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The City Council of the City of Charlotte, North Carolina, met in a regular session on Monday, April 10, 1978, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor Kenneth R. Harris presiding, and Councilmembers Don Carroll, Betty Chafin, Tom Cox, Jr., Charlie Dannelly, Laura Frech, Harvey B. Gannt, Ron Leeper, Pat Locke, George K. Selden, Jr., H. Milton Short, and Minette Trosch present.

ABSENT: None.

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INVOCATION.

The invocation was given by Reverend Glenn Stevenson, Minister of Northside Baptist Church.

WEEK OF APRIL 10-15 PROCLAIMED MINT MUSEUM MEMBERSHIP WEEK.

Mayor pro tem Chafin recognized Councilmember Short, and asked that he read the following proclamation:

"WHEREAS, the City of Charlotte is fortunate in having one of the outstanding art and history museums in the State of North Carolina and the Southeastern United States, and

WHEREAS, the Mint Museum is among our most precious cultural and educational resources with their stimulating programs, collections and highly professional personnel and its facilities and services which contribute immeasurably to the enrichment and its surrounding area, and

WHEREAS, the imaginative museum exhibits contribute to the enjoyment, education and information of thousands of our citizens and promotes the continuation of our living heritage and the love of beauty for all of its citizens.

NOW, THEREFORE, I, Kenneth R. Harris, Mayor of Charlotte, in appreciation and recognition of this extraordinary service to the City of Charlotte and to the people of this State, do hereby declare the week of April 10-15 as Mint Museum Membership Week and ask all our citizens to join in this observance.

WITNESS my hand and the official seal, the 10th day of April, 1978."

Mayor pro tem Chafin recognized Mr. Roddey Dowd and Ms. Ann Maxwell, and welcomed them to the meeting. She presented Ms. Maxwell with the proclamation, and thanked them for the work they are doing in this area.

MAYOR HARRIS COMES INTO MEETING AND PRESIDES FOR REMAINDER OF SESSION.

Mayor Harris came into the meeting at this time, and presided for the remainder of the session.

THREE CHARLOTTE FIREMEN RECOGNIZED FOR SAVING LIFE OF CHILD.

Fire Chief Jack Lee stated he is pleased to introduce three members of his department - Firefighter Mendell Mode, Engineer Randy Bradshaw, and Captain Luke Starnes.

That on February 21, 1978, at approximately 10:37 A.M., the Department received a call of a house fire at 9232 Shadowwood Lane.

In route to this location, they were appraised by radio that it was thought that a young child was trapped in the house. When they

arrived on the scene, rather prior to arriving, they dropped a line at the hydrant, proceeded to the fire and went through those things necessary to making it possible for them to enter a burning building. And, in fact, they found that a three-month old child was trapped in the house.

He stated Craig Mode was assigned as Scoutman that day, meaning that he was geared up to enter a toxic atmosphere and he immediately attempted to make entry and was unable to, pending the arrival of a fire line which was brought and he was assisted in entering by one of the Captains who was present, Captain Weaver.

That he was successful in locating the child in the burning building; he passed the child through a window to one of the firemen on the scene and Randy Bradshaw immediately went to work administering mouth-to-mouth resuscitation, assisted by Captain Luke Starnes.

Chief Lee stated this child had no pulse when she was brought from the burning building; her pulse was not detected; she did not appear to be breathing and they caused her to breathe and delivered her safely to the hospital and to the best of his knowledge, the child is doing fine today.

He stated significant of the circumstance that they found themselves in when they arrived in the house, the telephone that was found in the child's bedroom had been melted. Fortunately, the crib had a low profile and her mattress was near the floor, and as you know, that is the coolest spot in a burning atmosphere.

Chief Lee stated it is with a great deal of pride that he can introduce these men to the Mayor and Council and have them share his pride in them.

Mayor Harris stated he and the members of Council are certainly proud of these men and on behalf of the City he would like to present first a key to the City and the highest achievement he can give in our City, making them a Knight of the Queen City.

CETA TITLE III GRANT FROM U. S. DEPARTMENT OF LABOR TO PROVIDE A SUMMER PROGRAM OF WORK EXPERIENCE AND OTHER SERVICES FOR ECONOMICALLY DISADVANTAGED YOUTHS, APPROVED.

Councilmember Short moved approval of subject CETA Title III Grant from the U. S. Department of Labor to provide a summer program of work experience and other services designed to enhance the employment opportunities of approximately 1,100 economically disadvantaged youths, ages 14-21, for a total of \$746,433.

Mr. Bob Person, Director of Employment and Training, stated the youth program which is on the agenda today comes under Title III of CETA Legislation which is special type effort. That these are for new funds, \$746,433, which have been allocated for Charlotte for this particular program and they are enabling us to use some \$30,000 as carry-over funds from last summer's program operations. The key here is that these efforts are for the economically disadvantaged.

Councilmember Carroll asked who will be administering this program and Mr. Person replied the City has a unit of the Employment Security System that is presently operating our in-school program; they will have the responsibility for certifying and working through with this effort. Mr. Person stated the item is on the agenda right now because we need to get something into the Department of Labor; they will be meeting in Charlotte on the 18th through the 21st to approve these summer youth efforts. That they have had the dollar figure for a couple of weeks

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since they are already in the process of developing the proposal and Council's approval will give to the Mayor the benefit of signing these documents so that we can go ahead and develop the program's operations.

Mr. Person stated Council will have the opportunity to see this program on paper prior to its implementation. The program will not start until after June 9 when school closes.

Councilmember Gantt asked about the four areas in which the economically disadvantaged youths would be involved, and the approximately 1,100 youngsters in the various areas. He keeps adding these figures and getting different numbers. He wonders whether or not some people will be involved in work experience and vocational exploration, and other people involved in different programs. Mr. Person replied it is the same program with different aspects of the program operation. Some youngsters will be involved in remedial type efforts; some with on-the-job experience; some working in vocational experiences. There will be a large group in general employment. The figures do not add up because they hope to serve about 900 plus youngsters in a continuing way; but in order to do so they are projecting about 1100 plus they will serve in this particular program. This is not the end of their youth effort; it is one part of it under this Title III.

Mr. Person stated there have been some announcements on radio that they will have some 2,000 slots. They are talking about an additional 900 slots under the Title I program; which is a little different; but the requirements for eligibility are one and the same.

Councilmember Gantt stated we have all heard about the very high unemployment rate among youth. Will we know what percentage of eligible youth we will be able to employ? With the 2,000 slots we ultimately might have, how much of a dent are we making in that particular special population? Mr. Person replied just based on the applications they had previously, which have totaled about 5,000; and out of that number they have found approximately 4,000 of those are eligible. The 1,000 found ineligible are sort of border line situations because you have to take into consideration income. They will not be able to serve all of the youngsters they will find eligible. The one good hope is in the arena of other youth efforts. Some programming will take place under community development. They have additionally some 434 slots related to youth programs under the demonstration grant which Council approved earlier; an additional 20 plus slots under the Youth Conservation Improvement Program. They will be serving more youngsters perhaps than at any time other than the early 60s when there was a lot of money coming during the "long hot summers".

Councilmember Gantt requested Mr. Person to summarize for Council his programs, and all the other programs, involved in this so that Council might get a feel for the kind of summer youth employment program we have. That they are often asked this question, and they cannot get a real handle on it with so many different ones going on. He stated it would be helpful for him to know just how many youth we are employing in various kinds of summer programs. Not only in Mr. Person's department, but in the other areas also.

Councilmember Locke suggested he look at the County Manpower Department. Mr. Person stated there is some overlapping - we cannot serve in the county, and they cannot serve in the city. They will try to get some figures from them.

Mayor Harris stated they need information on the total summer programs.

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

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FEDERAL GRANTS FOR CETA TITLE I, TITLE II, TITLE III AND TITLE IV FUNDS FROM U.S. DEPARTMENT OF LABOR, APPROVED.

Motion was made by Councilmember Locke, seconded by Councilmember Chafin, and carried unanimously, approving the subject grants to provide a program designed to assist persons in becoming economically self-sufficient by providing institutional and on-the-job training, work experience, counseling, supportive services, job placement and public service jobs, from October 1, 1978 to September 30, 1979, for a total of \$9,833,146.

ORDINANCE NO. 969-X REPEALING ORDINANCE NO. 915-X AND APPROVING A CORRECTED ORDINANCE REVISING THE REVENUE ESTIMATES FOR CETA TITLE II AND VI.

Motion was made by Councilmember Short, seconded by Councilmember Trosch, and carried unanimously, adopting the subject ordinance.

The ordinance is recorded in full in Ordinance Book 25, at Page 298.

RESOLUTION APPROVING AMENDMENT NO. 2 TO THE REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION PLAN FOR THE WEST MOREHEAD TARGET AREA.

Councilmember Selden moved adoption of the subject resolution, which motion was seconded by Councilmember Chafin.

Councilmember Carroll stated after this item was on the agenda before, he went out and looked at the entire area to see what these amendments would mean with Mr. Sawyer. He thinks it is in line with what Council had already discussed about the West Morehead Target Area. He was impressed there are a number of houses which he thinks can be moved to Third and be rehabilitated there. Also Mr. Sawyer says from now on their policy will be, when a house is acquired, to bring the figures to Council to decide whether to demolish it or move it and fix it up. That will increase options, and hopefully will mean more houses for people to live in.

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

The resolution is recorded in full in Resolutions Book 13, beginning at Page 239.

COUNCILMEMBER GANTT EXCUSED FROM PARTICIPATING IN NEXT ITEM.

Councilmember Gantt stated he does not think he actually has a conflict now, but he would like to be removed from voting on this. His firm has a number of clients who are engaged in various kinds of activities in terms of building in certain areas.

Motion was made by Councilmember Short, seconded by Councilmember Chafin, and carried unanimously to excuse Councilmember Gantt from the vote.

ORDINANCE NO. 970-X APPROPRIATING COMMUNITY DEVELOPMENT FUNDS TO THE ECONOMIC DEVELOPMENT REVOLVING LOAN FUND.

Councilmember Chafin moved adoption of the subject ordinance appropriating \$209,653 for approval of loans for the remainder of fiscal year 1978. The motion was seconded by Councilmember Selden.

Councilmember Chafin asked for a brief summary of projects these funds are going for.

Mr. Hoyle Martin stated on the first three year program proceedings were devised, \$209,653 was set aside for economic loans. These loans are used by minority vendors for working capital, for the purpose of securing bonds such as performance bonds and so forth.

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He stated it is called a revolving loan fund, but it is not a revolving loan fund. Under certain state statutes any monies coming back into the city are new monies and they cannot re-use these funds. This current fiscal year they have \$40,000 in the budget for the loan program to minority vendors; \$39,000 of these monies have been loaned out, and approximately \$16,000 has been returned to the city; but they cannot use those funds. Under the present statute that is new funds until they come back to City Council and ask for the use of those funds. In the meantime, the remaining \$209,653 are monies carried over from previous fiscal years. They now need those dollars. While plans were made for the use, the funds were not used because requests did not come in. They are now at the point where they have \$1,000 left in the revolving loan fund, and they need these monies to take care of some loans that will be coming up this year. One of the loans is construction and purchase of some property to build a mini-shopping center. They need the money on a short-time basis, and then they hope SBA will give them a long term loan to take care of their needs.

Councilmember Short asked why this was not re-budgeted last June as a part of the budgeting process? Mr. Martin replied he is not sure as he was not on board at that time. But he thinks part of the reason was short staff, and requests for loans were not coming in; there was a good deal of misunderstanding, and lack of knowledge about the loan program. One of the first things they set out to do in his office when he came on board in December was to make the minority vendors more aware of the loan program. As a result of that, the demand for the use of these funds has substantially increased.

Councilmember Cox stated later on in the agenda, Council will be dealing with a company called Amico. They are coming back and saying they would like a waiver of the performance bond. He asked if some of these monies could be used for this purpose? Mr. Martin replied yes; they could have done that. However, they were not brought into that particular situation until very late in the game; that would be a legitimate use of the money.

Councilmember Selden stated also later in the agenda is an item for a loan agreement for Charles Granger. He noticed that is at six percent per annum interest. He asked if the six percent is a fixed rate? Mr. Martin replied it is a fixed rate they charge for all loans.

Councilmember Cox stated in September 1977, we appropriated a little over \$1.0 million for various number of programs, including an Economic Development program. He asked what monies are specifically appropriated for Economic Development programs and are unspent, can they be reappropriated for something else? Council monies earmarked for Economic Development programs be earmarked for something else later on? Mr. Martin replied if the monies had not been used in this fiscal year - the \$209,000 we are talking about - the City Council could make that decision.

Councilmember Leeper stated there has been some concerns expressed about the time it takes to get these loans approved. He asked if there has been any effort made to try to reduce the waiting period? Mr. Martin replied it takes approximately six weeks from the time the request comes in and the person gets the money. On the back end of that is the time it takes to get things through Council - about 14 days. Then on the front end is the time it takes the applicant to get all the necessary paper work done. They are trying now to cut that period down. One is to inform people who want to make loans about all the documentations they need. If they have that information the day they request the loan, it will save a week. This is the kind of thing he meant when he said it is a lack of knowledge and understanding about what the loan fund is and how it works. They are getting increasing cooperation from the accounting department. He hopes to have a specific report to Mr. Leeper within the next few weeks.

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

Councilmember Short asked for the repayment history? Mr. Martin replied it has been quite good; they have no serious problems of people not repaying.

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AGREEMENT WITH SOUTHERN BELL FOR REPLACEMENT OF AERIAL CABLE FACILITIES WITHIN CERTAIN BOUNDARIES OF FOURTH WARD REDEVELOPMENT PROJECT.

Motion was made by Councilmember Locke, seconded by Councilmember Trosch, and carried unanimously, approving an agreement with Southern Bell for the replacement of aerial cable facilities located within certain boundaries of the Fourth Ward Redevelopment Project with underground cable facilities, in the amount of \$63,000.

RESOLUTION OF THE CITY COUNCIL REAFFIRMING THE CITY'S COMMITMENT TO OPEN HOUSING.

Councilmember Frech stated she thinks this is a good resolution; it covers a great deal of the concerns Council has had about housing.

Councilmember Frech moved adoption of the resolution of the Charlotte City Council reaffirming the City's commitment to open housing. The motion was seconded by Councilmember Leeper.

Councilmember Frech stated she has one or two things she wonders about. Under "POLICY", where it reads -"Equal opportunity in housing for all persons, regardless of race, color, religion, national origin, sex, age,...." She wonders what it means by "age"? Does this have anything to do with landlords that do not want to rent to families with children? Councilmember Gantt stated it has to do more with life style, than cycle. Councilmember Frech asked if we are saying with this that it is our policy that landlord cannot refuse to rent to families with children? Mr. Underhill, City Attorney, replied unlike the other characteristics, that one is as unsettled or is the most unsettled in how far is it a discriminatory practice to refuse to someone who has children, or because they are a non-certain age, or have not reached a certain age, and that sort of thing. He almost left it out because of the problems that might be inherent. Councilmember Frech stated at first you might assume you are talking about only the person who is going to sign the lease agreement and pay the rent. But she wonders if we should leave it out.

Councilmember Carroll stated he looked at this and it occurred to him that perhaps it could be made more clear by including in there "or martial status" which gets to the problem we are talking about more directly than age. But we have to bear in mind this is a statement of our policy, and what we are encouraging everybody to do. There are no sanctions provided in here. He asked Mr. Underhill about whether or not it would be possible to make a violation of this a misdemeanor in order to give some sanctions. He said under the presently existing state law we do not have that authority. But the previous city council had considered that in their legislative package, and had drawn up a request to have a bill passed; but it never actually got there. Councilmember Carroll stated he would request that Council consider putting that in the legislative package next time around; and perhaps leaves the policy the way it is.

Mayor Harris stated this is a resolution for the record; and it has nothing to do with any type of legalities? Mr. Underhill replied it is expressing the policy of the city, and urging voluntary compliance by those engaged in the whole framework of real estate activities. It has no binding legal effect.

Mayor Harris requested that wide dissemination of the resolution be made. He asked if the city can make this dissemination through the realtors, mortgage bankers, and through the Housing Committee. Someone suggested it could be done through the water bills.

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

The resolution is recorded in full in Resolutions Book 13, at Page 243.

TRANSIT PROMOTION PROGRAM ESTABLISHED.

(a) Motion was made by Councilmember Gantt, and seconded by Councilmember Leeper to approve a one-year grant contract with the State of North Carolina Department of Commerce, in the amount of \$19,850, to fund transit promotional activities.

Mr. Burkhalter, City Manager, stated this is an extra amount of money that was not anticipated; and we are making a temporary employment rather than a permanent employment.

Councilmember Chafin stated in terms of developing a promotional program since we have recently hired our marketing person, is it absolutely necessary to employ an additional person; or could the marketing person carry this out with several part-time people. Secondly, how can we more closely tie this promotional effort to the question of energy conservation? That is the rationale for receiving the grant as it is an energy conservation effort.

Councilmember Cox stated he thought this was the money for the marketing person. Councilmember Chafin replied no, Mary Jackson was employed as the full time, permanent, marketing person. The subject position is an additional position, which is a non-permanent position for the life of this grant. Councilmember Gantt stated it is only a \$11,000 a year salary, which means you might be talking about some kind of part time basis. Councilmember Chafin stated she is asking if this is the best use of these funds; that she is not saying it is; or it is not. She is raising a question.

Mr. Kidd, Public Transit Coordinator, stated as Ms. Jackson's duties are outlined to her for the next year, it includes this; but they did not specifically address this. This is a one year, or shorter period program, aimed at producing energy conservation things in transit ridership. This was reviewed and thought to be worthwhile by the people at the Federal Energy Administration and the State Department of Commerce. It is one of several actions these funds would be available for. This is the one they submitted as one that could be started and ended in a specific time, with measurable results.

Councilmember Frech stated she thinks all of Council are still getting post-cards, without signatures, about Route 2. She stated there is no use spending a lot of money for promotional program unless you can get the routes worked out so that they meet the needs of these people; to fix the routes to take the people where they want to go, when they want to go. Councilmember Gantt replied the Transportation Committee heard from the people about Route 2, and they are working on that.

Councilmember Carroll stated he does think Ms. Chafin's comment is a good one. There may be other ways, and he thinks it is very important that we do all we can to promote the transit system since we are taking perhaps two people on board. He asked how frozen in concrete are the activities they will have to undertake under this grant? Can you come up with some new ideas if there are any to help? Mr. Kidd replied these are specified in the grant contract. It is a starting and ending type program with some measurable results. They submitted several alternative types of promotion programs to the State people. This is the one that caught their eye and the one that they said they were going to fund. To change this, they would have to go back and reapply. The fund cuts off in January anyhow.

The other marketing activities to which they refer would be taken care of in the normal City operation of the transit system. This extra money just helps them get down the road a little quicker in terms of promoting ridership.

Councilmember Carroll stated he does not know whether they can amend the grant or how much you can deviate from it during the course of activity, but if there are other ways to promote the transit system with this available additional resource, it seems to him they ought to try to do it.

The Mayor stated their purpose is to get people out of cars - not necessarily on the buses. You cannot have lines running all over the City right now. Their principal purpose is to try to reduce congestion. But, for them to take all of the funds and direct them to one source you are serving only a part of the people.

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Councilmember Cox stated if he were the assistant he would lose enthusiasm for this job along about eight or nine months from today. That he would like to explore the possibility of spending this money for something that would be more permanent. He sees this - the preparation of a slide presentation or brochures - as being something the full-time marketing person ought to do.

Mayor Harris stated when they make these grant applications they have to specify what they are going to do. Mr. Cox replied that is what he is inquiring about - he is probing a little. We are getting ready to spend \$20,000. He is trying to find out the bounds of that. If they accept this \$20,000 they have to spend it exactly this way?

Mr. Kidd replied unless the State Government concurs with changes they would make after they execute the contract. There is a provision in the contract for changes to be made upon their written authorization.

The vote was taken on the motion and carried unanimously.

(b) Motion was made by Councilmember Selden, seconded by Councilmember Gantt, and carried unanimously, adopting Ordinance No. 971-X revising revenue estimates and appropriating \$19,850 to the Public Transportation Fund.

Mr. Burkhalter stated a lot of the cards and comments the Councilmembers get about transportation is relative to someone's individual need, normally. But if they want this bus system to amount to something, they have to do a lot more work with people who are not riding new cars, people who are not concerned about this system the slightest. You have to get them concerned. This is a "drop in the bucket" compared to what they could spend in promotional efforts. He spent at least an hour and a half last week with Mr. Kidd and some downtown business men; and if they work out a program they will have to put somebody in their business to work with them on this thing for weeks. You cannot go out and just scatter gun this thing in an area. But, if you can get into a business, you can work with them, putting staff in there to do this sort of thing. These are the ways to really get new business on the express routes, etc.

He asked if this Council would entertain a proposal that he might come to them with that would help pay for a city employees book of tickets for express riding? The general response from Councilmembers was positive. This is something like the downtown merchants are proposing to do for their employees.

Councilmember Chafin stated City employees really ought to be taking the lead on this.

Councilmember Short stated several of the Councilmembers, certainly himself, when they were running for office made a lot of noise about the fact that good ole American promotion and salesmanship was one of the answers to transit. He agrees with Mr. Burkhalter that this is a very small program compared to what we might have introduced.

Ms. Chafin stated she does not think they question the need to promote or market. Mr. Carroll stated that was the concern that he and Mr. Cox both had that there is so much to be done, let's not duplicate, and it looks like they are doing that. Mr. Cox stated he wanted that \$19,850 to go as far as it can go.

The ordinance is recorded in full in Ordinance Book 25, at Page 300.

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ADOPTION OF RULES AND REGULATIONS FOR USE OF AMERICAN LEGION MEMORIAL STADIUM FOR NON-ATHLETIC EVENTS, DEFERRED FOR ONE WEEK.

Council had for consideration rules and regulations for the use of American Legion Memorial Stadium as developed and proposed by the City Attorney's Office.

Councilmember Gantt commended the staff for coming up with a policy which is as comprehensive as you are likely to make. He would like one question answered - has anyone calculated what the capacity of Memorial Stadium is? It seems to him that is critical.

Mr. G. L. Jordan, Manager of Memorial Stadium and Park Center, stated the capacity is 24,133; they can put 30,000 in, including the field. Mr. Gantt stated that the proposed policy invests quite a bit of internal judgment on the manager's part in a number of decisions that have to be made regarding the facility.

Councilmember Selden stated he agrees with Mr. Gantt that there are considerable advantages to what has been drawn up. However, there are a few things he would like to introduce. One is, he is concerned with 5 hours performance; he would think that 4 hours would be a more appropriate performance time. The second thing is that under Section F-1 the statement is made "the user hereby assumes full responsibility for the orderly control of the acts and conduct of all persons admitted to the facility, or to any portion of the facility . . ." He stated there is nothing in the policy that says if you do not conform - in other words, there is no penalty if there is a very raucous, unruly and totally uncontrolled group.

There is also a provision for the control of entry with ice boxes and other such things, but there is no regulation as to the consequences if they do not conform. He proposed that there be a penalty on the order of 20 percent of the gross receipts if the situation developed that ice boxes are wheeled in or if the crowd is not orderly managed. This would help to encourage to a great degree the supervision and the following of the policy as proposed.

Councilmember Cox placed the motion for approval of the policy on the floor and it was seconded by Councilmember Dannelly.

Mr. Cox stated he does not feel they will get much more benefit from changing the 5 hours to 4 hours; that what they are talking about is 2 or 3 days versus the 5 hours.

Mr. John Hasty, attorney for Kaleidoscope Productions, stated he has reviewed this carefully and only has one suggestion that he would like to ask Council to consider. In the Insurance Provisions there is a minimum coverage and the facility manager's discretion as to raising the insurance provision. He would like Council to consider putting a top limit of \$1.0 million, personal injury; and \$500,000 property damage in his discretion. Otherwise, they feel that the policy as written is very comprehensive and they can certainly work with it.

Ms. Catherine Helms, representing the Charlotte-Mecklenburg Youth Advisory Board, conveyed their interest in this; they are particularly interested in concerts being held in the stadium. In general, the majority of concert supporters are the youth. The Board feels that the youth of Charlotte will support the concerts in Memorial Stadium in an orderly fashion. They petition City Council to approve the rules and regulations as proposed. They feel that they show sound planning judgment.

Councilmember Frech stated the policy is certainly very comprehensive, but there are still some points about it that she is a little troubled about. For instance, on Page 3 it states the user is to provide, at its expense, a sufficient number of ticket sellers, ushers, etc. to accommodate its patrons. She asked if the facility manager should not have a say as to how many is a sufficient number.

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Also, on Page 5, the user is to be responsible for cleaning up debris on the premises and at Central Piedmont. Again there is no penalty for not doing so.

Mr. Underhill replied that is the intent of the bond, or the cash for damaged property.

Ms. Frech stated she is also concerned about what will happen if there is damage to private property since this is an inner-city area with people living around it.

Councilmember Gantt stated there would be some difficulty in deciding how far out to begin to charge the promoter for something that might happen. Mr. Underhill stated that is the problem with what Ms. Frech is speaking of.

Ms. Frech stated she understands but she has had much pressure from people in her district not to allow these concerts. They claim there is damage to property around the neighborhood, so she feels she has to bring that out.

She stated also that since these will be scheduled on week-ends, presumably there will not be a great parking problem. Mr. Underhill replied he does not want to speak for Mr. Diehl, but in response to that, he understands they have a reciprocal arrangement with the college whereby stadium patrons can use the parking facilities of the college on week-ends when classes are not in session and the college in turn can use the Park & Recreation facilities during their normal activity hours.

Responding to a statement by Ms. Frech, Mr. Underhill stated he used the term "City" in the policy deliberately. He did not say City Council, Facilities Manager, or Superintendent of the Department. He would really like some guidance from Council if they are going to approve this as to how much they want to get involved in the review of individual contracts.

He stated, for example, Mr. Jordan also rents the Park Center and it is an ongoing thing - he rents it all the time, to all kinds of shows and events. Under the Commission's system, he has been delegated that authority to enter into contracts. That he does not go back to the Commission every time he has a contract. That is something Council may not have to address specifically here, but when Park & Recreation becomes a department, which is only a few weeks away, Council will have to decide how much involvement it wants to have in their day-to-day operations.

Councilmember Trosch stated when this came up before they discussed whether they could actually restrain on the basis of a given type of performance; that she believes they asked for that legal opinion to be brought back to Council. She asked if since they have these proposed rules and regulations can they not do something about restraining the type of performance?

Mr. Underhill replied he did not address that because he really did not know what Council meant by that. If they are talking about reviewing each performance and say it is all right for "X" group to perform but "Y" group is objectionable to us because their type of music is offensive or what have you, then he thinks they have some First Amendment problems. But, if they want to base their decision on the fact that this group has caused violence, disorderly conduct, excessive destruction to property in other places where they have performed, without reviewing the content of their actual show or presentation they put on, he thinks that is a legitimate concern that Council has a right to ask and to inquire into, under the police power if nothing else.

He stated he did not avoid this, but he tried to address it by the review of five previous performances to see what the track record of this group has been in other places. If they find that these unusual, excessive problems have occurred then they wrote it into the policy in such a fashion so that we reserve the right to deny use of the stadium.

Councilmember Cox stated he also feels this is a very, very comprehensive kind of policy. That they have to keep in mind what they are trying to do with the policy; that is to keep out the very disruptive types of acts that can be found out in the search process as described in Section A-2-4. That is really what they are trying to do. Even if they had the Mormon Tabernacle Choir coming here, there may be some destruction to property. It would be hard for him to try to legislate the circumstances under which they would hold the promoters liable for that.

He stated that the section that says to review the five previous performances is sufficient to his mind to keep out the bad crowd.

Councilmember Carroll stated he agrees with Mr. Cox that the City Attorney has put some thoughtful work into this, but he also, after having spent not nearly the amount of time that Mr. Underhill has, has a couple of problems. One, he would like to see, and thinks it should have, the parking problem covered. That the promoter should be required to make sure that there is sufficient parking. We have a city multi-story lot, a Central Piedmont multi-story lot and a County multi-story lot, all very close to this area. That there should be some contractual obligation on them to negotiate, do whatever is necessary, to obtain a place to put these cars - not to park them in Independence Park.

There was general agreement that parking in Independence Park should be disallowed.

Mr. Carroll stated he thinks that needs to be covered because it is a consideration that is important, as parking is a major concern in an event like this.

Another thing that concerns him is that we have a bond here which runs in favor of the City for property destruction, and in favor of Central Piedmont. That bond does not help the persons whose yard somebody parks in, or whose property gets destroyed because of something related to the event. He would like to see the bond allow the City to hold a certain amount of money and take care of any complaints which the City Manager or someone else would find are justified which resulted in property that was damaged by a person attending the concert. You again have the problem you have anytime a person's property is damaged; you have to prove that it happened. But, the City has some obligation here to at least provide a means of recovery for these persons that does not go beyond the possibility of having to sue them in Florida or wherever they might be headquartered.

He also thinks that it might be of some benefit to consider whether or not there should be a bond not only to cover the property damage but to cover personal injury, because they have in the background here an incident in which someone was severely injured. Perhaps they should give some thought to whether or not it could be covered if in fact it was shown that this injury was a result of not abiding by the contract, and not having proper crowd control; that there could be compensation to a person, as in the previous case.

Councilmember Gantt asked if that is not the same as "liability for bodily injury"? Is the bond different from the general liability insurance policy that the promoter has to have? Mr. Carroll replied yes, all the general liability policy would do, he presumes, is pay whatever was found to be owing if, in fact, the person who was injured sued the promoter and got a judgment against that promoter. Then that insurance policy would pay that judgment. What he is saying is that the City could arrange a bond which in fact would provide some compensation on whatever terms you put in to help take care of somebody if they were seriously injured, if it can be actually shown that this is the fault of the promoters. The very difficult problem is in actually showing that if someone is injured it is in fact the fault of the promoters, so that you would actually be entitled to recover on terms that would be covered by that liability policy.

Councilmember Gantt asked what does the fact that they are holding cash from this promoter for that very purpose - to recover any losses due to property damages - mean? He is not sure he understands what Mr. Carroll is saying with regard to personal injury. That is, if someone's arm is broken as a

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result of sliding down the hill after tripping over some trash, and that person received treatment at the hospital, is he saying that if we are holding this cash bond, that simply by that person making the application to the City saying that he had been personally injured, we could disperse from that cash bond fund for that person immediately to pay that cost; and then allow the person to file a claim against the liability policy?

Mr. Carroll replied not necessarily in terms of his example, would this apply. The bond could apply on whatever terms you specified it to pay under. He is suggesting that if you have a serious bodily injury which results from violation of this contract - falling down going to the parking lot would not necessarily be such a violation - that Council create the kind of security for that personal injury that they are creating for property injury.

Mr. Gantt stated he thought the liability policy clearly does that.

Councilmember Selden stated with respect to bodily injuries, the bottom paragraph on Page 5 says "\$100,000/\$300,000 bodily injury". He thought that would cover the specific situation unless the person had left the field and gone across the street and fell down. Mr. Carroll replied it will only cover whatever the terms of that liability policy says it covers. It may not cover anything in the contract.

Mr. Selden proposed an amendment to the motion which would include, after Item F-7 the statement: "For failure to conform to the public safety provision of this contract, the user will incur a penalty in the amount of up to 20 percent of gross receipts commensurate with the degree of variance of the infraction." If there is no infraction, in other words, if it is not the fault of the user, then there would not be a penalty applied. Therefore the user would strive to provide adequate control of the crowd and all the other provisions that are in F. If he fails to conform with the provisions of the contract, then he will incur a penalty of up to 20 percent, depending on the degree of the infraction.

Mr. Underhill stated Section F covers several things. That his first concern would be the broadness of the scope of what Mr. Selden provides here. If the user allowed anything to happen in violation of the seven different provisions as spelled out, he is liable to have a penalty applied to his gross receipts. He, frankly, has not thought about that device as a way of controlling it. His thought was - and this approach is fairly standard - you first of all start off with the fact there is some risk in putting on any kind of show, whether it is a rock concert, a religious revival, a band contest or what have you. He drew these regulations with the thought in mind of trying to minimize the risk to the greatest extent possible. First of all, for them to be comprehensive, so that they covered all of those range of events. He did not draw this for rock concerts, although that is what precipitated the request. It applies to any non-athletic event. That Councilmembers ought to keep that in mind.

He stated he was surprised when he sat down and started to talk with the Park & Recreation people with the range of events that they have there - band concerts, gospel sings and those kinds of things. They should keep in mind that these rules will apply to those sort of events just as they would to a rock concert.

He does not know what kind of burden this amendment would put on the promoter. That Mr. Hasty would be the person most knowledgeable to speak to that. What he tried to do was give them one time to see how it goes; and if it does not go well, or if they experience property damage, if they experience disorderly crowds, and that sort of thing, they have then preserved the right to reject, deny any further application, the use of the stadium if the user has violated any of the terms of the provisions of the previous contract.

His general reaction to Mr. Selden's amendment is (1) it is fairly broad in scope, and (2) the problem of who makes that decision as to whether a provision has been violated is kind of up in the air, the way the amendment is stated.

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Councilmember Selden stated what he was trying to do - his seven items of control are excellent items of control, that each one of them will help to maintain an orderly concert, or whatever it is, but there is nothing in the language of the contract that, regardless of his track record, this might be the first time, and if he neglected because of one thing or another to control the crowd or to do any of the other things provided for in Section F, it is no skin off his nose, in effect, except if he were to come back to Charlotte - and Charlotte would be damaged thereby. He feels they need some provision which, if he lives up to the conditions of the contract, he would not be penalized in any way.

Mr. Underhill replied they tried to address that through the use of the guaranty bond and cash deposit, and the insurance provision. Mr. Selden stated, but none of these refer back to the provisions of control, or the restraints in F.

Councilmember Short stated this meeting should be interpreted, as it has come forward, as a meeting in which Council is giving Mr. Underhill a little guidance toward doctoring this policy up a little bit. He does not think they really want to vote on this today.

Mr. Short stated he is not certain that the City can require a bond which is going to just protect the nearby world in general. It seems to him that is putting the City under all kinds of liabilities and potential liabilities, in situations where somebody was two blocks away instead of one block away, and that sort of thing, and they had not covered it. Also, he is not certain they can put in some of the provisions that have been mentioned, when they are not covering athletic events. Suppose that the Shriners are going to have the Shrine Bowl here and someone is harmed nearby by the Shrine Bowl crowd, and finds out there is no protection whatsoever, but for the Rock 'n Rollers and the others, etc. who might be using this, the non-athletic, the City has provided all kinds of safeguards. He does not see where a citizen is going to know the difference as to what caused the crowd to be there. He would suggest this kind of thinking for Mr. Underhill, as he rewrites this with reference to bonds that would protect those who happen to be living nearby. They have to realize that this stadium has been there since 1936 anyway, initiated and inaugurated by FDR; that those who live there now clearly moved in knowing that the stadium is there.

In terms of guidance to Mr. Underhill, he thinks Mr. Carroll's suggestion about the parking is excellent; that certainly some arrangement should be included where John Hasty, or somebody, has to make some arrangements for the parking in order to have a big crowd. He suggested Council abandon the motions which have been made and ask Mr. Underhill to think a little further about this in line with the comments that have been made.

Mr. Hasty stated as far as parking is concerned, he has not talked with his client, but they may indeed consider a parking concession. That if they remember the contracts, the City retains the parking concession and if the City wants to give them the income from all of the parking, they might consider doing that. He does not think the City will want to do that after they talk with Mr. Diehl; that the City will want to retain for itself.

Secondly, in response to Mr. Selden's concerns, the contract provides a penalty for the use of the stadium in violation of the provisions of Section F. The manager can require that; he can eject people from the stadium if they are not being conducted in that fashion. If something of that nature occurs he will not be able to rent the stadium again. He stated that his client has been a resident of Mecklenburg County for 18 years and they will continue that way. Of course, they have to be concerned with other people who might come in. He does not see how it would be possible for them to insure the world. That the liability policy which would be provided would be amenable to any violation which the promoter had under the terms of this contract. That the policy has contractual coverage in it. It will, in addition to the normal common law liabilities involved, also insure against the promoter's violation of any of the terms of this contract. That if through the negligence of a promoter he causes somebody a half mile away to be damaged, he would be insured under this liability policy's contractual coverage.

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Councilmember Leeper stated he also would commend the City Attorney on the policy he has drawn up. He personally thinks it would cover all of the concerns that he had. He intends to support the motion. He asked how long the City can hold a bond after a particular event has taken place, to make sure that it would cover any situation that had occurred during that particular activity?

Mr. Underhill replied he thinks we have had cash bonds before from promoters; that the City has required them in the past, he thinks, of Kaleidoscope. Mr. Hasty stated they have just had the insurance policy, not the bond. Mr. Underhill stated that is not specified in the proposed policy - that is a good point to bring out.

Councilmember Dannelly asked who determines what is ample when it comes to life saving crews and medical teams, or when it comes to police protection? Is this done by the contracts so that the facility manager will know that these protections will be available.

Mr. Underhill replied usually when you write a policy of this type, a general policy, he tries to stay away from specifying "there shall be five ambulances and three attendants" because that rule might fit a rock show but would not be so good for band competition. That what he thinks should be done in this situation - if the policy is adopted - when the contract is entered into with the promoter a plan should be developed that would specifically address those things. That the facilities manager has been given right much discretion in setting those limits based upon the type of show, the number of persons expected in attendance, and those sort of things. It will delegate to him the decision making on that point, except as to the number of police security. The policy says that decision is to be made by the facility manager and the Police Department. In talking about this with the Police Department, they asked that, when he got the floor, if he would ask the Council to insert the word "jointly" in the policy so that it would be a joint decision between the facility manager and the Police Department. They are very much concerned about that. It is their area and they want to make sure that adequate consideration has been given to the number of off-duty police people that should be employed for a particular event. He thinks that perhaps to clarify that it is a joint decision, the word "jointly" should be inserted.

Councilmember Cox stated he would accept that as a part of his motion.

Mayor Harris stated Council has been discussing this matter almost an hour. That he would like to know if they are to take action today; he would like to know the general feeling before they continue talking.

Councilmember Selden made a substitute motion that this matter be deferred for one week, to introduce all of the changes that different Councilmembers feel might be appropriate, plus anything that the City Attorney might want to include on the basis of this discussion. The motion was seconded by Councilmember Short.

Councilmember Leeper stated this particular petitioner has been waiting some time now. That he has indicated that he feels he would stand to lose a substantial income if Council does not make some recommendation. Even if they do not approve the petition, he thinks they should go ahead and make a decision.

Councilmember Carroll stated he can appreciate what Mr. Leeper is saying, but he thinks the deferral is a good idea; that their process of deliberating this policy has been a constructive process. That it has been for him; he feels he has learned something. That perhaps they can come out with a better policy; they only got it Friday. He does not know how badly this affects Mr. Hasty's clients, but what they are doing is really deciding a policy that is going to last for a long time maybe, and they want to get the best one they can.

Councilmember Gantt stated he really has to concur with Mr. Leeper because he thinks they have listened to all of the points that have been raised here. There was really no concensus around the table on certain of these issues; that they cannot insure against the world, as someone said earlier; they have to go ahead with the policy, either up or down, and let's see how it works. Councilmember Cox agreed.

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

YEAS: Councilmembers Carroll, Chafin, Frech, Selden, Short and Trosch.
NAYS: Councilmembers Cox, Dannelly, Gantt, Leeper and Locke.

Councilmember Gantt asked what it is they are instructing the City Attorney to do? Mr. Underhill replied he does not know - they will have to help him out. They threw out about a page full of suggestions. It will take a lot of time to go back and try to put these in.

Mr. Selden stated in so far as one of the suggestions is concerned, it is just to have some means of insuring that Section F is complied with, whatever means the Attorney might come up with.

Councilmember Gantt replied that Mr. Underhill has already said that was built into the provisions. The question is whether Council likes the provisions or not. Mr. Selden stated there is nothing in the policy that says if they do not comply, thus and so.

Mayor Harris stated to Mr. Hasty that he sympathizes with him; that it is going to take a while. He is the subject of their developing a policy, as Mr. Carroll has said.

Councilmember Chafin stated there were clearly some Councilmembers who had some particular feeling; that she feels they can get with Mr. Underhill and resolve most of this. She does not think it will be that difficult. That they are not asking for a completely new policy.

The Mayor asked that they please try to have something resolved by the next meeting when it will be discussed again.

ORDINANCE NO. 972-X APPROPRIATING \$46,701 FROM THE COUNTY WATER AND SEWER BOND FUND BALANCE TO PROVIDE A SUPPLEMENTAL APPROPRIATION FOR WATER MAIN CONSTRUCTION ALONG DELTA ROAD.

On motion of Councilmember Cox, seconded by Councilmember Short, and carried unanimously, the subject ordinance was adopted.

The ordinance is recorded in full in Ordinance Book 25, at Page 301.

RESOLUTION APPROVING THE SUBMISSION OF A GRANT APPLICATION TO THE LAW ENFORCEMENT ASSISTANCE ADMINISTRATION FOR THE PURCHASE OF 43 PORTABLE RADIOS FOR POLICE OFFICERS.

Motion was made by Councilmember Cox, seconded by Councilmember Short, to adopt the subject resolution. Council was advised that the total cost of the project is \$55,900, with a federal share of \$50,310, state share of \$2,795 and city match of \$2,795.

Councilmember Gantt asked if these are portable radios that the policemen need to carry around with them?

Police Chief J. C. Goodman replied these are portable walkie-talkies. In the past they have bought some 360 or 370 of these for their officers. That they have put more officers in the field and these will take care of all of the officers in the field - they will all have their individual radios which they can take home with them and charge them up themselves. They will not be back asking for anymore.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 13, at Page 245.

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ANNOUNCEMENT THAT POLICE WILL MAN A BOOTH AT THE SQUARE 24 HOURS A DAY.

Chief Goodman stated he would like to make an announcement to the Mayor and City Council. In regard to the transit problems and the Downtown problems, and the citizens' perception of crime downtown, the Police Department is going to put a booth down there, with the City Manager's permission. They already have the booth, and they are not asking for any money. They would like to put the booth they are now using for security at the Law Enforcement Center. They would like to man it with the police officers downtown now, during the hours they are most needed; they would like to supplement them with Police Reserve, Police Explorers. The booth will be on the Square; they would like to have a telephone in it, along with a police radio. Let the Chamber of Commerce help them out with pamphlets and maps, directors and things they can give to citizens.

The officer will not be confined to the booth, but will move around the Square. They hope to have this going within the next two weeks.

Councilmember Carroll asked if the officer will be there beyond the present six o'clock? Chief Goodman replied he will be there 24 hours a day.

He stated it will be approximately where the Salvation Army places their booth at Christmas time.

LEAA SUBGRANT AWARD CONTRACT AND ORDINANCE NO. 973-X APPROPRIATING FUNDS FOR A MANAGEMENT PROJECT IN DISTRICT ATTORNEY'S OFFICE, AUTHORIZED.

Motion was made by Councilmember Locke, and seconded by Councilmember Selden to approve an LEAA Subgrant Award Contract, and adopt the subject ordinance appropriating \$39,800, with the costs to be shared by the federal, state and city funds.

Councilmember Leeper asked how many people they are talking about using, and what are the personnel services.

Mr. Gilchrist, District Attorney, replied they are talking about taking John Wyatt, an Assistant District Attorney now, and pulling him out of Court for a year and hire a replacement who will be a trial lawyer, and have Mr. Wyatt working on special projects to alleviate some of the long range problems. He will be the only person involved.

Councilmember Leeper stated Mr. Gilchrist is coming back about personnel services. He asked if that is related to the same funding? Miss Loveless replied they will have to bring back a contract with Mr. Wyatt to do this.

Councilmember Carroll asked if they are in process of doing this? Mr. Gilchrist replied they assumed this would make it; and it was important enough even if it did not make it to struggle along and do the best they could. So they have had Mr. Wyatt out of Court since before the first of the year working on the project as outlined.

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

The ordinance is recorded in full in Ordinance Book 25, at Page 302.

AMENDMENTS TO THE NORTH CAROLINA LOCAL GOVERNMENTAL EMPLOYEES RETIREMENT SYSTEM, DEFERRED FOR ONE WEEK.

Councilmember Locke moved adoption of the amendments to the North Carolina Local Governmental Employees Retirement System, which motion was seconded by Councilmember Leeper.

Councilmember Selden stated he feels Council has insufficient information to really understand this. He recognizes there is some time frame; but the last paragraph of the attachment applies to municipal cities - that only cities that are not League of Municipality Cities are the ones urged to respond by the 17th. He feels he would like to have more information before voting.

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Mayor Harris stated he had like concerns this morning, and asked Mr. Stuart several questions about it. He has concerns about the cost of inflating some of these retirement costs; that Mr. Stuart told him it was 60-40 roughly in the cost with 40% going to the retirees and 60% going to the active employee. That he has no concerns about the retirees, but the idea of increasing the cost on the actives is what he is concerned about. You add Social Security to that, and it will give about 85% retirement benefit for the middle income group.

Councilmember Selden made a substitute motion to defer. The motion was seconded by Councilmember Cox.

Councilmember Short stated the Board of Trustees for the Local Government Employees System is some sort of Board appointed out of Raleigh by the Governor? He asked who appoints it? Mr. Burkhalter, City Manager, replied the Board is composed of people by virtue of their office, and also appointments by the Governor. That he is an appointee of the Governor to represent the Local Government Employees.

Councilmember Short stated the Board of the Teachers and State Employees Retirement System is obviously a State Board appointed by the Governor. What we have here is a situation where two state boards are involved. One acts on this matter first, and then says to the other one, you have to go along in order to insure transferability. The effect of it is that the local tax payer in Charlotte, N. C. is caught in a trap that is set in Raleigh. He does not see why these two boards could not have seen the virtue and value of acting together on this matter, instead of one trapping the other. The one that gets caught in this trap is the one where the money comes from, the local taxpayer.

Councilmember Short asked that his comments be sent to Senator Craig Lawing.

Mr. Burkhalter stated he is probably sending it to the right place. Because this is where it is determined in the Legislature; not in the Board. Councilmember Short stated he realizes that; but he thinks the Legislature should force them to confer. Mr. Burkhalter stated the State Legislature in their last session passed these special provisions for all members of the State Employees Retirement System. This Board of the Local Government System was confronted with the fact there were differences in the system; but had no input from any local government. This is the opportunity for local government to express their concerns. As he understands it, if the large majority of members of Local Government say they would like to have this, then the Board would recommend to the Legislature that this be adopted. Councilmember Short stated that is what they say; but what they actually do is create a trap you cannot get out of; there is no real choice here. There was no input from the local situation here because the Local Government Board is trapped by this other Board that acted first. Mr. Burkhalter replied there is some concern there; but there is a very strong lobbying effort on the part of the members of the other system. Councilmember Short stated that Board is there for the purpose of making decisions, and they have the power to resist lobbying when it is necessary to do it.

Mayor Harris stated the County voted this down last week. They should recognize the fact there is equal amount of social security benefits that will be taken out of this as well. There is a 45% pension right now. This is giving it 46.5 on the actives, and that is a pretty good pension.

Councilmember Leeper asked how this relates to private pensions? Mayor Harris replied the normal pension plans for most companies is around 45%. Councilmember Cox stated his is around 50%. Mayor Harris stated as long as the salary remains competitive, that is the important thing. As those salaries go up, your pension goes up. Councilmember Leeper stated he is just concerned about the percentage of increase.

Mayor Harris stated Council is asking for more detailed information about this. He asked Mr. Stuart if there is anything further he can give? Mr. Stuart replied one question asked was how many years the sample employee referred to in the information worked; that is an employee who serves 30 years.

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Councilmember Selden stated he would like the privilege of sitting down and reviewing the schedule a little bit.

Councilmember Cox stated he decided yesterday that he needed about 10 pages - not more than 10 pages- about the retirement system and pension system. He would like to take a look at the big picture before acting on this one little matter.

Councilmember Chafin stated Council might benefit from the discussion the County Commission held on this, and it might be helpful to have a copy of their minutes.

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

YEAS: Councilmembers Selden, Cox, Carroll, Chafin, Frech, Locke, Short and Trosch.

NAYS: Councilmembers Dannelly, Gantt and Leeper.

ORDINANCE NO. 974 AMENDING CHAPTER 11, ENTITLED "LICENSES" OF THE CITY CODE, AND READOPTING IT AS THE REVENUE ORDINANCE OF THE CITY OF CHARLOTTE FOR 1978-79.

Motion was made by Councilmember Gantt, and seconded by Councilmember Locke to adopt the subject ordinance.

Councilmember Leeper asked how we enforce this ordinance. Do we go out on job sites and check to see if people have the licenses? Do the Building Inspectors check to see if the contractors have licenses? Or do we just expect the people to come in and pay their privilege license?

Mr. Fred Griffith, Assistant Tax Collector, replied they use the normal procedure for collecting taxes as they do for licenses. Garnishment, levy or closure. In addition there is one they do not have for the collection of taxes, and that is the signing of a warrant for violation. They use all these methods.

Mr. Underhill, City Attorney, asked how they find out when a particular business has been established, a new business, so they can be in compliance with the license.

Mr. Griffith stated this is a real problem. A painting contractor goes out and paints a house; the lady calls in and says he did a lousy job and asks if he has a license; and the man has gone back to South Carolina. Those, they cannot get. Only the honest people come in and get licenses. Once they establish a place of business, we have phone books, city directory, and they use six men in the field as other resources.

Councilmember Leeper stated that is his particular concern. He thinks we are just skimming off the top; a large number of businesses, small businesses, come into operation and may not have a particular place of business, go out and build houses, or repair houses. Many of them do not know they have to have this privilege license. He is concerned if a particular person comes in and asks for a permit to expand, and the building inspectors go out and check that particular house after it is completed, does he also check to see if the contractor has a license? Mr. Griffith replied that he cannot answer that as that is the Building Inspection Department. What he can say is before they issue any licenses on which bonds are required as outlined in the proposed ordinance, they have to go to the various departments.

Mr. Griffith stated one of the reasons they are recommending the changes be made is under the old ordinance there are classifications in which we run into problems blaming it on the computer, on the computer. And they are unable to pull out specific classifications, such as a building contractor and send this list to the Building Inspection Department and ask if he has a license; or if they are issuing permits to people who do not have a license. This is in the working stage, and they are trying

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to get it worked out. He stated they have a very good relationship with the Building Inspection Department, the Health Department, Police Department and the Zoning Division. Of the businesses which require a license, there is a collection rate of about 93 percent. If someone operates out of an apartment, they may never know it.

Councilmember Leeper stated this is his concern. Through coordinating these efforts better with the different departments that go out and inspect jobs we can increase the revenues we are not receiving. He asked what other kind of things are being done to let citizens know this? Mr. Griffith replied they use the news media. When they start issuing licenses in June, they go to both the City and County PS&I Departments with information that they are putting the business licenses on sale. The Small Business Administration is very effective in their literature to people advising they need city, state and county licenses. The news media runs articles about attic sales. All the brochures sent out for annexation carried information about business licenses.

Councilmember Frech asked the basis for setting these licenses and privilege taxes? She noticed that hypnotists are charged \$450 per week. What is the basis for this? Is it we are trying to prevent activities we do not like? Mr. Griffith replied some are regulated by the State; that one is not. Councilmember Frech asked if the purpose is to get revenue on the basis it cost the city money to allow them to operate; or are we trying to outlaw things, perhaps we do not approve of? Mr. Griffith replied he wishes he could answer that. The last complete revision of the city licensing code was done around 1962. This particular classification has been in the ordinance since 1955 at the same amount of money; it has not been changed.

Councilmember Frech stated she wonders if we do not need a more thorough overhaul of this? Some of it does not look equitable to her at all. Mr. Griffith replied there are quite a few that are not equitable; a majority of these are controlled by the state; and we have not authority to change them at all. Mr. Burkhalter, City Manager, stated the North Carolina League has tried, he knows, for the last seven years to get this totally revised. Mr. Underhill, City Attorney, stated they are controlled in two ways. One, there are a number of businesses and occupations that are outright exempt from local taxation - attorneys, architects, insurance and a number of professionals. We can levy no license against these. There are others in which the State says you can levy a tax, but it shall not be in excess of \$10 per annum. If you went through and looked at what we charge one business as opposed to another, it defies rationale. In a lot of cases it is because the state law is set up that way.

Councilmember Frech stated on Page 15 - itinerant salesman or merchant who are exposing for sale goods is \$450 per year. She notices a number of people selling clothing from trucks around town. She asked if these people have bought this license? Mr. Griffith replied that is under the classification of Bankrupt or Fire Stock. This means if a merchant would buy some goods from a bankrupt sale in South Carolina and bring them here to sale. This is under the classification of Bankrupt or Fire Stock.

Councilmember Frech stated she wonders about the people who are selling jeans and things like that on filling station lots? Are they required to get licenses? Mr. Griffith replied they are licensed under Peddlers, and that is controlled by the State. They tell us how much we can levy a license on these.

Councilmember Leeper asked the City Manager to give him some information for his own personal use about what the Building Inspectors do in regard to this. If they are not, what we can do to encourage them to check on the license when they go out on a job.

Also he would like to know about junk dealers. He asked if that is the auctioneers? Mr. Griffith replied that is not the same thing. Junk dealers are those who actually sell junk; scrap metal, scrap paper and such.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book 25, beginning at Page 303.

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APPOINTMENTS TO BOARDS AND COMMISSIONS.

Auditorium-Coliseum-Civic Center Authority - Tom Turner

Councilmember Selden moved the appointment of William H. Williamson, III to the Auditorium-Coliseum-Civic Center Authority for a three year term. The motion was seconded by Councilmember Locke.

The vote was taken on the motion, and lost on the following vote:

YEAS: Councilmembers Selden Locke and Gantt.

NAYS: Councilmembers Carroll, Chafin, Cox, Dannelly, Frech, Leeper, Short and Trosch.

Councilmember Chafin moved the appointment of Eugene (Gene) M. Goldberg to the Auditorium-Coliseum-Civic Center Authority for a three year term. The motion was seconded by Councilmember Short, and lost on the following vote:

YEAS: Councilmembers Chafin, Short and Dannelly.

NAYS: Councilmembers Carroll, Cox, Frech, Gantt, Leeper, Locke, Selden, and Trosch.

Councilmember Trosch moved the appointment of Tom Turner, to the Auditorium-Coliseum-Civic Center Authority for a three year term. The motion was seconded by Councilmember Carroll, and carried on the following vote:

YEAS: Councilmembers Trosch, Carroll, Chafin, Cox, Dannelly, Frech, Gantt, Leeper, Selden, and Short.

NAYS: Councilmember Locke.

Mr. Turner was appointed for a three year term.

Civil Service Board - David G. Martin

Councilmember Short moved the appointment of David Grier Martin to the Civil Service Board to succeed himself for a three year term. The motion was seconded by Councilmember Cox, and carried unanimously.

Mr. Martin was appointed for a three year term.

Housing Appeals Board - Annie Honeycutt

Councilmember Leeper moved the appointment of Ms. Annie Honeycutt to the Housing Appeals Board for a term of three years under the category of Tenant-Occupant (\$6,000). The motion was seconded by Councilmember Gantt, and carried unanimously.

Ms. Honeycutt was appointed for a three year term.

AWARD OF CONTRACTS.

1. On motion of Councilmember Cox, seconded by Councilmember Locke, and carried unanimously, contract was awarded to the low bidder, Lynchburg Foundry Company, in the amount of \$155,680, on a unit price basis, for yearly requirement of Ductile Iron Pipe.

The following bids were received:

Lynchburg Foundry Company	\$ 155,680.00
Griffin Pipe Products Company	157,110.00

2. Councilmember Cox moved award of contract to the low bidder, The Leslie Company, in the amount of \$25,487.15, on a unit price basis, for self-contained breathing apparatus for Fire Department. The motion was seconded by Councilmember Locke, and carried unanimously.

The following bids were received:

The Leslie Company	\$ 25,487.15
Traid Fire & Safety Equipment Co., Inc.	25,522.82
Action Fire & Safety, Inc.	26,055.92
Mine Safety Appliance Co.	26,076.92
Zimmerman-Evans, Inc.	26,254.00

3. Motion was made by Councilmember Cox, seconded by Councilmember Locke, and carried unanimously, awarding contract to the only bidder, Southern Pump & Tank Company, in the amount of \$28,140.00, on a unit price basis, for two 1,500 gallon quick dump trucks for Fire Department.

4. On motion of Councilmember Cox, seconded by Councilmember Chafin, and unanimously carried, contract was awarded to the low bidder, Video Pipe Grouting, Inc., in the amount of \$21,370.00, on a unit price basis, for Sanitary Sewer System Rehabilitation, Edwards Branch Drainage Basin.

The following bids were received:

Video Pipe Grouting, Inc.	\$ 21,370.00
Municipal & Industrial Pipe Service	22,776.00
Underground TV Inspection, Inc.	22,910.00
Sloan Construction Co., Inc.	27,262.50

5. Motion was made by Councilmember Selden, seconded by Councilmember Locke, awarding contract to the low bidder, Reliable Music Company, in the amount of \$7,999.00, on a unit price basis, for one remote P. A. System. The motion passed unanimously.

The following bids were received:

Reliable Music Company	\$ 7,999.00
Dixie Communication Systems, Inc.	8,200.00

6. On motion of Councilmember Cox, seconded by Councilmember Trosch, and carried unanimously, contract was awarded to the low bidder, Noland Company, in the amount of \$62,277.22, on a unit price basis, for yearly requirement of Cast Iron Soil Pipe and Fittings.

The following bids were received:

Noland Company	\$ 62,277.22
Crane Supply Company	63,544.82
Parnell-Martin Company	63,594.15
ITT Grinnell Corp.	66,896.10

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7. Motion was made by Councilmember Cox, seconded by Councilmember Short, and carried unanimously, contract was awarded to the low bidder, A. P. White and Associates, in the amount of \$214, 910.00, on a unit price and lump sum basis, for 16-inch water main construction along Delta Road from Lawyers Road to Idlewild Road.

The following bids were received:

A. P. White and Associates	\$214,910.00
Blythe Industries, Inc.	217,260.00
Crowder Construction Company	228,170.00
Sanders Brothers, Inc.	228,220.00
Ronny Turner Construction Co.	250,820.00

8. Councilmember Cox moved award of contract to the low bidder, Joe R. Abernethy Construction Company, in the amount of \$181,099.00, on a unit price basis, for Water Distribution Project - 16-inch water main along Wilkinson Boulevard. The motion was seconded by Councilmember Short and carried unanimously.

The following bids were received:

Joe R. Abernethy Construction Co.	\$181,099.00
A. P. White and Associates	223,217.50
Blythe Industries, Inc.	236,176.00
Sanders Brothers, Inc.	237,650.00

COUNCILMEMBER COX EXCUSED FROM PARTICIPATION IN THE NEXT AGENDA ITEM.

On motion of Councilmember Chafin, seconded by Councilmember Short, and unanimously carried, Councilmember Cox was excused from participation in the next agenda item.

APPROVAL TO WAIVE THE PERFORMANCE BOND REQUIRED OF AMICO, INC. OF CHARLOTTE FOR A CONTRACT TO PROVIDE DATA PROCESSING CARDS FOR THE MIS DEPARTMENT.

Councilmember Gantt stated this is an interesting situation where a low bidder was unable to provide the performance bond, and what the City is recommending is to waive it. He will support that, but it does offer the opportunity to point up the problem that he suspects they are going to see more and more of as they try their best to increase the amount of minority participation in certain City contracts.

As he understands it, there is no real problem with the quality of work, but this firm is unable to meet a technical requirement, not because they were negligent but simply because they were unable to obtain the bond, which many of them are aware has been a real problem with many minority contractors.

Mayor Harris stated it should not be very long before they will be successful; it is just a temporary matter. Mr. Gantt stated that is the problem. Here is a company which has done work for two or three other governmental agencies and done satisfactory work, yet their fixed assets are not such that they are still in a position to provide bond monies.

Mayor Harris asked if he did not think they should still consider these every time they come up, on an individual basis?

Councilmember Gantt stated he thinks what we should do here - and maybe the Economic Development Division is beginning to do it - in certain cases given the size of the contract, to allow a provision in which we can provide the necessary line of credit - the City providing the back-up for many of these minority contractors, in cases where they have exhausted all efforts to get it in the normal market place. It does boil down to a situation of their track record and how they are going to get it if public agencies such as the City's do not allow them that opportunity.

Obviously, it cannot be a blanket kind of thing; but considering the merits of each contractor that comes forward. There is another item in the agenda which deals with the minority contractor who got the contract for the housing

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in First Ward and having to provide him with working capital. Another step would be to look at the possibility of providing the bond for certain contractors who have demonstrated their ability but are still not able to get up to those particular levels. Otherwise, he is given to understand, many minority contractors will face similar problems.

Mayor Harris stated he thinks Mr. Gantt's point is well taken, but he thinks they would be opening themselves to lawsuits. That if he were a bidding contractor on the same basis, and you are willing to cut the other firm's cost one way, and will not give him the same benefits, he would not think it fair.

Councilmember Gantt stated he is not saying that they do not pay a premium for whatever the bond would be. If he is unable to get a bond in the market place, he gets a bond as the last resort from the City. He requested that Mr. Burkhalter and the Economic Development staff members look into that possibility.

Mr. Gantt moved approval to waive the performance bond required of Amico, Inc. of Charlotte for a contract to provide data processing cards for the MIS Department. The motion was seconded by Councilmember Dannelly, and carried unanimously.

PAYMENT IN THE AMOUNT OF \$13,169.32, TO E. F. CRAVEN COMPANY FOR EMERGENCY REPAIRS ON A PAN-SCRAPER USED AT THE YORK ROAD LANDFILL, APPROVED.

Motion was made by Councilmember Selden, seconded by Councilmember Short, and unanimously carried, approving the payment of \$13,169.32, to E. F. Craven Company, Charlotte, North Carolina, for emergency repairs on a pan-scraper used at the York Road Landfill.

CONSENT AGENDA APPROVED.

Motion was made by Councilmember Selden, seconded by Councilmember Locke, and carried unanimously, approving the consent agenda with the exception of Items 20 and 24(j). Item 20 was voted on separately; 24(j) was removed at the request of the Public Works Director who is working with the property owner for its disposition.

1. Loan Agreement with Charles E. Granger and Maxine Granger, doing business as C & M Heating and Air Conditioning Company, in the amount of \$20,000.
2. Contract with Law Engineering Testing Company to provide a subsurface investigation for Discovery Place, for a total not to exceed \$9,300.
3. Resolution authorizing the refund of certain taxes, in the total amount of \$1,992.39, which were collected through clerical error and illegal levy against eight tax accounts.

The resolution is recorded in full in Resolutions Book 13, at Pages 246 & 247.

4. Ordinances ordering the removal of weeds, trash, grass, junk, rubbish and abandoned motor vehicles from properties in the City:
 - (a) Ordinance No. 975-X ordering the removal of trash, rubbish and junk from premises on vacant lot adjacent to 1520 Hawthorne Lane.
 - (b) Ordinance No. 976-X ordering the removal of weeds, grass, trash and rubbish from premises located on two vacant lots adjacent to 1601 Harrill Street.
 - (c) Ordinance No. 977-X ordering the removal of trash, rubbish and junk from premises at 1027 Andrill Terrace.
 - (d) Ordinance No. 978-X ordering the removal of trash, rubbish and junk from premises at 1023 Andrill Terrace.
 - (e) Ordinance No. 979-X ordering the removal of trash and rubbish from premises located at 1116 Beatties Ford Road.
 - (f) Ordinance No. 980-X ordering the removal of trash and rubbish from premises located at 2100 block Renner Street.
 - (g) Ordinance No. 981-X ordering the removal of trash and rubbish from premises located on vacant lot corner Fairmont & Renner Streets.

- (h) Ordinance No. 982-X ordering the removal of an abandoned motor vehicle located at 1422 Moretz Avenue.
- (i) Ordinance No. 983-X ordering the removal of an abandoned motor vehicle located at 432 Beaumont Avenue.
- (j) Ordinance No. 984-X ordering the removal of trash and rubbish from premises located at 720 Central Avenue.
- (k) Ordinance No. 985-X ordering the removal of trash and rubbish from premises located at 3025 Kilbourne Drive.
- (l) Ordinance No. 986-X ordering the removal of trash and rubbish from premises located at 1924 Parson Street.
- (m) Ordinance No. 987-X ordering the removal of trash and rubbish from premises located at 1920 Parson Street.

The ordinances are recorded in full in Ordinance Book 25, at Pages 352 through 364.

5. Contracts for water mains and sanitary sewer mains:

- (a) Contract with Carolina Connecticut Properties, Inc. for the construction of 1,395 feet of 6-inch and 2-inch water mains to serve Carmel Lakes Subdivision (Walden No. 6), outside the City, at an estimated cost of \$9,650.00, with no funds required from the City.

Located immediately south of Highway 51, west of Carmel Road and east of McMullen Creek.

- (b) Contract with Carolina Connecticut Properties, Inc. for the construction of 7,435 feet of 8-inch, 6-inch and 2-inch water mains to serve Innisfree Subdivision, Section 4 and 5, outside the City, at an estimated cost of \$60,550.00, with no funds required from the City.

Located immediately south of Highway 51, west of Johnston Road and east of McMullen Creek.

- (c) Contract with Everett P. Cameron for the construction of 100 feet of 8-inch sewer line to serve property located on Sardis Road adjacent to 6815 Sardis Road, inside the City, at an estimated cost of \$2,000.00. The applicant has advanced \$1,000.00, which is 50% of the total estimated cost. The remaining to be funded with 633.07, Minor Improvements in Sanitary Sewer System Account.

Located on Sardis Road adjacent to 6815 Sardis Road, inside the City.

6. Property Transactions.

- (a) Acquisition of 20' x 114.20' of easement, plus a temporary construction easement at 525 Knollwood Circle, from Craig Osmond Shinn and Martha M. Shinn, at \$500.00, for Toby Creek Outfall Project.
- (b) Acquisition of 20' x 735.54' of easement, plus a temporary construction easement at 915 off Rocky River Road West, from David J. Daly and Roberta F. Daly, at \$3,500.00, for Toby Creek Outfall Project.
- (c) Acquisition of 15' x 213.10' of easement, plus a temporary construction easement on Branchhill Circle, off Newell Road, from Roger L. Gardner, at \$415.00, for Annexation Area I Sanitary Sewer Project.
- (d) Acquisition of 15' x 139.58' of easement, plus a temporary construction easement at 1820 Sunhaven Court, from Alfred N. Brumley, Sr., and wife, Patience, at \$450.00, for Annexation Area I Sanitary Sewer Project.

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- (e) Acquisition of 15' x 339.47' of easement, plus a temporary construction easement at 2740 Newell Hickory Grove Road, from Margaret C. Taylor (widow), at \$440.00, for Annexation Area I Sanitary Sewer Project.
- (f) Acquisition of 15' x 44.60' of easement, plus a temporary construction easement at 5301 Dawndeer Lane, from George L. Rhodes and Nancy H. Rhodes, at \$125.00, for Annexation Area 2 Trunk to Delta Road Project.
- (g) Acquisition of 15' x 296.08' of easement off Delta Road from E. Sylvia Johnston, at \$296.00, for Annexation Area 2 Trunk to Delta Road Project.
- (h) Acquisition of 15' x 178.32' of easement, plus a temporary construction easement off Delta Road, from Eleanor Vaughn, at \$300.00, for Annexation Area 2 Trunk to Delta Road Project.

7. Encroachment Agreements.

- (a) Resolution authorizing encroachment agreement with Seaboard Coast Line Railroad for an 8-inch sanitary sewer to serve 8500 and 8600 Monroe Road.
- (b) Resolution authorizing encroachment agreement with North Carolina Department of Transportation for sanitary sewer crossing Southern Railroad tracks between South Brevard and South College Streets.

The resolutions are recorded in full in Resolutions Book 13, beginning at Page 248.

COUNCILMEMBER GANTT EXCUSED FROM PARTICIPATION IN NEXT AGENDA ITEM.

On motion of Councilmember Trosch, seconded by Councilmember Chafin, and carried unanimously, Councilmember Gantt was excused from participation in the next agenda item.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE APPROVING SALE OF LAND IN THE GREENVILLE URBAN RENEWAL PROJECT TO MR. WALLACE PAYSOUR.

Motion was made by Councilmember Locke, seconded by Councilmember Selden, approving the subject resolution for the sale of land in the Greenville Urban Renewal Project No. N. C. R-78 to Mr. Wallace Paysour.

Councilmember Carroll asked what happens to the proceeds that come back in from this sale?

Mr. Vernon Sawyer, Community Development Director, replied this is an Urban Renewal Project and our contract with the federal government requires that all proceeds from the sale of land go to retiring the outstanding debt; that to the extent that we have borrowed money either directly from the federal government, or on the private market, the security of which is pledged by the federal government, it goes to retire that.

Mr. Carroll asked what is the extent of the debt on Greenville? Mr. Sawyer replied he does not know at the present time. It would be easy to find out; he is sure it is several hundred thousand, maybe more. On the other hand, with a Community Development Project it goes back into the fund and is used for other Community Development activities. Mr. Carroll asked if we will have to pay back all of that Urban Renewal debt through this process?

Mr. Sawyer replied either through this process or using other funds. This project, as a matter of fact, is scheduled to be closed out either at the end of this fiscal year or the end of this calendar year. At that time, any remaining debt will have to be taken care of. If they use Community Development funds for that purpose, then the money from the sale of land will go back into the Community Development Department.

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Councilmember Short stated the original principal behind Urban Redevelopment was that the government would purchase and clear land that was no longer in good shape and place it back with individuals on a bid basis, hopefully for profitable use. Most of it, as they all know, has gone to various public agencies, but here is a case where apparently an individual has simply just bid on the land and is going to put a business on it. He asked how many such instances have we had? Mr. Sawyer replied all of the private companies in Brooklyn, which includes the two motor companies, the Sheraton, the Cameron-Brown Building, etc. - there have been quite a number of cases. Mr. Short stated they come along all too seldom and he thinks this is a fine example of the way urban redevelopment worked in the earlier days.

Mayor Harris asked if Mr. Sawyer has ever looked into the possibility of getting homesteading rights in the Greenville area? Mr. Sawyer replied the Homesteading Act was proposed for properties already improved but abandoned. He does not believe that program would apply to the vacant land in Greenville. Mr. Underhill stated homesteading does apply to existing improved property that are vacant - not to raw land. Mr. Sawyer stated we have not had that kind of abandonment here like occurred in many of the industrial Northern cities.

The vote was taken on the motion and it carried unanimously.
The resolution is recorded in full in Resolutions Book 13, at Page 250.
MOTION TO CONSIDER A NON-AGENDA ITEM.

Councilmember Chafin moved that Council place on its agenda the matter of calling an Executive Session at the conclusion of this meeting to discuss with the City Attorney matters concerning the allegations of illegal wire-tapping activities in the Police Department. The motion was seconded by Councilmember Gantt and carried unanimously.

COUNCIL VOTES TO HOLD EXECUTIVE SESSION IMMEDIATELY UPON CONCLUSION OF THIS MEETING TO DISCUSS ALLEGATIONS OF ILLEGAL WIRETAPPING IN POLICE DEPARTMENT; AND, TO RESOLVE ITSELF INTO AN INVESTIGATORY COMMITTEE FOR THE PURPOSE OF INVESTIGATING SAID ALLEGATIONS.

Councilmember Chafin offered the following motion, which was seconded by Councilmember Trosch and carried unanimously:

"That City Council hold an Executive Closed Session immediately upon the conclusion of this meeting to discuss with the City Attorney privileged matters concerning allegations of illegal wiretapping activities on the part of the Charlotte Police Department, pursuant to the provisions of General Statute 143-318.3, Subsection 4;

Further, that the City Council resolve itself into an Investigatory Committee for the purpose of investigating allegations of illegal wire-tapping activities on the part of the Charlotte Police Department and to hold an Executive Closed Session immediately upon the conclusion of this meeting, pursuant to the provisions of General Statute 143-318.4, Subsection 7, and General Statute 168-8."(160A-80).

Ms. Chafin advised that this motion was drawn with the assistance of the City Attorney.

ADJOURNMENT.

Motion for adjournment was made by Councilmember Cox, seconded by Councilmember Selden, and unanimously carried.


Ruth Armstrong, City Clerk