-judge what is going to happen but he just does not believe we will ever have it consolidated in that degree.

Councilman Davis stated it looks like taking ten, or nine, different agencies and putting them under one roof would create a tremendous number of problems which we cannot now perceive. Is there any piece-meal approach to this where Council could reduce the risk? Mr. Burkhalter replied if we knew what we were going to do, we could start the piece-meal approach now. But we do not know what steps to take in that direction. We have a real problem of space need right now. It would be very foolish for staff to come to Council right now and ask them to build a \$750,000 or a \$1,000,000 facility without first having somebody confirm, or not confirm, what we need to do in the way of a larger expenditure. That this is a highly desirable thing for Council's benefit.

Councilman Davis stated it looks like if they reduced some of the operating budget, they would be able to share facilities, equipment or personnel.

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Mr. Burkhalter replied it is not that simple. If you are going to make a man drive a pickup truck from the Sugar Creek Plant down to Seigle Avenue to get a spark plug, the cost of the spark plug is going to be astronomical. Councilman Davis asked if they could not swap maintenance service? Mr. Burkhalter replied this is what they are going to find out.

Councilman Withrow stated he questions why this study could not be done in-house because it is a city function.

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

YEAS: Councilmembers Gantt, Locke, Whittington and Chafin.

NAYS: Councilmembers Withrow, Williams and Davis.

AN LEAA GRANT BETWEEN THE CITY OF CHARLOTTE AND THE STATE OF NORTH CAROLINA, DIVISION OF LAW AND ORDER, TO ESTABLISH A CRIME ANALYSIS UNIT, DENIED.

Councilman Whittington moved adoption of subject resolution approving an LEAA Grant between the City of Charlotte and the State of North Carolina, Division of Law and Order, for \$45,619, to be used to establish a Crime Analysis Unit in the Charlotte Police Department. The motion was seconded by Councilwoman Locke.

Councilman Gantt stated sometime ago he asked about getting a list of LEAA Grants and a list was provided to them. What he really wants is some idea conceptionally of what the department, in terms of its programs, would be asking in the future. That he wonders if there is an overall program for a check back into the budget to define those types of things which would be added to the Police Department, new programs or equipment to clearly allow Council to anticipate when these requests would be made for additional funds in the department.

He asked if in the future Council could get some feel as to whether or not there is an overall program of events or actions that will be taken by the Police Department so that it fits into some sort of large pattern? That his second question would be whether or not this Crime Analysis Unit is going to be something that will allow us to fund it from year to year? It is the hiring of four or five people. Councilman Williams stated not one will be on the street.

Mr. Burkhalter replied in answer to the first question, at times they do not have any idea what is going to be made available to them in advance. That he has deliberately tried to have some influence in this area to determine if we could use this fund for criminal justice programs like the one the District Attorney came before Council and asked for. He stated he would be willing to recommend to Council that they forego the use of these little bits and pieces of programs that involve small amounts of expenditures, comparatively speaking, to the whole program and give them up for one good program. We did this one year. But, he has had no assurance that they can do this. That the staff involved in the planning and handling of these grants is a sort of permanent fixture and he can assure Council that is the one thing that will continue to be available as long as the funds are available, otherwise just these particular studies that seem to fit a particular need over a period of time.

Councilman Gantt asked if Council will know about any of these in advance with a master plan for the year for the plans we will try to seek funds for? Mr. Burkhalter replied we have a similar one.

Councilman Whittington asked if it was not true that the City Manager just gets these communications and he either goes along or denies them and he really does not know if these people are going to be on the street, or going to be an analysis unit; that most of these LEAA programs, Council is not familiar with, and is not doing what it was intended to do? That this is true, not only in this community, but everywhere else. He stated every time a buck comes, we have to put up fifty cents to get the program and he would ask if the program is really effective.

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Mr. Burkhalter replied it is not always effective; that a lot of the requests never get as far as Council. That in answer to the other question, yes, if this program is continued, the City will have to fund it all.

Councilwoman Locke asked how soon the City Manager thinks this would come about? Mr. Burkhalter replied it is staggered.

Mr. Stuart, Budget Director, replied if the program were to continue beyond next year, the city percentage would go up; that the third year, the city's share would be something like 65 percent.

Mr. Burkhalter stated if Council decides later to cut off the program, they cut it off. This is the type of program that after we learn how to accumulate and do this on the basis of getting these statistics, we might find it is not that much value to us and would not want to do it any further. On the other hand, Council may like it so well, with the type of information they are able to get, they might be able to tell Council, we ought to do it with our own services. He stated this is a decision Council will have to make when the time comes - this is an opportunity he would like explained to Council, why they want to do this and what they think it will help.

Assistant Chief Adams stated they have a constant flow of information through their system. They know how to centralize sections to analyze and discover the current trends of crime, assignments and all the other things they need. This is an opportunity for them to encompass it in one program and carry it on for a year. That the Dalton Village Project was started last summer and this is the first experience they will have with the analysis section in the Police Department where they are using this sophisticated equipment through the people they will take on board, these four people, and they will centralize their flow of information, their records and do some analysis of it.

He stated right now they have their records system, their planning groups and they are putting out their various reports and they are not sure a lot of times about their statistics and sometimes there are questions about their dissemination of it. This would give them an opportunity to do this for one year and then if it is a good program, they can come back to Council and ask for a renewal.

Councilman Withrow asked if there is any clearing house anywhere in the Federal Government where what we find out goes and what other cities find out goes, where we can get the benefit of what other cities find out and they can get the benefit of what we find out? Assistant Chief Adams replied there are, such as the Uniform Crime Reporting System, which the FBI houses in Washington and also the PEN System, which the Attorney General disseminates and reports throughout the state. There is no analysis done of any of these reports. They do look at some trends and these types of things are very helpful, but really nothing in Charlotte to bring their team commanders in and look at the programs on a daily and timely basis.

Assistant Chief Adams stated he is sure Council has been reading in the last few years about where crime is going to occur, based on where the problems are, and various types of defenses.

Councilman Withrow stated most cities have the same types of problems. It looks like there should be some clearing house in the Federal Government or some agencies where all the analyses we make and other cities make, are going to a clearing house and being dispersed to other cities so they will not have to spend money for the same analyses. If Council turns this Grant down and tells the Federal Government we do not want to accept these funds unless you have a clearing house and do this thing in the right way; we should not just spend the money because we can get federal funds.

Assistant Chief Adams stated this would be helpful in a local basis and on a national basis.

Councilman Gantt asked about a master plan of these programs. Sometimes we employ a consultant and he says the fee is going to be "x" number of dollars and then as we keep going through the process, he keeps saying "x" plus 2

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or "x" plus 5, "x" plus 10. He gets the feeling every time he sees an LEAA proposal, that he does not have anything to go by to see if this is part of the deal for this year or not. He also does not have a clear feeling as to what objectives staff has so Council can begin to see the logical process on which they are carrying some of this through. He asked if they are geared to having to make application for certain programs which LEAA makes available to us in the sense of putting them into the budget objectives?

Assistant Chief Adams replied they do have their guidelines which come down to them and they are about now looking into the funds for next year. That this particular project has been in motion for about a year; it just takes this long for the process before it can be brought before Council for final resolution.

Councilman Gantt asked if it is possible for CETA funds, which we know are for a one year period, to take the place of this? That \$35,000 of this is salaries, and we are only buying a Remington typewriter.

Mr. Burkhalter replied it would be a little difficult because of the qualifications the CETA people have to have and to get the people qualified to do this type of work would be very difficult. That he does not mean to make light of the money because it is all federal money or principally federal money.

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

YEAS: Councilmember Locke.

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

RESOLUTION APPROVING AN LEAA GRANT BETWEEN THE CITY OF CHARLOTTE AND THE STATE OF NORTH CAROLINA, DIVISION OF LAW AND ORDER, FUNDING THE HIGH CRIME NEIGHBORHOOD PROJECT, APPROVED.

Upon motion of Councilwoman Chafin, seconded by Councilman Williams, and unanimously carried, subject resolution was approved for second year funding of the High Crime Neighborhood Project, in the amount of \$207,714.

The resolution is recorded in full in Resolutions Book 12, at Page 356.

Councilman Gantt asked the amount of the funding for the first year? Assistant Chief Adams replied this was brought up in July of last year. It is the Dalton Village project. Councilman Williams stated this is different from the other as it put the man on the street.

RESOLUTION DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM HELD ON APRIL 19, 1977.

Mr. William "Bill" Culp stated the four Bond Items passed and District Representation passed on April 19, 1977. That a question was posed to him about the possibility of a recount.

He stated in effect they recount the votes in that the unofficial returns on election night are "unofficial" and on Wednesday, following the election, they audited every machine return and that was why the margin on the District Representation was 170 votes on election night and 80 votes after the official canvass because in that audit process they did pick up several human errors which occurred on election night. That the result was declared by the Board of Elections at 12:00 Noon on Thursday, as required by law and since there were no objections filed which would materially affect the outcome of the elections, then the 80 vote margin favoring District Representation would stand.

Councilman Whittington introduced the Resolution, entitled: "RESOLUTION DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM HELD ON APRIL 19, 1977."

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The statement of the Results of the Special Bond Referendum is as follows:

STATEMENT OF THE RESULTS
of the
SPECIAL BOND REFERENDUM
held in the
CITY OF CHARLOTTE, NORTH CAROLINA
on April 19, 1977

At a special bond referendum held in the City of Charlotte on April 19, 1977, 120,361 voters were registered and qualified to vote.

At said referendum 15,255 votes were cast for the order authorizing the City of Charlotte to issue not exceeding \$7,100,000 Museum Bonds for the purpose of providing funds, with any other available funds, for the construction of a building to be used as a museum of science, technology and natural history, to be known as Discovery Place, including ancillary parking facilities, and the acquisition of necessary land, rights of way and equipment, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, and 13,220 votes were cast against said order, and a majority of the qualified voters of said City who voted thereon at said referendum having voted in favor of the approval of said order, said order was thereby approved and is in force and effect.

At said referendum 15,020 votes were cast for the order authorizing the City of Charlotte to issue not exceeding \$2,500,000 Cultural Center Bonds for the purpose of providing funds, with any other available funds, for renovating a building for use as a center for the arts and sciences and for cultural and educational purposes, the same being a part of the "Spirit Square" Complex, and the acquisition of any necessary land, rights of way and equipment, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, and 13,395 votes were cast against said order, and a majority of the qualified voters of said City who voted thereon at said referendum having voted in favor of the approval of said order, said order was thereby approved and is in force and effect.

At said referendum 15,757 votes were cast for the order authorizing the City of Charlotte to issue not exceeding \$6,325,000 Sanitary Sewer Bonds for the purpose of providing funds, with any other available funds, for enlarging, extending and improving the sanitary sewer system of said City, including the acquisition of existing private sewer systems, the construction of sewer trunks and sewage collection lines, and the acquisition of necessary land and rights of way, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, and 12,383 votes were cast against said order, and a majority of the qualified voters of said City who voted thereon at said referendum having voted in favor of the approval of said order, said order was thereby approved and is in force and effect.

At said referendum 15,848 votes were cast for the order authorizing the City of Charlotte to issue not exceeding \$675,000 Water Bonds for the purpose of providing funds, with any other available funds, for enlarging, extending and improving the waterworks system of said City, including the construction and installation of water mains and lines and the acquisition of necessary land and rights of way, and authorizing the levy of taxes in an amount sufficient to pay the principal of and the interest on said bonds, and 12,178 votes were cast against said order, and a majority of the qualified voters of said City who voted hereon at said referendum having voted in favor of the approval of said order, said order was thereby approved and is in force and effect.

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Section 2. The City Clerk shall file the foregoing statement of the results of said referendum in her office and shall publish such statement once in The Charlotte Observer. A statement substantially in the following form shall be appended to the copy of the foregoing statement which is published:

Any action or proceeding challenging the regularity or validity of this bond referendum must be begun within 30 days after (date of publication).

- City Council of the City of Charlotte

Upon motion of Councilmember Whittington, seconded by Councilmember Gantt, the foregoing resolution entitled: "RESOLUTION DECLARING THE RESULTS OF THE SPECIAL BOND REFERENDUM HELD ON APRIL 19, 1977" was passed by the following vote:

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

Noes: None.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 358.

ACCEPTANCE OF RESULTS OF THE CANVASS OF THE REFERENDUM ON DISTRICT REPRESENTATION HELD ON TUESDAY, APRIL 19, 1977.

Upon motion of Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, the City Council accepted the results of the canvass of the Referendum on District Representation filed by the Mecklenburg County Board of Elections.

The vote for District Representation was 13,889; the vote against District Representation was 13,809.

COUNCILWOMAN LOCKE EXCUSED FROM PARTICIPATION IN THE FOLLOWING ITEM DUE TO CONFLICT.

Councilwoman Locke requested permission to be excused from the following item on deferred compensation plan due to conflict of interest.

Upon motion of Councilwoman Chafin, seconded by Councilman Withrow, and unanimously carried, Councilwoman Locke was excused from participation.

EXCHANGE OF CONTRACTS UNDER EMPLOYEE'S DEFERRED COMPENSATION PLAN WITH AETNA VARIABLE LIFE INSURANCE COMPANY, APPROVED.

Councilman Davis moved approval of the exchange of contracts under Employee's Deferred Compensation Plan with Aetna Variable Life Insurance Company in order to take advantage of reduced sales and administrative charges. The motion was seconded by Councilman Whittington.

Councilman Davis asked if this exchange involved any expenditure of funds? Mr. Burkhalter replied no money is involved. Councilman Davis asked if any outlay of funds from the City? Mr. Earle replied this would be at no cost to the City at all.

The vote was taken on the motion and carried unanimously.

ACTION ON PROPOSED ORDINANCE PROHIBITING SMOKING IN THE COLISEUM DEFERRED FOR NO MORE THAN 30 DAYS TO GIVE TIME FOR CLARIFICATION OF CONFLICTING INFORMATION, FOR DEFINING LIMITATIONS TO THE LAW, AND HEARING FROM THE AUDITORIUM-COLISEUM AUTHORITY AND OTHER INTERESTED CITIZENS.

Dr. Larry Sterns, 1229 Marlwood Terrace, Director of GASP, stated this subject has become very important to him in the past year. His organization has been very active around town trying to get people to understand

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that non-smokers have rights too. There is real interest in this in public places. That a couple years ago he went to the Coliseum to see the Ali-Frazier fight on closed circuit television. When he left that auditorium he had severe pain in the upper part of his nostril; his eyes were burning, tears were running down his face and the next morning he had an extremely sore throat. He knows this was a result of the smoke; he could smell it very strongly. The sore throat went away in 24 hours. This has happened to him where he works, time after time. He finally got his employer to recognize that he had some rights too - a smoke-free environment - and he (Dr. Hagemeyer at Central Piedmont) made smoking prohibited on the third floor of Old Central which is where he works, but he would not go ahead and make the prohibition comprehensive throughout the building. This is what he is interested in and there are an awfully lot of other people like him.

He stated in public places at least, and especially in places that are supported by public funds, like the Court House, they believe that smoking should be prohibited because all taxpayers contribute their money for those facilities. It bothers him to see nice ashtrays, expensive ashtrays, affixed to the walls of our public buildings, realizing that it takes a lot of time, a lot of labor to maintain just that one thing. The cost of the ashtray first, and then you have to have someone clean them out on a regular basis; where you do not have ashtrays you have to spend more time and maybe more money on cleaning supplies to clean the floors where people put out their cigarettes. He sees his tax money "going up in smoke," so to speak.

That shortly after the bad experience he had in the Coliseum two years ago he was sent by his doctor to Houston, Texas to have a cancer removed from his nasal cavity; that during the surgery the doctors tried to remove everything that looked suspicious and they removed a lot of tissue from directly behind his nose so that now he has what physiologists call "a tremendous dead air space" behind the nose. That means that everything he breathes stays in that nasal cavity five or six times longer than it does in a normal person; that he no longer has the membranes that he once had that filtered the air. He is speaking not only as a citizen concerned about economy, but he is speaking as a citizen with concern about his health. His doctor recently suggested that he undergo plastic surgery to replace those membranes. This is surgery that his insurance will not pay for and the cost will probably be in the neighborhood of \$4,000. It bothers him to think about the fact that he has to go to public buildings occasionally, like the Court House. The last time he went there he was severely affected by tobacco smoke. He was standing in the hallway waiting for his friend, Bill McCracken, and was there about 15 minutes. He had the foresight to bring a blood pressure cuff with him which he used to take his own blood pressure and it had gone from 100 systolic to 120 - just from being exposed to tobacco smoke outside the courtroom for 15 minutes.

Mr. William T. McCracken, President of GASP, 6529-1 Monroe Road, read the following statement from Mr. J. E. Lippard, Executive Director of Metrolina Lung Association, stating that Mr. Lippard had a conflict in schedule and could not appear personally since he is teaching our school children the hazards associated with taking up smoking, an absence which he feels is well justified:

"Since the release of the Surgeon General's Report in 1964, lung associations throughout the world have been involved in helping people understand the relationship of cigarette smoking and lung diseases. There is no longer any doubt that cigarette smoking is the number one preventable cause of death and disability. Estimates run as high as 750,000 premature deaths each year attributed to smoking.

"Then in 1972 with the release of the Surgeon General's Report on the Effects of Cigarette Smoke upon the Non-Smokers, the Christmas Seal Organization put into its Program of Work a major effort be channeled in that area. Your local Metrolina Lung Association accepted this as a major program priority. We have available up-to-date literature and research studies that have been conducted in this field.

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"Research has documented the effects of second hand smoke on the non-smoker to include burning of eyes and nose; headaches; nausea; increased blood pressure; increased heartbeat; increased CO content in blood; and increased nicotine in the urine. At least 9 studies have been done to show the effects upon an unborn child in a mother who smokes. At least 7 studies have been done to show the effects upon small children in the home of smoking parents.

"Whether or not the effects of cigarette smoke causes diseases in the smoker is not the issue. The issue is those 45 million folks who are allergic to smoke, those 15 million Americans who have emphysema, those 12 million who have asthma, hayfever or allergies; plus millions of others who have heart and blood vessel problems. These are the folks that concern us. It seems that no-one has any respect for a person's health when he's at a shopping center or super market. Only when he is flat on his back at home or in the hospital do smokers consider him, because they can see that he is ill.

"You know when I think of cigarette smoke, I like to compare it to body odor. Body odor cannot hurt anyone or cause any physical damage to you or to those who sit close by. One can get up and move, but nobody can move away from cigarette smoke. It fills the room, and no matter where you move, you can still smell it.

"Nobody would knowingly carry a bunch of daisies to a sick child suffering with a severe allergy attack from pollen dust from daisies; nor would one dump a bag of garbage in the home of his neighbor; however, he would light up a cigarette and fill his home with smoke. What I'm saying is that sometimes we don't think. With this ordinance, it would cause folks to consider other's rights. It would also offer some relief to those millions who already suffer from lung diseases.

"We do not see this ordinance as a law to infringe on the smoker's right to smoke or not to smoke, but rather an ordinance to protect the health and well being of others. Common courtesy is the answer, but few show this to others. It seems sad that we have to develop laws to protect others, but that's a fact of life. At least with this type of ordinance, the non-smokers can get some relief."

Mr. McCracken then made his own statement. He stated there is a definite need for an ordinance to prohibit smoking in the Coliseum and that it is based on fact.

Seven years ago he had to stop going to the Coliseum when his allergy to tobacco smoke increased. He simply could not escape exposure to it any place in the Coliseum. There are an estimated 43 million Americans with sensitivities to tobacco smoke whose freedom of movement is restricted due to uncontrolled smoking. He read some excerpts from the reports of his personal physicians:

Herbert O. Sieker, M. D., Professor of Medicine, Pulmonary and Allergic Disease, Duke Medical Center: "Tobacco smoke is a very strong irritant and people with respiratory disease or allergy should avoid it."

D. V. Chamblee, M. D., Charlotte: "Allergy is the largest single cause of loss of hearing."

N. Neil Howell, M. D. and John W. Foust, M. D., Charlotte: "The need for his (McCracken's) surgery was caused by exposure to tobacco smoke."

John L. Carter, M. D., Chief of Psychiatry, V. A. Hospital, Salisbury: "There is no evidence that this patient (McCracken) is malingering."

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V. O. Brown, M. D., Psychiatrist, Charlotte: "This patient (McCracken) is not malingering, his symptoms are factual. His tobacco allergy, verified some time ago by his allergist, his postal work area having a tobacco contaminated indoor atmosphere, resulted in bodily changes that have necessitated recent surgical correction."

H. G. Karras, Ph. D., Charlotte: "My clinical impression of Mr. McCracken is not malingering is supported by the results of his personality testing."

Mr. McCracken stated he applauds the proposal of this ordinance but he feels it is not sufficiently restrictive to protect the comfort and health of the 75 percent of our citizens who do not smoke or who are involuntary smokers. Smokers and non-smokers must use the restrooms, the concession stands, and the hallways. He proposed the ordinance restrict smoking to clearly designated areas away from restrooms, concession stands, hallways and waiting lines. Many persons with sensitivities to tobacco smoke are made ill by being close to just one smoker.

He stated such an ordinance does not take away the right of the smoker to harm himself but it protects the non-smoker from being harmed by the smoker. Council recently passed into law an obscenity ordinance that prevents some people from seeing something that might be unpleasant to them. This ordinance is based on opinions and not facts from research. Yet the Council made the law and to justify its action stated "The City Council further finds that the public display of such material is adverse and detrimental to the health, safety and welfare of its citizens."

The absolute need for laws that restrict smoking are based on facts from research. Therefore, how can they not pass such laws to protect our citizens? He asked that even the smokers on the Council recognize that non-smokers have rights too; that they have consideration for the comfort and health of the 75 percent of us who do not wish to inhale their sidestream smoke that is much more toxic than that which the smoker himself inhales.

He presented a list of references to support his statement and requested that Council refer to the statement he made before them on April 18th in support of the "No Smoking" ordinance proposed by GASP.

Mr. L. F. Snyder stated he agrees with the proposal in regards to smoking in the Coliseum and other public places concerning the City's operation. Referring to smoking in the Council Chamber, he stated he has left there some afternoons when smoke was heavy, with his eyes burning and his clothes smelling like some of the cigars that were smoked while he was there. That there is no reason that anyone cannot sit through a meeting of this type, a couple of hours, without smoking. It is detrimental to their health; that a lot of people come to Council meetings who have emphysema or other health problems. He used to smoke himself but in 1943 the Lord convicted him of his smoking and delivered him from the habit; and from that day on he has not even craved a cigarette or cigar. Maybe the ones who have that problem and cannot sit through two-hour meetings, should get on their knees and look up and say a little prayer - that might help.

Councilwoman Locke stated in January of 1974 she first proposed this ordinance and the item came to them on the agenda of February 11, 1974 and the ordinance was defeated by a 4-3 vote at that time. The Coliseum Authority said that they would proceed to put up "No Smoking" signs; that they would ask people not to smoke. Since October and November when she went to the basketball games in Greensboro and Atlanta, she realizes that most coliseums in the southeastern United States prohibit smoking within the coliseum itself but do allow it in the corridors. She would like for Council to pass this ordinance at this time because she thinks it is necessary; that we are probably about the only city in the southeastern United States that does not have such an ordinance.

Councilwoman Locke moved adoption of the ordinance. The motion was seconded by Councilwoman Chafin.

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Councilman Gantt asked if Greensboro has this ordinance? Councilwoman Locke replied, yes for athletic events.

Councilman Whittington stated when this issue came up before he was one of the four who voted against it because the Coliseum-Civic Center Board was opposed to it as well as the management. They asked Council to let them try it on a volunteer basis and he feels they have done the best job they could on a volunteer basis.

That the thing they ought to do if Council wants to pass this ordinance - the courteous thing to do - is invite the Coliseum Authority to come here and have a part in this discussion before Council votes on it. Secondly, in talking with Mr. Buck this morning, contrary to what Councilwoman Locke says, he says that there is no such requirements in these other halls; that this is just not true; that if we pass such an ordinance here we will be the only city that has one. All he is saying is to get both sides of the picture. If the majority of Council intends to do this, then decide whether we should have it on all events or whether it should be just on sporting events and family type shows.

He stated they have also said to him "How are you going to enforce a 'No Smoking' ordinance with a rock and roll show in the Coliseum? You would have to bring all of the Police Department out there." That is exactly what you would have to do.

Councilman Whittington stated he commends Dr. Stern and Mr. McCracken but he thinks Council ought to invite this Authority here to discuss this and listen to what Mr. Buck and his staff believe about the problems that will be created from the Police standpoint if this ordinance, which does not exclude anything, is passed.

Councilwoman Locke stated that Mr. Buck knew that this proposal was on the agenda and he could have come here to speak for himself.

Councilman Withrow stated he has no objection to waiting a week and having the Chairman of the Authority come and speak to Council; that he has no objection to one week, then make a decision.

Councilman Gantt stated he agrees with Councilman Whittington that the courtesy ought to be extended to the Authority to come and air their views on this. He also wonders if they are going to have a prohibition against smoking in the Coliseum, or other similarly situated public facilities that the City operates, how you can operate in the corridors to have smoking and inside the arena not to have it and whether or not they ought to be confining it only to athletic events or to circus or whatever. It seems they would have a difficult time trying to decide constitutionally what they ought to do - either they prohibit it entirely or they do not. The smoke probably smells and has the same effect whether it is an athletic event or a concert by Liberace, but it would just seem to him that the bigger problem, and it relates back to the obscenity laws and all the other kinds of things that people want to invoke at this time, is whether or not they can really be enforced.

He stated he was at a Coliseum event this past week and thousands of people were there and all kinds of smoke - including the illegal variety - floating around. It occurred to him, because he was aware of the fact that Council was going to be considering this particular item on the agenda today, that in order to adequately enforce that we would need a substantial number of additional policemen in that arena. That is a serious question that he thinks they ought to all consider. He does not want to make a decision on it today because he thinks there are a lot of other things that have to be presented.

Councilman Davis made a substitute motion that this matter be deferred for no more than 30 days to give Councilwoman Locke time to clarify the apparently conflicting information which has occurred and to better define the limitations that would apply in this law; and also give them the opportunity to hear from the Auditorium-Coliseum Authority and any other interested citizens. The motion was seconded by Councilman Whittington.

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Councilwoman Chafin stated it would be helpful if they could get some written information on what other cities that have coliseums are doing with respect to this.

Councilman Whittington stated he knows that in Greensboro and Atlanta they do not allow smoking inside of the arena, just during the sporting events. You can go in the halls and the restrooms and smoke - and drink too if you want to. Councilwoman Locke stated not in Greensboro, and Councilwoman Chafin said not in Atlanta either.

Councilman Whittington stated all he is relating to is that they said this is not true except in the coliseum at the University of South Carolina which is owned by the State and not by the City of Columbia.

Mr. McCracken stated it seems to him that the Coliseum Authority has had due, proper and good notice of this meeting and what was going to occur. It has been advertised in the news media for several days - newspaper, radio, T. V. and whatever - and he sees no reason why the Coliseum Authority should be invited to determine whether or not we should have such an ordinance out there. Who is responsible for making the laws to protect the citizens of this community? The Coliseum Authority?

Mayor Belk replied the State is responsible for the laws; the City Council for city ordinances.

Mr. McCracken replied if it is passed it becomes a law, is that not correct? Who is responsible for making these for the local community? He believes the Council is, not the Coliseum Authority.

Councilwoman Locke stated she thinks it is important, and they are going to make a decision.

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

DECISION ON SUPPORT TO STATE LEGISLATION AMENDING THE FOREIGN TRADE ZONE ACT DEFERRED INDEFINITELY.

Mr. Maurice Ewing stated that Mr. Veeder, Executive Director of the Chamber of Commerce, could not be present and requested that he come down and speak to Council concerning this item.

Apparently at this time they are getting some conflicting information from some fairly reliable sources in Raleigh and they would like to recommend to Council that at this point they defer indefinitely a decision on this until some sound opinion can be drawn on it. That the Chamber is basically in favor of the concept of the foreign trade zone - they believe it will be a good thing for Charlotte - but on this particular piece of legislation they do not at this time have a viable recommendation.

Councilwoman Chafin stated from the memo from Mr. Fennell, included as an agenda attachment, it is clear that there are some unanswered questions and she moved for deferment. Councilman Whittington seconded the motion, stating he would like to hear from Mr. Fennell.

Mr. J. B. Fennell, Director of Finance, stated he agrees basically with what Council just heard; that there is a lot of confusion right now on this. He would certainly agree that there is every opportunity for this to expand the custom services here in Charlotte and from that standpoint it would be desirable. He does believe that linking this automatically with the question of the inventory tax really deserves further study. That they are not necessarily related because the main advantage that is going to occur to business is going to result in the deferment of Federal Excise Tax, but not necessarily the inventory tax.

The vote was taken on the motion and carried unanimously.

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Mr. Burkhalter, City Manager, stated there is one school of thought that says that you did not have to put this clause in the Act in the first place, that it would have to be taxed, and that taking it out would not do anything to it. This is the kind of thing that they are trying to straighten out.

LETTER TO BE SENT TO GENERAL ASSEMBLY SUGGESTING CHANGE IN NUMBER OF POINTS GIVEN WHEN INDIVIDUAL IS CITED FOR SPEEDING IN SCHOOL ZONES.

Mrs. Caroline Faulkner, 6055 Charing Place, and Safety Chairman for the Rama Road Elementary School PTA, stated because they have had such a problem this school year, especially since Fairview Road has been opened, with increased traffic and speeders in their school zone, she has had several occasions to count and clock cars. On March 17, 1977 from 7:35 a.m. to 8:00 a.m. they had 440 total cars and the police started giving speeding tickets; on March 21 from 7:40 to 8:00 a.m. they had 567 total cars, 65 percent were going over 30mph in the 25mph speed zone; from 1:50 to 2:10 p.m. on March 22, out of 241 cars, 71 percent were speeding to the extent of 30mph. She stated she thinks this is appalling where the safety of children is concerned. A stiff penalty is one way to control the situation. She asked Council to please help them keep their children safe.

Mrs. Melva Ruby, 6116 Wheeler Drive, and crossing guard at Rama Road School, stated she has barely missed being hit by several cars since this school year began. The cars not only speed but they are not paying attention and will go through the stop signs. These are supposedly thinking adults who should be concerned about children who don't always think. They feel that these adults should be forced to be concerned by giving them a stiff penalty for not abiding by the law. She appealed to Council, not only as a taxpayer but as the mother of two children, not to wait until a small child is hit. Act now, not react later.

Mr. Bill Ashendorf, 6040 Jester Lane, stated he speaks as a concerned parent of a third grade pupil at Rama Road School; that his home is about a half block from the school and he is quite familiar, at least in the morning, with the traffic situation. He stated that Rama Road is four-lane and heavily traveled. It really is a rough situation and he is sure that similar situations exist in other locations in the City of Charlotte. That it is high time, and he is surprised that no one has done it to date, that we let our Legislative Delegation know that we need some tougher laws in this respect. As he understands the law in connection with school zones, speeding in these zones is treated as any other offense, not a speeding offense. It carries only one section with regard to loss of driving privilege and that is that it is a two-point violation which means in essence, that a person could speed in a school zone and go 55mph in a 25mph zone and do this five times in a period of three years and still keep his driver's license. Whereas, if the same person were on an interstate and went 56mph, one mile over the limit, and did that twice in one year, he would be subject to losing his license. It is really an inequitable situation and a dangerous situation. He appealed to Council, as a parent and an interested citizen, that they take some action on this and recommend some legislation to our State Delegation and hopefully we can be instrumental in Charlotte in getting some legislation passed that will benefit not only our children in Charlotte/Mecklenburg, but the citizens and the children throughout the State of North Carolina.

Mrs. Cinda Coggin, 6100 Wheeler Drive, stated her home is no more than a half mile from Rama Road School. She has two young children who go to that school and because of the high incidents of speeding and the number of cars they have there she cannot allow her children to walk to school in the mornings. She thinks that it is a shame to live that close to a school and not have your children be able to walk. In the afternoons there is not quite as much traffic, but there are still speeders so she meets her children half-way because she still does not feel safe about their walking home. She would really like for Council to do something about this. That she is not the only mother that feels this way.

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Mrs. Frankie Foxworth, 6064 Charing Place, stated she has one child at Rama School this year and she too will not allow her to walk in the mornings because the traffic is just frightening. It was frightening for her to be up there and hear the cars when she helped count the traffic. She pleaded that Council do something about this, some penalty that will slow them down.

Mrs. Dolores Monroe, 6040 Shepherd Cove, stated she is also a very concerned parent; that she has one child who will enter the kindergarten program at Rama School this fall. Even though she lives just one block from the school, she and her husband will not even consider letting him walk to and from school because of the enormous amount of traffic that passes on Rama and because of the high rate of speed that cars travel through the school zone. Shepherd Cove is located directly off of Rama Road and in many instances, even though she needs to turn left, she will make a right hand turn because of the fear that she has in trying to pull out into the road. She hopes that Council is not too busy to stop and recognize their need and that they will not pause and wait too late to do something about this.

The question was raised by Councilmembers if a proposed ordinance had been prepared for consideration. Mayor Belk stated as he recalled it is only on the agenda for discussion. Mr. Burkhalter stated he did not have anything.

Councilman Davis stated that he asked Mr. Burkhalter earlier to provide some staff resource to define the problem to Council and that last week he suggested that they consider a 60-day revocation of drivers' licenses, to look at the various types of penalties they could consider and how they might go about asking the Legislature to do this to insure that they get the results they are looking for. Mayor Belk stated he was under the impression that Mr. Davis had asked for it to be placed on the agenda for discussion this week. Councilman Davis replied he talked with Mr. Burkhalter yesterday and asked him if he would provide some staff resource on this for the discussion.

Mr. Underhill, City Attorney, stated what Mr. Ashendorf said about the state law is correct; that speeding in a school zone is treated as a moving violation for which the normal assessment of points is two.

Councilman Williams stated everyone is generally aware that it is possible to accumulate 12 points in a three year period before sanctions are taken against a driver's license and then you lose it for a matter of 60 days the first time. That there is a whole table in the statute which assigns points for various types of offenses, from five points down to two points. There is only one five-point violation at the present time and that is for passing a stopped school bus, interestingly enough; that reckless driving carries 4 points and most speeding offenses, if they are over 55mph, would carry 3 points. That any kind of speeding under 55mph would carry only two points and that would catch most of the school speeders because the zone is so low that they usually speed more than 25mph but less than 55mph and consequently they get two points, which is really not much of a penalty under the point system.

He stated a reasonable in-between approach would be to increase the amount of points that the driver gets for speeding in a school zone in order to attract his attention a little better. They might not want to go as high as five but some of the reasoning behind some of the high points in passing a school bus would apply to this too, because it is the school children you are trying to protect. Instead of taking a license for the first offense, he thinks if they increase the points penalty that would be a way to get their attention. That, of course, anything that is done would have to be done through the General Assembly.

Councilman Whittington stated he thinks they will have to go to the Legislature with all the ammunition we have and ask them for help, not only for Charlotte/Mecklenburg County but for the entire state. That what they ought to do is make some concrete suggestions to them as to what they as a

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Council believe ought to be in the law. That, in the form of a cover letter, to refer to what Mr. Ashendorf stated, which most people don't realize about speeding. He suggested that they, in fact, ask them to change the law to increase it to five points. When a man gets five points he begins to think about where that trooper is, or that policeman may be, or speed trap may be. That he has no objection to doing what Councilman Davis said too, but whether they could get both of them or not, he does not know. He thinks they ought to be unanimous and ask for help and ask for that help to be passed in this Legislature and be as stiff as it can be.

Councilman Withrow asked if there is any way to put a monetary penalty because you are going to have to have policemen to enforce the law. That is what is wrong now; we have a law that they take so many points away now, but we do not have enough policemen out there to enforce the ordinance we have on the books now. If they put some sort of monetary value on there, we could afford to put policemen out there, enough to catch these people.

Councilman Williams stated the best thing we could do would be in the form of bunching their shots and making what they say more meaningful at this point by recommending five points assessment for this violation.

Motion was made by Councilman Williams, that this recommendation be sent to the General Assembly. The motion was seconded by Councilman Whittington, and carried unanimously.

Councilman Davis stated that this is going to take a considerable amount of time to get this accomplished, if in fact they are able to. He wonders if Mr. Burkhalter can tell them what, if anything, the City is already doing to provide temporary relief for this problem, and if it might be appropriate that Council consider additional measures that we can take locally to respond to this need.

Assistant Chief of Police Charles Adams stated they have already begun to increase their enforcement efforts, particularly in school zones. That last month, March, they wrote 1,169 citations (854 with the radar) and they have already written 1,008 this month (April). That from April 4-21 they wrote 157 citations for speeding in school zones, in 17 different school zones in the city. He talked with Chief Miller about ten days ago and asked him if he could accelerate the enforcement in the school zones with an officer present.

Councilman Whittington stated he remembers a few years ago out on The Plaza, at Anderson Street, a policeman stopped a lady for speeding in that school zone and she just really "read him out," saying she did not have any kids in that school.

Councilman Davis stated he thinks that indicates a very aggressive response. Is there anything the Police Department can do with a program of a longer term nature towards getting more enforcement people on the scene in these school zones. That he noticed in this area of Rama Road, there are five people on duty at any one time. Chief Adams replied that is in the whole team area, during the school hours.

Councilman Davis asked if it is possible to designate a special team from ~~Police~~ ~~Public Works and Engineering~~ headquarters that would be available to audit speeds in school zones? Chief Adams replied he believes they would be best served during those particular hours by using whatever parts of the team the Commander can use and employ them within the school zones. Once they get them conscious of the desire for more enforcement - there is a point that you reach in enforcement where it does not have that effect. The whole fear behind traffic enforcement, as he understands and learned it, is to gain voluntary compliance. He knows that is a rather general and loose term, but you will never have enough police officers in America to catch all of the violators, particularly traffic violators. So, you will have to hit them on a regular basis. If the drives will not work, they will have to continue putting them in the school zones, working those periods, and then drivers will become conscious of the fact that they are working the school zones.

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Councilman Davis asked if they are going to continue to do that during the remainder of the school year? Chief Adams replied yes, that Chief Miller is in charge of that particular area and he has already begun it. That is why the citations have increased.

CONTRACT AWARDED TO HACH CHEMICAL COMPANY FOR LOW RANGE TURBIDITY INDICATING TRANSMITTERS.

Motion was made by Councilman Gantt, seconded by Councilman Withrow, and unanimously carried, awarding contract to the only bidder, Hach Chemical Company, in the amount of \$8,087.00, on a unit price basis, for 12 - Low Range Turbidity Indicating Transmitters.

CONTRACT AWARDED TO BALTIMORE PAINT AND CHEMICAL CORPORATION FOR 10,000 GALLONS PAVEMENT MARKING PAINT.

Upon motion by Councilman Whittington, seconded by Councilman Withrow, and unanimously carried, a contract was awarded to the low bidder, Baltimore Paint and Chemical Corporation, in the amount of \$28,950.00, on a unit price basis, for 4,000 gallons white pavement marking paint and 6,000 gallons yellow pavement marking paint.

The following bids were received:

Baltimore Paint & Chemical Corp.	\$28,950.00
Mitchum Supply Company	<u>35,900.00</u>

CONTRACT AWARDED TO ACTION FIRE AND SAFETY, INC. FOR BUNKER SUITS FOR FIREMEN.

Councilwoman Locke made a motion awarding a contract to the low bidder meeting specifications, Action Fire and Safety, Inc., in the amount of \$12,619.44, on a unit price basis, for bunker suits. The motion was seconded by Councilman Withrow and carried unanimously.

The following bids were received:

Action Fire & Safety, Inc.	\$12,619.44
The Leslie Company	<u>12,787.83</u>
Burgess Fire Equipment, Inc.	12,916.79
Triad Fire & Safety Co.	12,938.80
Action Fire & Safety, Inc.	13,078.18
Goodall Rubber Company	13,610.64
Allied Safety Supply Co.	14,197.20

CONTRACT AWARDED TO BLYTHE INDUSTRIES, INC. FOR REID AVENUE IMPROVEMENTS.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and carried unanimously awarding contract to the low bidder, Blythe Industries, Inc., in the amount of \$13,494.50, on a unit price basis, for Reid Avenue Improvements.

The following bids were received:

Blythe Industries, Inc.	\$13,494.50
Harrell's Construction Co.	<u>14,097.00</u>
Crowder Construction Co.	15,942.75
Rea Construction Co.	16,213.25
T. A. Sherrill Construction	17,924.00
Lee Skidmore, Inc.	19,204.75

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RESOLUTION AUTHORIZING THE SALE OF THE BELL 47G-5 HELICOPTER TO VERTIFLITE AIR SERVICES, INCORPORATED.

Upon motion of Councilman Whittington seconded by Councilman Gantt, and carried unanimously a resolution was adopted authorizing the sale of the Bell 47G-5 Helicopter to the highest bidder, Vertiflite Air Services, Incorporated of Alcoa, Tennessee, in the amount of \$24,500.

In response to a question from Councilman Gantt as to the amount they had expected to get from the sale of the helicopter, Mr. Burkhalter stated the trade-in value was \$24,000, so they got \$500 more than they would have gotten on a trade-in.

The resolution is recorded in full in Resolutions Book 12, at Page 362.

BID FROM MR. EDMOND E. JOHNSON FOR THE PURCHASE OF THREE SINGLE FAMILY HOUSES AND LOTS LOCATED IN THE THIRD WARD COMMUNITY DEVELOPMENT TARGET AREA, REJECTED.

Motion was made by Councilman Gantt, seconded by Councilwoman Locke, and carried unanimously, rejecting the bid from Mr. Edmond E. Johnson, in the amount of \$3,501.00, for the purchase of three single family houses and lots, located in the Third Ward Community Development Target Area. The Community Development Department proposes to rehabilitate the houses and offer them for sale or rent.

RESOLUTION AUTHORIZING CONDEMNATION ACTION IN THE NORTH CHARLOTTE COMMUNITY DEVELOPMENT TARGET AREA TO CONDEMN TWO PARCELS OF PROPERTY.

Motion was made by Councilwoman Chafin, seconded by Councilwoman Locke, and unanimously carried, adopting a resolution authorizing condemnation action in the North Charlotte Community Development Target Area, to condemn the following two parcels of property:

Block & Parcel	Owner and Address of Property	Final Offer
33-10*	William C. Neely 4227 Dinglewood Avenue	\$7,000
33-12*	Mrs. James Lee Jackson	2,500

* Partial take of land only.

The resolution is recorded in full in Resolutions Book 12, at Page 363.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO W. EDWIN JONES, LOCATED AT 5025 IDLEWILD ROAD NORTH FOR SANITARY SEWER TO SERVE CAROUSEL DRIVE, IDLEWILD ROAD NORTH AND MAPLE KNOLL DRIVE PROJECT.

Upon motion of Councilman Gantt, seconded by Councilwoman Chafin, and carried unanimously, the subject resolution authorizing condemnation proceedings for the acquisition of property belonging to W. Edwin Jones, located at 5025 Idlewild Road North for sanitary sewer to serve Carousel Drive, Idlewild Road North and Maple Knoll Drive project was adopted.

The resolution is recorded in full in Resolutions Book 12, at Page 364.

CONSENT AGENDA APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, the items on the Consent Agenda were approved as follows:

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1. Ordinances ordering demolition and removal of buildings, or houses, declared unsafe or unfit for human habitation:
 - (a) Ordinance No. 494-X ordering the demolition and removal of building at 1922 Shamrock Drive as being structurally unsafe, open and unoccupied.
 - (b) Ordinance No. 495-X ordering the demolition and removal of the dwelling at 1924 Parson Street as being unfit for human habitation.

The ordinances are recorded in full in Ordinance Book 24, beginning at Page 83.

2. An Open Non-Exclusive Contract for Real Estate Broker's Services with Vinson Realty Company, Inc., in Brooklyn Project No. N. C. R-43.
3. Right-of-Way Agreement with Charlotte Board of Education allowing the realignment of a sewer line on school property to coincide with work regarding sanitary sewer right-of-way on Wendover Road.
4. Encroachment Agreement with the North Carolina Department of Transportation for the reconstruction of a fire hydrant to allow street improvement at the intersection of Beatties Ford Road, SR 2074 and LaSalle Street.
5. Property Transactions:
 - (a) Acquisition of 65.93' x 15' of easement at 8309 Wilkinson Boulevard, from American Cyanamid Company, at \$1.00, for sanitary sewer to serve Country Manor.
 - (b) Acquisition of 15' x 790.69' of easement at 3601 Colony Road, from Sharon Home Loan Company, at \$1.00, for sanitary sewer to serve Park South Apartments on Colony Road.
 - (c) Acquisition of 11,000 sq. ft. of property in the Grier Heights Community Development Target Area, from Mary L. Clay, 417 Alpha Street, in the amount of \$8,000.00.
 - (d) Acquisition of 4,900 sq. ft. of property in the West Morehead Community Development Target Area, from Mary Keesler Dalton, West Independence Boulevard, in the amount of \$7,850.00.
 - (e) Acquisition of 6,740 sq. ft. of property in the Third Ward Community Development Target Area, from Mr. & Mrs. Jesse G. Helms, 910 West 1st Street, in the amount of \$5,400.00.

REMINDER OF SEVERAL MEETINGS SCHEDULED - PRODUCTIVITY PRESENTATION, APRIL 26; AMAY JAMES CENTER DEDICATION, SATURDAY, APRIL 30; PRESENTATION ON THOROUGHFARE PLAN, MAY 11; AND PROPOSED STREET LIGHTING TOUR, MAY 31.

Mr. Burkhalter called Councilmembers attention to the fact that the Productivity Presentation with Mr. Archie Davis will take place in the Civic Center, that the luncheon will be only for the City Council and County Commissioners. The news people or anyone else can go in and watch. He stated the staff and news people will cover the general meeting which will precede another larger one so that many more people can attend.

Mayor Belk stated he had a letter from Mr. Veeder, Executive Director of the Chamber of Commerce, stating that their Board of Directors passed a resolution at their meeting last Wednesday, endorsing this. That he thinks they should invite the representative, or whoever he would like to bring, to this meeting so that they will be acquainted with what the state has done and what Winston-Salem/Forsyth has done too.

Mr. Burkhalter also reminded Council of the Amay James Center dedication on Saturday at 10:00 a. m.

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Mr. Burkhalter stated that on Wednesday, May 11, they have set aside some time at 12:30 for a presentation of the Thoroughfare Plan. He will inform them of the place later.

Also a proposed street-lighting tour. He asked for some indication of Council's interest in that. The date proposed is May 31, from about one o'clock until 10 o'clock.

Councilwoman Chafin stated she had the opportunity to sit in on a presentation that G. E. gave to a group several months ago, growing out of concern on the part of several private citizens about the lighting in our Uptown Area, specifically around Spirit Square. At that time it was suggested that at some point in the future Council and the Historic District Commission might like to go up to Hendersonville for this tour. They do this on a fairly regular basis she understands. It was her impression that the Historic District Commission was making plans to go up there and that Councilmembers would be invited to attend at that time. She does not know whether this is still the case.

She stated she understands they can do incredible things - up there - in terms of what they can show you about different lighting that is available. That Council is going to be making some pretty major decisions at budget time on lighting, particularly in the thoroughfare system. She is interested, and she would encourage the other members of Council to attend. That it is obvious that they need to invite some other groups to justify it. She stated they can recreate a number of different situations - lighting downtown, lighting on your thoroughfares, etc.

Mr. Burkhalter stated Councilmembers have a memorandum on this and now they have heard what it is about. They can talk about it later, but they do not want to put it on if only two or three show up. Councilman Davis stated he cannot go on that date and he probably would not go on another date, but he would like to see Ms. Chafin and perhaps a committee go up and look at them.

LETTER TO BE WRITTEN TO LOCAL DELEGATION RE-STATING COUNCIL'S POSITION ON PERIMETER ZONING.

Councilwoman Chafin stated she understands that our Legislative Delegation is going ahead with the perimeter zoning deal to restore perimeter zoning to the municipalities in the county. They are of the impression that Charlotte would like to be excluded from this deal. It is her impression from previous Council that, in fact, we would want to be excluded, but she thinks they need to give them additional notice on this.

Councilwoman Locke asked if they did not have a resolution? Councilwoman Chafin replied we did and she assumed it had been sent to all members of the delegation, or perhaps it was just sent to Mr. Lawing. But, in any event they met last night with the County Commissioners and representatives of the small towns and some of the members of our delegation still do not seem to be clear on what the intent of the City is. She stated she assured them that she felt, on the basis of previous action, we would want to be excluded. All she is saying is that if anyone feels differently, they should notify the delegation accordingly.

Mr. Burkhalter stated he was sure that when the resolution was sent it was sent to all members, but he will do that again and re-emphasize it. Councilwoman Chafin stated she did not attend the meeting but was called after the meeting; Councilman Whittington stated he was also called and told the same thing. The question he would raise now is if they are going to change this law and give the communities like Huntersville, Davidson, Cornelius one mile, does Council want to reconsider its position?

Councilwoman Chafin stated our situation is different because of the joint Planning Commission. Mr. Burkhalter stated this is one case where the City and the County really got together; that he does not believe they want this either.

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There was further general discussion and Mr. Burkhalter stated that what he would do, if it meets with Council's approval, is to say to them that subsequent to their meeting that the Council discussed this matter and asked him to reaffirm their position.

REQUEST THAT RECOMMENDATION BE BROUGHT TO COUNCIL ON CLOSING OF PORTION OF COVE CREEK DRIVE.

Councilman Whittington stated about two years ago the problem of the people who live on Cove Creek Drive came up to Council and what they were concerned about was traffic coming from The Plaza or coming from Plaza Road Extension down Barrington, up Cove Creek, going to that industrial area between Plaza Road and Old 29. This street came up in the discussions Council had with neighborhood groups at the Board of Education. He proposed that Mr. Burkhalter put that on the Council agenda as quickly as he can, with Mr. Corbett and staff giving Council their recommendation on the closing or not closing of this street up at the industrial end so cars cannot use that as a short-cut, or industrial people cannot use Cove Creek as a way to get back to The Plaza. He thinks this street has taken undue abuse because it has been developed a little bit at a time, and as the man said at the Board of Education, after they had bought their property this zoning change at the other end of it compounded their problem. He does not advocate closing it, but would like it on the agenda so they can make a decision.

Mr. Burkhalter stated they are doing some work on this now.

COMMENTS OF COUNCILMAN WHITTINGTON ON DISTRICT REPRESENTATION REFERENDUM.

Councilman Whittington stated he did not know that Councilman Gantt was going to leave, but he had told him that he was going to talk about the election on the 19th and he should stay. He congratulated Councilmembers Chafin and Gantt on the job that they did to get this referendum passed favorably; that to Mayor Belk, Councilmembers Davis, Williams, Withrow and Locke and a great many other people who opposed this issue with him he thanks too. They thought it had the threat of sectionalism on the Council and the inability of the citizens to vote for a majority of their new Council. He thinks it is correct to say that they believed this would cause the erosion of what they believe to be good government and the not so good experiences of other North Carolina cities who labor under this plan and the threat that they believed District Representation had to consolidated government.

He stated he believes their cause was the right one, but regardless of their belief they lost and because of that he intends to do all he can to make the system work for the next Mayor and Council. To do anything less than that would not be in the best interest of local government - Charlotte government - and the good people it serves.

Having said that, he wants to say to members of Council who are present that today, and until filing for Council closes, he will do his best to help recruit and encourage dedicated people concerned with the whole of Charlotte and not a geographic section, to be candidates in the primaries from their districts.

Secondly, and this is the thing that has concerned him very much, he found in many of these areas that he spoke that there were people who perceive that our Council was not responsive and that they did not have good government when, in fact, our government and this Council, everyone of them, are dedicated public servants, looked up to and bragged about across these two states by other cities. Those who supported District Representation have forgotten how good our government really is. But to allay these neighborhood fears and put the next Council in better shape than they are today, he thinks they need to say again, and he has heard this consistently since the last televised Council meeting, that our staff has no intention of doing anything about making studies to do something about traffic going through neighborhoods. He would say that Council ought to say again today that this report needs to be done and needs to be done quickly.

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Councilman Whittington stated another thing people talked about is getting out of their automobiles and getting on a bus. He does not believe they are going to do that, but he thinks the time has come where we ought to quit talking about bus service and making studies about bus service, but put the buses out there and make them convenient for people even to the extent of trying to get parking in parking lots in these shopping areas or centers where people might be enticed to go there and use the bus instead of the car.

He stated as a member of one of two Council committees, if Mr. Burkhalter and his staff could encourage neighborhood groups to invite the Operations Committee, or any committee Council has, to come out there and let them hear what the neighborhoods are concerned about; give them an answer yes or no if they can; and if they cannot give them a yes or no answer, go get the answer for them.

To the people of Southeast and East Charlotte he would say he is delighted they are a part of this city, and he is grateful to all of them for the contributions they have made, because without their support and their efforts many of the projects this City has been able to accomplish in the past would not be a fact today; that those two areas ought to be recognized in this respect.

MOTION TO CONSIDER NON-AGENDA ITEM CONCERNING UNEMPLOYMENT COMPENSATION LITIGATION.

Mr. Underhill, City Attorney, asked what Council's wishes are on the Unemployment Compensation Act which was discussed during the informal session today at 2:30. If the money is not raised by May 15, there will not be any litigation; they will cut it off. Council can authorize it today but Council will have to take action on an ordinance at its next meeting to appropriate the \$7,500.

Mayor Belk stated Councilman Gantt left the meeting earlier without being excused, and the rule is if you leave without being excused, then you are counted as voting in the affirmative. That as he left he said he would like to vote "no" on this question.

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

CITY OF CHARLOTTE AUTHORIZED TO PARTICIPATE AS A PARTY IN THE PROPOSED LITIGATION CONCERNING THE CONSTITUTIONALITY OF THE FEDERAL UNEMPLOYMENT COMPENSATION ACT.

Motion was made by Councilman Whittington, and seconded by Councilman Withrow, authorizing the City of Charlotte to participate as a party in the proposed litigation concerning the constitutionality of the Federal Unemployment Compensation Act.

The City Manager stated there is some concern by people about this type of legislation. He stated what this proposes to do may not be bad; the idea of unemployment insurance is an accepted thing in this country, and to deny it to public employees and not others is of concern. If Council does take action, he hopes they do not take it on that basis, but take it because they are opposed to Federal Government mandating this. This is the approach they would like the City to take.

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

Mayor Belk requested the record to show Councilman Gantt has left the meeting and he had requested him to say if he were here he would vote no.

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ADJOURNMENT.

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



Ruth Armstrong, City Clerk