

A regular meeting of the City Council of the City of Charlotte, North Carolina, was held in the Council Chamber, City Hall, on Monday, February 1, 1965, at 3 o'clock p.m., with Mayor Brookshire presiding and Councilman Albea, Bryant, Dellinger, Jordan, Smith, Thrower and Whittington present.

ABSENT: None.

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INVOCATION.

The invocation was given by the Reverend Carveth P. Mitchell, Pastor of Saint Marks Lutheran Church.

MINUTES APPROVED.

Upon motion of Councilman Whittington, seconded by Councilman Jordan and unanimously carried, the Minutes of the last meeting on January 25th were approved as submitted.

REPORT OF CHARTER REVIEW COMMISSION HANDED TO COUNCIL: CITIZEN OF CHARLOTTE PROTEST CHANGES IN CHARTER WHICH LEAN TOWARD METRO-SYSTEM.

Mr. Joe Grier, Chairman of the Charter Review Commission, stated for the purpose of having it made a matter of record he would like to call Council's attention that on last Friday, January 29th the report of the Charter Review Commission was handed in and copies delivered to members of Council. That members of the Commission with the exception of Mr. Yancey are present today and wish to report they have now completed the formal work of the Commission and they stand ready to be of whatever assistance to Council they can be.

Mr. Grier stated further they incurred some expenses with the North Carolina League of Municipalities for consultant services and that Mr. Veeder has the bill which the Commission has reviewed and believe to be entirely in order and hope Council will see fit to approve the Bill.

Mayor Brookshire thanked Mr. Grier and the entire commission for the very splendid job which they have done for the City. That Council is grateful for the time and effort which they gave and for the intelligent approach which was made and for their diligence in pursuing the matter to a point of bringing to Council recommendations which deserve their very serious consideration.

Mayor Brookshire advised that Council has asked that a meeting be held on Thursday evening, February 4th, at 7:30 in City Hall, and members of Council will be present, and members of the Charter Review Commission are all invited to be present.

Councilman Bryant stated that while this is open to the public it is not a public hearing.

Mrs. Julie Ann Case was present and presented information concerning the Charter. She called attention to the Observer's statement which mentions 50 Cities who have Charter Government. That she has a list of 100 cities who have voted against having Metro between 1959 and 1962. That to this list is added San Antonio, Texas, a city of over 500,000 who defeated it in 1963. There are hundreds of cities the size being mentioned - between

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100,000 and 500,000 - and 50 is a very few when you think of the hundreds of cities this size. That there are those disruptions to think about in North Carolina - in Kernersville, Statesville and in Rock Hill, S. C. That Congress defeated the regional bill in 1962. That the faults and fallacies of metro are being exposed. That the Patton Committee is now investigating the foundations for it and other financial involvements touched on Metro. That Webb and Knapp went bankrupt in August 1963 and is being investigated by the House Committee. That William Zeckendorf the president of Webb and Knapp spoke to this city's leaders. That many columnists are writing on this subject now. That a national problem is before us. She asked if we can enter into this Charter when we know there are communities voting it out and there are many investigations and questions arising nationally. Mrs. Case asked further why should our government be reorganized by foundations; that she remembers President Kennedy saying "we could lose our nation by ballot without a single shot being fired". That if you put all power of hiring, firing and direction in the hands of one man - the City Manager - then you will put yourself in a position of not discussing problems but rubber stamping his decisions; if you disagree in benefit of your constituents then it will be said that you don't support your experts; or if more than one disagrees, it will be said there is a vote of no confidence. That you constantly will be played against the experts, each will become more vulnerable to ridicule. As you experience this, more and more you will become quiet and truly a rubber stamp for the metropolitan promotions of the National League of Municipalities. Local control will be almost extinct. Decisions for our community will not be made locally but decided on in one of the many international meetings. The people will find themselves without benefit of elected representatives; but if they ban together in a citizens group or some other pressure group they will perhaps be able to unseat the City Manager; perhaps four or five times, such as Dade County has - the last one fired in October, 1963. The one-man rule system will continue and this will eventually lead to mob rule; law, order and respect for our elective representatives would come to an end. She asked if the elected councilmen have the right to give away their power - their power invested in the people who elected them. There are many municipal problems but our system of elected officials and their appointed helpers control them. Perhaps Council Meetings at an hour when more people could attend would result in a better impression and fuller understanding and cooperation by all in the City problems. That throwing out a good system and replacing it with a dictator to expedite has never proven helpful to the people. That all questions of zoning, condemnation, business franchises, etc. eventually lead to one office for an expert from out-of-town rule; he hires and fires all. What other experts will he hire - local or candidates from Metro Chicago. Can a qualified local person hope to compete with the League of Municipalities or the Institute of Government? Can a State representative hope to compete with these organizations. Will he be no more a local representative or will he become decoration on the scene. She asked Council to consider the heritage of freedom they have and the heritage to be left to our children which is just as expedient today and may be dictatorship tomorrow.

Mayor Brookshire stated to Mrs. Case with regard to the intent of the new revised charter it has no reference and certainly no bearing on the Metro System. That the Chairman of the Charter Review Commission has told Council that it will afford the City of Charlotte maximum home rule under our State Statutes. That they are not considering Metro Government at this time and he does not know when or if ever they will. Mrs. Case replied this is sort of sidestepping the issue because the Institute of Government and the League of Municipalities came here in September 1963 and Mr. Zeckendorf was here, and then later the Charter Commission was appointed. That the Charter Commission owes some money where the taxpayers are being asked for money to be paid to these organizations. That when she appeared before the Charter Commission, Mr. Grier said to her did she know that the charter was a model charter, and

she was well aware that it is a model charter of the metro system. That they can say this is going to give as much local control as possible, but this is not what we want - as much as possible - we want local control. We want our elected representatives to be able to speak to us and want to be able to come to them and know they will be able to speak to us and not shut up. That she thinks everywhere we look around we see this happening and she thinks many things will be brought out in the investigations of the foundations. That to side step the issue and say it has no connection with Metro is just wishful thinking - you might want to think you are doing the right thing but when you put power into one man's hand you cannot say that he will.

Mayor Brookshire stated the League of Municipalities has not recommended Metro Government to Charlotte or any other City that he knows of; also that the Institute of Government at Chapel Hill is not on record as recommending it. That if Charlotte undertook a study of Metro Government that both bodies would give whatever information that is asked for and would consult with us, but unless the City undertakes a study of Metro-Government, that he doesn't think there is any likelihood of it coming to Charlotte.

Mrs. Case stated further there are many doubts in her mind and she is sure in many others or there would not be all these people investigating and writing books and articles on the subject. They wouldn't have to fire their City Manager in Dade County five times and the last time they fired was simply because he was building his own political structure within the city government that was more powerful than any political structure they had had previously. That on top of that their tax assessment is so terrible; that it kept going up and up and then people began to rise up and they have had their city manager fired five times. She asked do we want our city torn apart like that; is it necessary that we have all the citizens leagues to mob down here and to practically call names and threaten you; can't we elect the people to represent us and know they will have the power to do it and that we can rely on them and not have to harangue them in order to get something done.

Mayor Brookshire stated that is exactly what you can do. That when you elect men to the city council you are electing a body that has complete authority for the policy of the City of Charlotte, and the City Manager carries out the city policies that are aliented by City Council. Mrs. Case stated she is sure the city manager is needed for a city of this size. But you might get a manager who becomes so enthralled with power that he would attempt to throw all of Council into the waste basket. That you have to think ahead of time. That you can't think about just today but you have to think about your children tomorrow - what you are going to leave them.

Councilman Albea stated he attended a conference last year in Nashville, Tennessee and what he saw and heard there about Metro-Government, he is opposed to it.

Mayor Brookshire stated he has not heard anyone in Charlotte advocate Metro Government. There have been discussions regarding the elimination of overlapping or duplicating services and that makes sense; but both city and county governments derive their authority from the state legislature and both have distinct fields of responsibility to the people. That beyond cooperating with county government and the consolidation of services which are overlapping that she need not fear metro government in Charlotte in the near future.

Councilman Smith stated he thinks what she is referring to is what has been in the press as to whether Council will pass on its appointive powers to the City Manager as one step in the direction she refers to as a one man control.

It's not metro in its broad sense but there is some feeling this is a step in that direction. That he thinks her remarks are very helpful, altho they are a little broad for what council is considering and the whole metro complex goes much further than what Charlotte is doing but he does not think she is entirely out of order because there is some feeling this is a step towards putting too much emphasis on administrative and not enough on elective officials.

Mayor Brookshire stated he thinks it is a matter determining where policy starts and where administration begins.

AGREEMENT WITH C. D. SPANGLER CONSTRUCTION COMPANY GRANTING TO THE CITY A NEW SEWER RIGHT OF WAY IN DISTRIBUTION STREET, APPROVED.

Councilman Albea moved approval of an Agreement with C. D. Spangler Construction Company by which they will grant to the City a new sewer right-of-way in Distribution Street, off the Plaza, in exchange for a release from the City of a portion of an old sewer right-of-way over which they constructed a building making it necessary to relocate that portion of the sewer line. The motion was seconded by Councilman Whittington, and carried unanimously.

CONTRACT WITH B. BREVARD BROOKSHIRE FOR APPRAISAL OF PARCEL OF LAND IN CONNECTION WITH NORTHWEST EXPRESSWAY.

Motion was made by Councilman Whittington approving a contract with B. Brevard Brookshire for the appraisal of a parcel of land on Alleghany Street in the right-of-way of the Northwest Expressway. The motion was seconded by Councilman Dellinger, and unanimously carried.

CONSTRUCTION OF SANITARY SEWER MAIN IN WILSON STREET, AUTHORIZED.

Upon motion of Councilman Albea, seconded by Councilman Jordan and un-animously carried, the construction of 190 feet of sanitary sewer main in Wilson Street, inside the City limits, at the request of Mr. Robert M. Sanders, at an estimated cost of \$665.00, with all costs to be borne by the applicant whose deposit of the amount of the cost will be refunded as per terms of the agreement, was authorized.

TRANSFER OF CEMETERY LOT.

Councilman Whittington moved that the Mayor and City Clerk be authorized to execute a deed with Mrs. Melba M. Sloan for the transfer of Graves 1 and 2, in Lot 137, Section 2, Evergreen Cemetery, at \$120.00. The motion was seconded by Councilman Thrower, and carried unanimously.

CONTRACT AWARDED AVERETT & LEDBETTER ROOFING AND HEATING CO FOR REPLACING ROOFS AT CATAWBA RIVER PUMPING STATION.

Upon motion of Councilman Thrower, seconded by Councilman Albea and un-animously carried, contract was awarded the low bidder, Averett & Ledbetter Roofing & Heating Company, in the amount of \$1,879.00, for replacing Roofs on Stations 1 and 2, at Catawba River Pumping Station, as specified.

The following bids were received:

Averett & Ledbetter Roofing & Heating	\$	1,879.00
Interstate Roofing Company		2,410.00
Stewart & Ramseur, Inc.		2,569.00
Associated Roofing & Sheet Metal Co		2,987.00

CONTRACT AWARDED DINNER BELL COMPANY FOR SANDWICHES.

Councilman Thrower moved award of contract to the low bidder, Dinner Bell Company, for the proposed purchase of 33,000 commercial type sandwiches, for prisoners during a period of one year, in the amount of \$3,521.10, on a unit price basis. The motion was seconded by Councilman Albea.

Mr. Veeder, City Manager, advised this is an estimated requirement based on what has been used in the past; that it is on a unit price basis and we are paying 11 cents each.

Councilman Smith asked what else is given to prisoners besides 4 sandwiches a day. And he was advised water.

Mr. Veeder stated the average stay of a person in city jail is just a day; once they are tried they are either transferred, if convicted, to county court, or released. That it is not a question of holding them for an extended period of time.

Councilman Smith stated there have been occasions where people stayed for 30 days, for reason of evidence before they are tried. Councilman Thrower asked if they are not transferred to the county, and the City Manager advised they are always transferred after they are convicted.

Councilman Smith stated he realizes the City does not have any method of serving hot food but if a man is over there longer than one day and you give him two sandwiches in the morning and some kind of a drink and two sandwiches at night, this is not a very good thing, and it seems to him something could be done about it - more than a cold sandwich. That a man ought to at least have a bowl of soup or something in that time. They are human beings and they get hungry and it seems to him he has had some discussion where people stay two or three weeks. He asked if they are allowed to supplement their diet by purchasing outside food? And he was advised they are.

Councilman Smith stated as an administrative matter he would like Mr. Veeder to get some report from the Chief of Police on the feeding procedure. That the case he was referring to, and he thinks this happens where they put a man in jail and then they are still seeking evidence before the trial, and it is possible for them to stay a week or two at a time before they are taken before the Recorder's Court. Mr. Morrissey, City Attorney, stated this would be contrary to the State Statutes. That there is a time limitation that you can keep prisoners. Councilman Dellinger asked if they can't hold a man on suspicion for so many hours - 24 or 48 hours? The City Attorney replied this is a fiction. Mr. Veeder stated he expects the longest time they hold a prisoner might be from Friday night until Monday morning when they are taken to court on Monday morning.

Councilman Jordan stated that at the Mayor's Convention in New York the last time they were up there, he heard someone asking about the people they find in doorways every morning and asked why they didn't arrest these people and put them in jail. They were told that most of these people do this every night and it would be quite expensive to the City of New York to feed these

people, as well as provide a place to stay. Otherwise if they picked them all up every night they wouldn't have a place big enough to take care of them. That maybe this is one way of not taking care of some of these people here.

Councilman Whittington stated he did not want to get in the position of having hot soup and hot meals and a catering service and all that at the Police Department. Mr. Veeder stated the questions under discussion are valid and certainly he would want to bring back complete information to Council and at the same time he would suggest that it would still be in order to approve these bids.

Councilman Smith stated he thinks these are areas that Council should know something about, and obviously they don't know much about it. He thinks it is Council's duty to look into it and see if this is adequate and see what the situation is in the jail before some Grand Jury says they have been neglecting their duty. That he just wants an explanation of what is going on in the city jail.

Councilman Whittington stated he thinks this is good, but this is nothing new. That every year they have been buying two sandwiches for the prisoners. The only thing he doesn't want to create the impression that the City is going to serve them hot meals. That one of the deterrents that you have against crime is not first class treatment when you get them in. Generally, the public agrees that in many instances judges, courts and police are too lenient on the prisoners after they are in.

Councilman Smith stated you can't make much of a case when you come to the human needs and wants. That is no way to deter crime. This was the old penal system of putting them in on bread and water for a week so they would not want to come back. That is not the concept today. That all he wants is a report so they will all be educated on what is going on in the city jail.

Councilman Bryant stated that they are not going to find this more than they need so anything they find would be in addition to this, and the logical thing to do is vote on this today and then if it is found that it needs to be supplemented later on, do it then.

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

The following bids were received:

Dinner Bell Company	\$ 3,521.10
Carolina Foods, Inc.	4,758.60

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES, INC. FOR TRAFFIC CONTROLLERS.

Motion was made by Councilman Whittington, seconded by Councilman Jordan and unanimously carried, awarding contract to the only bidder, Southeastern Safety Supplies, Inc. for five traffic controllers, in the amount of \$7,200.01.

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES, INC. FOR SEMI-ACTUATED CONTROLLER.

Upon motion of Councilman Thrower, seconded by Councilman Jordan and unanimously carried, contract was awarded the only bidder, Southeastern Safety Supplies, Inc. for a Semi-Actuated Controller, in the amount of \$1,015.58, as specified.

CONTRACT AWARDED SOUTHEASTERN SAFETY SUPPLIES, INC. FOR ONE CONTROLLER AND TWO MINOR MOVEMENTS.

Councilman Albea moved award of contract to the only bidder, Southeastern Safety Supplies, Inc, in the amount of \$1,516.94, for one 804-D Controller and two minor movements, as specified. The motion was seconded by Councilman Whittington.

Councilman Dellinger asked why there are two or three different contracts with only one supplier. Mr. Veeder, City Manager advised these are specialty items and are only available from this manufacturer.

The vote was taken on the motion and carried unanimously.

CONTRACT AWARDED FRANK H. CONNER COMPANY FOR EXTENSION TO METAL FRAME BUILDING, 900 OTT STREET.

Upon motion of Councilman Thrower, seconded by Councilman Whittington and unanimously carried, contract was awarded the low bidder, Frank H. Conner Company, in the amount of \$5,123.00, for the erection of an extension to the metal frame building at 900 Ott Street.

The following bids were received:

Frank H. Conner Company	5,123.00
Joslin Engineering & Development Company	5,221.00
D. T. Butler, General Contractor	5,638.00

CHARLES MORRISON GRIER & ASSOCIATES, INC. EMPLOYED AS ARCHITECT FOR FIRE STATION NO. 4.

Mr. Veeder, City Manager, recommended the employment of the firm of Charles Morrison Grier and Associates, Inc. for the preparation of plans for the new fire station to be located on Frontenac Avenue, for a fee of 4%.

Councilman Thrower stated having the large number of qualified architects in Charlotte he would like to see Council draw straws or something.

The City Manager advised that Mr. Grier has been the architect on the last three fire stations. As a result of this experience we are able to obtain what to him is a reasonable fee from the architect for the services involved. That the relationship between the Architect, the Fire Department and his office are pretty well firmed up. That Mr. Grier understands and knows the procedures the City follows. That he thinks this has a distinct dollar advantage to the City on a small job such as this and for these reasons he recommends that his services be used again.

Councilman Albea stated he has no one in mind and has no preference. The only thing he wants done is for this Council to pick a man and vote on him. Not pull him out of a hat.

Councilman Bryant asked approximately how much the City will save? Mr. Veeder replied the fee now for fire stations as published by AIA is approaching 8% - 7.8% is the percentage now. That because of Mr. Grier's experience and familiarity with the requirements and the type of floor plans that can be utilized with some modification, the City will be able to work with Mr. Grier on this for 4%. That he feels this is to the City's advantage.

Councilman Bryant stated he has discussed this with two or three architects and this is spelled out pretty well in their code of ethics. That it is permissible and is spelled out very definitely. That where this type of situation is present they are very ethically able to go to this percentage. It is not a matter of cutting cost, but if it is a $3\frac{1}{2}\%$ savings on \$120,000 that is right substantial enough and he believes it would be understandable enough by other architects that the City would want to take advantage of this, to warrant it.

Councilman Dellinger stated you wouldn't want to make a practice of some architect coming in and getting the bid on one structure of any kind and continually get all the work from the City. He will go along with this, but Mr. Grier has had 3 or 4 fire stations and he can build them adequately, but there have been other fire stations built by different architects and they have been asking for work and he wants to be assured that everybody is appraised of what is going on.

Councilman Whittington stated that he made the original motion for Mr. Grier to be given station No. 11 or 12 and he has designed all since, which is fine and a savings to the city; but there are other architects in Charlotte who would like to have some of this work too and rightly so they should have it, if their work is equal. That you can't give all of it to the same man whether his price is higher or lower. He is not going to oppose it this time but when another fire station comes up he is going to vote to give it to another architect.

Mr. Veeder stated that basically he is in agreement with what is said. He thinks if Mr. Grier had done several large jobs in the aggregate which were big, dollar wise, that would be one situation. The dollar value of a fire station compared with some other work that other architects are involved in is such that perhaps there is a little different connotation to it.

Councilman Smith stated we are running a big business and we have to treat it as a business and it is common business practice to standardize on similar stores; one architect, and you save money. That fire stations are in an area where you can standardize, and frankly he would like to see the school board standardize more, and not have competition among architects for a different design. That this is a step in the right direction and good business practice.

Councilman Dellinger stated he wants the other architects to know that these bids are being advertised and let them come in and know exactly what the situation is. Councilman Smith stated he thinks they do as Councilman Bryant pointed out they have a standard practice; this is a standardization thing; you can get the basic plan and alter it a little down the line; that they understand this and Council would be amiss if they just wanted to spread it out among architects if they had to pay $7\frac{1}{2}\%$. This would be politics rather than good business procedure.

Councilman Albea moved the employment of the firm of Mr. Charles Morrison Grier and Associates, Inc. as architect for the fire station at a fee of 4%, as recommended by the City Manager. The motion was seconded by Councilman Whittington.

Mayor Brookshire asked the City Attorney if the City has the right to use an Architect's plans on the structure of a building that he has specifically planned without his authority. Mr. Morrissey replied that they protect themselves very well in the standard contract.

Councilman Dellinger stated it doesn't work for the best interest for one architect to be getting all the small jobs and then a big job comes in and he wants to bid on it, that it might put him in a bad light.

Councilman Thrower stated he is compelled to vote against the motion. That he is not voting against Mr. Grier, he is voting against the principle. That Mr. Grier is a fine man and a good architect.

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

YEAS: Councilmen Albee, Bryant, Dellinger, Jordan, Smith and Whittington.
NAYS: Councilman Thrower.

ACQUISITION OF RIGHTS OF WAY IN CONNECTION WITH NORTHWEST EXPRESSWAY.

Upon motion of Councilman Bryant, seconded by Councilman Thrower and un-animously carried, rights of way in connection with the Northwest Expressway were authorized as follows:

- (a) 6,825 sq. ft. at corner of Caton and Kendrick Street, from Etta M. Stevenson, widow, at \$1,600.00.
- (b) 15,360 sq. ft. at 10th and Pine Streets, from Charlotte Day Nursery Assn., Inc., at \$48,850.00.
- (c) 5,091 sq. ft. at 900-06 N. Graham Street, from K. M. Beaty, at \$25,300.00.
- (d) 1,519 sq. ft. at 420 E. 12th Street, from William K. Jones, Trustee for Carolina Chalk Board Co. Employee Pension Trust at \$3,750.00.
- (e) 9,801 sq. ft. at N. Brevard Street, from J. Frank Houston (North Carolina National Bank Trustee), at \$4,100.00.
- (f) 49,452 sq. ft., at 612-32 E. 12th St. & 817-27 N. Alexander St., from Maggie A. Hobbs, at \$33,000.00.
- (g) 1,275 sq. ft. at SW corner 9th Street and Myers Street, from Mary K. and Harry L. Dalton, at \$5,400.00.
- (h) 5,370 sq. ft., at 824 E. 10th Street, from Sarah K. Thompson and husband, Wesley C. Thompson, at \$14,500.00.
- (i) 5,259 sq. ft., at 828 E. 10th Street, from K. M. and Dorothy N. Waters, Jr. at \$14,450.00.
- (j) 65,030 sq. ft. at E. 11th Street and Sugaw Creek, from Spero M. Athans and wife, Alice, at \$51,500.00.
- (k) 26,200 sq. ft. at 601-15 Stephens Street, from Mrs. Duralde Greene Duncan, at \$49,000.00.
- (l) 2,700 sq. ft. at 523-25 Stevens Street, from Allen M. Hobbs and wife, at \$4,000.00.
- (m) 14,900 sq. ft. at 914-16 E. 9th Street, from J. J. Pierce, at \$12,750.00.
- (n) 5,123 sq. ft., at 514 N. McDowell Street, from T. A. Little and Luther Caldwell, at \$8,000.00.
- (o) 4,250 sq. ft. at 518 N. McDowell Street, from Mayme Elizabeth Harrison, at \$4,600.00.

- (p) 7,267 sq. ft. at 504 Beaumont Avenue, from Elizabeth Brown Bryan and husband, at \$13,000.00.
- (q) 640 sq. ft. and access at 815 Independence Blvd. from J. A. and Mabel H. Monroe, at \$20,000.00.
- (r) 21,825 sq. ft. at E. 8th St. (96 ft. W. of unopened N. Long St.), from Loraine Kinny, at \$6,000.00

The City Manager advised now that the bond issue has been approved the City can go ahead with these and will be bringing in a number of them in the next two or three weeks. That 54% have been obtained or are under firm option, and they hope that sometime this summer it will be down to a point where they can talk about only those where they are having difficulty in negotiating.

PROPOSED CHANGES TO LOCAL GOVERNMENT EMPLOYEES RETIREMENT SYSTEM SUPPORTED BY COUNCIL WITH RESERVATION EXPRESSED TO THE 15 YEARS VESTED RIGHT SERVICE BY COUNCIL MEMBER.

Mr. Veeder explained the proposed changes to the Local Governmental Employees Retirement System. He advised he and Mr. Earle attended the meeting in Raleigh which had been called to explain these changes. That in essence these changes are desirable from the point of view of all parties who have an interest - the employees and the employer. The changes are within reason in terms of costs; they are keeping pace with changes throughout the Country. The trend seems to be to liberalize these types of benefits to employees; the experience the State has had in the last two years since 1963 when the same changes went into effect in the State Employees System and the Teachers System - the fact that these changes are now two years old and have been well accepted by all concerned would be a point in favor of the Local Government Employees System taking the same type of provisions. That cost-wise it appears the cost to the City will be negligible, if any because of other things that work towards the City's contribution being adequate to take care of the changes. The dropping of vesting from 20 to 15 years and making the benefits understood and explainable to anyone in terms of how to compute the retirement benefits is very advantageous - that we have been at a disadvantage on this all along as it was difficult to explain the benefits. This will make it explainable and will keep pace with the economic changes as they occur. This does not take anything away. That the changes have been reviewed on two occasions with the Department Heads. The first time they were asked to provide copies of the information available at that time to their employees and to come back with reactions. The second time it was discussed, all the Department Heads reported back that the employees in general have a very favorable reaction. That if Council approves, he would like to schedule meetings with the employees and explain what the changes are all about so they will understand them before the City goes any further.

Councilman Smith asked for an explanation of the presentation from Mr. Earle which states the retirement benefits are computed on the basis of earnings and service reduced by 5% for each year below the normal retirement age of 65. That he would interpret that as meaning if you retired at 50 you would have 15 years at 5% or 75% reduction. That in the report from the North Carolina Local Government Employees Retirement, the last paragraph states - "The retirement prior to age 65 reduces the calculated retirement allowance by 5/12 of 1 per cent per month, or 5 per cent per year", but it doesn't say less than 65. The City Manager advised you go from 65 to 50 and that is 15 years and that is 75%. Councilman Smith stated it says 5% per year of payment. That it doesn't say a differential between 50 and 65 and the time you retire, it just says 5% per year. That if you take 75% off the

retirement, you don't have much left. Mr. Veeder stated the first phrase stated "retirement prior to age 65 reduces the calculates retirement allowance by 5/12 of 1 per cent per month, or 5 per cent per year".

Councilman Smith stated further that he doesn't believe that a man who works 15 years in any organization or business, has any vested interest in a retirement later on in life. That if a man comes in and joins the city at 20 and takes another job at 35, he cannot see where he would have been of enough benefit to the city for him to be placed on the city's book and start paying him when he is 50 or 65 or whenever he elects. That he does not believe he has established himself. He thinks there should be a correlation between his age. That if he is in his latter years and works 15 years, yes; but if he just comes in as an apprentice and learns a trade and at 35 years of age gets a better job, that he personally, can't see where the city is under any obligation to take care of him in his old age.

Mr. Veeder stated you would have to keep in mind that this would be real minimal in terms of the amount involved. That there is a give and take involved; you would not want to make it so difficult for people to leave employments to come to you that you weaken your situation. Councilman Smith stated he cannot see where a man has a vested interest in a company working 15 years - 20 years probably so - but 15 years is really half or less of your working years.

Mr. Veeder stated with other retirement systems this is definitely the trend. That he has heard of some who have dropped it down as far as 10 years; the State dropped from 20 to 15 years in 1963 and among the retirement systems in general, the State of North Carolina is pretty conservative and this is good and what it should be. That the city's contribution to any individual ceases at the time he leaves the employment; that it would no longer invest anything in that person. He just receives that which was deposited to his account while he was employed. Councilman Smith stated the whole principle is whether or not 15 years establishes a vested right for a pension from a company or city. Generally the trend maybe in that direction, but he knows from experience that it is usually 20 or 25 years before you take a vested interest.

Councilman Smith stated the main reason for pensions is to try to keep a man working for you, and he is sure there have been so many cases where a person serves an apprenticeship with the city and then gets a better job. That when you take a man 20 and at 35 in the prime of life leaves you, you are not accomplishing what you are trying to do.

Councilman Whittington asked if that man would not draw what he had paid in to State Retirement and be over as far as the City is concerned. If the man came here when he was 20 and decided to leave when he was 35, the City would stop at that time paying anything and he could draw out of the retirement system what he had paid in, could he not, and he would be washed clean from the board? Mr. Veeder replied he would have that option. Councilman Whittington asked supposed he left it in there, would the city be obligated, or would it cost the city anything? And he was advised it would not. Mr. Veeder stated that he expects a man who came with the city at age 20 and left the employment at 35, it would be to that individual's advantage to take the money he had contributed. That he could take the money he had invested. That today, the employed population is more mobile than it ever was; you have people changing jobs more often, changing localities, changing regions where they live and work. That this is a deferred compensation that he had put his money into for 15 years and he has an obligation to.

Mr. Veeder stated the way the changes were explained at the meeting is the changes are not optional in terms of each of the groups participating in

this system, of which there are some 240. The intent of the Board of Trustees is that either the changes apply to all participating members or it will apply to none. That he, personally, hopes Council will see fit to support the changes, he thinks in the best interest of the city's employees and in keeping with the changes two years ago made in the State and Teacher's systems. Councilman Smith asked if more will come out of the pay check in order to accomplish this and the City Manager advised 1% is the amount estimated. Councilman Bryant stated then Council has two alternatives - to either endorse it as is, or register protest concerning this particular phase of it.

Councilman Smith stated the fact that the contribution will be raised, what other benefits will be derived other than the pension at 15 years? Mr. Veeder replied the principle benefit is not the vested rights at 15 years. That the principle change is how to compute your retirement benefits. At present the system only provides for the money-purchase annuity at retirement based on what the employee and employer has contributed to your account over the complete life of your employment, and to compute this in advance is next to impossible, and it does not take into account the change in the economy and the change in salary levels during the course of the employment. What the change will be to is that anyone can quickly estimate what their benefits will be because the benefits will be based on the highest five of their last 10 years employment; it is very simple to compute. Tables have been prepared that show clearly what the average compensation is. Councilman Smith then asked why the need for the extra 1%, because you will get more, and not because you retired early? Mr. Veeder stated because you will get more; that the way it is now, each year of service from your first to your last year which might cover a span of 40 years, what you contribute the first year and what you contribute the last year all go into the pot to determine what your benefits will be. This change will mean that your retirement benefit will be based on the highest five of your last 10 years of service.

Councilman Smith stated he will vote for the change with reservations about the 15 years vested rights. That, of course, he wants the employees to get more pension if it can be worked out and they want it, but if it is possible to vote for it with the question about the 15 years that is the way he feels. That he does not want to direct Council into that area unless they want to go that way but his vote will be predicated on that.

Councilman Bryant then moved that Council indicate a support of the proposed changes to the North Carolina Local Government Employees' Retirement System, as suggested. The motion was seconded by Councilman Whittington, and carried unanimously.

SPECIAL REGISTRATION FOR THE FORTHCOMING COUNCIL ELECTION APPROVED AND TRANSFER OF MONEY FROM THE CONTINGENCY FUND FOR THIS PURPOSE AUTHORIZED.

Mayor Brookshire read the following letter from Mrs. Samuel Hair, Chairman of the Mecklenburg Board of Elections:

"In connection with the forthcoming city council election, our Board would like the City Council to consider the desirability of any special registration efforts before registration closes Monday, April 5th. By special registration we mean registration at times or places other than the 8 a. m. to 5 p. m. week day hours at the election office. Our Board has already received a few queries and requests of this nature. The tentative suggestion for your consideration would be to have the precinct polling places open one Saturday shortly before the books close. This could be augmented with a schedule of night registration at the election office between the hours of 7 and 10 p.m. for three nights, or however many the Council might

think necessary. The cost of a program such as the above would be \$840.00 for the Saturday registration in every city precinct and \$54.00 for three evenings at the election office.

As you know the trend is to make registration as convenient as possible for the voting public and it has always been the aim of this office to do so. We believe the above program would be a public service. We would be happy to set it up if the Council so desires".

Councilman Bryant made a motion that Council pursue that particular program with the Saturday and the nights to be decided by the Election Board, and that \$894.00 be appropriated from the Contingency Fund for this purpose. The motion was seconded by Councilman Jordan, and carried unanimously.

Mayor Brookshire stated the letter reads further -

"We wish to call to your attention the fact that representatives of the Automatic Voting Machine Corporation will be at the Election's Office sometime after 2 p.m. Tuesday, February 2nd. We would be very pleased to have you or any members of the City Council and City Manager to meet them and inspect their machine, if you are free. We can confirm the exact time a little later but anticipate it will be a little earlier in the afternoon".

COUNCIL REMINDED OF CITY MUNICIPAL AND COUNTY OFFICIALS DINNER AT DAVIDSON.

Mayor Brookshire called attention to the letter from Dr. Jackson inviting Council to dinner with other city and municipal and county officials in Davidson on the evening of February 16th at 6:30 p.m.

DISCUSSION OF ESTABLISHMENT OF NURSERY DIVISION IN ENGINEERING DEPARTMENT AS RECOMMENDED BY BEAUTIFICATION COMMITTEE.

Councilman Bryant made a motion for the appropriation of monies from the Contingency Fund amounting to \$10,000 to establish a Nursery Division in the Engineering Department concerned with the beautification of rights of way in city property. That the \$10,000 would be for the balance of the year and would include the purchase of a pick-up truck; the appropriate tools for such work, nursery goods and the salary of a man to do this work. This is in keeping with the desires of the Beautification Committee appointed by the Mayor, and he would like to think the appropriation would indicate a desire on the part of Council to continue this work with an enlargement as they see fit in the coming years. That on his part, this would be a commitment to this program being of benefit to the City and one that can pay big dividends. The motion was seconded by Councilman Whittington for the purpose of discussion.

Councilman Dellinger asked where the Department would be set up, who will head it up; whether the personnel is available and how much it will take. That he does not believe Council is quite ready to vote on the motion until they know what they will do.

Councilman Smith stated he is in accord with the general idea but as Councilman Dellinger has stated he believes it will take more study and he made a substitute motion that Council begin the study and defer action until budget time. The motion was seconded by Councilman Thrower.

Councilman Bryant stated in regards to the substitute motion, one of the reasons they would like to start now is there is still 2 or 2½ months that they can begin some beautification. That if it is postponed it will be a year or longer getting started. That as far as the actual workings of it is concerned, they will need a supervisor who will come in under the

personnel department and have a regular scale of salary -- Council can anticipate this being a very nominal sum; they will need people in the laboring class, depending on the scope that they would like to go into; the equipment would be stored in the Engineering Department; there is a possibility of the organization of a nursery on an unused portion of Evergreen Cemetery. That this can be exactly what Council wants it to be; it is not set down in what the need is so much as just how far they want to go - the need can be kept very small and can keep the budget very small. This is not quite like any other division or any department because it is one of the intangibles. It would be a division of the Engineering Department; they have not hired a supervisor for this particular work but it will be a full time man.

Councilman Dellinger stated he is not ready to vote on this today. Councilman Smith stated one thing they have failed to do and that is let the City Manager take this and give a report on it. Councilman Bryant replied a good portion of his report is a result of a study done by the City Manager and other Department Heads whom he has worked with and who are part of his Committee, and does not represent an off the top of the head recommendation but one that has involved six weeks of consideration.

The City Manager stated he thinks it is desirable to do more in the way of beautification than we have to date. That before you can get into a program such as the Committee is considering you have to do some crawling and walking before you run. That this program can be exactly what Council wants it to be and what the community will support. Dollar value can be as much or as little as desired. That Mr. Bryant is trying to get at a starting point. He thinks a starting point can be had for the balance of this fiscal year within the frame work of \$10,000; that at the same time if a start is made, Council should consider it in the light of it representing a degree of a commitment for at least the next fiscal year on an increased dollar basis. That he thinks Council would want to know after it is done how well it is received by the Community and if the Community is willing to support additional programs in this direction. That he thinks Council would want to do some projects and then see the reaction of the community. This would give Council some material upon which to make future judgments. Any program that relates to beautification he thinks, you would only want to go so far as the Community will go with you.

Mayor Brookshire stated this would, of course, be a very modest start, and we would be able to take advantage of the winter planting season; then at budget preparation time Council would have complete control of the program from there on. That in the meantime some evidence of its importance and value to the City would be obvious.

Councilman Jordan asked if it would be possible to have the Park & Recreation Supervisor work with this committee and maybe some of their help for this initial beginning.

Councilman Bryant advised that appointed to the Committee along with him were various department heads who might be concerned with this type thing, and Marion Diehl, as the others, was very quick to point out that they are pushed as far as their personnel is concerned now, and they would appreciate the fact that they would not be called upon to do this work themselves because of this. That Park & Recreation is very limited in its budget already. That as far as public acceptance is concerned he has had 15 or 18 letters which indicates a great deal of interest on the subject and all have been most favorable and say it is long over due. That as far as he is concerned, this is merely a beginning and can be wiped out at any time, and any of the equipment could very readily be absorbed into another department at budget time in case this is not the wish of Council. That this is very different from anything he has had any dealing with as it does not have a

direct need, you can make it as much or as small as you want.

Councilman Dellinger stated it seems to him that the Park and Recreation is the proper department to handle this whole subject and that Council would be wise to appropriate the money if they need extra help there to do this work as they have experts in this field and Council would not have to set up another department for the City; just give them a little larger crew and let them handle the whole situation.

Councilman Smith stated he thinks when you go into a matter such as this you should have it laid out in budget form - how much you are going to pay the man to direct it, how much equipment will cost. Even if it is a beginning it should be laid out as something to vote on.

Councilman Whittington stated he appreciates the work which Mr. Bryant has done and he thinks his approach is in the right direction and also agree with Mr. Dellinger and Mr. Smith and that is that he thinks Council should get a better plan to approach this between now and budget time, and if Mr. Bryant and his committee will continue to formulate this, that he doesn't think Council is off very far and is something that would be of benefit to all of Charlotte. But if it could be worked through the Park and Recreation Commission with the City budgeting them funds to get new personnel and a supervisor to look after this, and then this Committee recommend where the planting and so forth would be done, he thinks this could all be worked out. That he thinks Council needs to get more of a planned frame work before they act upon it.

Councilman Bryant asked the City Attorney if the City can appropriate more money to the Park & Recreation, and Mr. Morrissey advised yes it can. Councilman Bryant then asked if Council would make any disposition if his Committee came back with a pay scale for the three men they have in mind with a figure for the purchase of tools, and equipment and an appropriation for the actual nursery goods, before budget time or would they prefer to wait until budget? Councilman Dellinger advised he, personally, would like to explore the idea of the Park & Recreation Commission handling the whole situation. Councilman Bryant then withdrew his motion for the establishment of the Nursery Division and the appropriation of the \$10,000. Councilman Smith withdrew his substitute motion, and said if Mr. Bryant is going to spend some more time on this with Mr. Veeder and come back with a substantial layout then Council can decide where to set up the division.

COUNCIL ADVISED TWO PETITIONS RECEIVED BRINGING SUIT AGAINST THE CITY IN CONNECTION WITH THE ANNEXATION OF 4½ MILE AREA.

Councilman Smith asked the City Attorney if the two suits which have been brought against the city will change the situation any as to the annexation. Mr. Morrissey advised he received the petitions just before Council Meeting, and they were filed in accordance with the annexation statutes, which in his opinion, is one of the virtues of this procedure which gives every property owner annexed the right to have the court review the action that has been taken to see that it complies with the statutory requirements.

TRAFFIC ENGINEERING DEPARTMENT INSTRUCTED TO REMOVE MEDIAN ON WEST TRADE STREET BEGINNING AT POINT APPROXIMATELY 200 FT. EAST OF CEDAR AND EXTENDING APPROXIMATELY 40 FT. EASTWARD.

Councilman Whittington called attention that about 60 days ago the people on West Trade Street, west of the new underpass, came to Council about the

problem of getting in and out of their respective business places and at that time Council requested the Traffic Engineer to cut one opening in the island that was then constructed and this was done. That he is convinced Council has not given the other people the relief that they need and he moved, today, that the Council instruct Mr. Hoose to remove that island from the opening that was made west of the bridge down to whatever point he thinks necessary at Cedar so that the traffic would go down and turn square rather than cutting across Trade to get to Cedar on an angle. The motion was seconded by Councilman Dellinger.

Mr. Bernie Corbett, Asst. Traffic Engineer, brought in a map for Council to view and stated the present median takes in a portion of the driveway to Southern Electric, Southern Railroad Office building and to Bumgardner Produce Market. The City Manager advised that it has been requested that the median be removed from the new break down to Cedar Street leaving whatever is necessary at Cedar for channelization of that intersection.

After a general discussion, Councilman Whittington amended his motion to make the opening in the island beginning at a point approximately 200 feet east of Cedar Street and extending approximately 40 feet eastward. The motion was seconded by Councilman Dellinger, and carried unanimously.

COUNCIL ADVISED COST OF STRAIGHTENING OUT TRAFFIC FLOW ON THE PLAZA AND WORK ON THE INTERSECTION OF WOODLAWN ROAD & PARK ROAD INCLUDED IN CAPITAL IMPROVEMENT FOR NEXT YEAR.

Councilman Whittington stated sometime ago the Traffic Engineer told Mr. Smith, Mr. Dellinger and himself that he was trying to straighten out the traffic flow on the Plaza because the people were complaining they could not cross it at peak hours and they are still asking him when they are going to get some relief.

Mr. Corbett, Asst. Traffic Engineer, stated they have done extensive work on it and the cost figures have been incorporated in the Capital Budget which was submitted today. That the total cost of the entire project is approximately \$12,000.00.

Councilman Thrower asked about Woodlawn Road and Mr. Corbett advised the figures have been worked up on the Woodlawn and Park Road intersection and are included in the Capital Improvement Budget at an estimated cost of \$8,500.00.

REPORT ON NECESSITY OF TRAFFIC LIGHT AT MARSH ROAD & PARK ROAD REQUESTED FOR NEXT MEETING.

Councilman Whittington requested Mr. Corbett, Asst. Traffic Engineer, to bring in to Council next week a report on the necessity of a traffic light at Marsh Road and Park Road. That an apartment has been built there and you have a blind corner and the traffic volume has increased.

CITY ATTORNEY COMMENDS CHARTER REVIEW COMMISSION FOR THEIR WORK OVER THE PAST 18 MONTHS.

Mr. Morrisey, City Attorney, stated he has had a very rewarding experience over the past 18 months working for the Charter Review Commission. That for our record it was such a splendid body; Council chose well. They worked very hard and were very sincere and devoted. That he learned something of the genius of this community, that intangible something that

makes it tick and keeps it going and moving and that is the unselfish dedication of the citizens that will perform a service like this.

Mayor Brookshire expressed to Mr. Morrisey Council's appreciation for the very fine assistance he gave and which was acknowledged by Mr. Grier.

PROPOSAL FOR SALE OF \$5,000,000 ANTICIPATION NOTES APPROVED.

The City Manager stated he would like to comment for a few minutes on the sale of bonds. That Council is interested in moving quickly with some of the projects that they want to put under contract and Mr. Fennell, Finance Director, conferred with the Local Government Commission in Raleigh on Thursday towards the end of determining a date on which a portion of these bonds could be offered for sale. The earliest date that can be set is March 23; there is a possibility the date can be moved up to March 16th but based on other factors that the Local Government is concerned with it appears that March 23rd is the earliest date. This means the City could actually receive funds about April 20th. Recognizing the need for funds now especially for the purchase of rights of way, he and Mr. Fennell recommend to Council and request approval for a proposal to sell bond anticipation notes in the amount of \$5,000,000. That they would like to proceed with this right away towards the end of bringing a formal action report back to Council next week. The amount they suggest to be sold either on March 16th or 23rd, whichever date can be scheduled, is \$10,800,000 and they hope that this would then put the City in a position to move rapidly on a number of projects which Council are interested in. That the resolution which will be required will be one authorizing the sale of bond anticipation notes in the amount of \$5,000,000 and will be available for Council action next week.

Councilman Dellinger moved approval of the request of the City Manager, which was seconded by Councilman Whittington, and unanimously carried.

ADJOURNMENT.

Upon motion of Councilman Albea, seconded by Councilman Bryant, and unanimously carried, the meeting was adjourned.

Ruth Armstrong
Ruth Armstrong, Deputy City Clerk.