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The City Council of the City of Charlotte, North Carolina, met in regular session on Monday, November 22, 1976, 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.

The Charlotte-Mecklenburg Planning Commission sat with the City Council, and as a separate body, held its public hearings on the zoning petitions, with Commissioners Broughton, Campbell, Jolly, Johnston, Kirk, Marrash, Ross and Royal present.

ABSENT: Chairman Tate, and Commissioner Ervin.

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#### INVOCATION.

The invocation was given by Reverend Rodney Shoemaker, Associate Minister of Trinity Presbyterian Church.

#### MINUTES OF NOVEMBER 8, 9 AND 15 APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, the minutes of the Council Meetings on November 8, 9 and 15 were approved as submitted.

#### RUSSELL M. ROBINSON II, CHAIRMAN OF 1976 UNITED WAY CAMPAIGN, HONORED AS KNIGHT OF THE QUEEN CITY.

Mayor Belk recognized Mr. Russell M. Robinson II, Chairman of the 1976 United Way Campaign, stating the successful conclusion of the campaign represents dedication and good leadership on the part of Mr. Robinson. That he organized the campaign well, and the City Council could not function as it does through these many agencies if we did not have the United Way.

Mayor Belk expressed appreciation to Mr. Robinson for this leadership and to the many people who helped in the campaign this year. He stated the City is proud of each one.

Mayor Belk then presented Mr. Robinson a scroll proclaiming him a Knight of the Queen City.

#### HEARING ON PETITION NO. 76-72 BY GIRL SCOUT AREA HEADQUARTERS TO CHANGE THE ZONING FROM R-9 TO O-15(CD) OF PROPERTY FRONTING ON THE NORTH SIDE OF IDLEWILD ROAD, ABOUT 580 FEET WEST OF THE INTERSECTION OF IDLEWILD ROAD AND BOST AVENUE.

The scheduled public hearing was held on the subject petition.

Mr. Fred Bryant, Assistant Planning Director, pointed out on the map the single parcel of land, indicating its location in relation to Idlewild Elementary School, and stating it is occupied at the present time by the Girl Scout Headquarters, and is reflected as an office/institutional type of function. The land use pattern in the immediate vicinity other than the school and the subject property is entirely single family residential. The zoning pattern is equally as simple, with the subject property and everything in the immediate vicinity now zoned in the R-9 classification.

This is a proposal to rezone to an office conditional district classification. A site plan has been submitted in conformance with that district requirement. Most of what is shown on the site plan is already in place. It is proposed

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that a relatively minor addition on the west side of the existing structure be allowed, and this is the reason for the requested rezoning. The expansion area is 27' x 46/47'. All of the parking/driveway area shown on the plan is in place except that the Traffic Engineering Department requested the entrance drive be widened to allow a little more freedom of activity and movement as it enters Idlewild Road.

Mr. Charles Wheatley of the architectural firm of Wheatley, Whisnant Associates, spoke for the petition in behalf of the Girl Scouts. He stated the Girl Scouts is a service organization and is supported by United Community Services. They occupy a building of 3,422 square feet on this large wooded four-acre site. The building is a very minor portion of the entire site. Their need is for a small addition of 1,260 square feet to the existing building so that they can continue to operate on this site. The building is 200 feet back from the right of way on Idlewild Road and 80 feet from the school line. Even with the addition the building will still be 103 feet from the residential property lines and it will be screened in addition to the woods which now exist. For them to move out of this location would be out of the question because it would involve a major capital fund raising campaign. They have been operating in this location since 1967.

Mrs. Rolland Pixley, President of the Hornets Nest Girl Scout Council, expressed the hope that Council will look favorably on the request to rezone the property. She stated the Board of Directors is very anxious to make their facility adequate for the staff that is working there so they can provide the kind of support needed for their leaders and girls. The neighbors have been contacted by letter and invited to come for coffee. So far no one has come to ask questions although they have had a few phone calls. As far as they know, there is no objection to the petition for rezoning. They have a builder and have the money in hand and are ready to go as soon as they have Council's approval.

No opposition was expressed to the petition.

Council decision was deferred for recommendation of the Planning Commission.

HEARING ON PETITION NO. 76-73 BY NORTHWOOD ESTATES COMMUNITY ORGANIZATION TO CHANGE THE ZONING FROM B-1 TO R-9 ON PROPERTY LOCATED 150 FEET NORTH OF THE NORTHWEST CORNER OF THE INTERSECTION OF BEATTIES FORD ROAD AND GRIERS GROVE ROAD, AND PROPERTY LOCATED ON THE WEST SIDE OF BEATTIES FORD ROAD, 125.94 FEET SOUTH OF THE INTERSECTION OF BEATTIES FORD AND LYNCHESTER PLACE.

The scheduled public hearing was held on subject petition on which a protest petition was filed and found sufficient to invoke the 3/4 Rule requiring six affirmative votes of the Mayor and City Council in order to rezone the property.

Mr. Fred Bryant, Assistant Planning Director, stated at the time the public hearing was held on the main body of the proposal by Northwood Estates for consideration of change of zoning on several parcels in the Beatties Ford Road/I-85 area, he mentioned that due to an omission in the advertisement it would be necessary to come back with a catch-up petition for consideration. The advertisement inadvertently left out the designation of changing from B-1. Therefore, two parcels of land in that general area which are now zoned B-1 were not legally considered at the time of the other public hearing.

The first of the two parcels is a tract of land located on the west side of Beatties Ford Road. He pointed out its location in relation to Chester Drive, Cindy Lane, Statesville Road and Griers Grove Road. This property is vacant land and owned by Mr. Jackson, who appeared at the previous public hearing and made the plea that he had the property mortgaged and that he would be in some difficulty from that standpoint if the zoning is changed. The proposal is to change it along with other property in the area to a residential classification. It is an area immediately across Beatties Ford Road from perhaps the most heavily commercial build-up in the vicinity.

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The second parcel is a tract of land also located on the west side of Beatties Ford Road, north of Hoskins Road. It is occupied at the present time by a church facility. It is adjoined to the rear by the Piedmont Natural Gas facility which was also the subject of some discussion at the previous hearing. There is vacant land immediately south of it and a service station at the intersection of Hoskins Road. Across Beatties Ford Road is mostly a residential pattern of single family and multi-family with a day care center at one location. The proposal is to change it from B-1 to R-9 along with the other property in the immediate vicinity. It is zoned B-1 on the west side of Beatties Ford Road presently, with office zoning on the east side.

Commissioner Kimm Jolly asked what the plans are for Cindy Lane and Griers Grove Road, whether anything will be done at that intersection; also whether the church will be conforming with an R-9 zoning?

Mr. Bryant replied the Thoroughfare Plan does recognize the Cindy Lane/Griers Grove area as part of its circumferential thoroughfare route which would run along the northerly segment of the City. As such, at the present time there is an offset in the alignment of those two roads at Beatties Ford Road. While there are no specific plans at this point in time to do anything to the intersection, obviously if it is going to function as continuous alignment, it should at some time in the future be considered for perhaps cutting off the corner and connecting it in a continuous alignment. That is the only activity he knows of that is contemplated for that location.

The church will continue to be conforming whether it is zoned business or residential - churches are allowed in both districts.

Mrs. Johnsie S. Evans, 1435 Hoskins Road, stated she is the chairperson for the Northwood Estates organization, the petitioners. She is a little unsure how to speak to them because of the Planning Commission's decision on the other zoning petition. Members of her group are very frustrated and angry because they feel they did not get fair consideration. However, her group has told her they want to continue to try to upgrade the zoning in their community. They presented such a large area to be rezoned because they wanted Council to develop an overall zoning plan for that area instead of changing the zoning piecemeal.

Zoning Petition 76-73 affects basically three sections of property - Prince of Peace Lutheran Church, the property owned by Mr. McDaniel Jackson, and property owned by Thayer Realty Company. One purpose for including these properties in the petition is to prevent strip development on Beatties Ford Road. The Jackson and Thayer property is vacant, therefore they are not creating any conformity. The Prince of Peace Church has supported their zoning petition and desire that their property be zoned R-9. The pastor of the church is out of town, but has asked her to inform Council of his church's support for the rezoning.

Referring to Mr. Jackson's statement that this rezoning will bankrupt him, she stated they do not know whether this is true or not. However, according to the real estate appraisal of all of Mr. Jackson's real estate on Hatteras, Andrill Terrace, and Kentucky Avenue is rated below average in quality. But, his home on Red Fox Trail is rated excellent in quality. In fact, the appraisal value of Mr. Jackson's home at \$138,444 is more than the total appraisal value of all his rental property. They question whether Mr. Jackson will develop his property for the good of the community or will seek to make quick money from the poor.

She requested Council to restudy the entire area, including the property in this petition, to develop a plan for the benefit of the entire community, one that will protect the residential area, and that will be good for all of them.

Mr. McDaniel Jackson, speaking in opposition, stated he made his plea at the last hearing. He had written each of the Commissioners a letter, but he also submitted some written information to them, so that he would not have to go over all of the facts again. With the fact that the Planning Commission has

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recommended the other zoning be turned down, his land would be surrounded by R-6MF property or B-1 property. It is on the corner of what the Thoroughfare Plan says is going to be two major thoroughfares in the near future. By 1995 the City's own figures show that there is going to be 22,000 cars a day going down Griens Grove Road. That does not seem to be a very good place to put private homes. That Mrs. Evans pointed out he has some other property that is rental property; that it is high quality rental property; it is not low quality. It is also mortgaged and as Mr. John Horn, Vice President of Southern National Bank, was here to vouch for last time, there is a loan of better than \$122,000 on this land. If it is rezoned the value will go down over \$100,000. If it does go down that much, the bank will require more collateral which he does not have; it will throw him into bankruptcy and there is not one thing he can do about it. He will lose his home, everything he has worked for all of his adult life. Therefore, he asks that they do not vote for the rezoning of this property.

Councilman Gantt asked when the rest of the Northwood Estates petition will be before Council. The answer was December 6th.

Council decision was deferred for a recommendation of the Planning Commission.

RESOLUTION APPROVING AMENDMENT NO. 3 TO THE REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR GREENVILLE URBAN RENEWAL PROJECT AREA, AND RESOLUTION AUTHORIZING THE FILING OF AN AMENDATORY APPLICATION FOR LOAN AND GRANT FOR GREENVILLE URBAN RENEWAL AREA.

The public hearing was held on Amendment No. 3 to the Redevelopment Plan for Greenville Urban Renewal Project.

Mr. Vernon Sawyer, Director of Community Development, stated this amendment covers both text changes and map changes.

The first two changes are technical - the title page is revised to indicate the date of the proposed amendment; and indication is made that the dates of the maps have been revised.

They have proposed revisions for the special requirements for townhouses. They have had special requirements for townhouses, including both those for rent and for sale, and in some respects these represented higher standards than the zoning ordinance requires. These proposed revisions bring their requirements in conformity with the zoning ordinance with two minor additional requirements, and have eliminated special requirements for townhouses for rent altogether. The only special requirements they will have for townhouses will involve those for sale.

He stated Councilmembers have copies of the proposed amendment, noting they have deleted those requirements they had any question about whatsoever.

Councilman Gantt asked if this is in direct response to the present development that is going to be done by Motion? Mr. Sawyer replied that is correct. Councilman Gantt stated it appears to him this is a slackening of the ordinance to allow them a little more flexibility. He asked if it affected the parking, to reduce the amount of parking required? Mr. Sawyer replied no, the parking requirement is increased. They had a uniform standard of 1-1/4 spaces per dwelling unit as a minimum, leaving it up to the developer to go higher than that; the requirement now relates a fractional increase in the parking requirement to the size of the unit.

Councilman Gantt stated he is wondering about the policy which in effect will encourage in all of our future residential development in First Ward and all Community Development areas larger amounts of areas set aside for parking. It seems to be contrary to certain other kinds of policy they are trying to encourage and would increase the amount of paved areas for the automobile and impact our storm drainage system and everything else. He wonders if we need to change that at all, perhaps just leave it at the regulations we have now. That he is particularly concerned about the amount of parking we require now in businesses and it seems to be an encouragement for the use of the automobile.

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Mr. Sawyer replied they have one additional requirement for grouping the parking which says "insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks." They thought this was an appropriate requirement for this particular project.

Councilman Gantt asked why they see a need for increasing the amount of parking? We could still keep the area he referred to for group parking facilities, but he would like him to explain just why they feel there is a need to change the ratio which would in effect require more spaces provided for cars.

Mr. Sawyer replied basically and simply it was based on the fact that the larger the size of the unit, the greater the possibility is that two cars will be involved in the occupancy of that unit.

Councilman Gantt stated that is his only objection.

Councilman Davis stated he agrees with Mr. Gantt. If you leave the basic requirement at 1.25 spaces, even at that the developer is free to build more. Council has just discussed in the luncheon session trying to get rid of some of the ordinances and code requirements just like this to at least have the option of building less if it seems desirable to the builder and to the tenant.

Motion was made by Councilman Gantt to approve the amendment, with the exception that the parking requirements remain the same. The motion was seconded by Councilman Davis.

No opposition was expressed to the amendment.

Councilman Whittington stated he had asked Councilman Gantt before he made the motion what he thought about the amendments and he gave him that answer and also gave him a motion. But he thinks they should ask the people of Motion who apparently asked for this. They are the only people who have moved Greenville off center since the whole neighborhood was demolished. He would like for them to have some input into this discussion before they vote on the motion.

Councilman Gantt replied if Motion wishes to develop more parking, there is nothing in the ordinance that says they cannot. He fails to see the need of input because if they have a plan for parking that is more than the present minimum they are still allowed to do that.

Mr. Harold Cooler, architect for the Motion project, stated the way the requirement is set up now for 1.25, he does not believe they can get a building permit from the City of Charlotte with that requirement. Mr. Sawyer stated he thinks the amendment is in accordance with the zoning ordinance because that was the intent. Mr. Cooler stated Motion is satisfied with the cars they show but he thinks they are in excess of 1.25 but if they were held to 1.25 he does not think the Building Department would give them a permit.

Councilman Gantt stated then there is a conflict between the City ordinance and the covenants on Greenville.

Councilman Whittington stated he would support the motion but he thinks this should be cleared up before they vote on it. Mr. Sawyer was excused from the meeting to check with a member of the Planning Commission staff who confirmed that the proposed requirements are in accordance with the zoning ordinance. Mr. Sawyer stated there is one exception and that is in the case of the public housing projects for the elderly - a lesser standard is permitted. The 1.25 is at least five years old and is sub-standard.

Councilman Gantt stated a number of developers and people concerned with re-development areas and areas such as Statesville Road and First Ward find that in many cases certain of the restrictions encountered are more stringent than the present City requirements. It might be that they may need, sometime in the future, to take a look at the two to re-examine where our policy changed for one part of the city and is in effect in another part.

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Councilman Gantt withdrew his motion and Councilman Davis who seconded the motion agreed to the withdrawal.

Motion was made by Councilman Gantt, and seconded by Councilwoman Chafin to adopt a resolution approving Amendment No. 3 to the Redevelopment Plan and the Feasibility of Relocation for Greenville Urban Renewal Project Area, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 148 and ending at Page 152.

Councilwoman Chafin moved adoption of a resolution authorizing the filing of an amendatory application for loan and grant for Greenville Urban Renewal Area. The motion was seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 153 and ending at Page 155.

CONSIDERATION OF RESOLUTION CONCERNING BUS STRIKE FAILS FOR LACK OF UNANIMOUS CONSENT OF COUNCIL.

Councilman Gantt moved that Council place a new agenda item on the agenda at this time. The motion was seconded by Councilwoman Locke.

Councilman Davis asked if he understands Council is free to discuss the resolution prior to entering it for formal decision. Councilman Gantt stated he plans to introduce the resolution, and Council is free to discuss it and vote any way they want to.

Councilman Davis stated under the City Council procedures on non-agenda items the way he interprets this is "that any additional matters which are not specifically listed on the agenda may be brought up after deliberation of the written agenda." Therein is the authority to bring up the matter for discussion. It goes on to say "These items will not receive formal action until a subsequent Council meeting unless they are unanimously considered as requiring action by Council." All he is saying is he needs to hear what is going to be said and discussion before he can cast a vote on whether or not to decide on the passage.

Councilman Davis asked if this vote is for discussion only, and there will be a subsequent vote on whether or not Council takes formal action? The Mayor advised the motion now is whether or not the item will be placed on the agenda. Councilman Williams called a point of order. He asked if it is necessary for Council to vote to discuss a non-agenda matter; he is not talking about taking any action.

Mr. Underhill, City Attorney, stated the first item under Rules of Council procedures covering the conduct of meetings says the agenda lists by subject each item which is to be considered by Council. During the course of the formal meeting Council members will confine their discussions to only those items which specifically appear on the agenda. That he does not think at this point in the agenda, Council can discuss anything but the agenda; that Council will have to conclude the written agenda, and then they can discuss anything they would like. But if they want to take formal action on something that is not a part of the agenda, then they must have a unanimous vote of Council that the item requires immediate action before taking a formal vote.

He stated Council can vote to suspend the rules of procedure if it would like.

Councilman Gantt moved that Council suspend the rules of procedure to allow this discussion at this point in the agenda. The motion was seconded by Councilwoman Locke.

Councilman Davis asked if this vote is for discussion only, and not for formal action? Mr. Underhill replied this motion is to suspend that portion of the Council Rules of Procedure which prohibits the discussion of items not

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appearing on the agenda until the agenda is completed. If that motion carries, then it would be in order for Mr. Gantt to ask for a discussion by Council of the specific item he has in mind to discuss.

Councilman Gantt stated all he is trying to do is to get this item discussed now at this point on the agenda; that he is asking permission of Council to discuss it now; that he is not asking if they accept the resolution. Mr. Underhill stated his ruling is that to suspend the rules requires a 2/3 vote of Council.

The vote was taken on the motion to suspend the rules of procedure and carried as follows:

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

The City Attorney advised the motion to suspend the rules carries.

Councilman Gantt stated during the informal session of Council he passed around a copy of the resolution which he hopes some members have had a chance to review.

He stated he would like to read the following resolution into the record and would move for the discussion and whatever disposition Council wants to make. The intent of the resolution is to see whether the City can act as a catalyst to move the negotiations for settlement of the present transportation strike.

WHEREAS, the City of Charlotte has committed itself to providing a system of public transportation; and

WHEREAS, the City Coach Lines has been hired as a management company to man and operate the public transportation for the City of Charlotte; and

WHEREAS, in the operation of the system, City Coach Lines has been engaged with the United Transportation Union (representing the drivers, mechanics, and other personnel of the bus system) in labor negotiations for a period of better than one month; and

WHEREAS, the United Transportation Union has called a strike which is now going into its third week; and

WHEREAS, such a protracted strike is having and will continue to have a detrimental effect on providing needed services for certain citizens and businesses in this community;

BE IT RESOLVED, that the City Council adopt the following policy in seeking to bring this strike to an end;

- (1) Require the City Coach Lines to provide to Council all necessary data on the amount of alternative wage and fringe benefit packages including the wage and benefit package requested by the United Transportation Union.
- (2) Request that the City Manager obtain information on comparable wages and fringes for transit workers in similar size cities in this region, including Atlanta, Greensboro, Raleigh and Spartanburg, South Carolina.
- (3) Request of both the United Transportation Union and City Coach Lines, that they allow a representative of the City to sit as an observer in all subsequent negotiations of this contract until it is settled. Such a representative should be named by Council. Such a representative shall report directly to Council on a continuous basis until a settlement is reached.

BE IT FURTHER RESOLVED that this resolution go into effect as soon as it is adopted.

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Councilman Gantt stated the reason for introducing this, and it stops far short in his opinion of the City of Charlotte becoming involved in the actual negotiations between the union and management company, the fact is we are going to feel the impact of any kind of wage settlements. He does not think this Council at present knows, that he does not know, what the impact of any wage settlement is likely to be. He does not think any of us know what flexibility the present management company has in their negotiations. We could be in a situation by which the management company does not have any room to move; it may want to move. But as long as we are in a situation of never having more flexibility and the union not moving, then the strike might last for a long time. He does not think Council can sit back and do nothing. At least Council needs to find out whether or not we can afford a settlement; whether or not we already have the money set aside that can be used in the settlement of an apparently 26 cent difference; and advise our management company as to what is going on. So far he does not know what is happening, and he does not think any of the other Councilmembers do either. He does not think Council can use the posture that it does not have anything to do with it. Council does have something to do with it. The citizens are looking to Council for this responsibility, and they do not understand all the ins and outs or the technicalities regarding unions, management company and other kinds of things. The City has taken on the bus system as a responsibility to provide transit service, and he thinks Council has the responsibility to do something about it.

Mayor Belk stated he thinks he is missing one important point, and that is he is taking it away from management, and putting it into Council's hands. He thinks it is a kind of dangerous thing as they do not know what they are putting into their hands until they have talked to the management.

Councilman Gantt stated his request on Item One is to advise. Mayor Belk replied there is nothing wrong with having the City Manager to have a meeting with them; but not to say you are going to take it over. Councilman Gantt stated he thinks he is misconstruing what he is saying. He does not want this misunderstanding. He is saying Council has hired a management company to run the bus system; but not one member of Council as policymakers knows the impact, the alternative wage offers that can be made, and what it means to the City of Charlotte budget system. Whether we have the funds now; whether or not it is going to be a half million dollars; whether or not it is going to be two million dollars. Council does not know anything. He thinks Council needs to know that; and needs to have the City Manager inform Council of what the situation is. Council cannot make an assessment if it stands back and says let's wait.

Councilman Whittington stated he voted against the motion because of the procedure this Council is suppose to operate under, which he hopes to speak to later in the meeting. That he thinks the motion is in violation of that procedure.

Councilman Whittington stated he is just as concerned about this bus strike as any member who sits around this Council table. But he thinks for Council to do what Mr. Gantt is proposing - that he wants the City Manager to give Council information as our management representing Council where our Manager is like a general manager of any business - that is what Mr. Burkhalter is - then let him get this information and give it to Council. But he does not think Council should go through the steps pointed out in the resolution. Council is the governing body of this city and until we need to do otherwise he thinks Council should stay in the position it is in right now. That he has been through these problems before as a member of this Council. That he cannot support the motion. Councilman Whittington stated he has talked to the City Manager every day about this strike and what is being done. There is a professional federal mediator representing the public on the hearings. The bus strike was called by the transportation people. It was not called by the citizens out there. The bus drivers are the ones who went on strike. That is their problem at this time and point.

Councilman Withrow stated he is just as concerned as any other member of this Council, and as concerned as some of the people who spoke today. He was rather surprised that one of the ladies had not called to ask for help.

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The City has let it be known if anyone is in distress and needs help the city is going to try to provide that help. The City Manager has told Council that they had provided all the help anyone has called about. Perhaps this information has not gotten to the people so they will know, if they are in dire need, that we can provide them with some help along these lines.

Councilman Withrow stated he is surprised that the City does not have an emergency plan already in effect; that the city does not have an emergency plan for anything hardly. We need to do some planning on emergency plans where churches would furnish some buses in times like this; that he thinks the churches would do this, and we need to know the ones that would do it, and whether they would furnish drivers. This should be done in an emergency plan.

He stated he is concerned when you have to require the City Manager in a motion or the City Coach Line to give you information. That if any member of this Council went to the City Manager he would give them the information that is asked. But he thinks it is dangerous to talk about a situation like this when we have hired professionals that are negotiating. That he believes they are negotiating the best they can.

Mr. Underhill stated at this point there is not a motion on the floor. Council has suspended its rules to permit discussion of this item. That he presumes Mr. Gantt intends to follow up after the discussion in making a motion that this matter requires the immediate attention of Council, and therefore should be voted on. All Council is doing now is discussing the matter.

Councilman Williams stated some degree of this matter should be discussed because there are portions of the whole thing the public has a right to know about, and Council has a right to know about. But he emphasizes a limited extent. There are certain points the public has a right to know about, and he thinks the public should know certain facts. They should know how much it would cost to do what the union is requesting; they should know how much it would cost to do what has been offered. But they ought not to know what we are prepared to do. If you show somebody your bottom hand that is what he is going to ask for. You have lost all your negotiating ability.

Mayor Belk stated Mr. Gantt has said he did not know what is going on. That he has suggested he should find out from the City Manager before making a motion.

Councilman Williams stated he is not even sure that any one person is in a position right now to tell anybody what this Council is prepared to do, because there are seven people here. One member might say he is not going above (x) dollars, and another that he is not going below (y), and there you are. That is the part he is not convinced the public should or even can know at this time.

Councilman Davis stated he would oppose making a decision on this today, and if he had to vote on it he would oppose this. That he does not like to oppose anything that this looked like on the surface, like information. That he thinks there is a rather delicate legal question involved, and he would oppose taking any action without giving the attorney time to weigh this, and give Council a recommendation. In dealing with an independent contractor when Council makes a decision on who should operate the public transit here, we get bids or proposals, and Council weighs these. Council would not consider a bid or proposal from a contractor it did not consider to be reliable. When Council looks at a bid proposal, members will ask themselves a question, look at the track records of the company and see how well they operated and if they are responsible; Council would examine such things as their labor relations to see if they were satisfactory; if they were not discriminatory, and things of that nature. This would be part of the normal procedure in looking at bids. Council would also consider the quality of services they are capable of providing. All of these things are in the bid proposals. He thinks Council is limited in how far it can inquire. For example, if we accept the overall contractor's proposal, he thinks Council has license to delve into the detail operation and say they are putting in too much money in one place and not enough in another. Council should be concerned with the overall results; they are providing the transit service we want.

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Councilman Davis stated if this comes to a vote he would like some advice from the City Attorney as to the propriety of the questions; what type of questions we can ask; and how Mr. Gantt can get the information he wants, which he would like to have also.

Councilman Gantt stated he expected this was going to be a mild resolution, and he thinks it may be bordering on some emotionalism as to what the intentions are here. The intent is very simple. Mr. Burkhalter has not provided Council with information, and he finds it interesting that no other member of Council is interested in getting information about what our management company is doing. If they will read all of these items, there is no suggestion here to enter into the negotiations; there is no suggestion here that we tell the community and everybody what our position would be in the negotiations. There is nothing in the three points he raises in the resolution to suggest that. He just wants to be informed. He just wants to know what is going on.

He stated all the resolution is doing is asking the City Manager to provide information on this; give much more intimate information than we have. The only thing we have in regard to the bus strike is what we plan to do with regard to emergency transportation. He thinks that is good and applauds that effort; but we all know that effort is going to be inadequate for the all over strike. He stated he is asking for information, and others on Council should want that information. What Council decides to do or say to the management company obviously is a part of the city's relationship with them.

Councilman Gantt stated Item One of his resolution simply says provide Council with data; have the management company provide some data. Number Two says something the City Staff can do - tell Council what other cities pay bus drivers. Number Three says to let us have someone from the staff sit in on those negotiations and keep Council informed as to what they are doing. He does not want to have the information provided him through the newspapers. Council needs to know what is going on there. There is no suggestion here that we take over the negotiations. If we can act as a catalyst to help them move towards a solution, he is all for that. There is no suggestion here that we are coming down on the side of the drivers, or in some blind support of management. If he is going to make decisions for this city, he needs to know more. Whatever the wage settlement is going to be, particularly with the management contract running out in a few days, we are going to have to underwrite the bill sometime, and we need to know.

Councilman Gantt moved that the resolution be considered as a formal part of the agenda at this time. The motion was seconded by Councilwoman Chafin.

Councilman Davis asked the City Attorney if he can advise Council as to the propriety of this type of involvement? Mr. Underhill replied if he means the legal propriety, he can offer the following in way of comment. Based upon Mr. Gantt's explanation, he does not think there is anything that would legally prohibit the Council requesting the union and Coach Lines to allow it to send a representative to its negotiation sessions. There is nothing legally wrong with that. Numbers One and Two of the resolution as explained by Mr. Gantt, as he understands what he is asking for is that he wants the City Coach Lines to tell the City Council what wage and fringe benefit packages have been offered to the Union during the course of this negotiation. The resolution also calls for an explanation of what the union has requested in the way of a wage and benefit package. Assuming the parties are willing to disclose that to Council he does not see anything legally wrong with requesting the information. The second thing is something Council can request the City Manager to do regardless of whether there is a strike situation or not. This is only a request for information. He stated there is nothing here as he reads the resolution and after hearing Mr. Gantt's explanation that makes it improper. He does not think they are violating any state law or federal statute or regulation that he is aware of from a legal sense in considering and adopting this resolution.

Councilman Davis asked about the UMTA regulation? Mr. Underhill replied the National 13-C Agreement which the City in essence is a party to since it has accepted funds for both the purchase and operation of the system requires he

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does not see anything in this resolution that would violate it. Both the UMTA Act and the 13-C Agreement which requires generally the protection of unionized employees at the time of acquisition of a private transit system by public operator has some very tough language in it that protects and prohibits the worsening of any economics situation of unionized employees. He has had so much difficulty in trying to determine what that means that he has written the General Counsel of UMTA and asked them to provide him with an interpretation of where the City can and cannot go on that. He does not see anything in this resolution that would create any legal problems for us insofar as the UMTA Act is concerned, or any of the UMTA regulations, or the 13-C Agreement which specifically addresses union protection arrangements.

Councilman Withrow stated most all of the information under Number One is in the newspapers; that he believes the City Manager is kept pretty well informed of all negotiations before they give this to the newspapers. He asked if the City Manager could be given this information by memorandum rather than requiring the Coach Company to do this. That Number Two was asked for when the City was buying the system. The only new thing is the third one to have a representative sit with them. That could be David Burkhalter. He is just concerned about the wording of it, and he wants to be absolutely sure.

Mr. Burkhalter stated giving Council information on what they have asked for, and what has been offered, and what it will cost, he can do. He will be glad to send this to Council. As to comparable wages, Council is dealing with a firm that has a number of these systems they are operating, and know the wages very well. He stated he thinks Number Three is very bad because the last discussions with these employees until last week were with the passive understanding there would be no discussion publicly of the debates. He feels sure the employees union would like very much to get Council involved in this, and every attempt to do so was made last week. If Council sends a representative to these negotiations, then they can just call the other man off as no one will address a question to him. It would be addressed to the City. They want Council involved, and the Council's representative would be the one to do that. If they do not want Mr. Poquette who is an experienced negotiator, and he thinks a reasonably fair one, and the plan he proposes and the package he offers was accepted by these people at their initial meeting to be recommended to the people. This assures him the man at least had a reasonably fair offer to make.

Mr. Burkhalter stated there are many little parts of negotiations that involve things outside the chamber as well as inside the chamber; there have to be a number of contacts made with the employees by the union representative to get their feelings. It takes a lot of foot work between the people and it makes it drag to some extent. This is why they do not meet continually.

He stated as far as sending the first two pieces of information to Council he can send this any time.

Councilman Gantt stated he would expect that the City Manager would not be totally in favor of this as it has been his policy to handle it this way. But he cannot understand what an observer who does not happen to be a member of this Council - the City Manager or some designated person on his staff - that sits and keeps tract of these negotiations, and if possible keep them there 24 hours, and keep Council informed, he cannot understand what that would do to changing the perception the people have about who holds the purse strings in this situation anyway. Everyone knows it is the City Council. He does not understand why we cannot keep someone there continually observing.

Councilman Williams stated he is inclined to agree with the Manager on Point Three, that he thinks it would be a symbolic sort of thing that is symbolic only by people arguing about symbolic points sometime and magnifying them into big points. Plus, he agrees, it would tend to undermine our representative who is already there. It is at least arguable that we already have a representative at that table. That is our management firm.

Before this whole thing is all over, he has a general comment or two he would like to make about the whole thing.

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The vote was taken on the motion to place the matter on the agenda, and failed to carry for lack of unanimous vote. The vote is as follows:

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

Mayor Belk advised the motion does not carry.

Councilman Withrow requested that the City Manager inform Council about the things he has asked about before it is given to the newspaper.

ORDINANCE NO. 377-Z AMENDING THE ZONING ORDINANCE BY CHANGING THE MAP TO REFLECT A CHANGE IN ZONING FROM R-15MF TO O-15(CD) PROPERTY FRONTING ON THE EAST SIDE OF PROVIDENCE ROAD, LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF PROVIDENCE ROAD AND SARDIS ROAD.

Motion was made by Councilman Gantt and seconded by Councilwoman Chafin to deny the petition as recommended by the Planning Commission.

Councilman Williams stated as he understands it, the petitioner now has a site plan which calls for a bank building on the entire 2.7 acres, which is different from the original one which included other buildings. At this point he is willing to vote on that peninsular of land for this single bank building. Before, he had some serious reservations about more than one business activity on that island. He can see a bank building there where he might not be able to see a bank, plus a drug store, plus a hardware. With the assurance they are talking about a bank building only, he would be willing to support that and not vote for the motion to deny which is on the table at the moment. He thinks it is almost unconscionable to the landowner of that island to require that nothing could be built there except multi-family or single family housing, which is the case with the present zoning. He strove mightily to close that street entirely behind this island so that it would no longer be an island. It is not feasible to be developed for that purpose, and this is a reasonable compromise in a way for a use for the land.

Councilman Williams made a substitute motion to grant the petition for the bank building only. The motion was seconded by Councilman Whittington.

Councilman Whittington stated he talked with Mr. Bryant about this before he left the Council Chamber and if they approve this substitute motion made by Mr. Williams it will be the motion that he made last week and it was tabled for one week. He produced a site plan showing the bank and nothing else and a letter to Council stating it will have nothing on the land except the bank and according to the site plan that is all that can be put there unless Council would revise the plan.

Councilman Gantt stated, as reflected in last week's minutes, his concern is that certainly a bank is better than a bank and two office buildings, but he asks the question of Council "what is wrong with the present zoning of multi-family housing?" There seems to be an answer that relates vaguely to something called economic feasibility. Not a soul here can tell him, or has demonstrated, that that property of 2.7 acres cannot be developed for some residential development, or that it cannot be sold to other property owners who own larger tracts of land in that area. He does not have a question that the bank itself alone will not be aesthetically pleasing, but he is concerned that there is a tremendous amount of undeveloped land in that area and a tremendous amount of traffic that is going to be generated on that road and there is going to be continual pressure, if not on this Council the next Councils, to begin the process of commercialization of property in that area. You start that process by changing one 2.7 acre tract because of its geometry to office zoning from residential. He thinks they are making a mistake and he intends to vote against the motion.

Councilwoman Chafin stated she shares Councilman Gantt's concerns that by voting for the substitute motion - she does recognize the art of political compromise and knows that it is necessary from time to time - but she feels

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The second parcel is a tract of land also located on the west side of Beatties Ford Road, north of Hoskins Road. It is occupied at the present time by a church facility. It is adjoined to the rear by the Piedmont Natural Gas facility which was also the subject of some discussion at the previous hearing. There is vacant land immediately south of it and a service station at the intersection of Hoskins Road. Across Beatties Ford Road is mostly a residential pattern of single family and multi-family with a day care center at one location. The proposal is to change it from B-1 to R-9 along with the other property in the immediate vicinity. It is zoned B-1 on the west side of Beatties Ford Road presently, with office zoning on the east side.

Commissioner Kimm Jolly asked what the plans are for Cindy Lane and Griers Grove Road, whether anything will be done at that intersection; also whether the church will be conforming with an R-9 zoning?

Mr. Bryant replied the Thoroughfare Plan does recognize the Cindy Lane/Griers Grove area as part of its circumferential thoroughfare route which would run along the northerly segment of the City. As such, at the present time there is an offset in the alignment of those two roads at Beatties Ford Road. While there are no specific plans at this point in time to do anything to the intersection, obviously if it is going to function as continuous alignment, it should at some time in the future be considered for perhaps cutting off the corner and connecting it in a continuous alignment. That is the only activity he knows of that is contemplated for that location.

The church will continue to be conforming whether it is zoned business or residential - churches are allowed in both districts.

Mrs. Johnsie S. Evans, 1435 Hoskins Road, stated she is the chairperson for the Northwood Estates organization, the petitioners. She is a little unsure how to speak to them because of the Planning Commission's decision on the other zoning petition. Members of her group are very frustrated and angry because they feel they did not get fair consideration. However, her group has told her they want to continue to try to upgrade the zoning in their community. They presented such a large area to be rezoned because they wanted Council to develop an overall zoning plan for that area instead of changing the zoning piecemeal.

Zoning Petition 76-73 affects basically three sections of property - Prince of Peace Lutheran Church, the property owned by Mr. McDaniel Jackson, and property owned by Thayer Realty Company. One purpose for including these properties in the petition is to prevent strip development on Beatties Ford Road. The Jackson and Thayer property is vacant, therefore they are not creating any conformity. The Prince of Peace Church has supported their zoning petition and desire that their property be zoned R-9. The pastor of the church is out of town, but has asked her to inform Council of his church's support for the rezoning.

Referring to Mr. Jackson's statement that this rezoning will bankrupt him, she stated they do not know whether this is true or not. However, according to the real estate appraisal of all of Mr. Jackson's real estate on Hatteras, Andrill Terrace, and Kentucky Avenue is rated below average in quality. But, his home on Red Fox Trail is rated excellent in quality. In fact, the appraisal value of Mr. Jackson's home at \$138,444 is more than the total appraisal value of all his rental property. They question whether Mr. Jackson will develop his property for the good of the community or will seek to make quick money from the poor.

She requested Council to restudy the entire area, including the property in this petition, to develop a plan for the benefit of the entire community, one that will protect the residential area, and that will be good for all of them.

Mr. McDaniel Jackson, speaking in opposition, stated he made his plea at the last hearing. He had written each of the Commissioners a letter, but he also submitted some written information to them, so that he would not have to go over all of the facts again. With the fact that the Planning Commission has

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recommended the other zoning be turned down, his land would be surrounded by R-6MF property or B-1 property. It is on the corner of what the Thoroughfare Plan says is going to be two major thoroughfares in the near future. By 1995 the City's own figures show that there is going to be 22,000 cars a day going down Griers Grove Road. That does not seem to be a very good place to put private homes. That Mrs. Evans pointed out he has some other property that is rental property; that it is high quality rental property; it is not low quality. It is also mortgaged and as Mr. John Horn, Vice President of Southern National Bank, was here to vouch for last time, there is a loan of better than \$122,000 on this land. If it is rezoned the value will go down over \$100,000. If it does go down that much, the bank will require more collateral which he does not have; it will throw him into bankruptcy and there is not one thing he can do about it. He will lose his home, everything he has worked for all of his adult life. Therefore, he asks that they do not vote for the rezoning of this property.

Councilman Gantt asked when the rest of the Northwood Estates petition will be before Council. The answer was December 6th.

Council decision was deferred for a recommendation of the Planning Commission.

RESOLUTION APPROVING AMENDMENT NO. 3 TO THE REDEVELOPMENT PLAN AND THE FEASIBILITY OF RELOCATION FOR GREENVILLE URBAN RENEWAL PROJECT AREA, AND RESOLUTION AUTHORIZING THE FILING OF AN AMENDATORY APPLICATION FOR LOAN AND GRANT FOR GREENVILLE URBAN RENEWAL AREA.

The public hearing was held on Amendment No. 3 to the Redevelopment Plan for Greenville Urban Renewal Project.

Mr. Vernon Sawyer, Director of Community Development, stated this amendment covers both text changes and map changes.

The first two changes are technical - the title page is revised to indicate the date of the proposed amendment; and indication is made that the dates of the maps have been revised.

They have proposed revisions for the special requirements for townhouses. They have had special requirements for townhouses, including both those for rent and for sale, and in some respects these represented higher standards than the zoning ordinance requires. These proposed revisions bring their requirements in conformity with the zoning ordinance with two minor additional requirements, and have eliminated special requirements for townhouses for rent altogether. The only special requirements they will have for townhouses will involve those for sale.

He stated Councilmembers have copies of the proposed amendment, noting they have deleted those requirements they had any question about whatsoever.

Councilman Gantt asked if this is in direct response to the present development that is going to be done by Motion? Mr. Sawyer replied that is correct. Councilman Gantt stated it appears to him this is a slackening of the ordinance to allow them a little more flexibility. He asked if it affected the parking, to reduce the amount of parking required? Mr. Sawyer replied no, the parking requirement is increased. They had a uniform standard of 1-1/4 spaces per dwelling unit as a minimum, leaving it up to the developer to go higher than that; the requirement now relates a fractional increase in the parking requirement to the size of the unit.

Councilman Gantt stated he is wondering about the policy which in effect will encourage in all of our future residential development in First Ward and all Community Development areas larger amounts of areas set aside for parking. It seems to be contrary to certain other kinds of policy they are trying to encourage and would increase the amount of paved areas for the automobile and impact our storm drainage system and everything else. He wonders if we need to change that at all, perhaps just leave it at the regulations we have now. That he is particularly concerned about the amount of parking we require now in businesses and it seems to be an encouragement for the use of the automobile.

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Mr. Sawyer replied they have one additional requirement for grouping the parking which says "insofar as practicable, off-street parking facilities shall be grouped in bays, either adjacent to streets or in the interior of blocks." They thought this was an appropriate requirement for this particular project.

Councilman Gantt asked why they see a need for increasing the amount of parking? We could still keep the area he referred to for group parking facilities, but he would like him to explain just why they feel there is a need to change the ratio which would in effect require more spaces provided for cars.

Mr. Sawyer replied basically and simply it was based on the fact that the larger the size of the unit, the greater the possibility is that two cars will be involved in the occupancy of that unit.

Councilman Gantt stated that is his only objection.

Councilman Davis stated he agrees with Mr. Gantt. If you leave the basic requirement at 1.25 spaces, even at that the developer is free to build more. Council has just discussed in the luncheon session trying to get rid of some of the ordinances and code requirements just like this to at least have the option of building less if it seems desirable to the builder and to the tenant.

Motion was made by Councilman Gantt to approve the amendment, with the exception that the parking requirements remain the same. The motion was seconded by Councilman Davis.

No opposition was expressed to the amendment.

Councilman Whittington stated he had asked Councilman Gantt before he made the motion what he thought about the amendments and he gave him that answer and also gave him a motion. But he thinks they should ask the people of Motion who apparently asked for this. They are the only people who have moved Greenville off center since the whole neighborhood was demolished. He would like for them to have some input into this discussion before they vote on the motion.

Councilman Gantt replied if Motion wishes to develop more parking, there is nothing in the ordinance that says they cannot. He fails to see the need of input because if they have a plan for parking that is more than the present minimum they are still allowed to do that.

Mr. Harold Cooler, architect for the Motion project, stated the way the requirement is set up now for 1.25, he does not believe they can get a building permit from the City of Charlotte with that requirement. Mr. Sawyer stated he thinks the amendment is in accordance with the zoning ordinance because that was the intent. Mr. Cooler stated Motion is satisfied with the cars they show but he thinks they are in excess of 1.25 but if they were held to 1.25 he does not think the Building Department would give them a permit.

Councilman Gantt stated then there is a conflict between the City ordinance and the covenants on Greenville.

Councilman Whittington stated he would support the motion but he thinks this should be cleared up before they vote on it. Mr. Sawyer was excused from the meeting to check with a member of the Planning Commission staff who confirmed that the proposed requirements are in accordance with the zoning ordinance. Mr. Sawyer stated there is one exception and that is in the case of the public housing projects for the elderly - a lesser standard is permitted. The 1.25 is at least five years old and is sub-standard.

Councilman Gantt stated a number of developers and people concerned with re-development areas and areas such as Statesville Road and First Ward find that in many cases certain of the restrictions encountered are more stringent than the present City requirements. It might be that they may need, sometime in the future, to take a look at the two to re-examine where our policy changed for one part of the city and is in effect in another part.

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Councilman Gantt withdrew his motion and Councilman Davis who seconded the motion agreed to the withdrawal.

Motion was made by Councilman Gantt, and seconded by Councilwoman Chafin to adopt a resolution approving Amendment No. 3 to the Redevelopment Plan and the Feasibility of Relocation for Greenville Urban Renewal Project Area, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 148 and ending at Page 152.

Councilwoman Chafin moved adoption of a resolution authorizing the filing of an amendatory application for loan and grant for Greenville Urban Renewal Area. The motion was seconded by Councilwoman Locke, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 153 and ending at Page 155.

CONSIDERATION OF RESOLUTION CONCERNING BUS STRIKE FAILS FOR LACK OF UNANIMOUS CONSENT OF COUNCIL.

Councilman Gantt moved that Council place a new agenda item on the agenda at this time. The motion was seconded by Councilwoman Locke.

Councilman Davis asked if he understands Council is free to discuss the resolution prior to entering it for formal decision. Councilman Gantt stated he plans to introduce the resolution, and Council is free to discuss it and vote any way they want to.

Councilman Davis stated under the City Council procedures on non-agenda items the way he interprets this is "that any additional matters which are not specifically listed on the agenda may be brought up after deliberation of the written agenda." Therein is the authority to bring up the matter for discussion. It goes on to say "These items will not receive formal action until a subsequent Council meeting unless they are unanimously considered as requiring action by Council." All he is saying is he needs to hear what is going to be said and discussion before he can cast a vote on whether or not to decide on the passage.

Councilman Davis asked if this vote is for discussion only, and there will be a subsequent vote on whether or not Council takes formal action? The Mayor advised the motion now is whether or not the item will be placed on the agenda. Councilman Williams called a point of order. He asked if it is necessary for Council to vote to discuss a non-agenda matter; he is not talking about taking any action.

Mr. Underhill, City Attorney, stated the first item under Rules of Council procedures covering the conduct of meetings says the agenda lists by subject each item which is to be considered by Council. During the course of the formal meeting Council members will confine their discussions to only those items which specifically appear on the agenda. That he does not think at this point in the agenda, Council can discuss anything but the agenda; that Council will have to conclude the written agenda, and then they can discuss anything they would like. But if they want to take formal action on something that is not a part of the agenda, then they must have a unanimous vote of Council that the item requires immediate action before taking a formal vote.

He stated Council can vote to suspend the rules of procedure if it would like.

Councilman Gantt moved that Council suspend the rules of procedure to allow this discussion at this point in the agenda. The motion was seconded by Councilwoman Locke.

Councilman Davis asked if this vote is for discussion only, and not for formal action? Mr. Underhill replied this motion is to suspend that portion of the Council Rules of Procedure which prohibits the discussion of items not

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appearing on the agenda until the agenda is completed. If that motion carries, then it would be in order for Mr. Gantt to ask for a discussion by Council of the specific item he has in mind to discuss.

Councilman Gantt stated all he is trying to do is to get this item discussed now at this point on the agenda; that he is asking permission of Council to discuss it now; that he is not asking if they accept the resolution. Mr. Underhill stated his ruling is that to suspend the rules requires a 2/3 vote of Council.

The vote was taken on the motion to suspend the rules of procedure and carried as follows:

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

The City Attorney advised the motion to suspend the rules carries.

Councilman Gantt stated during the informal session of Council he passed around a copy of the resolution which he hopes some members have had a chance to review.

He stated he would like to read the following resolution into the record and would move for the discussion and whatever disposition Council wants to make. The intent of the resolution is to see whether the City can act as a catalyst to move the negotiations for settlement of the present transportation strike.

WHEREAS, the City of Charlotte has committed itself to providing a system of public transportation; and

WHEREAS, the City Coach Lines has been hired as a management company to man and operate the public transportation for the City of Charlotte; and

WHEREAS, in the operation of the system, City Coach Lines has been engaged with the United Transportation Union (representing the drivers, mechanics, and other personnel of the bus system) in labor negotiations for a period of better than one month; and

WHEREAS, the United Transportation Union has called a strike which is now going into its third week; and

WHEREAS, such a protracted strike is having and will continue to have a detrimental effect on providing needed services for certain citizens and businesses in this community;

BE IT RESOLVED, that the City Council adopt the following policy in seeking to bring this strike to an end;

- (1) Require the City Coach Lines to provide to Council all necessary data on the amount of alternative wage and fringe benefit packages including the wage and benefit package requested by the United Transportation Union.
- (2) Request that the City Manager obtain information on comparable wages and fringes for transit workers in similar size cities in this region, including Atlanta, Greensboro, Raleigh and Spartanburg, South Carolina.
- (3) Request of both the United Transportation Union and City Coach Lines, that they allow a representative of the City to sit as an observer in all subsequent negotiations of this contract until it is settled. Such a representative should be named by Council. Such a representative shall report directly to Council on a continuous basis until a settlement is reached.

BE IT FURTHER RESOLVED that this resolution go into effect as soon as it is adopted.

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Councilman Gantt stated the reason for introducing this, and it stops far short in his opinion of the City of Charlotte becoming involved in the actual negotiations between the union and management company, the fact is we are going to feel the impact of any kind of wage settlements. He does not think this Council at present knows, that he does not know, what the impact of any wage settlement is likely to be. He does not think any of us know what flexibility the present management company has in their negotiations. We could be in a situation by which the management company does not have any room to move; it may want to move. But as long as we are in a situation of never having more flexibility and the union not moving, then the strike might last for a long time. He does not think Council can sit back and do nothing. At least Council needs to find out whether or not we can afford a settlement; whether or not we already have the money set aside that can be used in the settlement of an apparently 26 cent difference; and advise our management company as to what is going on. So far he does not know what is happening, and he does not think any of the other Councilmembers do either. He does not think Council can use the posture that it does not have anything to do with it. Council does have something to do with it. The citizens are looking to Council for this responsibility, and they do not understand all the ins and outs or the technicalities regarding unions, management company and other kinds of things. The City has taken on the bus system as a responsibility to provide transit service, and he thinks Council has the responsibility to do something about it.

Mayor Belk stated he thinks he is missing one important point, and that is he is taking it away from management, and putting it into Council's hands. He thinks it is a kind of dangerous thing as they do not know what they are putting into their hands until they have talked to the management.

Councilman Gantt stated his request on Item One is to advise. Mayor Belk replied there is nothing wrong with having the City Manager to have a meeting with them; but not to say you are going to take it over. Councilman Gantt stated he thinks he is misconstruing what he is saying. He does not want this misunderstanding. He is saying Council has hired a management company to run the bus system; but not one member of Council as policymakers knows the impact, the alternative wage offers that can be made, and what it means to the City of Charlotte budget system. Whether we have the funds now; whether or not it is going to be a half million dollars; whether or not it is going to be two million dollars. Council does not know anything. He thinks Council needs to know that; and needs to have the City Manager inform Council of what the situation is. Council cannot make an assessment if it stands back and says let's wait.

Councilman Whittington stated he voted against the motion because of the procedure this Council is suppose to operate under, which he hopes to speak to later in the meeting. That he thinks the motion is in violation of that procedure.

Councilman Whittington stated he is just as concerned about this bus strike as any member who sits around this Council table. But he thinks for Council to do what Mr. Gantt is proposing - that he wants the City Manager to give Council information as our management representing Council where our Manager is like a general manager of any business - that is what Mr. Burkhalter is - then let him get this information and give it to Council. But he does not think Council should go through the steps pointed out in the resolution. Council is the governing body of this city and until we need to do otherwise he thinks Council should stay in the position it is in right now. That he has been through these problems before as a member of this Council. That he cannot support the motion. Councilman Whittington stated he has talked to the City Manager every day about this strike and what is being done. There is a professional federal mediator representing the public on the hearings. The bus strike was called by the transportation people. It was not called by the citizens out there. The bus drivers are the ones who went on strike. That is their problem at this time and point.

Councilman Withrow stated he is just as concerned as any other member of this Council, and as concerned as some of the people who spoke today. He was rather surprised that one of the ladies had not called to ask for help.

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The City has let it be known if anyone is in distress and needs help the city is going to try to provide that help. The City Manager has told Council that they had provided all the help anyone has called about. Perhaps this information has not gotten to the people so they will know, if they are in dire need, that we can provide them with some help along these lines.

Councilman Withrow stated he is surprised that the City does not have an emergency plan already in effect; that the city does not have an emergency plan for anything hardly. We need to do some planning on emergency plans where churches would furnish some buses in times like this; that he thinks the churches would do this, and we need to know the ones that would do it, and whether they would furnish drivers. This should be done in an emergency plan.

He stated he is concerned when you have to require the City Manager in a motion or the City Coach Line to give you information. That if any member of this Council went to the City Manager he would give them the information that is asked. But he thinks it is dangerous to talk about a situation like this when we have hired professionals that are negotiating. That he believes they are negotiating the best they can.

Mr. Underhill stated at this point there is not a motion on the floor. Council has suspended its rules to permit discussion of this item. That he presumes Mr. Gantt intends to follow up after the discussion in making a motion that this matter requires the immediate attention of Council, and therefore should be voted on. All Council is doing now is discussing the matter.

Councilman Williams stated some degree of this matter should be discussed because there are portions of the whole thing the public has a right to know about, and Council has a right to know about. But he emphasizes a limited extent. There are certain points the public has a right to know about, and he thinks the public should know certain facts. They should know how much it would cost to do what the union is requesting; they should know how much it would cost to do what has been offered. But they ought not to know what we are prepared to do. If you show somebody your bottom hand that is what he is going to ask for. You have lost all your negotiating ability.

Mayor Belk stated Mr. Gantt has said he did not know what is going on. That he has suggested he should find out from the City Manager before making a motion.

Councilman Williams stated he is not even sure that any one person is in a position right now to tell anybody what this Council is prepared to do, because there are seven people here. One member might say he is not going above (x) dollars, and another that he is not going below (y), and there you are. That is the part he is not convinced the public should or even can know at this time.

Councilman Davis stated he would oppose making a decision on this today, and if he had to vote on it he would oppose this. That he does not like to oppose anything that this looked like on the surface, like information. That he thinks there is a rather delicate legal question involved, and he would oppose taking any action without giving the attorney time to weigh this, and give Council a recommendation. In dealing with an independent contractor when Council makes a decision on who should operate the public transit here, we get bids or proposals, and Council weighs these. Council would not consider a bid or proposal from a contractor it did not consider to be reliable. When Council looks at a bid proposal, members will ask themselves a question, look at the track records of the company and see how well they operated and if they are responsible; Council would examine such things as their labor relations to see if they were satisfactory; if they were not discriminatory, and things of that nature. This would be part of the normal procedure in looking at bids. Council would also consider the quality of services they are capable of providing. All of these things are in the bid proposals. He thinks Council is limited in how far it can inquire. For example, if we accept the overall contractor's proposal, he thinks Council has license to delve into the detail operation and say they are putting in too much money in one place and not enough in another. Council should be concerned with the overall results; they are providing the transit service we want.

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Councilman Davis stated if this comes to a vote he would like some advice from the City Attorney as to the propriety of the questions; what type of questions we can ask; and how Mr. Gantt can get the information he wants, which he would like to have also.

Councilman Gantt stated he expected this was going to be a mild resolution, and he thinks it may be bordering on some emotionalism as to what the intentions are here. The intent is very simple. Mr. Burkhalter has not provided Council with information, and he finds it interesting that no other member of Council is interested in getting information about what our management company is doing. If they will read all of these items, there is no suggestion here to enter into the negotiations; there is no suggestion here that we tell the community and everybody what our position would be in the negotiations. There is nothing in the three points he raises in the resolution to suggest that. He just wants to be informed. He just wants to know what is going on.

He stated all the resolution is doing is asking the City Manager to provide information on this; give much more intimate information than we have. The only thing we have in regard to the bus strike is what we plan to do with regard to emergency transportation. He thinks that is good and applauds that effort; but we all know that effort is going to be inadequate for the all over strike. He stated he is asking for information, and others on Council should want that information. What Council decides to do or say to the management company obviously is a part of the city's relationship with them.

Councilman Gantt stated Item One of his resolution simply says provide Council with data; have the management company provide some data. Number Two says something the City Staff can do - tell Council what other cities pay bus drivers. Number Three says to let us have someone from the staff sit in on those negotiations and keep Council informed as to what they are doing. He does not want to have the information provided him through the newspapers. Council needs to know what is going on there. There is no suggestion here that we take over the negotiations. If we can act as a catalyst to help them move towards a solution, he is all for that. There is no suggestion here that we are coming down on the side of the drivers, or in some blind support of management. If he is going to make decisions for this city, he needs to know more. Whatever the wage settlement is going to be, particularly with the management contract running out in a few days, we are going to have to underwrite the bill sometime, and we need to know.

Councilman Gantt moved that the resolution be considered as a formal part of the agenda at this time. The motion was seconded by Councilwoman Chafin.

Councilman Davis asked the City Attorney if he can advise Council as to the propriety of this type of involvement? Mr. Underhill replied if he means the legal propriety, he can offer the following in way of comment. Based upon Mr. Gantt's explanation, he does not think there is anything that would legally prohibit the Council requesting the union and Coach Lines to allow it to send a representative to its negotiation sessions. There is nothing legally wrong with that. Numbers One and Two of the resolution as explained by Mr. Gantt, as he understands what he is asking for is that he wants the City Coach Lines to tell the City Council what wage and fringe benefit packages have been offered to the Union during the course of this negotiation. The resolution also calls for an explanation of what the union has requested in the way of a wage and benefit package. Assuming the parties are willing to disclose that to Council he does not see anything legally wrong with requesting the information. The second thing is something Council can request the City Manager to do regardless of whether there is a strike situation or not. This is only a request for information. He stated there is nothing here as he reads the resolution and after hearing Mr. Gantt's explanation that makes it improper. He does not think they are violating any state law or federal statute or regulation that he is aware of from a legal sense in considering and adopting this resolution.

Councilman Davis asked about the UMTA regulation? Mr. Underhill replied the National 13-C Agreement which the City in essence is a party to since it has accepted funds for both the purchase and operation of the system requires he

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does not see anything in this resolution that would violate it. Both the UMTA Act and the 13-C Agreement which requires generally the protection of unionized employees at the time of acquisition of a private transit system by public operator has some very tough language in it that protects and prohibits the worsening of any economic situation of unionized employees. He has had so much difficulty in trying to determine what that means that he has written the General Counsel of UMTA and asked them to provide him with an interpretation of where the City can and cannot go on that. He does not see anything in this resolution that would create any legal problems for us insofar as the UMTA Act is concerned, or any of the UMTA regulations, or the 13-C Agreement which specifically addresses union protection arrangements.

Councilman Withrow stated most all of the information under Number One is in the newspapers; that he believes the City Manager is kept pretty well informed of all negotiations before they give this to the newspapers. He asked if the City Manager could be given this information by memorandum rather than requiring the Coach Company to do this. That Number Two was asked for when the City was buying the system. The only new thing is the third one to have a representative sit with them. That could be David Burkhalter. He is just concerned about the wording of it, and he wants to be absolutely sure.

Mr. Burkhalter stated giving Council information on what they have asked for, and what has been offered, and what it will cost, he can do. He will be glad to send this to Council. As to comparable wages, Council is dealing with a firm that has a number of these systems they are operating, and know the wages very well. He stated he thinks Number Three is very bad because the last discussions with these employees until last week were with the passive understanding there would be no discussion publicly of the debates. He feels sure the employees union would like very much to get Council involved in this, and every attempt to do so was made last week. If Council sends a representative to these negotiations, then they can just call the other man off as no one will address a question to him. It would be addressed to the City. They want Council involved, and the Council's representative would be the one to do that. If they do not want Mr. Poquette who is an experienced negotiator, and he thinks a reasonably fair one, and the plan he proposes and the package he offers was accepted by these people at their initial meeting to be recommended to the people. This assures him the man at least had a reasonably fair offer to make.

Mr. Burkhalter stated there are many little parts of negotiations that involve things outside the chamber as well as inside the chamber; there have to be a number of contacts made with the employees by the union representative to get their feelings. It takes a lot of foot work between the people and it makes it drag to some extent. This is why they do not meet continually.

He stated as far as sending the first two pieces of information to Council he can send this any time.

Councilman Gantt stated he would expect that the City Manager would not be totally in favor of this as it has been his policy to handle it this way. But he cannot understand what an observer who does not happen to be a member of this Council - the City Manager or some designated person on his staff - that sits and keeps track of these negotiations, and if possible keep them there 24 hours, and keep Council informed, he cannot understand what that would do to changing the perception the people have about who holds the purse strings in this situation anyway. Everyone knows it is the City Council. He does not understand why we cannot keep someone there continually observing.

Councilman Williams stated he is inclined to agree with the Manager on Point Three, that he thinks it would be a symbolic sort of thing that is symbolic only by people arguing about symbolic points sometime and magnifying them into big points. Plus, he agrees, it would tend to undermine our representative who is already there. It is at least arguable that we already have a representative at that table. That is our management firm.

Before this whole thing is all over, he has a general comment or two he would like to make about the whole thing.

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The vote was taken on the motion to place the matter on the agenda, and failed to carry for lack of unanimous vote. The vote is as follows:

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

Mayor Belk advised the motion does not carry.

Councilman Withrow requested that the City Manager inform Council about the things he has asked about before it is given to the newspaper.

ORDINANCE NO. 377-Z AMENDING THE ZONING ORDINANCE BY CHANGING THE MAP TO REFLECT A CHANGE IN ZONING FROM R-15MF TO O-15(CD) PROPERTY FRONTING ON THE EAST SIDE OF PROVIDENCE ROAD, LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION OF PROVIDENCE ROAD AND SARDIS ROAD.

Motion was made by Councilman Gantt and seconded by Councilwoman Chafin to deny the petition as recommended by the Planning Commission.

Councilman Williams stated as he understands it, the petitioner now has a site plan which calls for a bank building on the entire 2.7 acres, which is different from the original one which included other buildings. At this point he is willing to vote on that peninsular of land for this single bank building. Before, he had some serious reservations about more than one business activity on that island. He can see a bank building there where he might not be able to see a bank, plus a drug store, plus a hardware. With the assurance they are talking about a bank building only, he would be willing to support that and not vote for the motion to deny which is on the table at the moment. He thinks it is almost unconscionable to the landowner of that island to require that nothing could be built there except multi-family or single family housing, which is the case with the present zoning. He strove mightily to close that street entirely behind this island so that it would no longer be an island. It is not feasible to be developed for that purpose, and this is a reasonable compromise in a way for a use for the land.

Councilman Williams made a substitute motion to grant the petition for the bank building only. The motion was seconded by Councilman Whittington.

Councilman Whittington stated he talked with Mr. Bryant about this before he left the Council Chamber and if they approve this substitute motion made by Mr. Williams it will be the motion that he made last week and it was tabled for one week. He produced a site plan showing the bank and nothing else and a letter to Council stating it will have nothing on the land except the bank and according to the site plan that is all that can be put there unless Council would revise the plan.

Councilman Gantt stated, as reflected in last week's minutes, his concern is that certainly a bank is better than a bank and two office buildings, but he asks the question of Council "what is wrong with the present zoning of multi-family housing?" There seems to be an answer that relates vaguely to something called economic feasibility. Not a soul here can tell him, or has demonstrated, that that property of 2.7 acres cannot be developed for some residential development, or that it cannot be sold to other property owners who own larger tracts of land in that area. He does not have a question that the bank itself alone will not be aesthetically pleasing, but he is concerned that there is a tremendous amount of undeveloped land in that area and a tremendous amount of traffic that is going to be generated on that road and there is going to be continual pressure, if not on this Council the next Councils, to begin the process of commercialization of property in that area. You start that process by changing one 2.7 acre tract because of its geometry to office zoning from residential. He thinks they are making a mistake and he intends to vote against the motion.

Councilwoman Chafin stated she shares Councilman Gantt's concerns that by voting for the substitute motion - she does recognize the art of political compromise and knows that it is necessary from time to time - but she feels

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like this Council will be reversing its position that it has consistently taken against commercial development in that Providence Road corridor. She cannot help but think about a program that Bob Landers presented in the Critical Issues program in connection with UNCC last year where he showed a comparison of what had happened in the Albemarle Road corridor in contrast to the Providence Road corridor. She really has nightmares when she thinks about the pressures that could be brought to bear as a result of the decision that may be made today. She, too, will vote against it.

Councilman Williams stated every case, of course, stands on its own feet and is distinguishable from other cases. He thinks they have some clearly distinguishable features about this property. It is not like all the other property out there because the other property is not a peninsular with a narrow neck. If the road behind the property had been closed in its entirety, then he could understand it because it would be contiguous and he would have taken the position that it ought to be maintained as multi-family residential property. Now, there is a neck of 100 feet or 200 feet in width that connects it to multi-family property. It is a different situation and one that can be distinguished from any other corner at that intersection.

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

YEAS: Councilmembers Williams, Whittington, Locke and Withrow.

NAYS: Councilmembers Chafin, Davis and Gantt.

The ordinance is recorded in full in Ordinance Book 23, at Page 446.

CONTRACT FOR TECHNICAL OR PROFESSIONAL SERVICES BETWEEN THE CITY OF CHARLOTTE AND CHARLOTTE-MECKLENBURG YOUTH COUNCIL TO ENGAGE IN PLANNING AND EXECUTION ACTIVITIES DIRECTLY RELATED TO A CAREER DEVELOPMENT PROGRAM FOR COMMUNITY DEVELOPMENT AREA HIGH SCHOOL STUDENTS. APPROVED.

Motion was made by Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, approving contract for Technical or Professional Services between the City of Charlotte and Charlotte-Mecklenburg Youth Council, in the amount of \$60,149.00, to begin November 17, 1976 and operate for seven calendar months.

TWO APPLICATIONS FOR FLOODWAY SPECIAL USE PERMITS AS SUBMITTED BY THE CHARLOTTE-MECKLENBURG UTILITY DEPARTMENT. APPROVED.

Councilman Davis moved approval of the following two applications for Floodway Special Use Permits as submitted by the Charlotte-Mecklenburg Utility Department:

- (a) Flood protection Dike and Tertiary Polishing Pond for the Irwin Creek Wastewater Treatment Plant;
- (b) Tertiary Polishing Pond for the Sugar Creek Wastewater Treatment Plant.

The motion was seconded by Councilman Whittington, and carried unanimously.

AGREEMENT ON WAIVER OF CLAIMS IN CONTRACT WITH NELLO L. TEER COMPANY. APPROVED.

Motion was made by Councilman Whittington, and seconded by Councilman Withrow, to approve the agreement on Waiver of Claims in contract with Nello L. Teer Company.

Councilman Davis asked for some idea from staff as to what the maximum amount of liability for liquidation damages they are waiving in this case.

Mr. Birmingham, Airport Manager, replied based on the starting date, there was some 600 days over the contract with an allowable two to three months for excused time. However, they have countered with additional claims

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against the City which they believe will probably wash down if they both approved. The amount of liquidation damage per day is \$500.

Councilman Gantt asked why the discrepancy between the amount they elect to pay the contractor of \$337,000 in their letter to Mr. Burkhalter, and the actual waiver of claims only stating \$300,000? Mr. Birmingham replied at the time that was drawn by the City Attorney they did not have the exact figure. The figure is actually \$338,541.09.

Mr. Birmingham stated he also has a letter from the FAA with the recommendations made subject to their approval. He stated he would like to read portions of the letter; that they go through the explanation of why they approve it.

"We therefore, concur in your agreement with the contractor to set aside all extra claims by the City and the Contractor against each other, including the assessment of liquidated damage and the acceptance of each party's respected views outlined in the agreement."

Councilman Davis asked if they say why? Mr. Birmingham replied by reading further from the letter, giving the reasons why:

"This agreement was the subject of a meeting in your office on October 15. Those in attendance, including representatives of the City of Charlotte and consultants, Talbert, Cox and Associates, Inc.; and Mr. William T. Ward and Mr. Robert E. Harris of this office. It was concluded from this discussion that negotiations would be necessary with regards to liquidated damages, claims from the Contractor concerning extra work due to moisture problems encountered in the subgrade, repair of severe erosion of slopes and damage claims from adjacent property owners. Also there were questions raised by the Contractor with reference to working days versus calendar days. The contract documents deleted all references to working days in Section 70-06 of Standard Specifications for Construction of Airports/Advisory Circular 150/5370-1A. Apparently in the reprinting of the Advisory Circular, changes were made in Sections 70-05 and 70-06 relative to working days and time charges. This placed some doubt as to the intent of the contract documents since the discrepancy was not apparent at the time bids were received."

Councilman Gantt asked what Mr. Teer means when he says he has some claims against the project for work not covered by the specifications? Mr. Birmingham replied he is alleging several things; that severe erosion control is not his problem; that severe moisture problems he encountered were not covered in the contract.

Councilman Gantt asked if he took steps to alleviate these problems without change ordering the contract and without any notification? Mr. Birmingham replied he notified them that he was doing it. Councilman Gantt asked what our position on it was and Mr. Birmingham replied our position was that they were actually covered in the contract.

Councilman Gantt stated so there was a dispute as to whether it was covered so we allowed him to do it and make claims against the project? Mr. Birmingham replied he reserved the right to make the claim; we had no way to keep him from that, as he understands it.

Councilman Davis asked if he could say how much of the damage was due to the disputed area, like the moisture problem, damage to adjacent property? Mr. Birmingham replied he could only guess, they are comparable in washing out, because certainly if we claim liquidating damages in a certain amount, he will in all probability enter a counter claim for somewhere close to this amount. Whether they are valid or not would be up to a Court of Law. Our attorneys have advised they do not think it is worth litigating and the FAA concurs. It has been a difficult project because of the lawsuit and it is not over with yet.

The vote was taken on the motion and carried unanimously.

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H. MILTON SHORT AND MS. PHYLLIS NICCOLAI NOMINATED TO THE COMMUNITY FACILITIES COMMITTEE.

Council was advised that Ms. Phyllis Niccolai has been nominated to the Community Facilities Committee.

Councilman Whittington nominated Mr. H. Milton Short, Jr. to be considered at the next Council Meeting for this position on the Community Facilities Committee. He stated he does so with the full knowledge of what Mr. Short has contributed as a member of Council, working with the joint effort of City-County government and the Community Facilities Committee - water rates, water extension lines, feeder lines, and all this sort of thing. He feels there are few people in Charlotte more familiar with this particular department than Mr. Short, and he would like to place his name in nomination.

Councilman Davis stated he believes his motion which was seconded last week and tabled is ready for consideration now without further procedural requirements. Several members of the Community Facilities Committee have contacted him. It is a small and very hard working committee and a very effective one, one of the most effective that we have. It is comprised of only five members - four at the moment - two are accountants, one is head of a development firm and one is a banker with considerable special skills in the area of sales and purchase of bonds, requirements for such, and so forth. It is a very technical committee. The things they consider - utility rate regulations and rate increases/decreases - are of a highly technical nature and require unusual background. At the present time there is not a woman on the committee. Mrs. Niccolai certainly is a lady, and she has the unusual background and skills that would enable her to make a valuable contribution on the committee. She has an additional characteristic that the Community Facilities Committee has told him they would like to have - she would represent the consumer interest which they feel is necessary and significantly, she is in an area which has recently been annexed. This is probably the single major problem that the CFC will be dealing with for the foreseeable future. He would like to see her approved for this position; not to detract from Mr. Short's qualifications which they are all familiar with. He is delighted that he is willing to serve the community in any capacity and he would certainly favor seeing him go into any job he wants to go into. But, he would like the nomination of Mrs. Niccolai to stand and be voted on.

Following was a discussion on considering both names at this time.

Councilman Whittington stated he is not trying to be the one person on Council who is different on everything. They have a procedure here; he voted against Mr. Gantt's procedure. He simply nominated a man to be considered along with Mrs. Niccolai that should lay on the table until Council meets again. He would hope they would consider that; there is no big rush about this.

Councilman Williams stated you would have to either vote to table the first nominee for a week in order to consider the second one at the same time or you would have to go ahead and vote on the one before you would know whether there is a vacancy.

Councilman Gantt moved the matter be deferred until the next meeting. The motion was seconded by Councilwoman Chafin, and carried as follows:

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

Councilman Davis stated he is opposed to that because they deferred Mrs. Niccolai's nomination one week. They will ultimately have to decide between her and Mr. Short so why not do it today.

Councilman Davis withdrew Mrs. Niccolai's name from consideration; Councilman Williams re-submitted her name. Mayor Belk stated on that basis, Mr. Whittington's nominee will come up for vote first.

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RESOLUTION RELATING TO THE CONDUCT OF COUNCIL MEETINGS ADOPTED.

Councilman Davis stated he presented and discussed the subject resolution at the last week's meeting. There is no agenda material, and he is content to let the resolution be voted on.

Councilwoman Chafin asked if Council is only voting on the portion of his statement that is a resolution? In other words, Council, by voting on the resolution is not supporting the body of his remarks?

At the request of Council, the City Clerk read the resolution:

RESOLVE that Council reaffirm its intention to use this forum for open and honest discussion of public business; full disclosure of pertinent information will be made in a timely manner to keep the public informed. Discussion will not be limited and debate will not be cut off unless the reasons for such action are stated and approved by two-thirds vote of council members present, in conformance with the Rules of Order previously adopted by this Council.

Councilman Davis moved adoption of the resolution. The motion was seconded by Councilman Williams.

Councilman Whittington stated he wishes the press was gone and only members of Council were present. He remembers when John Belk became the Mayor of this City, he told Council that we should stop having conference agendas in the Conference Room and come out here in this Council Chamber where everybody could hear everything that was going on. They did that. Then, when David Burkhalter became City Manager in 1973, the City Council on its own motion, said that in the future a council member was not going to come into this Council Chamber and make a motion on something that no one else knew anything about, not so much for the protection of each member of the Council, but to give the public out there and the people who read this in the newspaper and saw it on TV time before this motion was resolved.

In 1975, this same Council amended this procedure to bring up matters at 2:30 in the afternoon on Monday, or on Monday night after the public had had an opportunity to be heard at the televised sessions. Then, and with all respect for Councilman Davis, on November 1st he was asked if he had anything to bring up and he either passed or said no. On November 15 he was asked again if he had anything to bring up and he passed, knowing at the time he had three written statements in his folder that no one else on Council had seen. Just prior to that, this Council stood in silent prayer in memory of his mother. He stated he was quite surprised that he came back to this meeting, and someone whispered to him the reason he came back was he had three things he wanted to bring up that night.

Councilman Whittington stated he thinks some how or another they ought to get all this together. He thinks it is wrong for anyone in this city to be told that they do not have a voice down here; they cannot be heard! On the 7th, they sat down here from 12:00 noon until 7:00 p.m. that night; today is certainly a good example of the Mayor letting everybody who wants to be heard, be heard. On November 15 on a televised meeting, they were there for three and half hours. In the future, he hopes if they are going to bring up something that is new they would do so based on the procedure and they would at least give him a little more time to prepare himself. Mr. Davis has said he would like to have the agenda on Wednesday rather than on Friday. He sees no need to pass on this resolution Mr. Davis has presented, and he would hope he would withdraw it out of respect for Council who he believes tries as hard as it can to represent all the citizens of this city, and is trying to work together as a team rather than spread shotgun shells in the wind, and hitting nothing, but maybe antagonizing a lot of people.

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Councilman Davis stated his resolution was introduced out of respect for the Council. If the public believes this Council, whether it is true or not, is a forum where debate can be squelched or cut off or limited in any manner, then there is no way they can fail to lose support or the public's confidence. Based on public opinion polls he sees in the newspaper, which he does not cite as being a highly authoritative source necessarily, government and political leadership on the spectrum of public confidence - where a doctor and garbage collector stand near the top with about 70 percent confidence - political leadership in the government stands at the bottom with only about 30 percent of the people having confidence in what the political leadership is doing. It is incidents like that that detract from the respect and prestige that this Council should have. This Council has to be the body where public business is thoroughly discussed and voted on, or they have to abdicate that position. When the public gives them a 30 percent vote of confidence then they feel the business is probably not being discussed.

That Councilman Whittington raised two points. One, as to the procedure he questions whether or not what he has done is in proper procedure and also whether or not they have had enough time to consider it. In every case, and in this one particularly since he made the request for additional time to consider it, he said he had absolutely no objection to tabling this for a week, and he has always done that. He has never failed to respond to a request for time or information. As far as the procedure is concerned, he thinks he has co-mingled the informal Council discussion with the official Council meeting. The official Council meeting starts at 3:00 o'clock and if something of an important nature that should be part of the official records should be discussed, then the procedure for doing that is under non-agenda items. He believes what he has done is in compliance with that procedure and would not be appropriate to be discussed at an informal session. He asked Mr. Underhill for an opinion on that. If he is out of order with the procedure, he certainly apologizes to Council. He has read this thing carefully and he believes what he has done is in compliance with the procedures.

Mr. Underhill replied what they have in the front of the agenda is only a part of their procedure. There is another part that deals with the informal session and what it was created and established to do. He is working at a disadvantage in that he did not hear all of Councilman Whittington's remarks.

Councilman Davis stated he wants to know what procedure is the proper one for a council member to follow to discuss a non-agenda item in the regular council meeting. Mr. Underhill replied there are two ways in which a Council person can discuss business not related to an agenda item. One is to utilize the time, if there is time, at the 2:30 session. As he remembers, this was established so that Council could have some time to make statements and requests of the Manager and staff rather than having to wait until the end of the agenda because back in 1973 at the time the procedure was created, the Meetings were as lengthy as they are now. Some members of Council felt that waiting until the end of the agenda was not an appropriate time for them to bring things up because of the lateness of the hour and the desire to adjourn the meeting; and because it was felt that Council discussing things at the end of the agenda attempted, in some cases, to prolong the meetings. For that reason, Council created this 2:30 til 3:00 time slot and reserved it, assuming there were no speakers that infringed upon that time, in order to present requests directed to other members of Council, to the City Manager and to staff.

The other way is very obviously at the end of the agenda which rules of procedure permits them to do. That was put in to prevent the kind of thing that was occurring at that time with some frequency - the consideration of things not on the agenda, during the agenda. In essence, the Council

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established at that time two rules. One, that they would not discuss items except agenda items during the agenda until it was completed. Second, it recognized the need for council people to have an opportunity to bring up matters that perhaps they did not get to bring up at the 2:30 time. They placed a limitation on that in that it requires, that although these things can be discussed, they could not be formally approved or considered by Council unless there was unanimous consent as requiring immediate action.

Councilman Davis asked Mr. Underhill if he followed the proper procedure for discussing the non-agenda items? Mr. Underhill replied a non-agenda item can be discussed after the conclusion of the deliberation of the written agenda, so procedurally Mr. Davis was correct in doing it either then or at the 2:30 time. He thinks he has that option.

Councilman Withrow stated he agrees that any council member who has something to say to the rest of the Council when they are in a workshop is good. But when Councilman Davis inferred this Council was "hoodwinking" the people of Charlotte in that bond referendum made him mad and he believes it made a lot of other Council people mad too because it came out in the newspapers that this Council, along with the management of this City was hoodwinking the people, and not telling them all of the facts. He believes that on every other occasion Councilman Davis has spoken as long as he wanted to, but at that time he made the motion to cut Mr. Davis off because he was tired to him talking as though this Council was a bunch of hoodlums. That is the reason he made the motion because he thought he was going to do the same thing that night, and he did not think it was fair to the Council. He thinks Councilman Davis owes an apology to the Council to be right honest about it. He is not mad at Mr. Davis for what he has done. He just hopes they can forget what has happened and start anew again and pull together for this city. He knows all of them are for the betterment of this city, but he does not want anyone on the Council to let the people think they are trying to hoodwink them and are trying to do something that is wrong. He does not like for any councilmember to do that.

Councilman Gantt stated he hopes he did not hear Councilman Withrow say what he thought he heard him say. Councilman Withrow replied he heard exactly what he said. Councilman Gantt stated he hopes he is not saying if you disagree with the philosophy, position, accusation or whatever of a councilmember you will do what you can to cut him off. Councilman Withrow replied no. But if he inferred this Council is crooked and tried to hoodwink the people and is not giving him the information he asked for, and people are not getting it.

Councilman Gantt stated he hopes he did not hear what he thought he had heard Councilman Whittington says either, and that was if a Council person wanted to introduce a resolution or a motion, and requested, as he did, that it be placed on the formal agenda, that you automatically be given prior notice of this kind of thing. He thinks it is the prerogative of any councilmember, whether he wants to introduce a discussion on whether the sky is blue, to introduce it. He thinks Council has mechanisms by which it can handle the disposition of that one way or another. Prior notice to other councilmembers that one is going to make a presentation on any particular issue he does not think is required or necessary. It is a courtesy that they can extend to other councilmembers if they desire to do so.

Councilman Whittington stated he thinks he made it very clear at the last council meeting that he has never been a party to cutting off anybody. If he is going to be in the vote - if they are all going down the creek and nobody has a paddle, he thinks they all ought to be together. Right now they do not have a paddle and they are not together. He says quite honestly that some of the information presented to Council he cannot comprehend it

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as rapidly as Mr. Burkhalter or some of his staff, or members of this Council, and he needs time to digest that and he just requests they try to do that. If they cannot, he will just have to get it all broken down and try to make a decision.

Councilwoman Chafin stated she has no problem in supporting Councilman Davis' resolution, but she hopes it will really not be necessary. She has been on Council almost one year as he has; but she has been a "Council Watcher" for many, many years. She is convinced that this is the most open Council in the history of the City of Charlotte. She has seen them defer the action for more information; she has seen them schedule public hearings when they were not called for by orders of procedure; she has seen them exceed their limitations on time to allow citizens to speak; she has seen members of this Council go out and meet with neighborhood group after neighborhood group; listen to the citizens; and she has seen them request of staff information after information. She thinks they have probably kept the staff busier than any Council in history. All she is really trying to say is that what happened on November 1st was unfortunate; a number of them who were involved have personally apologized to Councilman Davis. She sat there that day after the meeting and talked with him at length to give him some of her reasons for voting to adjourn that meeting. She asked him to have a little trust in this Council and recognize, as several have said, that they do need to become a unified body. Independence is great and there are a number of independent people on this Council, but there is still a need for teamwork, and they need that teamwork now!

Councilman Davis stated he agrees and regrets very much that it is necessary to do this. That Councilwoman Chafin apologized to him personally, but he told her he feels no personal affront. He thinks it is the Council and the 306,000 people they represent that have been humiliated by having debate cut off by one of their elected representatives. He does not think they can let that pass and expect them to have confidence in Council. That Mr. Withrow was affronted that he has inferred that Council was hoodwinking the public. He does not believe he inferred anything in his remarks. He used carefully chosen words which he thinks he can substantiate. He makes no apology for those.

Councilman Davis stated he has great respect for Councilman Whittington's leadership, knowledge and experience on this Council. He has said, and he believes him, that he has never participated in a movement to cut off any debate or to cut off anyone in his sixteen years on Council. Yet, Mr. Withrow stated he made the motion specifically to cut him off. So, what Mr. Whittington abhors in his sixteen year history on Council has just taken place. What he is asking this Council to acknowledge and say this action was a mistake and that it is a forum for public discussion and public debate. The intent of Mr. Withrow's motion by his own words today, was to cut off his debate. This intent was accurately portrayed in the news accounts of the article which was widely circulated to the public, so the public thinks they cut off debate and that they did it in an improper manner because they did it by a 4-3 vote when such a motion requires a two-thirds majority. He does not really see this is something that requires a whole lot of debate. The body of this Council erred in its judgment and they should correct it in public. He does not want an apology for himself; he thinks the Council should be dignified by this action.

Councilman Whittington stated he said what he did at the last meeting because when Mr. DAVIS made his motion after he came here from his mother's funeral, Council had just passed a resolution out of respect for him and his mother, and he jumped right up as soon as the prayer was over and jumped on this Council with both feet with that statement. He had to defend himself then because he was not at the meeting on November 1st, and Mr. Davis did not exclude him from his remarks, and he thought it was necessary that he say at that time he had never cut off anybody. As far as he is concerned,

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it is over with. He respects Mr. Davis, he is a good councilman, and he thinks he is making a contribution to this City and he commends him for it. But, he does not think his resolution is necessary and he wishes he would withdraw it.

Councilman Davis asked if he would explain something to him. That Councilman Withrow just said he made a motion to cut him off, and it passed by a 4-3 vote which Mr. Underhill can tell him is not in accordance with the procedure which they are talking about. In making the motion to cut anybody off from public discussion in a public forum is contrary to everything this Council stands for.

Councilman Whittington stated he would not attempt to speak for Mr. Withrow, but he thinks if Mr. Underhill had gone a little further and searched out what Council has done, in 1974 they adopted some procedures which caused him to say what he did say on the procedural position Council takes.

Councilman Davis stated Mr. Underhill has said what he did is in accordance with the duly adopted Council procedures. Councilman Withrow said the intent of his motion was to cut him off. Now, the full Council should take a position as to whether or not this is the way they are going to conduct business.

Councilman Withrow asked Councilman Davis if he was not asked at 7:00 p.m. if he had anything to say and he said no. Was he not asked that night to speak when the Mayor went around the table? Councilman Davis replied during the informal session, prior to the regular Council meeting, he was asked if he had anything to present which he did not at the informal session. That is correct.

Councilman Withrow asked why he did not present it then? Councilman Davis replied the informal session is different from the formal session. He gave as an example the fact that today he asked Mr. Burkhalter to look into a traffic light in a certain location - an administrative matter. But, something about the conduct of public business and a public forum is important and should be discussed in public at the official Council meeting, and become a part of our minutes and a part of the Council record.

Councilwoman Locke stated it is a problem of communication. They have to decide what has to be discussed at the 2:30 meeting and then after the agenda. When she has anything to present, she does it at the 2:30 meeting; she never thinks about doing it so it will be in the formal minutes. That is where they have erred.

Councilman Davis replied he thinks it is a judgment question for each councilmember. You can introduce matters into the formal session or in the informal session.

Councilman Withrow stated his impression is that if they have time at the 2:30 session to do it they do it then. If they do not have time, then at the end of the meeting. But, at that particular time they had time. And Mr. Davis was specifically asked as well as other members of the Council. If they had not had the time, he would agree. But at the end of a council meeting, time is late and everybody wants to go home. He was asked and he did not have anything.

Councilman Davis stated if Councilman Withrow is raising a procedural issue, Mr. Underhill has already ruled on it, so he does not think that is any longer in question. You can bring up your non-agenda items in either of two ways. He does not know of any restrictions on any council members as to what he brings up in the informal session or in the formal session.

Councilwoman Locke stated they changed this in December, 1973. When she was monitoring Council, everything was done at the end of the meeting. Nothing

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was done at the first of the meeting; no discussion between council members, it was all after the meeting was over. Then on December 18, 1973, they amended this to start Council discussion at 2:30 so they would not have to wait until the end of the meeting. Something has evolved from that and now they have it before and after. It has always been her understanding that discussion went on first and not at the last.

Councilwoman Chafin stated maybe the new councilmembers should have had an orientation from old councilmembers.

Councilwoman Locke stated it was amended sometime in 1974 to say if you have a resolution it has to be written and lay on the table a week.

Councilman Williams stated Councilman Davis wants this item voted on. It is going to be voted on sometimes, and they might as well face it. If Council does not do it today, he is sure he is going to introduce it again at some point, and they are going to have to vote on it.

Councilman Williams called the question, which was seconded by Councilman Gantt, and carried as follows:

YEAS: Councilmembers Williams, Gantt, Chafin, Davis and Locke.

NAYS: Councilmembers Whittington and Withrow.

Councilman Withrow stated if he has offended Mr. Davis he is sorry; he hopes their frank talk today will not interfere with their procedures on Council. That he has no malice against him and he will shake hands if necessary. It does infuriate him when it comes out in the newspaper maybe differently from the way he said it, inferring that Council withheld information from the public. He is willing to forget it right now.

Councilman Davis replied he does not consider himself personally involved in this. That it is a matter of Council, and he feels no personal affront.

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

YEAS: Councilmembers Davis, Williams, Chafin, Gantt and Locke.

NAYS: Councilmembers Whittington and Withrow.

**RESOLUTION AMENDING THE PERSONNEL RULES AND REGULATIONS TO CONFORM WITH RECENT SUPREME COURT RULINGS ON FLSA.**

Councilman Gantt moved adoption of the subject resolution amending the Personnel Rules and Regulations to conform with the recent Supreme Court Rulings on FLSA, which motion was seconded by Councilman Williams, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12, beginning at Page 156.

**CONTRACTS AWARDED.**

(a) Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, contract was awarded the low bidder, GMC Truck and Coach Division, in the amount of \$15,622.74, on a unit price basis for three 6,000 GVWR Carry-All Vehicles.

The following bids were received:

GMC Truck & Coach Div.	\$15,622.74
LaPointe Chevrolet Co.	15,740.88.

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(b) Motion was made by Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder, GMC Truck and Coach Division, in the amount of \$93,056.28, on a unit price basis, for twenty 6,000 GVWR Pick-Up Trucks.

The following bids were received:

GMC Truck and Coach Div.	\$93,056.28
LaPointe Chevrolet Co.	93,261.32
Freedom Dodge, Inc.	93,699.40
Young Ford, Inc.	96,191.20

(c) Councilman Withrow moved award of contract to the low bidder, GMC Truck and Coach Division, in the amount of \$9,042.10, on a unit price basis, for two 7,800 GVWR Pick-Up Trucks, which motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

GMC Truck and Coach Division.	\$ 9,042.10
LaPointe Chevrolet Co.	9,244.84
Young Ford, Inc.	9,460.76
Freedom Doge, Inc.	9,899.34

(d) Upon motion of Councilwoman Chafin, seconded by Councilman Whittington, and unanimously carried, contract was awarded to the low bidder, GMC Truck and Coach Division, in the amount of \$5,304.50, on a unit price basis, for one 7,800 GVWR Pick-Up Truck.

The following bids were received:

GMC Truck & Coach Div.	\$ 5,304.30
Young Ford, Inc.	5,308.98
LaPointe Chevrolet Co.	5,407.28
Freedom Dodge, Inc.	5,445.26

(e) Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, awarding contract to the low bidder, GMC Truck and Coach Division, in the amount of \$14,152.17, on a unit price basis, for one 9,000 GVWR Pick-Up Truck and two 10,000 GVWR Truck, cab and chassis.

The following bids were received:

GMC Truck & Coach Division	\$14,152.17
Young Ford, Inc.	14,364.08
Freedom Dodge, Inc.	14,622.38

(f) Councilwoman Chafin moved award of contract to the low bidder meeting specifications, Young Ford, Inc., in the amount of \$16,628.55, on a unit price basis, for three 10,000 GVW Truck Cab and Chassis w/crew cab, which motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Young Ford, Inc.	\$16,628.55
GMC Truck & Coach Div.	16,641.54

Bid received not meeting specifications:

Freedom Dodge, Inc.	16,503.60
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*[Faint, illegible text at the bottom of the page, possibly a stamp or bleed-through.]*

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(g) Upon motion of Councilwoman Locke, seconded by Councilman Gantt, and unanimously carried, contract was awarded the low bidder meeting specifications, Tar Heel Ford Truck Sales, in the amount of \$8,619.65, on a unit price basis, for one 15,000 GW Truck w/crew cab and flat bottom stake body.

The following bids were received:

Tar Heel Ford Truck Sales	\$ 8,619.65
International Harvester Co.	8,904.24

Bid received not meeting specifications:

Young Ford, Inc.	8,544.40
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(h) Motion was made by Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, awarding contract to the low bidder, International Harvester Company, in the amount of \$48,498.18, on a unit price basis, for six 20,000 GVWR Truck, cab and chassis w/standard cab.

The following bids were received:

International Harvester Co.	\$48,498.18
Tar Heel Ford Truck Sales	50,275.80
Young Ford, Inc.	51,721.56

(i) Councilwoman Chafin moved award of contract to the low bidder, Tar Heel Ford Truck Sales, in the amount of \$27,603.93, on a unit price basis, for three 20,000 GVWR Truck Cab & Chassis w/crew cab. The motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Tar Heel Ford Truck Sales	\$27,603.93
International Harvester Co.	27,688.08
Young Ford, Inc.	28,315.89

(j) Upon motion of Councilwoman Locke, seconded by Councilman Whittington, and unanimously carried, contract was awarded to the low bidder, International Harvester Company, in the amount of \$8,886.15, on a unit price basis, for one 22,000 GVWR Truck Cab and Chassis with crew cab.

The following bids were received:

International Harvester Co.	\$ 8,886.15
Young Ford, Inc.	9,210.17
Tar Heel Ford Truck Sales	9,307.03

(k) Motion was made by Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, awarding contract to the low base bidder, International Harvester Company, in the amount of \$74,289.04, on a unit price basis, for seven 25,000 GVWR Truck Cab and Chassis.

The following bids were received:

<u>Base Bid (with gasoline engine)</u>	
International Harvester Co.	\$74,289.04
Young Ford, Inc.	75,566.54
Tar Heel Ford Truck Sales	77,641.06
<u>Alternate Bid (with diesel engine)</u>	
Lucas White Truck Sales	86,849.00
Tar Heel Ford Truck Sales	88,517.45

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(l) Councilman Williams moved award of contract to the low bidder, International Harvester Company, in the amount of \$17,627.20, on a unit price basis, for one 32,000 GVWR Truck Cab and Chassis, which motion was seconded by Councilwoman Chafin, and carried unanimously.

The following bids were received:

International Harvester Co.	\$17,627.20
Tar Heel Ford Truck Sales	18,474.20
Young Ford, Inc.	18,704.71

(m) Upon motion of Councilman Whittington, seconded by Councilwoman Chafin, and unanimously carried, contract was awarded to the low bidder, International Harvester Company, in the amount of \$138,732.00 on a unit price basis, for eight 35,000 GVWR Truck cabs and chassis.

The following bids were received:

International Harvester Co.	\$138,732.00
Tar Heel Ford Truck Sales	145,638.24
Young Ford, Inc.	146,735.44
Lucas White Truck Sales	190,000.00

(n) Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, International Harvester Company, in the amount of \$21,008.56, on a unit price basis, for one 43,000 GVWR Tandem Truck Cab and Chassis.

The following bids were received:

International Harvester Co.	\$21,008.56
Tar Heel Ford Truck Sales	21,838.18
Young Ford, Inc.	22,105.55

(o) Councilwoman Chafin moved award of contract to the low bidder meeting specifications, Worth Keeter, Inc., in the amount of \$4,528.00, on a unit price basis, for four Special Job-Planned Bodies, which motion was seconded by Councilman Whittington, and carried unanimously.

The following bids were received:

Worth Keeter, Inc.	\$ 4,538.00
Cook Body Co.	4,714.00

Bid received not meeting specifications:

Controlled Environment	4,440.00
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(p) Upon motion of Councilman Williams, seconded by Councilwoman Chafin, and unanimously carried, contract was awarded to the low bidder, Cook Body Company, in the amount of \$1,635.50, on a unit price basis, for one 9-ft. 6 inch platform body.

The following bids were received:

Cook Body Co.	\$1,635.50
Worth Keeter, Inc.	1,725.00
Controlled Environment, Inc.	1,950.00
Quality Eqpt. & Supply Co.	2,097.00
Twin States Eqpt. Co. Inc.	2,223.60

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(q) Motion was made by Councilman Gantt, seconded by Councilman Whittington, and unanimously carried, awarding contract to the low bidder meeting specifications, Twin States Equipment Company, in the amount of \$7,946.82, on a unit price basis, for three 10-ft. steel bodies, dump.

The following bids were received:

Twin States Eqpt. Co.	\$ 7,946.82
Quality Eqpt. & Supply Co.	8,535.75

Bid received not meeting specifications:

Controlled Environment, Inc.	5,886.00
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(r) Councilman Whittington moved award of contract to the low bidder meeting specifications, Worth Keeter, Inc., in the amount of \$8,892.00, on a unit price basis, for four 12-ft. steel flat bottom steel dump bodies, which motion was seconded by Councilman Withrow, and carried unanimously.

The following bids were received:

Worth Keeter, Inc.	\$ 8,892.00
Cook Body Co.	9,304.00
Twin States Eqpt. Co., Inc.	10,020.48
Quality Eqpt. & Supply Co.	10,216.80

Bid received not meeting specifications:

Controlled Environment, Inc.	7,784.00
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(s) Upon motion of Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, contract was awarded the only bidder meeting specifications, North Carolina Equipment Company, in the amount of \$44,360.00, for one Vacuum Street Sweeper.

The following bids were received:

North Carolina Eqpt. Co.	\$44,360.00
Western Carolina Tractor Co. (did not meet specifications)	25,000.00

(t) Motion was made by Councilman Gantt, seconded by Councilman Withrow, and unanimously carried, awarding contract to the low bidder, Worth Keeter, Inc., in the amount of \$61,920.00, on a unit price basis, for eight rear-loading refuse collection-packer bodies.

The following bids were received:

Worth Keeter, Inc.	\$ 61,920.00
Quality Eqpt. & Supply Co.	62,288.80
Controlled Environment, Inc.	67,896.00
Graybeal Equipment	68,888.00
Roach Russell, Inc.	73,680.00
Sanco Corp.	102,547.52
Cook Body Co.	108,128.00

(u) Councilwoman Chafin moved award of contract to the low bidder, Cook Body Company, in the amount of \$2,599.00, on a unit price basis for one 13-ft. steel dump body, which motion was seconded by Councilman Whittington, and carried unanimously.

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The following bids were received:

Cook Body Co.	\$ 2,599.00
Controlled Environment, Inc.	3,084.00
Twin States Eqpt. Co., Inc.	3,301.74
Qaulity Eqpt. & Supply Co.	3,440.25.

(v) Upon motion of Councilman Whittington, seconded by Councilman Williams, and unanimously carried, contract was awarded to the low bidder meeting specifications, Spartan Equipment Company, in the amount of \$5,700.00, for one pump, six inch centrifugal with drive engine.

The following bids were received:

Spartan Equipment Co.	\$ 5,700.00
A. E. Finley & Associates, Inc.	5,770.00
Mechanical Equipment Co.	5,850.00
Woodward Specialty Sales, Inc.	5,925.15
H. B. Owsley & Son, Inc.	6,732.90

Bid received not meeting specifications:

Interstate Equipment Co.	4,837.25
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#### RESOLUTIONS AUTHORIZING CONDEMANATION PROCEEDINGS.

(a) Councilman Williams moved adoption of a resolution authorizing condemnation proceedings for the acquisition of property belonging to Arthur Daniel McAuley, located to the rear of northwest corner of Gilead Road and I-77, in the City of Charlotte, and the County of Mecklenburg, for the Torrence Creek Outfall Project. The motion was seconded by Councilman Withrow, and carried unanimously.

The resolution is recorded in full in Resolutions Book 12 at Page 161.

(b) Upon motion of Councilman Gantt, seconded by Councilman Withrow, and unanimously carried, resolution was adopted authorizing condemnation proceedings for the acquisition of property belonging to Bertram A. Barnette and wife, Agnes B. Barnette, located at southside of Gilead Road (SR 2136) west of McCoy Road, in the City of Charlotte and the County of Mecklenburg, for the Torrence Creek Outfall Project.

The resolution is recorded in full in Resolutions Book 12, at Page 162.

#### CONSENT AGENDA, APPROVED.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow, and unanimously carried, approving the consent agenda as follows:

(1) Ordinances ordering the removal of weeds, grass, trash and junk from properties in the City:

- (a) Ordinance No. 378-X at 137 West Bland Street.
- (b) Ordinance No. 379-X at 2230 Purser Drive.
- (c) Ordinance No. 380-X at 6337 Park Road.
- (d) Ordinance No. 381-X at 1809 Irma Street.

The ordinances are recorded in full in Ordinance Book 23, beginning at Page 447.

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- (2) Encroachment Agreements with the North Carolina Department of Transportation:
- (a) Agreement permitting the City to construct an 8-inch VCP sanitary sewer line and two manholes in the southern margin of US 74, (Wilkinson Boulevard) to serve Country Manor.
  - (b) Agreement permitting the City to construct an 8-inch sanitary sewer within the right of way of new US 21 near Lake Norman Shopping Park.
- (3) Property transactions:
- (a) Acquisition of one parcel of real property located in the West Morehead Community Development Area, from J. L. Griffin, 1309-15 Jefferson Street and 216 Lincoln Street, at \$37,000.
  - (b) Acquisition of nine parcels of real property located in the Southside Park Community Development Target Area:
    - 1.) 3,500 sq. ft. from E.J. Webb, Jr., 212 Lancaster Street at \$6,000.
    - 2.) 7,000 sq. ft. from John W. Rosebro, 206-08 Lancaster Street, at \$13,000.
    - 3.) 6,500 sq. ft. from F & J Corporation, 2618-20 Southview Street, at \$5,400.
    - 4.) 3,500 sq. ft. from E. J. Webb, Jr., 205 Lancaster Street, at \$2,600.
    - 5.) 3,500 sq. ft. from Bethlehem Center, 207 Lancaster Street, at \$2,600.
    - 6.) 3,500 sq. ft. from E. J. Webb, Jr., 209 Lancaster Street, at \$2,600.
    - 7.) 14,500 sq. ft. from John W. Rosebro, 220-22-24-26-28-30 Bassett Street, at \$26,500.
    - 8.) 9,000 sq. ft. from Andree P. Montet Heirs, 208 & 212 Bassett Street, at \$6,500.
    - 9.) 10,000 sq. ft. from Piedmont Realty & Investment Company, 2622-24-26-28 Southview Street, at \$18,000.
- (4) Maintenance contract with Modular Computer Systems, Inc. for furnishing maintenance work on Computerized Traffic Control System, for the period of November 12, 1976 through November 12, 1977.
- (5) Contribution in the amount of \$3,641.50, to the North Carolina Local Government Employees' Retirement Fund, as the city's share of past retirement benefits to William Vance, Mechanic II, Motor Transport Division of Public Works Department.
- (6) Issuance of Special Officer Permit to Sedgewick Vance Elstrom for use on the premises of Douglas Municipal Airport for a period of one year.

MOTION TO CONSIDER NON-AGENDA ITEM REQUIRING IMMEDIATE ACTION OF COUNCIL.

Councilwoman Locke stated she thinks the tree ordinance should be referred back to the Tree Commission, and that Councilman Williams should sit with the Commission in their deliberations on this.

Councilwoman Locke moved that this be considered as an item requiring the immediate action of Council. The motion was seconded by Councilman Withrow, and carried unanimously.

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PROPOSED TREE ORDINANCE REFERRED BACK TO TREE COMMISSION AND COUNCILMAN WILLIAMS TO SIT WITH THE COMMISSION IN THEIR DELIBERATIONS, AND ORDINANCE TO BE BROUGHT BACK TO COUNCIL FOR ANOTHER PUBLIC HEARING.

Councilwoman Locke moved that the proposed tree ordinance be referred back to the Tree Commission, and that Councilman Williams sit with them in their deliberations, and the Commission bring the ordinance back for another public hearing. The motion was seconded by Councilman Withrow, and carried unanimously.

Councilman Whittington stated he would appreciate it if staff would make every effort to send every developer a copy of this ordinance before the public hearing, and also let them know it has been referred back to the Tree Commission.

RESOLUTION ON BUS STRIKE REQUESTED PLACED ON AGENDA FOR NEXT MEETING.

Councilman Gantt stated if the bus strike has not been settled by the next Council Meeting, he would like the resolution he presented earlier in the meeting to be placed on the agenda. He also requested the City Manager to provide Council with some information which was requested in the resolution.

Mayor Belk replied he thinks the Manager will do that for him. Councilman Davis asked if it will be on the formal agenda? Councilman Gantt asked if it is not settled by then, can we have it on the agenda? The City Manager if that is what Council wants.

Councilwoman Chafin asked the City Manager to explore ways in which we might publicize our emergency assistance service more widely. We have city departments and a number of agencies in the community that might be willing to work with the city in getting this word out.

BIDDING PROCEDURES FOR LEASING OFFICE SPACE REQUESTED PLACED ON AGENDA FOR DISCUSSION.

Councilman Davis stated he has been reading in the paper about the new bidding procedures on leasing office space. In reading the specifications for the bids, one item raised a question in his mind as to how the staff interpreted the Governmental Plaza Concept. He asked that this be placed on the agenda for the next meeting for discussion, just to go over the specifications and bids with particular emphasis on specifications that this is to be in, or contiguous to the Governmental Plaza area. In his own case, his support of the Governmental Plaza may have been misinterpreted or extended to extremes he did not intend. He would like to clarify that.

The City Manager asked if he will be willing to discuss this when it comes to Council on the agenda? Councilman Davis replied that will be satisfactory.

PROGRESS REPORT REQUESTED ON SOLID WASTE RESOURCES RECOVERY ACTIVITY STUDY.

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Councilwoman Locke stated on September 25, 1976, Council talked about a solid waste resources recovery activity study. She asked where it is, and how it is, and what the study was and who did it, or if it has been done.

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ADJOURNMENT.

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

  
Ruth Armstrong, City Clerk