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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, January 10, 1977, at 3:00 o'clock p. m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Betty Chafin, Louis M. Davis, Harvey B. Gantt, Pat Locke, James B. Whittington, Neil C. Williams and Joe D. Withrow present.

ABSENT: None.

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#### INVOCATION.

The invocation was given by Ms. Carol Loveless, Administrative Assistant to the City Manager.

MINUTES OF DECEMBER 13 AND DECEMBER 20, 1976 APPROVED AS CORRECTED.

Motion was made by Councilman Whittington, seconded by Councilwoman Locke, and unanimously carried, with the following correction in the Minutes of December 20, 1976, as requested by Councilman Gantt:

"Minute Book 64 - Page 390 - 8th line from top of page: remove 'Councilman Gantt' from the Nay vote, and place him voting 'Yea'."

MS. ELOISE CLONINGER, CITY-COUNTY ACTION LINE OPERATOR, RECOGNIZED AS CITY EMPLOYEE OF THE YEAR.

Mr. W. J. Veeder, President of the Charlotte Chamber of Commerce, was present to recognize the City Employee of the Year 1976. He stated the program of recognizing the employee of the year goes back a good number of years and has involved the Chamber for ten or twelve years. It is a very pleasant thing to do for a number of reasons, not the least of which is that it focuses attention on something that is very important to them as members of the City Council - the high quality, high caliber and dedication of employees who keep things going for the City of Charlotte. This is certainly one of the principal assets City Government has - its employees. He would match them against any similar group in the nation.

He stated the only individuals who have the opportunity to nominate Employee of the Year are other employees, so this in a sense is being recognized by your peers. He recognized Eloise Cloninger as this year's Employee of the Year, stating to many people in Charlotte, she is City Government, she is the person who initiated the Action Line that is thought of so highly. She is the individual who handles hundreds of phone calls every day; she is the individual who it has been estimated, since she has been handling this effective program, has handled in the neighborhood of 200,000 telephone calls from Charlotteans asking for various pieces of information and advice about various aspects of City Government. The way that she has handled this, in the opinion of everyone who has had an opportunity to observe it, is exemplary. She has put forth the best foot for the City of Charlotte for the six years she has been doing this. She will also celebrate her 20th anniversary as an employee of the City of Charlotte this month.

Mr. Veeder presented Ms. Cloninger with a check and a certificate recognizing her selection as the Outstanding Employee of the Year for the City of Charlotte.

Ms. Cloninger stated she is thrilled to receive this cherished award; she is honored and delighted. It is with great pride that she enjoys her work. We have the finest people and great leadership; it is easy to see that Charlotte remains among the greatest cities in America today. She thanked them for the honor.

The Mayor and each Council Member extended congratulations.

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SERVICE PINS PRESENTED TO CITY EMPLOYEES.

Mayor Belk recognized and presented service pins to forty-six employees with forty, thirty-five, thirty and twenty-five years service with the City of Charlotte.

RESOLUTION EXTENDING SYMPATHY AND HONORING THE MEMORY OF SUSAN FRANCES UNDERHILL.

Councilwoman Locke read the following resolution:

WHEREAS, it is with deep sadness that the City Council learned of the death of Susan Frances Underhill, youngest sister of City Attorney Henry W. Underhill, Jr., on Wednesday, December 29, 1976; and

WHEREAS, at the time of her death, Miss Underhill was a senior at East Carolina University in Greenville, North Carolina, majoring in business administration; and

WHEREAS, the sense of bereavement felt by her family is shared by the Mayor and City Council, the employees of the City of Charlotte, and all the citizens of Charlotte, North Carolina.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session assembled this 10th day of January, 1977, that the Mayor and City Council, do by this resolution and public record, extend their deepest sympathy to the family of Susan Frances Underhill, and that her name is hereby memorialized and honored.

BE IT FURTHER RESOLVED, that this resolution be spread upon the minutes of this meeting and a copy thereof be presented to her family.

A motion to adopt the resolution was made by Councilwoman Locke, seconded by Councilman Whittington, and carried unanimously. The Mayor requested a moment of silent prayer be observed in her memory.

Mr. Underhill responded on behalf of his family, and for himself, by thanking the Mayor and members of Council for adopting the resolution and expressing his appreciation for their thoughtfulness.

RESOLUTION CLOSING A PORTION OF PROVIDENCE LANE NORTH IN THE CITY OF CHARLOTTE, MECKLENBURG COUNTY, NORTH CAROLINA.

The public hearing was held on the petition of Robert W. Hallman and wife, Patsy B. Hallman and John Wayne Elliot and wife, Sally Burke Elliot, to close a portion of Providence Lane North.

Council was advised the request was investigated by all city departments concerned with street rights of way, and there were no objections to the closing.

No objections were expressed.

On motion of Councilwoman Locke, seconded by Councilman Whittington, the resolution was adopted by unanimous vote.

The resolution is recorded in full in Resolutions Book 12, at Page 171.

MOTION TO PLACE NON-AGENDA ITEM ON AGENDA.

Motion was made by Councilman Withrow, seconded by Councilman Whittington, and carried unanimously, to place on the agenda at this point the request for a median opening at Randolph Road and Coddington Place.

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MEDIAN OPENING ON RANDOLPH ROAD AT CODDINGTON PLACE AUTHORIZED.

Mr. B. A. Corbett, Director of Traffic Engineering, stated last spring at the request of Council, a public hearing was held at which time he came before Council and showed them the median as it related to the full length of Randolph Road. During the recent weeks as construction is going on, some of this median is being installed and questions have arisen among residents there, especially on Coddington Place, about the possibility of a median opening at Coddington Place.

He traced the route of Coddington Place on the map as it goes into what will be the Wendover belt road. Under the belt road plan, Coddington Place will be terminated at that point. As a result of the complaints they were receiving about the median, he wrote a letter to 30 residents of Coddington Place suggesting to them the possibility of rather than providing a median opening for them to consider the possibility of not having Coddington closed at Wendover but to have it open so that traffic headed out of town or on Randolph which wished to turn left into Coddington Place could then turn left into Wendover from the left turn lane with a left turn signal and then turn right into Coddington Place to get to their residences.

He stated the concerns about the median opening are numerous. The reason the median is there is for this purpose. He pointed out the intersection of the belt road as it will be in a few months, stating that the anticipated traffic volume which will turn left, or traffic headed outbound, on Randolph Road is such that it will require a left turn lane with storage all the way back to Canterbury. At the same time the left turn storage lane or the traffic which will turn outbound directions, left on McAlway is so long that it comes back almost to Canterbury, leaving just a very short distance where there will be no left turn lane. The traffic which would turn into Coddington, if there were an opening, would have to stop in a two lane facility, await an opening or a gap in traffic coming from the other direction which will be three lanes - one to turn left and two to go straight ahead. During that period of time only one lane would be available on Randolph Road for through traffic. There is a possibility of rear-end collisions without any storage lane for these vehicles to get in to turn left to await a gap. Traffic coming out of Coddington would have to cross three lanes at one point, plus an additional lane to get in to turn left and go out toward Sharon Amity or the Cotswold Shopping Center area.

In meeting last week with Mr. McNair he explained to him that what they are doing there to accommodate the residents is to install a traffic signal at Wendover Road which will have left turn phases in all directions. That will permit a vehicle to come out of Coddington, turn right, come down and make a U-turn and go on back toward Sharon Amity. Traffic which is going into Coddington can go out to McAlway, make a U-turn at McAlway and come back and get into Coddington. There are some 30 homes which are on Coddington and Suffolk Place, which is a cul-de-sac. The Engineering Department feels that an opening at Coddington will be detrimental to the free flow of traffic along Randolph as well as to the safety of the persons who would attempt to make a left turn into Coddington Place. For this reason he recommends to Council that the median remain on Randolph Road as planned, without a cut into Coddington or Canterbury.

Councilwoman Locke asked Mr. Corbett to explain how a bus, fire truck or ambulance is going to make a U-turn at McAlway. Mr. Corbett replied a bus or fire truck cannot. She asked then how long will it take to get a mile and a half? Mr. Corbett replied a fire truck or any emergency vehicles will do the same as they do on any other street in the city - they will have to go down the wrong side of the street. A school bus could not - it would have to have an alternate way to get in.

Councilman Gantt asked the projected traffic volume on Randolph? Mr. Corbett replied it would be between 25,000 and 30,000 vehicles a day. Councilman Gantt asked about the frequency of the left turn that would be created by opening the median - how many cars would be generated there? Mr. Corbett replied there are approximately 30 families - each resident

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generates about 8 trips a day for various reasons. All of them would not come from town. If you figured half, that would be 120 left turns a day and 120 right turns out and, of course, 120 left turns and right turns back; 120 trips a day is not a lot. But any time any one stops to make a left turn, then you have the problem of blocking the lane and these are two lanes where you need to be carrying several thousands vehicles a day. They do not know how long it would take for this vehicle to get a gap to turn left in this oncoming traffic.

Councilman Gantt asked about the length of the storage for the left turn into Wendover if they created a storage lane starting from Canterbury back to Wendover Road. Would there be about 400 feet of storage from the intersection back to the intersection of Canterbury? Mr. Corbett replied you have about 400 feet - that is true; but if you want to put in a left turn lane to turn left into Canterbury, you have to have a transition. Councilman Gantt stated that is his point - he is making a point of cutting across three lanes of traffic and the present storage of cars at that intersection looks like almost 700 or 800 feet - storage for about 40 cars. Mr. Corbett replied 800 feet and yes, storage for 40 cars. Councilman Gantt stated he wonders if that might not be excessive; that in cutting down the storage lane probably you would have transition there to allow for it. Mr. Corbett replied if they cut it down any smaller, they still have to move the transition back, even if they cut it down to take care of 20 cars, because the intersections are so close along there.

Councilman Whittington asked if Mr. Corbett has had any contact with the people on the other side of Randolph on Coddington? Mr. Corbett replied the only contact he had was several months ago when he was meeting with a group of people who lived along South Coddington and along Harris Road who were concerned about cut-through traffic in their neighborhood as it might result from the belt road. At that time he told them that one of the things they felt would help to reduce cut-through traffic was the proposed presence at that time of the median on Randolph Road. As far as he knows, all of them were satisfied that would help to reduce the cut-through traffic.

Councilman Whittington stated he talked with Mr. Corbett about people who had called him who he believes lived on Canterbury who were concerned and asked if he talked with them. Mr. Corbett replied he talked with several people there and offered them the same solution - make a U-turn at McAlway and come back and go up Canterbury. There is another route if you go up McAlway a distance of about a block and a half or maybe two blocks and turn left, although there is a slight problem there besides distance as far as turning left because of the yield. They are looking into that possibility at the present time.

Councilman Whittington asked Mr. Corbett if he has decided with the State if he is at the INA Building on Randolph Road and is coming west to town and he wants to go out Eastway Drive, have they determined or made a decision if he can turn right on Randolph and go through to Wendover? Mr. Corbett replied, as it now stands, the only way he can do that is to come on down Randolph to Wendover and turn right. The present plans for Wendover include the closing of Coddington short of connecting with Wendover. In the letter he wrote to the people he explained that is the present plan and if nothing else is done that is what will happen. Evidently in the State's purchase of the right of way they made some agreements with some of the people as to the closing of Coddington.

Councilman Whittington stated in talking with one of the people on Coddington, one of their fears was going the route he just described and people would be turning right on Coddington to get to Wendover and take a short cut. Mr. Corbett stated that is a possibility. Councilman Whittington asked if Mr. Corbett is going to open that or is the State? Mr. Corbett replied not unless the people in the neighborhood approve of it. That is the reason he wrote them a letter, to see what their feelings were. It was an alternate proposal on his part to opening the median.

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Councilwoman Locke stated the people there will not approve that. It is a terrible thing, even more dangerous. Mr. Corbett stated there are some who are in favor of it; there are some who live on that side of Coddington who favor it. Mr. McNair stated the lady Mr. Corbett talked with, Mrs. Whitney, is confused because the petition which they have presented to Council has the names of every single person who lives on that side. What she thought his letter said was that he was going to open up that access onto the belt road and that is what she did not want to do.

Councilman Gantt stated there is no real satisfactory solution that is going to satisfy all of the safety requirements that Mr. Corbett is charged to be responsible for. It seems to him that obviously the Wendover opening is not the solution - it violates the integrity of that neighborhood. Yet, to ask people who are headed out of the city who want to get into Coddington Place to go to McAlway, to swing all the way back around, seems awfully cumbersome; yet the U-turn that one would have to make even at the intersection heading back into the City to head toward Cotswold seems to be equally as dangerous as the rear-end collisions that you are going to get into.

Mr. Corbett stated he does not agree because they have a left turn lane in which they can store themselves while they are waiting to make a U-turn and they will have a protected signal indication in which they can make the U-turn without any opposing traffic. Councilman Gantt stated the U-turn solves the problem in one direction, but you have another problem coming back in the other direction. He just wonders why 120 trips a day scattered over an entire day on a road that generates 24,000 or more cars per day, whether or not the frequency of the left turn made by the median opening is going to be a problem and whether or not they should not try and see what happens, see what the accident record would be at that location.

Mr. Corbett replied he is concerned about several intersections - there are a few on the other end where there are no median openings. Councilman Gantt stated he thought someone said earlier that there were no other intersections that did not have openings. Mr. McNair stated there are sixteen between Wendover Road and Sardis Road and there are only two where they have not taken the median out; and going back to town there is not a one that blocks it. Right down at the bottom of the hill at Wendwood and Meadowbrook there is an identical case. Mr. Corbett stated there is no need in there.

The motion was made by Councilman Williams to open the median as requested. The motion was seconded by Councilwoman Locke and carried unanimously.

**RESIDENCY REQUIREMENT THAT ALL CITY EMPLOYEES RESIDE IN MECKLENBURG COUNTY TO STAND.**

Mr. Underhill stated his office has supplied members of Council with a memorandum which basically provides a history of the City's Residency Requirement, tracing it back to 1939, that being the time at which the first residency requirement appeared as far as their search revealed. They only attempted to give them as much factual background as they were able to come up with to tell them what the situation has been in the past and where we are right now. Attached to that memorandum was a list of the employees who currently live outside of Mecklenburg County, as determined by a survey conducted by City staff. It also indicates those who have stated they do not intend to move and those who have stated they do intend to move as a result of the enforcement of the residency requirement. He stated Council has considered and debated this subject on a number of occasions, the latest being in the fall of last year. It was the opinion of City Council at that time that the residency requirement remain intact and be enforced which resulted in his office taking action.

Councilman Davis asked what the County's policy on residency is? Mr. Underhill replied he did not know but he thinks the County has no policy. Councilwoman Locke stated that is her understanding, but they are contemplating such a policy.

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Mr. Underhill stated that Assistant City Attorney Michael Boyd has been the lawyer in his office who has represented the City in the litigation that came out of the 1972 residency requirement, and is the person on his staff who is most familiar with the legal requirements and background on this subject.

Councilman Williams asked the reason for this requirement?

Mr. Boyd summarized the reasons advanced in court in arguing that the residency requirement is constitutionally valid. He stated the rationale argued on appeal in District Court is simply that the City has the authority to do it. There was no attempt made or no evidence put on insofar as facts about why or how the residence policy contributes to better City Government. His argument basically was that the City is generally located within the central portion of the County and by and large locations within the County tend to be closer to the City than locations outside the County. Also, that there is a very close relationship between the City and County Governments as attested by various agreements between the two - combined departments, joint functions in the Police Department, past history in regards to the Library, Health Department, activities that used to be City activities that were transferred to the County and vice versa. Also the argument was advanced that because of this relationship persons who live within the County have a greater potential, have a greater sense of interest and devotion to things that go on within Charlotte. That persons who live within the County tend to be affected by those kinds of things in a greater fashion than those who live outside the County and therefore, by and large we would find better employees who were applicants who are County residents or who were at least ready to move within Mecklenburg County upon acceptance of employment. There was also the additional argument advanced that because of the central location there might be less tardiness or employees who would look for other jobs because they had to travel too far.

Councilman Withrow stated when this lawsuit was filed by the lady in Rock Hill there was a lot of discussion by Council at that time that people in the City and in the County both are paid by tax money, derived from City property taxes and County property taxes, and it was felt by the Council at that time that if the taxpayers' money was paying for the salaries, and we have people in the County and the City that are able to fill these positions, that they should be given these positions because tax money is paying their salaries.

Mr. Boyd stated there have been arguments made in litigations that at least where City Governments require their employees to live within the City itself - that being the factual situation in the very, very large majority of cases involved in municipal residency requirements, that this also tends to keep salaries and those kinds of monies which are paid to City employees in the local economy. There have been some Supreme Court cases that might tend to say that is not sufficient rationale for residency requirements. Quite frankly, that argument was not presented basically because it does not fall in the facts of our case - we only require our employees to live within the County.

There have also been some other cases, which again may make a greater relationship to an employment requirement that people live within the City rather than the County in regard to improving job opportunities, decreasing unemployment or employees generally. Also, some cases have argued very strongly that because of the concentration of minorities within the municipal limits and a high unemployment rate, a city residency requirement would tend to reduce unemployment among minorities and increase their opportunities. Again, as far as he knows, this is not a factor in the Charlotte-Mecklenburg situation.

Councilwoman Locke stated that most of these people are willing to move into the County and they have been given plenty of time to do that - there are only three who have said they will not move. Mr. Boyd replied there were originally five employees who said they would not move; one employee has since quit as a result of the requirement.

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Councilman Williams stated they had received a petition with several names on it protesting this action.

Councilman Gantt asked if there is a relationship between the names on the petition and the names of those who said they would move. He thinks the gist of the petition is that moving into the county would represent a hardship and that many of them were hired with the understanding that this residency requirement would not be a factor.

Councilman Whittington stated that Mr. Carrigan who wrote that letter lives in Iredell County.

Councilman Gantt stated he is a little surprised at Councilman Williams' question because in reading this rather lengthy document that the City Attorney's office prepared it seems that we pursued with great diligence a court decision to allow us to keep a residency requirement. Apparently other Councils all the way back, and certainly more recently in the early 70's, felt that a residency requirement was needed. Notwithstanding the fact that for legal reasons the City Attorney's office did not pursue the argument of the effect on the economy, or the very simple argument that taxpayers pay the bills and taxpayers ought to have the opportunity to get the jobs. All other things being equal, you do not hire a secretary in Iredell County if you can hire a secretary in Mecklenburg, someone who contributes to the economy, pays taxes, etc. This may be a very base argument in one sense, but the reason behind all the efforts to allow us the flexibility seems to be clear. He feels that unless there are employees that were hired with a different understanding - there may be people that really were hired under that circumstance - he would say that they need to be given consideration and possibly those employees that represent unusual situations of hardship.

Councilwoman Locke asked if there was not a unanimous vote among them that we do this back six months ago? Councilman Gantt stated they voted to appeal it and won the appeal.

Councilman Whittington stated it was the judge's order that they had to live in Mecklenburg County. Mr. Underhill replied they appealed a decision by a District Court Judge that the residency requirement as applied to Mrs. Nichols, the employee who was the plaintiff in the lawsuit, was unconstitutional and to others similiarly situated. While our case was appealed to the Fourth Circuit, the U. S. Supreme Court decided a case out of Philadelphia that dealt with the City of Philadelphia's residency requirement which in effect decided our lawsuit and the Fourth Circuit reversed judgment on its decision with orders that the case be dismissed and decided in our favor that the residency requirement was constitutional.

Councilman Williams stated he might vote to appeal a judicial ruling because he thinks it is a matter of local prerogative instead of a matter for the Federal Judiciary. Just because the authority does exist to have such a requirement, you do not have to use up the very limits of all the authority that you have. In other words, you might look at some things with a little bit of restraint. He is worried about the argument advanced by some of these people who were employed at a time when the requirement was not in effect either because it had been enjoined by the Federal Judiciary or for some other reason. He is interested in some kind of grandfather clause on this. He does not know how to word it except maybe to say anyone who as of today or the date of amendment, who resides outside the County would be able to maintain his present position and status, but hereafter anyone employed in the future or who is an employee now and moved out would run into the prohibitive parts of the ordinance. What he is wanting is a grandfather clause.

Councilman Whittington stated all the City Manager and City Attorney have done as it relates to residency requirements has been at the request of Council. Going back prior to that, in 1972, Council took a position on the residency requirement. It is absolutely inconceivable to him for them as a Council body to talk about payroll taxes or occupational taxes, or talk about

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payroll taxes or occupational taxes, or talk about a city like Charlotte which is trying to eliminate bedroom communities, that wants to annex in order to get away from this, that we can agree to let people who are employed by the City live in other counties, many of them live in other states and no one knows what they spend in this county received from payrolls that the taxpayers supply. It is just wrong! He cannot vote for it in any sense and he thinks it is a real step in the wrong direction for them to defend people who are on the City's payroll who live in another county, in another state. They are talking about things that are going to come up in a little bit that affect the lives of thousands of people who live outside of Mecklenburg County and come in here everyday and enjoy the same thing that we enjoy and these people out here pay for it and these people make no contribution. It is wrong! He hopes they will leave it like it is and let those people either come in or get other employment.

Councilman Davis stated he agrees with Councilman Whittington to the extent that it would be very difficult to face a citizen who applies for a job and is equally qualified with a person living in South Carolina and give the job to an out-of-state resident. That he also agrees with Councilman Williams in that he would like to see some kind of grandfather clause in this and he mentioned this the first time it came up. That they should not pass an ordinance and make it retroactive. In reading through the Attorney's memorandum, unless he missed something, there appears that a date shortly after June 26, 1972 was the first time that we formally began to notify employees and prospective employees that we were going to put in a residency requirement. He would like for the Council to consider making this date shortly after June 26, 1972 as the grandfather date. That Councilman Williams has suggested the current date. Either one of these might be all right except for the complicating factor that if they took 1972 we have acquired a couple of County departments by merger since that date. For example, if we merged the two dog pounds this week, we might acquire some employees that would not meet our residency requirement and we might not be in a position to take any action against these employees. That what he would like to suggest is that staff keep in mind the fact that at least some members of Council would like to put in a grandfather clause date and direct the staff to coordinate with the County and see what kind of residency requirement they have and see if we can come up with one together that we could stick with even when we merge City and County departments of government, and ask staff to report back to Council with some suggestions. In the meantime, that employees be advised that no one should take any action to move until a settlement is made of this matter.

Councilman Withrow stated a lot of these people have already moved. What are you going to say to these people who did not want to move but have moved already? Councilman Whittington stated there were only three who said they would not move. Councilman Withrow replied of these three, two of them were hired in 1974.

Motion was made by Councilwoman Locke, seconded by Councilman Whittington, that the residency requirement stand as is.

Councilman Williams offered an amendment to approve that but to say that it be grandfathered as of this date. The motion as amended was seconded by Councilwoman Chafin.

Councilman Davis asked what would happen if we acquired a County department and acquired an employee that was hired some time next week, would we fire that employee? Councilwoman Locke replied no, we would give him so much time to move into the County. Mr. Burkhalter stated he would not be a City employee. Councilman Davis stated but say we merge the dog pounds and the City acquired the responsibility for it? Mr. Burkhalter replied he would come in under the City regulations and he would have to move or be fired.

Councilman Whittington stated he would be handled in the same way these people were handled, the day this merger is affected, you either move in here or be fired.

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Mr. Burkhalter stated he thinks he knows what they are driving at. But, technically, he is not a City employee. What has been done in cases he has been involved in, you canvass the County employees to see how many of them wish to remain and offer them jobs with the City at certain rates, etc. Not all of them always take it. When you offer it to them now, unless Council does something about it, it would be that they move into the County within six months.

The vote was taken on the amendment to the motion and was defeated as follows:

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

Councilman Gantt offered an amendment to the original motion that it be grandfathered from the date of June 26, 1972. The amendment was seconded by Councilman Williams.

Councilman Davis asked if they have any idea what that does? Councilman Gantt stated he does not know that it matters. He agrees with everything Councilman Whittington has said. His only point is that we have never had a written policy that said you could not live on the outside and in fairness to those people they might want to consider that. He asked if this whole thing could be deferred until they get a little more specific information as to how many of these people have sold their homes and bought others, have otherwise moved or quit? Councilwoman Locke replied she wants her motion to stand now.

Councilman Williams stated that in the memorandum it indicates only 65 employees were originally affected by this and only three have already acted on it. Mr. Boyd stated the list was originally 70; 65 indicated that they would move back into Mecklenburg County; five indicated they would not move - the survey was conducted in October. That number has since changed because of one or two dismissals and voluntary separations and he believes, three have moved into the county. Mr. Burkhalter stated they really do not know what the status of the moves is at this point.

Mr. Boyd stated there is one point he would not want Council to lose sight of if they take some action to remove or otherwise modify the residence policy and that is Jean Nichols. She has terminated her employment and since she has done this, it will not be possible for her attorney or the City to contact her. If Council does do something to change the residence policy, as a result of the suit, it seems to him that some consideration ought to be given to offering her her job.

Councilwoman Chafin asked what this grandfather clause would say about the people who were employed by the Redevelopment Commission? They were not told at the time they were brought into the City that this requirement was being enforced.

The vote was taken on the amendment and lost by the following vote:

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

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

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

CITY ATTORNEY AUTHORIZED TO HAVE THE BOND ATTORNEYS START PROCEDURES FOR BOND REFERENDUM FOR SPIRIT SQUARE AND NATURE MUSEUM (CULTURAL BONDS).

Mr. Underhill stated Council discussed at their workshop in December the possibility of holding a bond referendum on April 19 for two projects - the Nature Museum project called Discovery Place for \$7.1 million; and a proposal to renovate and make improvements to the Spirit Square complex in

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the amount of \$2.5 million. They gave tentative approval to the Nature Museum proposal at the workshop and the Spirit Square proposal they asked that staff try to reach an agreement with Mecklenburg County which owns the property concerning certain things.

Included with the agenda is a proposed agreement which he understands has been approved by the Mecklenburg County Board of Commissioners and which contains several things. The essential provisions of the agreement are that the City agrees to conduct a special bond referendum in the amount of \$2.5 million for the purpose of providing funds for the design and construction of Spirit Square and for the acquisition of additional land for that complex and, if the bond referendum is successful, to pay the debt service cost which will be incurred. The County agrees that, if the bond referendum is successful, it will convey title to one-half undivided interest of the property to the City by deed without any further monetary consideration. The County further agrees that to the extent it is permitted to do so by law it will review as part of its budget process on an annual basis requests to provide funds to cover any operating deficits which may be incurred from the operating of Spirit Square.

He stated the entire agreement hinges upon the successful approval of the bond referendum. If the bond referendum is unsuccessful then the agreement is void and of no effect. The agreement was prepared by Mr. Underhill; it was modified somewhat by the County Attorney, Mr. Ruff, but in essence the agreement before them is the agreement that he initially prepared.

In addition to the agreement, there is one other thing that Council asked for either at its workshop or at a subsequent meeting when they considered this subject. That is the by-laws of SSAC Corporation, which is the non-profit corporation which has the Spirit Square complex under lease from Mecklenburg County and which operates this facility. He stated the proposed amendment to the by-laws, contingent upon successful approval of the bond referendum, would enlarge the board from its present membership to 18 members, one-third would be appointed by the City Council, one-third by the County Commission and the remaining one-third by the Board of Directors of the Charlotte Arts and Science Council.

Motion was made by Councilwoman Locke, and seconded by Councilman Whittington, to authorize the City Attorney to contact the Bond Attorneys to start the procedure for the bond referendum.

Councilman Davis stated he thinks every Council member has been provided comprehensive information about this project. That he is concerned that sometime between now and election day - he is not sure what type of information process is going to go on - Council should take some affirmative action to see that the information, particularly that that has not been discussed publicly, be made reasonably available to the public as to the cost of the project, what impact it might have on taxes so that the citizens understand exactly what they are voting on. Councilwoman Locke stated they have said they would do that; that they have said it is very important to do that.

Councilman Davis asked if there will be money provided for this? Mr. McMillan replied he is not prepared to announce the exact plans as they would be subject to Council's approval, but it is the intention to form a committee of interested citizens and to have them raise a sufficient amount of money to fully inform the public as to the cost and to the benefits of both Spirit Square and Discovery Place. From the outset it has been their intention that the public would participate fully in this decision. He thinks that is what it is all about. They think they have an obligation to make all of the information fully available to the citizens of Charlotte. It is their intention to raise what in their estimation is sufficient money to accomplish that information program.

Councilman Whittington stated he thinks this venture is unique in that it is the first time that he can recall that the City and the County and two organizations, one representing the Board of Discovery Place, which is part of the Nature Museum where someone has said some 300,000 school kids a year go through; and Spirit Square, another group of people who altogether are trying

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to do something for this city to give us a more viable mix, if you will, downtown which everyone agrees is so vitally needed. He thinks it is just great that we are all in this thing together and the secret of its success is going to depend on how well we stay together in presenting this to the citizens.

Councilman Withrow stated he thinks they have an obligation to put this to a vote of the citizens of Charlotte and let them decide on the cultural activities of this city. We will never know how they feel pro or con until we put the bonds to a vote and let the citizens decide which direction we are going to go.

Councilman Davis stated he is familiar with what members of Spirit Square team are going to do to publicize this, but he thinks the City should have a positive statement about this which would be material on which the Spirit Square group would base their public information program.

Councilman Williams stated what Councilman Davis is saying is that he wants a staff position on how many cents on the tax rate this is going to be. Councilman Davis replied yes, he thinks this type of information should be provided by the City to Mr. McMillan and his group.

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

BILL WILLIAMSON CONGRATULATED ON BEING NAMED "MAN OF THE YEAR".

Councilwoman Locke congratulated Mr. Bill Williamson who was in the audience for being chosen as Man of the Year, and thanked him for all he has done for the community.

COUNCILWOMAN LOCKE APPOINTED AS DELEGATE TO COG WITH COUNCILMAN WITHROW AS ALTERNATE.

Councilman Whittington moved that Councilwoman Locke be appointed as the Council's delegate to Centralina Council of Governments for the calendar year 1977, with Councilman Withrow to remain as alternate delegate. The motion was seconded by Councilman Withrow, and carried unanimously.

MAYOR LEAVES THE MEETING AT THIS TIME, AND MAYOR PRO TEM WHITTINGTON PRESIDES FOR REMAINDER OF SESSION.

Mayor Belk left the meeting at this time, and Mayor pro tem Whittington presided for the remainder of the session.

PROPOSED CHANGES TO CENTRALINA COUNCIL OF GOVERNMENTS' CHARTER TO PROVIDE FOR WEIGHTED VOTING APPROVED.

Councilwoman Locke stated she served on the By-Laws Committee for COG, which included Ralph Austin and Bob Randall, and they came up with the proposal of a weighted vote. She hopes members of City Council have had an opportunity to read it and vote affirmatively. Then at their meeting in Lincolnton they will take a vote on it by the delegates.

Councilwoman Locke moved approval of the proposed changes to the COG charter. The motion was seconded by Councilwoman Chafin.

Councilman Gantt asked if the County is still objecting to this weighted vote? Councilwoman Locke replied no, they voted for it.

Councilman Withrow stated he attended one of COG's meetings when Mr. Short was a member and they did not like this proposal at all at that time. He does not know if their attitude has changed. He asked what would happen if they say to Mecklenburg County and the City of Charlotte that they are not going to give us five votes.

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Councilwoman Locke replied it may be that this will be denied. If so, then they will just have to go back and work on it again. This is what they have done every year.

Mayor pro tem Whittington asked if the County did not make a statement that if they did not adopt a weighted vote they would pull out of COG. Councilwoman Locke replied yes, but that does not mean the delegates will vote it.

Councilman Withrow asked for the City Manager's opinion on this.

Mr. Burkhalter replied he thinks if the City and County pulled out of that organization it would fold up. They cannot operate without them. On the other hand, he thinks Charlotte and Mecklenburg County need it. He has always thought that with a personality such as Mrs. Locke we will be represented well even with one vote. He would favor any increase in vote. The thing that bothered him a little bit was the County got ours and theirs too.

Councilman Withrow stated he hates to go to these people and say "If you don't approve this, we are going to pull out." Councilwoman Locke replied she would not say that because she does not think they should pull out. Other Councilmembers agreed. Councilman Withrow stated their vote here today is not demanding, then. That what we need to do is to "weld" those people; to let them know that we want them to work with us and we want to work with them.

The vote was taken on the motion and carried unanimously.

Councilwoman Locke stated, although they do not need Council's approval for this, COG has asked the delegates to give Charlotte, because of its size, one vote on the Executive Committee and then give the five municipalities a vote on the Executive Committee.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE AUTHORIZING THE CITY MANAGER TO APPROVE CONTRACTS NOT TO EXCEED FIVE THOUSAND DOLLARS.

Mr. Underhill, City Attorney, stated Council is being asked to formalize what has been a longstanding practice. The Finance Director, in particular, is in a position where he might possibly run afoul of the Fiscal Control Act in the State Law governing municipalities. It is primarily for those reasons this is being presented. There are a number of things that come up in the day-to-day activities of the City which may or may not be construed as being purchase of materials, equipment, supplies and other things which under our charter does not require Council approval, but may be handled in an administrative fashion. The amount is \$5,000.

They are not changing anything here that conflicts with past policies or practices. He would suggest this would keep a lot of these things from appearing on the agenda. If they are worried about precedent on this, he can tell them the City Manager of Greensboro has the authority to approve contracts up to \$25,000, so this is a very, very limited kind of authority.

Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, approving the resolution.

The resolution is recorded in full in Resolutions Book 12, at Page 172.

RESOLUTION SETTING DATE FOR A PUBLIC HEARING ON THE REDEVELOPMENT PLAN FOR FIVE POINTS COMMUNITY DEVELOPMENT TARGET AREA AS MONDAY, JANUARY 31, 1977.

Motion was made by Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, setting January 31, 1977 as the date of a public hearing on the Redevelopment Plan for Five Points Community Development Target Area.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 173.

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SELECTION OF TRANSIT MANAGEMENT FIRM DEFERRED AND MEETING SET FOR WEDNESDAY, JANUARY 19, 1977 AT 10:00 A. M. WITH THREE FIRMS BIDDING FOR MANAGEMENT CONTRACT.

Councilwoman Locke moved that this item be deferred and that City Coach Line, McDonald Transit Associates and ATE be asked to appear at a special meeting of City Council and give the same presentation that they gave to the professional staff Advisory Committee, and hopefully they could then ask questions, ask the media, have an open hearing on this. That this be done either next Monday or Tuesday, January 17 or 18. The motion was seconded by Councilman Williams.

Councilman Williams stated he is especially interested in the time limit. That if we are inclined to make a change he thinks time is important. If there is a new management company, he thinks that company ought to have time to get ready to take over by the end of February.

Councilman Gantt stated they do have some flexibility; that they could extend the contract if they have to, on a month to month basis. Mr. Underhill replied it would have to be by mutual consent. That, in fact, the last extension was negotiated.

It was generally agreed to set the meeting for Wednesday, January 19, at 10:00 a. m.

Councilman Davis stated he would like to see some additional information, and this might have some bearing on the date - that from what he has read in the newspaper, there is not a meeting of minds on this Council as to what we are looking for in a transit management team. Councilwoman Locke stated that is why they are having the hearing. Councilman Davis replied he does not see how they can solicit bids before they know what they are looking for. It has been his understanding from the beginning that they were looking for a management team that would take over and operate the system for the foreseeable future and that they were looking for an aggressive management team that would do innovative things and build up bus ridership. To make that kind of judgment, he would like to see information from the leading contenders as to what their track record has been in other places similar to Charlotte, how much they have increased ridership, what their subsidy situation has been.

Mr. Burkhalter, City Manager, stated they would have all this. If they do not have it already, he will send to them what they were asked to bid on. Councilwoman Locke stated they would want this information too. Councilman Davis stated the only thing he has received from staff has been one memorandum.

Councilman Gantt stated he thinks a valid point has been made. That the criteria used by the staff in terms of evaluation of the bus management firm might be somewhat different from perceptions and criteria developed by the various Council members. For this reason, the sense of the motion is that Council wants the opportunity to hear all of this information itself. He thinks Councilman Davis' point is valid in that if we are talking about the operation of a system and the buck has now been passed to Council to make this decision then they ought to get some objective information in addition to the "snow" they are going to get from every one of these companies in terms of why they think they are the best firm - some indication of what their track record has actually been. Since all of them work for other municipalities, it would seem that they could collect some data on various things. He is not so sure that a question such as transit ridership and increasing ridership can on the bare face of that kind of statistic tell you anything about a firm. They would also, as Mr. Davis pointed out, have to get the information of how much additional funds were put into it by subsidy programs or additional investments by the city. None of these firms can justifiably argue that simply because they operated the system they increased the ridership in City X by 55 percent, if they do not tell us that in fact that city invested about \$2.0 million more than they invested in other kinds of innovative programs. Then they have gotten some misleading information.

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He stated that is what they did not see. The summary they did get of the three to six firms that interviewed was that they received information on the cities that they operated in, on the properties that they managed, the number of buses they had in the city and the kinds of services they offered. Then they received the staff's criteria for how they evaluated the firm and then arrived at a solution on the proposal. He suspects that they all want to examine the product a little more closely.

Councilwoman Locke stated she would also like a track record on labor negotiations that each one of these have done; what the results have been. She also has read in the paper that the City is planning on taking over the bus system eventually and she would like the professional staff to discuss that at some length. It seems to her that in Congress the Bill HR-74 which extends jurisdiction to the states and local employees, which is what they are probably talking about, which may eventually give them the opportunity to run a bus system. She would venture to say that bill will never pass and she would also say that it would be highly unlikely that she would ever vote for the City to take over the bus system - for the City to run it itself.

Councilman Williams stated he thinks that not only will that bill fail, but more than likely 14B of the Taft-Hartley Law will be repealed, which means they are going to be dealing with other issues instead of running this system themselves. If they are thinking about getting rid of the union in view of what this present Congress and new president might do, he thinks they are not being realistic.

Mr. Burkhalter stated he would like to straighten out some things. They did not invite anybody to bid on this that they would not be happy to have run it. Every one that they had to bid is a qualified, good management firm. They believed that Council would have some feelings about this and tried their best to get Council members to come and listen to them. They knew that Council was going to have some concerns and that they would be bothered by them as soon as they made any suggestions at all. Their committee was just to get facts; that is all he was concerned about. He is going to meet with the City Managers of Fort Worth, Cincinnati and Richmond next week. They all use these people and he can tell Council what they are going to say about them before he ever talks with them. It is what they say about bus systems. As far as taking over the bus system, he thought they did that a year and a half ago. As far as he is concerned the City has taken it over. If they are talking about who is going down there and tell Mr. Combs or whoever is in charge what bus to run where, there is nobody going to do that but the Council.

He stated what they have proposed to do in this contract is to cut out the double cost of having two purchasing departments, two accounting departments, two payroll accounts, two collections and this sort of thing, because they are having to do it twice now. They have to check everything that is done. What they are proposing to do, because they did not know enough in these earlier contracts, is so that they can do this. If they do not want to tell these people what to do; if they want to hire somebody and turn them loose, that is all right. He does not know a successful company in the United States that can run one privately. Maybe one of these can. Everyone of them are getting out of it that are in it. That is why we probably have one here. They do not exist. The City is going to have to run this bus system. As far as that labor law stands, he does not think that will ever be changed. We will need a management operation firm from now on, but there is no reason to pay that firm to go out and hire accounting and purchasing and all of this and there is no need for the City to pay them their fee to make a study to determine the market survey when we can do it another way. Any of these firms they are talking about would come in here and do it tomorrow. These are questions they ought to ask and he wishes they would. He does not feel like he should send them a piece of paper and leave it just up in the air and that is the reason he said he recommended this firm because he knows they can do it. If they prefer another one, that is perfectly all right. He has no objections; he is not pushing anyone. It will save money to use the one they have, but in the long run you will not get what you want if you think the others will do better. That is the thing they ought to decide. He wishes they had done it in the first place.

Councilman Davis stated as a part of the presentation, and part of what Mr. Burkhalter said, that we have taken over the bus system, and Council is now responsible and has to run it - that has been decided. The question in his mind, or what he visualizes, is the fact that we do have a management team that would do approximately everything. They would run the bus system, and would make suggestions to Council. If it is going to cost money, they would come to Council and tell what they wanted to do - increase fares, new buses or new routes. They would do all the studies and then come to Council with the suggestion, and Council would approve it when they make a major change. Then if Council does not like the way they are doing it and it is not getting results, then Council would be free to change management systems.

He stated on the other side, they might visualize a Transit Authority where we have a department of City Government that would have a staff to have the studies done, and that is what he would like to keep away from.

Mr. Burkhalter stated he would like for Council to think very carefully about one thing. The more of their authority they give up on this, the more it will cost. It will cost big money. Right now they are spending in the neighborhood of the tax rate between two and three cents. It is going to be more than that next year. It will be at least in the neighborhood of three cents. They can do anything they want about this. That he is trying to hold the management to a term that staff, at Council's direction, can tell them what is wanted and what we want to pay for it.

He stated if they want a transit authority, they have it so it can be converted to one overnight. He thinks they are going to have to find another way to fund this. They may have to go to an Authority; they may have to do something. He does not believe they will be able to continue to fund this as long as they are talking about using taxes. There is no way for the bus system at this cost can continue. These are the things he hopes Council will think about.

Mayor pro tem Whittington stated what Mr. Burkhalter has told Council is the cold facts, plus the fact that what he has not told Council is if Council ever gives up the operation of this system, there is no way we can pay for it. It is ours and it is our responsibility, and Mike Kidd's, to tell whoever the management team is, how to operate "our" bus system. As has been pointed out, we are committed now for two cents, and no one knows what it will be down the road. In his opinion, it behooves Council to make sure that we get a management system to manage our bus system the way we tell them to manage it.

Councilman Gantt stated it is clear to him that we do own the bus system, and the major policies on public transportation are set by this Council. All eight want the best and most efficient kind of management and operation method we can get. He does not know how other people view the Transit Planning office we have, but that is the extension of the City Manager's staff which helps in formulation of policy. He stated he could not tell anyone anything about operating the bus system - where to put them on the street, various kinds of marketing and the various things that have to be done. That he does not think anyone here knows anything about it. All we are after with the three firms that we are inviting to come is to tell Council what is involved in operation and management of the bus system. There is no attempt on his part, and he does not think on anyone else here, talking about handing this back to a private organization to run - perhaps the problem has been the word "take over" the bus system. The fact is we own it, and he does not think we will relinquish it, and he does not think there is anyone who will accept the bus system. The question right now is can we, do we, or will we, have the best firm this Council and the managerial staff can find to operate this system.

Councilman Gantt stated there is a recommendation from the City Manager and he has read what he has given to him, but very frankly, he is not satisfied and would like more information.

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Councilman Withrow asked if this is the City Manager's recommendation alone; or is the recommendation from all the staff members? Mr. Burkhalter replied he sent Council a staff report; the recommendation came to Council from the City Manager after reading the staff report. He stated he knows all these companies and have known the way they operate. All he is trying to do is to get some company that Council will be satisfied with. The people who reviewed it, rated them, and did all the studies, and argued back and forth, came up with the information to him, and he gave Council the information, and gave them his best judgment. He will stake his record on these people running it; they will run it the way Council wants it run. He has given Council two, he can give them four, and either of them will do what we want done. The change over is the reason he gave this recommendation to them. It is so much easier with the one they already have. There will be all kinds of problems; retirements and all these things when they change firms.

Mr. Burkhalter stated he would like to have someone on his staff who is a manager of a bus system. Then he could come stand before Council and tell them what is happening. Now he has to go through Transit Planning and everybody else to get to Mr. Paquette. It is not operating now as he would like it to operate. He would like to see it changed so that there will be a line of authority to tell them what is to be done. This is all because of the way it is set up. The contract we have now does not permit us to do the things he would like.

Councilman Withrow asked how much we are paying staff people to bring us the right information because he does not think Council has the expertise. That we pay the staff \$200,000 plus (the ones that made the recommendations). If he hires a man in his company and he brings the wrong information, then he does not stay long. He thinks these staff people are paid big salaries to give the right information, and he is listening to them.

Councilman Williams stated you are going to have honest differences of opinion among people - professional staff and elected officials. But if you defer 100 percent to staff people in Council-Manager type of government, Council might just as well not be here.

Mr. Burkhalter stated they gave Council an alternative in this report for that very reason. He is not pushing this. And he will be much happier after Council meets.

Mayor pro tem Whittington stated it is our bus system, and Mr. Kidd is the man Council is going to tell how to run it. Whoever the management firm is will do what this Council directs them with the best advice they can give Council to make the decisions.

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

Mr. Burkhalter stated he understands that Council wants the following things from these Management Companies: (1) Labor record; (2) Tract record of operations. He asked Mr. Kidd to start work on this immediately. He asked if Council will allow staff to set up the rules? Councilmembers replied in the affirmative.

Mayor pro tem Whittington asked if Council would be interested in sending some member of Council and staff to these cities where these other companies operate, and have that information as we see it on the 19th. The reply was there was not enough time to do this, and they were not sure they would be looking at the right thing, AND this should be left to staff. Mayor pro tem Whittington asked the City Manager if he can get this information from the people who pay the bills, and Mr. Burkhalter replied he could.

REQUEST THAT SOMETHING BE DONE ABOUT THE HEATING AND COOLING SYSTEM IN COUNCIL CHAMBER.

Councilwoman Locke asked the City Manager if something can be done about the heating and cooling of the Council Chamber? It is horrible. One minute it is hot; the next minute it is cold. Mr. Burkhalter replied Mr. Bobo is in charge of it; he would like Council to tell him what they want.

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ORDINANCE NO. 414-X TRANSFERRING FUNDS WITHIN THE PUBLIC TRANSPORTATION CAPITAL IMPROVEMENT PROJECTS FUND TO PROVIDE A SUPPLEMENTAL APPROPRIATION TO COMPLETE THE ACQUISITION OF THE PARTS INVENTORY AND SPARE UNITS FOR THE CHARLOTTE TRANSIT SYSTEM.

Motion was made by Councilwoman Chafin, seconded by Councilman Gantt, and unanimously carried adopting the subject ordinance transferring \$29,030 to provide a supplemental appropriation to complete the purchase of the parts inventory.

The ordinance is recorded in full in Ordinance Book 23, at Page 483.

ORDINANCE NO. 415 AMENDING SECTION 13-38(a) OF CHAPTER 13 DELETING THE PROVISION FOR THE ISSUANCE OF PERMITS TO SHOOT DESTRUCTIVE ANIMALS INSIDE THE CITY LIMITS.

Councilman Gantt moved adoption of the subject ordinance deleting the provision for the issuance of permits to shoot destructive animals inside the city limits. The motion was seconded by Councilman Davis.

Councilman Withrow stated there should be a law that people who own the animals that do damage to other people's property should be personally liable for the damages. Mr. Underhill, City Attorney, replied he has not had an opportunity to look into that. He knows that an owner of an animal can be held civilly liable and damages recovered from the property owner for personal injury. It is an area of the tort law that is recognized in this state. Councilman Williams replied that is very well put. That a dog gets one free bite; after that his owner is supposed to know he is dangerous and keep him up.

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

The ordinance is recorded in full in Ordinance Book 23, at Page 486.

COMMENTS ON COUNCIL'S CONCERNS OF ADDING TO THE BUDGET FOR NEXT YEAR.

Mayor pro tem Whittington stated in connection with Items 15, 16 and 17 (a) and (c) that Council has said to the City Manager on different occasions that they are concerned about the budget items for next year. That everyone of these are putting more money in next year's budget it seems to him. He asked if that is true? Mr. Burkhalter, City Manager, replied that Item 15 to add a crossing guard will; that Item 16 on security for the Airport is no expense to the City as it is reimbursed by the airlines; that 17(a) - furniture for the West Boulevard Area Community Development Project - is in the 1976-77 budget; and 17(c) is part of the City's purchasing funds granted in the original purchasing expense. He stated the only one that would increase the budget will be the crossing guard which is a continuing expense.

Mayor pro tem Whittington stated this is how the budget is increased from one year to another.

ORDINANCE NO. 416-X AMENDING THE 1976-77 BUDGET ORDINANCE, AMENDING THE TABLE OF ORGANIZATION FOR THE CHARLOTTE POLICE DEPARTMENT TO ADD ONE SCHOOL CROSSING GUARD FOR THE INTERSECTION OF HILLSIDE AND WESTFIELD ROAD, SERVING PARK ROAD AND ST. ANN'S SCHOOLS.

Upon motion of Councilwoman Chafin, seconded by Councilman Gantt and unanimously carried, the subject ordinance was adopted amending the Table of Organization for the Police Department to add one school crossing guard.

The ordinance is recorded in full in Ordinance Book 23, at Page 487.

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CONTRACT WITH BURNS SECURITY FOR AIRPORT CONCOURSE SECURITY AMENDED TO INCREASE THE RATE OF COMPENSATION TO \$4.92 PER HOUR FOR 290.5 HOURS PER WEEK OF STRAIGHT TIME, AND \$7.38 PER HOUR FOR OVERTIME.

Councilwoman Locke moved approval of the subject amendment to the Burns Security Contract for the Airport Concourse Security. The motion was seconded by Councilman Withrow, and carried unanimously.

Mr. Birmingham, Airport Manager, replied to questions and stated the contract was originally let on a competitive basis; the bids are out now for a new contract; this is to tie us over until the new contract is approved.

The vote was taken on the motion and carried unanimously.

CONTRACT AWARDED TO O. G. PENEGAR COMPANY FOR FURNITURE FOR WEST BOULEVARD AREA COMMUNITY DEVELOPMENT PROJECT.

Upon motion of Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, contract was awarded to the low bidder meeting specifications, O. G. Penegar Company, in the amount of \$7,404.04 for furniture for West Boulevard Area Community Development Project.

The following bids were received:

O. G. Penegar Co.	\$ 7,404.04
White Office Furniture, Ltd.	<u>7,423.30</u>
Miller's Office Equip. Co., Inc.	7,963.40
Clyde Rudd Associates, Inc.	8,308.23

Bids received not meeting specifications:

Pound and Moore Company	\$ 6,932.13
The R. L. Bryan Company	6,982.33

CONTRACT AWARDED TO MECHANICAL CONTRACTORS, INC. FOR AIR CONDITIONING SYSTEM FOR POLICE COMMUNICATIONS ROOM.

Motion was made by Councilman Withrow, seconded by Councilwoman Locke, and unanimously carried, awarding contract to the low bidder, Mechanical Contractors, Inc. in the amount of \$18,340 for air conditioning system for the Police Communications Room.

The following bids were received:

Mechanical Contractors, Inc.	\$ <u>18,340.00</u>
Climate Conditioning of Charlotte	18,800.00
Air Masters, Inc.	18,847.00
A. Z. Price & Associates, Inc.	19,388.00
Ross & Witmer, Inc.	21,784.00
Jackson Refrigeration Service, Inc.	22,424.00

CONTRACT AWARDED TO BRANDT, INC. FOR HIGH SPEED COIN SORTER AND COUNTER FOR TRANSIT PLANNING.

Councilwoman Chafin moved award of contract to the only bidder, Brandt, Inc., in the amount of \$15,335 for a high speed coin sorter and counter for the Transit Planning Department. The motion was seconded by Councilman Withrow, and carried unanimously.

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CONTRACT AWARDED TO ITT GRINNELL CORPORATION FOR DETECTOR CHECK VALVES.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and carried unanimously, awarding contract to the low bidder, ITT Grinnell Corporation, in the amount of \$12,083.35 on a unit price basis for detector check valves.

The following bids were received:

ITT Grinnell Corporation	\$ 12,083.35
Hersey Products, Inc.	17,338.50

CONTRACT AWARDED TO HONEYWELL, INC. FOR TRAFFIC SIGNAL CONTROLLERS.

Upon motion of Councilman Withrow, seconded by Councilman Davis, and unanimously carried, contract was awarded to the low bidder, Honeywell, Inc., in the amount of \$343,280 on a unit price basis for traffic signal controllers.

The following bids were received:

Honeywell, Inc.	\$343,280.00
Southeastern Safety Supplies	397,415.00
Eagle Signal Corporation	487,980.98

Mr. Corbett, Traffic Engineer, stated they are buying a group of traffic signal controllers as they buy every year; they chose to consolidate a lot of different accounts and to buy them at one time. They came before Council last June with bids, and asked Council to reject them because the low bidder at that time was to furnish equipment which was not the kind they wanted to use. They re-worked it and came up with new specifications and now they are asking Council to award this contract for 60 controllers which control the sequence of the signals at the intersection, for 60 coordinating units which will permit them in the future to tie all these into their big computer; and for four coordinating units to go on Monroe Road at the Dunn intersection where they have just put in signals in order to coordinate the ones at Dunn with Briar Creek and Seventh Street.

These funds are scattered through about five different funds. Some of them come from funds in the operating budget for replacement of obsolete equipment which is 20 and 25 years old. Some of it from funds for roadway improvement projects such as Randolph, Wendover, Remount Road and The Plaza where they are buying new equipment to provide left turns and things of this type.

Councilman Williams stated some people think the automobile is paying its way with taxes it generates. But this is an example where it is not generating any taxes. That we talk about how much the buses cost, and the buses use traffic signals too, but primarily you need more traffic signals because of cars. This is big business whether it is automobiles or buses.

PAYMENT TO CROWDER CONSTRUCTION COMPANY FOR EMERGENCY REPAIRS TO THE EXISTING 24-INCH WATER MAIN ON THE EAST SIDE OF YORK ROAD AT THE IRWIN CREEK CROSSING APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, the payment of \$23,365.33 to Crowder Construction Company for emergency repairs to the existing 24-inch water main on the east side of York Road at the Irwin Creek Crossing, was approved.

CONSENT AGENDA APPROVED.

Motion was made by Councilwoman Locke, and seconded by Councilman Williams to approve the following Consent Agenda Items:

1. Settlement in the case of City of Charlotte vs George Goodyear Company, et al, in the amount of \$4,300 for Annexation Area I(1), S/S Collector Mains, Parcel No. 208, as recommended by the City Attorney.

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2. Settlement in the case of City of Charlotte vs Jack Harold Mattox (minor); Jeanette Elizabeth Mattox; John Raymond Mattox; and James Ormand Mattox, Jr. in the amount of \$9,000, for Randolph Road Widening, Parcel 70, as recommended by the City Attorney.
3. Acceptance of the remaining one-half undivided interest gift of land located in Mammoth Oaks Subdivision for establishing and maintaining a small park, donated by Mrs. Dorothy H. Hutchinson.
4. Applications for rehabilitation grants, in North Charlotte Target Area, to the following:
  - (a) Thomas Horton at 818 Matheson Avenue, in the amount of \$4,376.
  - (b) Luesta B. Ray, at 1205 E. 26th Street, in the amount of \$4,207.
  - (c) Wilma Burnside, at 709 E. 37th Street, in the amount of \$4,225.
  - (d) Annie D. Lovelace, at 3212 Spencer Street, in the amount of \$4,500.
  - (e) Vera M. Mullis, at 720 East 36th Street, in the amount of \$4,100.
5. Encroachment agreements, as follows:
  - (a) With Frito-Lay, Inc. to allow Frito-Lay to construct a two-inch gas line across Poplar Street to serve their manufacturing plant located at Stonewall and Church Streets.
  - (b) With North Carolina Department of Transportation permitting the City to construct 150 feet of 6-inch water main along N. C. Highway 73, and 750 feet of 8-inch water main along U. S. Highway 21.
6. Property transactions, as follows:
  - (a) Acquisition of 9.44' x 71.04' x 72' of easement at 6818 Lancer Drive, from Robert C. Griffin and wife, Frances R. at \$250.00 for Providence Utility Trunk Relocation.
  - (b) Acquisition of 30' x 556.88' of easement at SE corner of I-77 and Mt. Holly-Huntersville Road, from Glen H. Alexander and wife, Mattie Belle, at \$750.00, for Torrence Creek Outfall, Phase II.
  - (c) Acquisition of 15' x 622.76' of easement at 500 Brackenbury Lane, from Brackenbury, Inc., at \$1,000 for sanitary sewer to serve Greenfield Drive.
  - (d) Acquisition of 15' x 39.48' of easement on eight acres Sardis Road, from William Trotter Development Company, at \$1.00 for sanitary sewer to serve Sardis Forest.
  - (e) Acquisition of five parcels of real property located in the Third Ward CD Target Area, as follows:
    - (1) 3,500 sq. ft. at 216 Victoria Avenue, from Power Products Manufacturing Co., at \$1,225.
    - (2) 7,420 sq. ft. at 208 Victoria Avenue, from Theodore Coleman and T. L. Coleman, at \$4,000.
    - (3) 7,400 sq. ft. at 204-06 Victoria Avenue, from Theodore Coleman and T. L. Coleman, at \$15,000.
    - (4) 7,400 sq. ft. at 200 Victoria Avenue, from Jade Construction Co., at \$3,500.
    - (5) 5,000 sq. ft. at 232 Victoria Avenue, from Thomas Allen Kennedy, at \$1,750.
  - (f) Acquisition of 7,562 sq. ft. at 2630 S. Tryon Street, from John Seegers, at \$12,500 for Southside Park Community Development Target Area.

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(g) Acquisition of real property in the West Morehead CD Target Area, as follows:

- (1) 3,500 sq. ft. at 1111 Jefferson Street, from Clarence Gilliard, at \$2,500.
  - (2) 3,150 sq. ft. at 1115 Jefferson Street, from Odessa G. Dean, at \$5,000.
  - (3) 15,313 sq. ft. at 148-50 W. Palmer Street, from Syncon, Ltd, at \$36,000 (2 parcels).
  - (4) 10,725 sq. ft. at 130-36 W. Palmer Street, from Charles H. Lowder, et al, at \$38,300.
  - (5) 8,280 sq. ft. at 1304-06 Winnifred Street, from Gethsemane Baptist Church Trustees, at \$20,350.
  - (6) 13,837 sq. ft. at 1238 and 1300 Winnifred Street, from Gethsemane Baptist Church Trustees, at \$128,730.
  - (7) 7,170 sq. ft. at 1228 Winnifred Street, from Gethsemane Baptist Church Trustees, at \$7,920.
  - (8) 17,880 sq. ft. at 1208 Winnifred St. and 1209 S. Church Street, from Charnoca Corporation, at \$17,800.
  - (9) 14,391 sq. ft. at 1224, 1302, 1306-08, and 1312 S. Church Street, from F & J Corporation, at \$21,000.
7. Change Order No. 1 in contract with Austin Electric Company for the electrical work on the Hoskins Booster Pumping Station increasing the contract price by \$101.20 for addition of pressure switches to protect the pump suction line against suction and discharge failure.
  8. Change Order No. 1 in contract with Sanders Brothers, Inc., for general contract for Hoskins Booster Pumping Station reducing the contract price by \$1,479 to reflect the actual expenditure for concrete testing, and deletion of the requirement that pump motor widenings be encapsulated with epoxy.
  9. Change Order No. 1 in contract with Austin Electric Company for the electrical work on the Plaza Road Booster Pumping Station increasing the contract price by \$75.90 to add pressure switches to protect the pump suction line against suction and discharge failure.
  10. Contract with Alta Enterprises, Inc. to construct 1,315 feet of water main and one fire hydrant to serve Columbine Circle No. 10, inside the city, at an estimated cost of \$9,100.
  11. Contract with the Royster Company for the construction of 973 linear feet of 8-inch sanitary sewer lines to serve 3400 LaSalle Street, inside the city.
  12. Contract with Godley Realty for the construction of 390 linear feet of 8-inch sanitary sewer to serve 601 Gulf Drive, inside the city.
  13. Contract with Alta Enterprises, Inc. for the construction of 1,092 linear feet of 8-inch sanitary sewer to serve Columbine Circle No. 10, inside the city.
  14. Adoption of a resolution providing for a public hearing on Monday, January 24, at 3:00 o'clock p. m., on Petitions No. 77-1, 77-3 and 77-4 for zoning changes.  
  
The resolution is recorded in full in Resolutions Book 12, at Page 176.
  15. Issuance of special officer permits for a period of one year each to:
    - (a) Garland Wayne Edwards for use on the premises of Douglas Municipal Airport.
    - (b) Harold Keith Gebhardt for use on the premises of Charlotte Park and Recreation Commission.

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Councilman Davis asked the Public Works Director to comment on the Encroachment Agreement with Frito-Lay, Inc. He asked if this is standard arrangement? Mr. Hopson replied it is the standard arrangement with Frito-Lay to cross Poplar Street; it is a two-inch line; that they do not see any safety problems there. Mayor pro tem Whittington stated we do the same thing with the State Highway Department to run utility lines. Mr. Hopson stated they are carrying the insurance and everything required by the Insurance Advisory Committee.

Mayor pro tem Whittington stated in the acquisition of property in Third Ward he asked when Staff will bring to Council the revised plan on Third Ward so that it can be approved as it relates to Community Development. For example, they had an on-ground site inspection in that area to see what they were going to do about Cedar Street; what they were going to do about the residences on First Street.

Mr. Sawyer replied the basic information which has been asked for has been in hand; they have made an inspection of all the houses along Cedar Street, and gathered the other information requested. That he has not put it all together in presentable fashion.

Mayor pro tem Whittington stated it was his understanding the Council had to adopt this plan, and they do not have anything to adopt. Mr. Sawyer replied they approved the plan and asked staff to study these particular locations - that is Cedar Street, First Street; but they did not say to hold up on the plan or in implementing the rest of the plan. They have been going ahead in the other areas; but they have done nothing along Cedar Street, or nothing along First Street pending Council's decision on these two locations.

Mayor pro tem Whittington stated he thinks all would agree that this is the gateway to Third Ward, and some decision should be made on that before getting too far into the remainder of the area.

Mr. Sawyer replied he will concentrate on it and move it up in his priorities.

The vote was taken on the motion to approve the consent agenda and carried unanimously.

#### NOMINATION OF MARY ANN CLAUD TO THE WTVI BOARD OF DIRECTORS.

Councilwoman Locke placed in nomination the name of Mary Ann Claud to the WTVI Board of Directors.

#### DISCUSSION OF UPCOMING BOND REFERENDUM, DISTRICT REPRESENTATION, AND REQUEST THAT DISCUSSION OF WATER-SEWER BONDS BE PLACED ON THE AGENDA FOR THE NEXT MEETING.

Councilman Withrow stated Council has decided to talk about district representation in relation to putting it with the bond referendum on Spirit Square, and also the sewer-water bonds.

Councilman Withrow stated he thinks Council should decide on the date on district representation. He asked if the date of April 19 is locked in? Mr. Underhill, City Attorney, replied that is the date that has been recommended; Council can set it anytime within the 120 days from December 20, 1976. He took Council's action today on the Cultural Bonds to authorize him to contact the Bond Attorney to start the legal machinery to hold a bond referendum on April 19. On that he assumed once Council decided upon a district representation - seven member district map - they would also set that date of election on April 19. That Council is not required today to set the date; they may want to wait and set the date at the time they consider the map the Planning Commission is preparing on alternative seven district plans in order for Council to select one.

Councilwoman Chafin asked if the statute requires Council to draw the lines prior to the referendum? Mr. Underhill replied he thinks it does. Councilwoman Chafin stated she had thought so, but there has been some question

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about that. Councilman Williams stated whether it does or not, he thinks Council should do so in order for Council to know what they are voting on.

Councilwoman Locke asked if the Board of Election is helping to draw the plans? That she thinks they should be.

Mr. Burkhalter stated this will be on the agenda for the January 24th meeting. That he will try to get the drawings to them prior to that date. There will be at least two choices of seven.

Councilman Withrow asked about the water-sewer bonds. Should it be done or not done. That he thinks Council should discuss that. Mr. Underhill may want to talk to the Bond Attorney at the same time.

Mayor pro tem Whittington stated Council spent almost a full day on annexation, district representation, and several other things. He thought when he went away from there that the City Attorney had given Council a schedule and everything was geared toward the 19th of April. He would hope that Council would agree again today that is what we want to do. The Spirit Square - Discovery Place bonds have been approved today; the District Representation election, and if Council is going to annex then we have to make a decision in the next two weeks on whether it will be financed as recommended by staff without bonds, or whether those bonds will be added to the package to finance the utilities for annexation.

Councilwoman Chafin stated she thinks a number of Council feel and agree they would not make a decision on this until we hear the report from the Community Facilities Committee. Mayor pro tem Whittington asked when that report is coming? Mr. Burkhalter replied they met last Thursday but did not make a decision. Their discussion was not really on what Council asked them to do; they were trying to decide whether Council should have an election. That they tried to get them back on the subject. His information was that Council asked him to see what CFC thought about the plan staff proposed to Council and to get their reaction. Mayor pro tem Whittington replied that is right. Mr. Burkhalter stated he has not received anything yet; but Mr. Sheridan promised he would get something as soon as he could.

Councilwoman Locke stated Council is going to have to make a decision on it. Mayor pro tem Whittington asked if he told them Council has a date they are working towards? Mr. Burkhalter replied yes, and he will try to get it started. Councilman Williams stated he thinks Council has to make a decision probably at the next meeting. Councilwoman Locke stated even if they do not come with a recommendation. Councilman Williams replied he is afraid we will. If the Council majority elects to go for a referendum probably next week will be the deadline in order to get it on the April 19th date.

Council asked that it be on the agenda for the next meeting.

AFFIRMATIVE ACTION PLAN REQUESTED ON AGENDA FOR JANUARY 31, 1977.

Councilman Gantt asked that the Affirmative Action Plan be placed on the Agenda on January 31, 1977, for discussion.

ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk