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A regular meeting of the City Council of the City of Charlotte, North Carolina, was held on Monday, January 22, 1973, at 3:00 o'clock p.m., in the Council Chamber, City Hall, with Mayor John M. Belk presiding, and Councilmembers Fred D. Alexander, Ruth M. Easterling, Sandy R. Jordan, James D. McDuffie, Milton Short, James B. Whittington and Joe D. Withrow present.

ABSENT: None.

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INVOCATION.

The invocation was given by Robert L. Walton, President, Charlotte Jaycees.

APPROVAL OF THE MINUTES.

Upon motion of Councilman Jordan, seconded by Councilman Short, and unanimously carried, the minutes of the meeting on January 15, 1973 were approved as submitted.

WEEK OF JANUARY 21 THROUGH JANUARY 27, 1973 PROCLAIMED AS JAYCEE WEEK.

Mayor Belk recognized all of the Jaycee Presidents who were present and asked them to come to the front. He then read a proclamation proclaiming the week of January 21 through January 27 as Jaycee Week.

Mr. Robert Walton, President of the Charlotte Jaycees, expressed appreciation to the Mayor and Council for taking time out of their busy schedule to acknowledge this as Jaycee Week.

Mr. Walton stated one of the activities this week will be the distinguished service award to ten outstanding young men at a banquet which will be held Friday night, January 26 at the White House Inn. He stated Congressman James Martin will be the speaker, and they would like to extend an invitation to the Mayor and Council to attend the banquet. Mr. Walton stated to others who might be interested tickets are on sale at \$6.00 a ticket at the Jaycee office.

Another member of the group stated the Queen City Jaycees are introducing a drug project tonight and they feel this is worthwhile to the whole community. They will go into the schools and teach the children about drugs to try to catch them before they get into the high school area. He stated they would like to invite the Mayor and each member of Council to come to the presentation tonight at the NCNB PentHouse.

PETITION NO. 72-59 BY JACK D. FARR FOR A CHANGE IN ZONING OF A PARCEL OF LAND AT THE SOUTHWEST CORNER OF THE PLAZA AND BLACKWOOD AVENUE, DENIED.

The subject petition for a change in zoning from R-6MF to O-6 was presented for Council consideration. The Council was advised the Planning Commission recommends the petition be denied.

Councilman McDuffie stated he supported changing this from residential to office, and the petitioner indicated in one letter that O-15 would be acceptable. It seems to him that most of the area of The Plaza and parts of Eastway are already office, including the petition Council has been asked to rehear before the time expires.

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It appears to him to be more desirable to have office with a daylight kind of activity than it would be to have the number of apartment units that could be built on the same land. He stated he does not have any strong feelings for developers or anyone concerned with it. But from living in the area and driving past it, he would rather have office in the neighborhood than the number of apartment houses that are being built and are able to be built on land already zoned.

Councilman McDuffie moved that the petition be considered for O-15 zoning. The motion did not receive a second.

Councilman Withrow asked if the Planning Commission considered the property for O-15 at the time the recommendation was made? Mr. Bryant, Assistant Planning Director, replied there was no actual discussion of O-15; the request was for O-6 and that was the basis on which it was discussed. Councilman Withrow stated in that area there is a wholesale of apartments, and R-6MF is a high density. Does Council has the right to change the density of the property and decrease the density? Councilman Short stated he is asking if this can be changed from R-6MF to R-6? Mr. Bryant replied that does not fall within the range, and it would require another public hearing. He stated if the property is changed to O-15 apartments will still be permitted. Councilman McDuffie replied the man wants to build an office building. Right now he is only left with the option of building 21 apartment units per acre, and he can probably build 40 or 50 apartments on the property. Across the street there is a day care center and a night spot; across the street from that is a dry cleaners and a filling station; back the other way is a Little General Store, and these people are left with about four houses in the middle of the block zoned residential, and he does not think it is reasonable to expect those houses to stay residential forever. The neighborhood is changing. It is backed up to Commercial Avenue which is already business. You have these houses plus the one little street behind it with \$10,000 homes, which more than likely will change to low income residents in the future. So we are just inviting a kind of apartment that will be of less value than a nice looking office building with day time activity in it.

Councilman Whittington stated he has had mixed feelings about this zoning petition. Every time he goes out to look at it he tries to think what is best for the stability of that area, and he has to go back and refer to what the Planning Commission said in their recommending disapproval of this property. The recommendations states: "This property is located in an area which has been considered for non-residential zoning a number of times in the past and it has always been concluded that the area retains sufficient residential characteristics to warrant preserving it. While the amount of frontage zoned residential on The Plaza is not great, the area must be considered in relation to other streets as well."

Councilman Whittington stated for that reason, he moves the petition be denied. The motion was seconded by Councilman Short, and carried by the following vote:

YEAS: Councilmembers Whittington, Short, Alexander, Easterling, Jordan and
and Withrow.

NAYS: Councilman McDuffie

Councilman McDuffie stated it seems strange that one block away there is six or eight blocks thick of houses that was zoned for Sunoco Filling Station, and business just a block away, and this is only one block deep before it runs into the railroad tracks, and so he does not buy the idea it is residential.

Councilman Whittington stated he does not think there is any comparison between the two; that he voted for the Sunoco Station because it is on the corner of The Plaza and Sugar Creek Road, and the six people whose property was affected asked for it to be done; and there was no objections.

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CITY MANAGER, STAFF AND POLICE CHIEF TO COME BACK TO COUNCIL WITH A PLAN TO
DETAIL PROCEDURES IN THE USE OF EQUIPMENT FOR SILENT SURVEILLANCE DETECTOR.

An ordinance to amend the 1973-74 Budget Ordinance and to establish an
appropriation of \$7500 for carrying out the Silent Surveillance Detector Study
under an LEAA Project was presented for Council's consideration.

Councilman Whittington stated Council discussed this LEAA audio-video equipment
last week and he thought those of Council who asked for it to be delayed had
good reasons for delay because they did not understand it, and because they
had not seen it before that time. Since this delay he has had many letters and
telephone calls from people in the community who have reservations about this
appropriation. He stated he has done as good a job as he knew how to do in
trying to get information from Washington about it. For that reason he is of the
opinion that before Council approves this appropriation, Chief Goodman should
come back to Council and state in writing just how this equipment will be used,
and until that is done, he thinks Council should not approve it.

Councilman Whittington moved it be denied. The motion was seconded by Council
Short.

Councilman Whittington stated he hopes Chief and his staff realize that Council
is doing what it thinks is the best thing to do, and hopefully in the end Council
will do, within reason, what Chief wants done.

Councilman Short stated if the Chief wants to come back and present a plan for
the use of this equipment, he thinks it should be used only where occupants or
owners of property invite or request to use this equipment at their property
in the same manner that banks are using it now. The idea of further promoting
secret electronic spying he does not feel we should do this. This is just too
enticing and in a few years you are likely to have something that is out of
control. He stated he would hope if Chief wants to pursue this further, he will
give Council a plan that does not have the secret feature at all; but merely
involves using this just where we are invited to use it by some owner or
occupant of property.

Councilman McDuffie stated he thinks it is a sad day in the history of Charlotte
when the City Council does not trust the police department to do its job. He
can imagine when two-way radios came in that some people would have objected the
same way that it was not fair as now the police would be able to stand on a
corner and see somebody breaking in a store and call for help. The very idea
that the police department would be involved in activities that are not to
bring the lawless to justice; to catch law breakers, he cannot see how one
person who is obeying the law and living a life that he should live would
object to the police department having the finest equipment in the world. The
people on Oaklawn Avenue are fearful for going out their doors because of the
dope addicts and the robberies and other activities that go on in their
neighborhood; if this kind of equipment would help the police to catch dope
peddlers or just one person in that community - that most of us do not fear
this as our neighborhood is safe. Council has already been told by the City
Manager this would not be doing anything that is not being done now except it
would be a movie camera doing the same thing as a man with binoculars. Because
we can save money and run it by remote control we are not in favor of it.

Councilman Jordan stated he has had quite a few calls concerning this. He has
had many who felt it should be approved because of the crime in this city.

Councilman Jordan made a substitute motion that it be postponed for two weeks
until he can get a little more information on it and during that time Chief
can possibly furnish Council or Mr. Whittington with the information he asked
for. The motion was seconded by Councilman Withrow.

Councilman Whittington stated he did not mean to say "deny". His motion was to
delay a decision on this item until the chief of police brings Council a plan
of how this equipment will be used. That he mentioned audio-video equipment,
and Mr. Short carried on the conversation after the motion was seconded as it
relates to this equipment and who would use it and how it would be used.

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Councilman Alexander stated he seconded the motion on his understanding that the word deny was the proper word Mr. Whittington wanted to use. If that was not the proper word he wanted to use, then he withdraws his second to the motion because he holds no reservations about seconding the motion to deny. He stated he has had conversations with people who have expressed their thinking about the use of this type of equipment. That he has some thinking of his own about it. The thing that concerns him is there is no way to ultimately control the use of this type of equipment which is very evident in every thing we read and have been reading lately. He stated he is a little reluctant at this moment, knowing no system that could be used to control completely its use in his attempts to find out where they have been put into use if there is any way you can absolutely control where it can be used and when and what the circumstances are. Councilman Alexander stated it is not that he questions the integrity of the police department. But he questions the complete control of its use by anything that has not been said to Council that can convince him that type of control would be in existence. He stated not only are people afraid to walk up and down Oaklawn Avenue, but he knows a lot of areas in Charlotte where the people say the same thing. So Oaklawn Avenue is not the only reason. He stated if the meaning of the word denial is in question, and Mr. Whittington did not mean that, he will have to withdraw his second.

Mayor Belk asked Councilman Jordan if he would like to withdraw his substitute motion as the main motion has been withdrawn? Councilman Jordan withdraw his substitute motion and Councilman Withrow who seconded the motion agreed to the withdrawal.

Councilman Jordan moved that the matter be postponed for two weeks until Council can get more information. The motion was seconded by Councilman McDuffie.

Councilman Short asked if he would include in his motion that the staff and the police chief will come back with a plan which will detail procedures for using this equipment so that it will not be used secretly but will be used only in invited or requested and non-secret situations? Councilman Jordan he would prefer to leave his motion as he has stated, and see what the information is.

Councilman Short made a substitute motion to ask the City Manager and staff and the Police Chief to come back to Council with a plan which will detail procedures concerning the use of this equipment to insure the equipment will not be used secretly but will be used only in invited or requested and non secret situations. The motion was seconded by Councilman Whittington.

Councilwoman Easterling stated she wonders how this equipment can be used in any way except secretly from the public and still be effective. It would be used on the request of the bank or business that had been hit by robbers a number of times. They would ask for its use. But if it were put in use it would still be secret from the public or it would lose its effectiveness. There is bound to be some degree of secrecy about it no matter how it is used. She stated she has been in drug stores, in gift shops, in airports and in other places where she felt she was being observed, and she would look around and there would be a camera or a concaved mirror that would show the whole area of the business. What would be the difference in that and this? Chief Goodman replied this is a very good point. You cannot tell the press or the public that it be used at a certain place and a certain time as it would not be effective. Councilman Short stated a part of the answer is we have asked for a presentation of a plan that will grapple with just the point she has raised. It is true if it is used in an invited situation, there could be an element of secret spying equipment which those who have this fearful job to do of catching criminals can just go out and turn on to some place with a telescopic lens without anyone knowing about it.

Councilman Alexander asked if a regulation can be established that would simply say this device could only be used upon request of the persons place of business or home that it is to be used in?

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If such regulations can be made would that defeat the purpose of the use of this piece of equipment? Chief Goodman replied if the department wanted to observe a narcotic operation or a numbers racket operation they would not give this permission; but a store or a bank would. Mr. Underhill, City Attorney, stated Council would have the authority to control or regulate the use of this equipment; Council could make such control as a condition of adopting the ordinance before it, or instruct a series of written rules and regulations to be incorporated into the departmental rules and regulations that would control its use. Council has such authority and there are ways of doing it if that is Council's desire.

Councilman Alexander stated then why not take off the two weeks limitation and make it at such time as the department head can come back to Council with a type of regulation that will embody all these suggestions. Councilman Short replied the substitute motion did not say two weeks, but the original motion did.

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

YEAS: Councilmembers Short, Whittington, Alexander and Easterling.
NAYS: Councilmembers Jordan, McDuffie and Withrow.

RESOLUTION AMENDING THE PAY PLAN AND ORDINANCE AMENDING THE 1972-73 BUDGET ORDINANCE TO CREATE AN EVALUATION CAPABILITY IN THE BUDGET OFFICE DELAYED FOR MORE INFORMATION.

A resolution amending the pay plan and an ordinance amending the 1972-73 budget ordinance to create an evaluation capability in the budget office and to carry out reclassifications and salary adjustments required by the change was presented for Council's consideration.

Councilman Whittington stated on the subject item and the next item, which also amends the pay plan, he would move that both be delayed and the City Manager give Council more information on both of them as to who these people are and the reasons this cannot be delayed until Council can discuss it at the budget deliberations. The motion was seconded by Councilman Jordan.

Mayor Belk asked that the items be considered separately, and ruled that the motion made covers the resolution and ordinance relating to the budget office only.

Councilman Whittington stated before voting on this he would like to confer with Mr. Burkhalter, City Manager, and get his explanation of this item and the next item, and Mr. Earle's explanation of who they are and why these changes have to be made now.

Councilman Alexander stated he has before him the memorandum sent out by the City Manager which explains the reasons for these changes which are enumerated in Items 5 and 6 on the agenda. It states clearly the reorganization of the budgetary process is structured so that a better job will provide the Mayor and Council, general community, department heads and city manager with the capacity to identify alternative courses to solving the public problems and the major progress towards the achievements of specific objectives which have been developed to solve these problems. He stated he sees where this could establish an improvement in our budgetary processes. He is not concerned about who it involves as the only thing it does is shift around titles without doing too much changing of anything else. If we begin to deal in who it is, then we begin to destroy the adequacy of the purposes for which it is established. The question here is whether we are concerned with a process which improves a city function. That he sees no real reason for delaying it if what is stated in the memorandum holds water, and it does with him.

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He stated if Council is going to deal in personalities involves then it will destroy what is happening, and will never be able to change any departmental activity. He thinks it can be approached better by getting away from personalities and talking about the functions and responsibilities.

Councilwoman Easterling stated she is inclined to agree that the function of the job is the thing we are concerned about and the pay that goes along with that. She does not know the reason for Mr. Whittington's desire to discuss people, but if there is a reason Council should discuss people then it should come in an executive session. As long as this is a discussion of the job and the pay for the job then it can be done here. She does not see any need to call names of people who hold these jobs if the function is what Council is thinking about.

Councilman Alexander made a substitute motion to approve the item as submitted. The motion was seconded by Councilman McDuffie for discussion.

Councilman McDuffie stated he does not object to having a conference session and talking about any question anyone has to ask. But on the other hand he accepts the memo which he received and the public will benefit more by the change to be made, and he is willing to support it.

Councilman Whittington stated he respects what Mrs. Easterling, Mr. Alexander and Mr. McDuffie have said; but at the same time he thinks it is his prerogative to make such a motion which he thinks is best for him to obtain favorable information which he thinks is necessary in order for him to vote for item 5 and 6. If Council does not want to do that then that is their prerogative and final decision. But he would hope it could be delayed.

Councilman Alexander stated his only reason for making a statement now is if this is being delayed to have a further explanation of the procedural background and the process, maybe that is nothing to be alarmed at. But if it is for the purpose of discussing personnel, then he cannot help but let the thinkings of his mind go back to a prior situation where a procedural change was necessary and when it got involved in the personalities that was the end of the change and the end of everything else and the city was not any better off for that having happened. That he is reluctant to change the thinking of his motion that council proceed on the information which is factual. If the change is for the betterment of the operation of city government whose name is attached to individual positions is not the prime import of the change.

Councilman Withrow stated it is the general policy when a councilmember asks for a delay to get further information the request is granted. If Mr. Whittington will leave personalities out of it and he wants more information then we owe any councilmember that privilege.

Councilman Short stated there is a comment in Mr. Earle's memorandum which states it is recommended that the resolution be adopted effective January 24, 1973. He asked if this is real imperative? Mr. Burkhalter, City Manager replied no. The only thing is the money is available from federal government, and the city is just losing that much money. Councilman Short stated heretofore we have had a very small staff trying to do evaluation as well as prepare the detail of the budget, and it appears to him what is proposed is to have two individuals doing these two jobs instead of one. But he feels the same as Mr. Withrow if someone wants to explore this further and get further information he should have that privilege.

Councilman Alexander stated he can withdraw his motion that Council act on it today provided Mr. Whittington wants to leave out that portion of the motion that says to discuss people. But he thinks who the people are is immaterial to the change in the program. Councilman Whittington stated he will leave his motion as it was worded.

The vote was taken on the substitute motion and failed to carry as follows:

YEAS: Councilmembers Alexander and McDuffie.

NAYS: Councilmembers Whittington, Jordan, Easterling, Short and Withrow.

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

YEAS: Councilmembers Whittington, Jordan, Easterling, Short and Withrow.

NAYS: Councilmembers Alexander and McDuffie.

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RESOLUTION AMENDING THE PAY PLAN AND ORDINANCE AMENDING THE 1972-73 BUDGET AUTHORIZING PERSONNEL CHANGES IN THE BUILDING INSPECTION, FIRE, NEIGHBORHOOD CENTERS, POLICE DEPARTMENT AND PUBLIC WORKS DEPARTMENT, DELAYED.

Councilman Whittington moved that the subject resolution and ordinance be delayed. The motion was seconded by Councilman Jordan, and carried unanimously.

AMENDMENT TO PARK AND RECREATION COMMISSION CAPITAL IMPROVEMENT BUDGET TRANSFERRING FUNDS FROM THEIR UNENCUMBERED BALANCE TO COMPLETE TUCKASEEGEE COMMUNITY CENTER, AUTHORIZED.

Councilman Withrow moved approval of the request of the Park and Recreation Commission to amend their 1972-73 capital improvement budget to transfer \$72,000 from their unencumbered balance to complete the Tuckaseegee Community Center. The motion was seconded by Councilman Jordan.

Mr. Clarence Walker, Chairman of the Commission, stated the estimated cost of the Center is \$320,000. It is about the same size as the last community center that was built and was located in west Charlotte. That was built in 1959 and it cost \$180,000. There has been a construction cost increase since that time. He stated they have \$250,000 in their budget from the 1969 bond funds, and they suspected they would run into this situation. They considered very carefully the possibility of trimming down the specifications of the center, but the only way to do it was to curtail programs at the center. They felt in the long run that would not be the answer. He stated they hope to let the contract this spring, and to complete it by fall.

The vote was taken on the motion and carried unanimously.

AMENDMENTS TO PURCHASE OF UTILITY CONTRACTS, AUTHORIZED.

Upon motion of Councilman Short, seconded by Councilman Whittington, and unanimously carried, the following amendments to purchase of utility contracts were approved to retain the present utility rates for persons served by private companies that are being purchased by the city prior to the June 30, 1973 annexation date:

- (a) Amendment to purchase agreement with Mecklenburg Engineers and Contractors, Inc., for the purchase of sanitary sewer and water systems in Kingswood.
- (b) Amendment to purchase agreement with John Crosland Company for the purchase of sanitary sewer system in Beverly Woods East.
- (c) Amendment to purchase agreement with Mecklenburg Engineers and Contractors for the purchase of sanitary sewer system in Stonehaven Subdivision, Fox Run, Middleburgh Woods and Queens Grant.

PROPERTY TRANSACTIONS AUTHORIZED.

Motion was made by Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, authorizing the acquisition of 2.61 acres of land and a one-story residence on Byrum Drive, from Joseph Otto Brown and wife, Betty M., in the amount of \$42,000.00, for the Master Plan Land Acquisition Project at Douglas Municipal Airport.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO H. L. NUSSMAN AND WIFE, LOTTIE HAND NUSSMAN, LOCATED AT 7333 OLD DOWD ROAD, IN BERRYHILL TOWNSHIP, IN CONNECTION WITH THE AIRPORT EXPANSION PROGRAM.

Councilman Whittington moved adoption of the subject resolution authorizing

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condemnation proceedings for the acquisition of property belonging to H. L. Nussman and wife, Lottie Hand Nussman, in connection with the Airport Expansion Program. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 9, at Page 8.

RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO FRANCES BETHUNE, LOCATED AT 7204 OLD DOWD ROAD, IN BERRYHILL TOWNSHIP, IN CONNECTION WITH THE LAND ACQUISITION PROGRAM OF THE AIRPORT.

Upon motion of Councilman Withrow, seconded by Councilman Alexander, and unanimously carried, the subject resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Frances Bethune (single), located at 7204 Old Dowd Road, in Berryhill Township, in connection with the Land Acquisition Program of the Airport.

The resolution is recorded in full in Resolutions Book 9, at Page 9.

SPECIAL PERMIT OFFICER PERMIT APPROVED.

Motion was made by Councilman Jordan, seconded by Councilman Withrow, and unanimously carried, approving the renewal of a Special Officer Permit for a period of one year to Charles R. Goodman for use on the premises of K-Mart, 6025 Pineville Road.

MRS. JOHN SHAW APPOINTED TO THE FIREMEN'S RELIEF BOARD OF TRUSTEES FOR A TWO YEAR TERM.

Councilman Short moved the appointment of Mrs. John (Martha) Shaw to the Firemen's Relief Board of Trustees for a two year term, which motion was seconded by Councilman Alexander, and carried unanimously.

COUNCIL MEMBERS REQUESTED TO REVIEW WRITTEN COMMENTS ON ZONING PROCEDURES FOR DISCUSSION AT A LATER DATE.

Councilman Short stated some two or three years ago there was a committee to try to improve the zoning procedures and nothing came of it at the time. Recently he had in mind to suggest a couple of these items again. He has noticed that Mrs. Hair of the County Board has pointed out the necessity for some change in the zoning procedures in the County Commission.

He passed out copies of a memorandum on some suggestions and requested all the councilmembers to look it over and perhaps Council can get into this on some occasion when each has had a chance to read it.

Later, Councilman Short stated he has discussed this with Mr. McIntyre and Mr. Bryant of the Planning Staff and they encouraged him to make these suggestions to Council.

RESOLUTION EXPRESSING THE CONSENT OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE TO THE ASSIGNMENT OF THE CATV FRANCHISE PREVIOUSLY ASSIGNED TO CABLE TELEVISION COMPANY ON MAY 31, 1971, TO AMERICAN TELEVISION AND COMMUNICATIONS CORPORATION, APPROVED ON ITS FIRST READING.

Councilman Short stated before Council is a resolution on CATV which

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essentially reads as follows:

"BE IT RESOLVED by the City Council of the City of Charlotte in regular session assembled, that this Council does hereby consent to and approve the assignment of the Cable Television Company CATV Franchise to American Television and Communications Corporation for the unexpired term of said franchise under the same terms, conditions and obligations hereby previously granted to Cable Television Company; and

BE IT FURTHER RESOLVED that American Television & Communications Corporation shall file with the City all indemnity agreements, cash deposits, insurance and/or bond coverage as required by Section 6-68 and Section 6-75 of the CATV Ordinance as set out in the City Code, prior to the closing of the sale of the assets of Cable Television Company to American Television & Communications Corporation."

Councilman Short moved adoption of the resolution on its first reading. The motion was seconded by Councilman Alexander, and carried as follows:

YEAS: Councilmembers Short, Alexander, Easterling, Jordan, McDuffie and Withrow.
NAYS: None.

Councilman Whittington abstained from voting.

The resolution is recorded in full in Resolutions Book 9, beginning at Pages 10 & 11.

CITY MANAGER TO SET MEETINGS OF COUNCIL TO COMPLETE LEGISLATIVE PACKAGE AND TO DISCUSS WITH COUNTY COMMISSIONERS COMMON PROBLEMS AND AREAS OF COOPERATION.

Councilman Whittington suggested that as soon as possible Council meet with the County Commissioners to discuss common problems and areas of cooperation. That Mr. Harris has mentioned what the County hopes to do with the delegation as it relates to protection of right-of-ways beyond the city limits, and Council has submitted eleven items to the City Attorney for his efforts in drawing up bills for the legislation. Last week, Council decided to have another meeting to finish up the city's legislation; while this is going on he thinks it would be important for Council to meet with the County Commission.

The City Manager asked if Council wants this meeting with the County at the same time it meets to discuss further legislation? Councilman Whittington replied if the Manager can get ready that quickly it would be fine. Council has already decided on eleven item for legislation, and last week asked the Manager to set a meeting at night for Council to complete its package. His suggestion today is to meet with the Board of County Commissioners on mutual problems and areas of cooperation. That he feels Council should have its legislation meeting separately.

Councilman Alexander suggested that Council meet with the County Commissioners on Tuesday, January 30, at 5:00 o'clock before the scheduled meeting at 8:00 on Educational TV. He stated he is not talking about the legislative package but the meeting with the County Commissioners.

Councilwoman Easterling stated this means Council should meet before that time to complete the legislative package. Councilman Alexander stated he does not believe Council has too much more to talk about in connection with the state legislative package. Councilman Jordan stated perhaps Council could meet Monday night at City Hall and then meet Tuesday with the County Commissioners.

Mayor Belk requested the City Manager to set a time for the meetings and advise Council.

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DISCUSSION OF LITTER PROBLEMS AND ORDINANCES ON THE BOOKS WHICH ARE NOT BEING ENFORCED.

Councilman Withrow stated sometime ago the Council had a litter committee. He stated over the weekend there were newspapers all along Providence Road; also the drive-in restaurants have a problem and he thinks this committee should meet again and see if this cannot be made a better and cleaner city.

A general discussion of the problems of litter followed. The City Attorney advised this is a misdemeanor and it must be committed in the presence of someone. The City has litter inspectors who have the right to write tickets for something that would be a civil penalty on people involved in littering or who permit littering to take place on their premises.

Councilman Short stated this litter, trash, garbage and junk committee was disband by vote and it was succeeded by an environmental committee headed by Mr. A. G. Odell. Mr. Burkhalter stated this committee met recently and only 8 members out of the 27 were present.

Councilman Alexander asked what happened to the ordinance passed several years ago where it was suppose to stop the drinking of beer in cars because people threw the cans out of the windows into people's yards and into the streets? He asked if the ordinance cannot be enforced? Mr. Underhill stated he is not aware of any particular enforcement problems. Again the problem is this is a misdemeanor and it has to be committed in the presence of someone who has the authority to do something about it - such as the power of arrest and the right to write citations. Councilman Alexander asked why this is not repealed; it is stupid to have ordinances on the book you cannot enforce. Mr. Underhill stated there are state laws and city laws against littering. That there may or may not be a state law that prohibits the drinking of beer in an automobile.

Councilman Withrow stated he thinks the City should promote cleanliness. When he was in Europe he asked the question why it was so clean, and they said the fines were so stiff that people were made to clean up. He stated we must instill in our people a sense of pride.

Later in the meeting, Mr. Underhill read the sections of the city code regulating the drinking of wine and beer on the public street and on private property without permission of the owner. Councilman Alexander stated the portion relating to the throwing of cans from the car is evidently unenforceable. There is no way to enforce it. He asked if it would not be reasonable to repeal that portion of the ordinance? The City Attorney replied that is a legislative decision and not a legal one. The ordinance is on the books and it has whatever effect an ordinance has by being on the books. He is sure there have been some arrests since it has been on the books since 1965.

CITY MANAGER REQUESTED TO GIVE COUNCIL A STATE POLICY ON CLEANING STATE MAINTAINED STREETS.

Councilman McDuffie requested the City Manager to give council the state policy on cleaning state maintained streets such as Independence Boulevard and Eastway Drive, and tell him why they never run the street sweeper over them.

DISCUSSION OF TRANSIT STUDY AND COUNCIL TO RECEIVE RECOMMENDATIONS FROM TRANSIT COMMITTEE PRIOR TO HOLDING CONFERENCE SESSION.

Councilman McDuffie stated Council received a copy of the transit study in the mail Saturday. He asked when Council will begin to talk about it? Mr. Burkhalter, City Manager, replied the Transit Committee appointed by Council will begin to study this and will bring a report to Council. Councilman Whittington stated the first meeting is scheduled for February 6, and until that time he does not think Council could meet on it.

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Councilman McDuffie stated there has been talk about moving buses off the Square and this report says there is no way unless you dig under like the Ponte-Wolfe plan; that is not going to happen for another 10-12 years. If we cannot move the buses off the Square then we do not have much authority and much planning. Another thing was some kind of shelters for people, and obviously someone could make a decision on that. He stated those kind of decisions can be made now. How the bus system will be changed; whether we are going to take them over.

Councilman Jordan stated for many years he has tried to get the city people to do something about the loading and unloading of people at the Square. It looks to him as if we could have a bus station such as the Queen City terminal where all the buses could go rather than at the Square. It would eliminate a lot of traffic problems and everything else at the Square. But no one seems to think this can be done.

Councilman McDuffie stated it seems we missed the boat when we did not tell them we wanted the buses to be somewhere else and have somebody to give us a plan. That is what it boils down to. That it is desirable to leave them on the Square and is the easiest way. But what if you go to the next block at 5th or 6th Streets, one block off the Square and had a big lot and use it. There is bound to be a lot downtown that could be rented and used to get them off the Square.

He asked if Council is going to wait until the Transit Committee meets before it goes into this study? The City Manager replied the plan is for Council not to have a conference session on this until the Committee studies the report and brings it to Council with recommendations. Councilman Whittington stated that is the purpose of the Committee.

COMMENTS BY COUNCILMAN MCDUFFIE ON HAVING ALL THE CITY BOARDS AND COMMISSIONS UNDER HOME RULE.

Councilman McDuffie stated on the legislative package there is one item about changing the length of terms on boards and commissions. He would like for councilmembers to be thinking about whether it would be desirable to have all those boards and agencies to come under home rule like the other boards that are appointed by Council so in effect they would be home rule and you would not have to go to Raleigh to change them.

He stated he feels so strongly about this that he is putting Council on notice that he plans to lobby in Raleigh with, if necessary, the delegates from other counties trying to get some legislation on that kind of thing passed somewhat like the new bill that was passed in the last legislature which allowed home rule to take over most everything. He stated he got the impression that what was left out was not intended to be left out. That Raleigh intended local governments to govern themselves and not have a need to come to Raleigh for a local bill that has no statewide significance.

Councilman McDuffie asked if 80% of the charter is local rule? Mr. Underhill, City Attorney, replied the entire charter is a legislative grant that can only be changed by the General Assembly. The charter is the same thing as the rules of incorporation for a private corporation - it gives you authority to operate. A city writes its own charter and asks the General Assembly to approve it. He stated our charter was rewritten in 1965. Before that time it had not been rewritten since 1944. In terms of some other city charters, Charlotte has a new charter.

Councilman McDuffie stated he does not think it is sensible to leave anything in Raleigh that can be done here. Those people will know very little about it if they are asked to make a change.

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Councilman Short stated what would be helpful would be to reduce this to specifics. That Councilman McDuffie states this in a very generalized way. What authority does he wish to have further power over? Councilman McDuffie replied the city council should control fully the make-up, the number of people, the length of terms of office whether they are going to exist or not exist. He stated the housing authority is the one that operates further than the city limits. The City Attorney stated Council could abolish the housing authority today. Councilman McDuffie stated then this is broader than some of the other things under the charter. Basically why have to go to Raleigh to change anything about these commissions if realistically it should be done in the charter. It is part of the charter but part of the charter provisions were left in Raleigh. That Raleigh does not care about these things; the only reason it is there is because city council wanted to leave it there.

CITY MANAGER REQUESTED TO INVESTIGATE WHETHER OR NOT COUNCIL CAN APPOINT SOMEONE TO REPRESENT THEM ON THE CHARLOTTE AREA FUND BOARD.

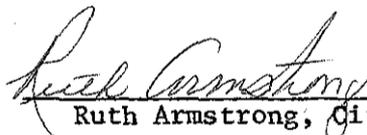
Councilman Alexander stated the Charlotte Area Fund is asking that Council fill its slots on the Charlotte Area Fund Board. The regulations call for four councilmembers on the Board.

Councilman Alexander asked if Council can name someone else to represent the four members? Mr. Underhill, City Attorney, replied he was under the impression that Council could do this as he remembers certain councilmembers designating someone to serve in their place in the past.

Councilman Alexander requested the City Manager to look into this and advise Council if someone other than a councilmember can serve in these four slots.

ADJOURNMENT.

Upon motion of Councilman Whittington, seconded by Councilman Jordan, and unanimously carried, the meeting was adjourned.


Ruth Armstrong, City Clerk