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

ABSENT: Mayor John M. Belk.

* * * * *

INVOCATION.

The invocation was given by the Reverend Charles Foushee, Pastor of Ridgeview Baptist Church.

MINUTES APPROVED.

Upon motion of Councilwoman Locke, seconded by Councilwoman Chafin, and unanimously carried, the minutes of the last meeting, on October 3, 1977, were approved as submitted.

RESOLUTION CLOSING PORTIONS OF ESTELLE STREET, ELSIE STREET, ROSETTA STREET AND ONYX STREET, LOCATED IN NORTH-WEST PARK, OFF BEATTIES FORD ROAD, AS PETITIONED BY CHARLOTTE PARK AND RECREATION COMMISSION.

The scheduled public hearing was held on petition of the Charlotte Park and Recreation Commission to close portions of Estelle Street, Elsie Street, Rosetta Street and Onyx Street, all of which are located in North-West Park, off Beatties Ford Road.

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

No one spoke for or against the petition.

Motion was made by Councilman Davis, seconded by Councilwoman Locke, and unanimously carried, adopting subject resolution closing portions of Estelle Street, Elsie Street, Rosetta Street and Onyx Street, all of which are located in North-West Park, off Beatties Ford Road, in the City of Charlotte.

The resolution is recorded in full in Resolutions Book 13, on Pages 49-52.

ORDINANCE NO. 758-Z AMENDING CHAPTER 23, SECTION 23-36.7(C) OF THE CITY CODE OF THE CITY OF CHARLOTTE APPROVING A SPECIAL USE PERMIT FOR A NURSING CARE FACILITY FOR THE ELDERLY IN AN R-9MF DISTRICT, ON SHAMROCK DRIVE.

Councilman Williams moved adoption of subject ordinance approving a Special Use Permit for a nursing care facility for the elderly in an R-9MF District on Shamrock Drive, as petitioned by The Methodist Home for the Aged, Inc. and adopting of the Planning Commission's Findings of Facts with respect to the standards contained in Section 23-36.7(c) of the City Code. The motion was seconded by Councilwoman Chafin, and unanimously carried.

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Findings Regarding Requirements Prescribed for Schematic Plans:

The schematic plan and other materials submitted with the petition at the time of the filing fully comply with each of the requirements of Section 23-36 and 23-36.7(a).

Findings Regarding Prescribed Standards: The following findings are made from the record evidence presented at the hearing with respect to the four standards prescribed by Section 23-36.7(c), the basic facts relied on in support of each being set forth below.

Finding Standard No. 1. The proposed use will not endanger public health and safety or substantially reduce the value of adjoining and nearby property.

Facts Supporting Finding No. 1.

1. The proposed building will be located 370 feet from Shamrock Drive and over 400 feet from the nearest existing residence. (See site plan and testimony of Mr. Parker.)
2. The building will be located in an area which is already developed with similar and other institutional type uses, namely the Wesley Nursing Home and the Alexander Home Historical Site as well as the Methodist Home Park, (see staff testimony concerning existing land use pattern).
3. The proposed use is designed in such a manner as to be compatible with these existing facilities and should not therefore reduce any values of adjoining properties.

Finding Standard No. 2. The proposed use will be compatible with the general characteristics of the area with respect to the location, size and exterior features of the structure, the location, design and screening of parking areas and the location and size of signs.

Facts Supporting Finding No. 2.

1. The proposed use and structure is located and designed to blend harmoniously with already-existing buildings in the immediate area and is separated from the nearest residence so as to not be incompatible (see testimony of existing conditions in the area as well as testimony of Mr. Parker).
2. The structure and parking areas are located in heavily wooded terrain which will provide considerable visual separation from other uses in the vicinity (see testimony of Mr. Parker).
3. The structure will be designed so as to blend with the already-existing Wesley Nursing Center and will be of a smaller size than that facility (see testimony of Dr. Farrow).

Finding Standard No. 3. That the proposed use will not substantially increase the volume of vehicular traffic within the area.

Facts Supporting Finding No. 3.

1. The new facility will have a total staff employment of approximately 65 people which will be spread over three shifts with the result that total traffic in the area will not be drastically increased as the result of this use (see testimony of Dr. Farrow).
2. Driveway access to the site will be by way of Shamrock Drive which in turn connects with Eastway Drive and Sharon Amity Road, all of which are part of the Major Thoroughfare System Plan and recognized for much higher traffic capacity than would be influenced by the amount of traffic generated by this use (see testimony of Mr. Parker).

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Finding Standard No. 4. The proposed use will be compatible with the general living environment of the area, particularly with respect to noise levels.

Facts Supporting Finding No. 4.

1. The proposed use will be located well removed from any existing residential structure, thus not becoming incompatible with existing living conditions (see testimony of Mr. Parker).
2. The proposed structure will be located in a heavily-treed area which will help to render it compatible with general living conditions of the area (see testimony of Mr. Parker).
3. The nature of the proposed use, that is nursing facility, will not create a high level of noise conditions and will be compatible with the characteristics of the neighborhood (see general description of the facility by Dr. Farrow).

The ordinance is recorded in full in Ordinance Book 25, on Page 16.

ORDINANCE NO. 759-Z AMENDING CHAPTER 23, SECTION 23-36.7(C) OF THE CITY CODE OF THE CITY OF CHARLOTTE APPROVING A SPECIAL USE PERMIT FOR EXPANSION OF A DAY CARE CENTER IN AN R-9 DISTRICT ON SUGAR CREEK ROAD WEST, NEAR THE ENTRANCE OF HIDDEN VALLEY, AS PETITIONED BY JACKIE D. BRITT.

Motion was made by Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, adopting subject ordinance approving a Special Use Permit for expansion of a day care center in an area now zoned R-9 at 932 Sugar Creek Road and adopting the Planning Commission's Findings of Facts with respect to the standards contained in Section 23-36.7(c) of the City Code.

Findings Regarding Requirements Prescribed for Schematic Plans:

The schematic plan and other materials submitted with the petition at the time of filing fully comply with each of the requirements of Section 23-36 and 23-36.7(a).

Finding Regarding Prescribed Standards: The following findings are made from the record evidence presented at the hearing with respect to the four standards prescribed by Section 23-36.7(c), the basic facts relied on in support of each being set forth below:

Finding (Standard) No. 1. The proposed use will not endanger public health and safety or substantially reduce the value of adjoining and nearby property.

Facts Supporting Finding No. 1.

1. The play area of the proposed facility will be surrounded by a fence seven feet (7') in height thereby protecting the children occupants of the day care center (see the site plan).
2. The facility will be a brick and masonry building providing a five-hour fire rating (see testimony of petitioner).
3. The proposed facility will require substantial investment and should increase the general appearance of the property involved (see site plan, petitioner's Exhibit 2 and the testimony of the petitioner).

Finding (Standard) No. 2. The proposed use will be compatible with the general characteristics of the area with respect to the location, size and exterior features of the structure, the location, design and screening of parking areas, and the location and size of signs.

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Facts Supporting Finding No. 2.

1. The proposed structure will be a one-story brick building with a mansard roof located in the approximate center of four (4) lots owned by the petitioner (see site plan and the testimony of the petitioner).
2. All parking areas will be screened from nearby residences by a seven-foot (7') chain link fence covered with ivy (see the site plan).
3. The proposed facility will have no free standing signs and the only sign intended will be one attached to the brick wall of the main structure (see testimony of petitioner).

Finding (Standard) No. 3. The proposed use will not substantially increase the volume of vehicular traffic within the area.

Facts Supporting Finding No. 3.

1. The proposed expansion of the subject facility will result in an increase of approximately thirty-two (32) trips per day to the facility location (see testimony of petitioner).
2. Ingress and egress for the proposed facility is from Sugar Creek Road only (see site plan).
3. Sugar Creek Road is a five-lane thoroughfare at the point where it passes in front of the proposed facility (see testimony of Mr. Corbett).
4. Sugar Creek Road is designed to handle a capacity of several thousand vehicles per day where it passes the proposed location and thirty-two (32) additional trips does not constitute a substantial increase (see testimony of Mr. Corbett).

Finding (Standard) No. 4. The proposed use will be compatible with the general living environment of the area, particularly with respect to noise levels.

Facts Supporting Finding No. 4.

1. The proposed facility will be a day care center for children located in a residential district (see petition 77-32 and testimony of petitioner).
2. The proposed facility will provide services to the residents of the nearby residential neighborhood (see testimony of petitioner).
3. The only noise emanating from the facility is that of children at play and there will be no increase in the noise level as a result of the proposed expansion because of better screening, increased play area, and no increase in the number of children in the play area at any one time (see testimony of petitioner).

The ordinance is recorded in full in Ordinance Book 25, on Page 17.

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ORDINANCE NO. 760-Z AMENDING CHAPTER 23, SECTION 23-36.7(C) OF THE CITY CODE OF THE CITY OF CHARLOTTE APPROVING A SPECIAL USE PERMIT FOR EXPANSION OF AN OIL STORAGE FACILITY IN AN I-2 DISTRICT BETWEEN CALDWELL STREET AND DAVIDSON STREET, AS PETITIONED BY WILLIAM F. CHERRY.

Councilman Gantt moved adoption of subject ordinance approving a Special Use Permit for expansion of an oil storage facility in an I-2 District to a storage capacity in excess of 100,000 gallons of petroleum products between Caldwell Street and Davidson Street and adoption of the Planning Commission's Findings of Facts with respect to the standards contained in Section 23-36.7(c) of the City Code. The motion was seconded by Councilman Williams and unanimously carried.

Findings Regarding Requirements Prescribed for Schematic Plans:

The schematic plan and other materials submitted with the petition at the time of filing fully comply with each of the requirements of Section 23-36 and 23-36.1(a).

Findings Regarding Prescribed Standards: The following findings are made from the record evidence presented at the hearing with respect to the two standards prescribed by Section 23-36.1(c), the basic facts relied on in support of each being set forth below:

Finding (Standard) No. 1. The use of the proposed site for petroleum storage will not endanger the public health or safety.

Facts Supporting Finding No. 1.

1. All above ground storage tanks will be surrounded by an earthen dike six feet (6') in height (see staff exhibit No. 3).
2. The oil storage facility is located within one-half block of a fire hydrant (see staff exhibit No. 3).
3. The proposed facility has been found to be in compliance with the Fire Prevention Code of the National Board of Fire Underwriters (see Section 23-36.1 of the City Code and Fred Bryant's testimony of compliance).
4. There will be no storage of gasoline above ground (see testimony of W. F. Cherry and Edward Sellers).

Finding (Standard) No. 2. Vehicular access to the facility will be provided from major thoroughfares and will not require the use of minor residential streets.

Facts Supporting Finding No. 2.

1. The facility is located within one-half block of Davidson Street, a designated thoroughfare, and has direct vehicular access to Caldwell Street, a designated thoroughfare (see testimony of Mr. Bernie Corbett).
2. The facility is located in an I-2 district and will not require the use of any residential streets in order to achieve access to the major thoroughfare system (see staff exhibit No.2 and the testimony of Mr. Bernie Corbett).

The ordinance is recorded in full in Ordinance Book 25, on Page 18.

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ORDINANCE NO. 761-X APPROPRIATING FUNDS TO FUND LONG TERM PLANNING FOR AIRLINE USE AGREEMENTS UNDER EXISTING CONTRACTS WITH ARNOLD THOMPSON AND ASSOCIATES AND TALBERT COX AND ASSOCIATES.

Councilwoman Locke moved adoption of subject ordinance appropriating \$160,000 to fund long term planning for airline use agreements under existing contracts with Arnold Thompson and Associates and Talbert Cox Associates, with payment made on a per diem basis. The motion was seconded by Councilman Withrow.

Mr. Stan Brookshire, Chairman of the Airport Advisory Committee and former Mayor of Charlotte, stated Mr. Josh Birmingham, as Manager of the Airport, is doing an excellent job and deserves the full support of City Council in the two requests he has before them today. That he feels confident with the logic and the facts that he will present to Council today, they will have no problem in giving him that support.

Councilman Williams asked if the Airport Advisory Committee considered the two items on the agenda and Mr. Birmingham replied yes.

Councilman Williams asked if the Airport Advisory Committee was unanimously in support of approving these items and Mr. Brookshire replied to the extent that there were no objections raised at the last meeting when these matters were discussed. He stated he understands that each member of Council has received a memorandum from Mr. Birmingham with the facts concerning these two matters.

Councilman Gantt requested Mr. Birmingham to go over the details because Council needs to know what is involved here so they will not become confused as to the words long term planning in addition to the airline use agreements, particularly in reference to the fact that we know we have a Master Plan now existing. Mr. Birmingham replied we do have a Master Plan that needs up-dating. That the two items before Council will up-date the Master Plan in its entirety and it is their goal to supply the Advisory Board, Council, and the public with sufficient information early next year to make some kind of judgments on what they want to do as far as the terminal is expanded.

Mr. Birmingham stated the environmental assessment recommendation before Council is a report required since 1976 under the ADAP law before you can get any money for federal participation in terminal buildings. This will address the physical impact of the terminal building, of moving it over to a new location, and will give the pros and cons of just what the physical impact is on that terminal building- the pluses and minuses.

The other is something that goes along with it. Early next year, or in June of next year our airline agreements expire. Normally we do this about nine months to a year before we ask Council for appropriation to employ the firm of Arnold Thompson Associates to develop the necessary supportive data whereby they can go into their airline negotiations with facts to support our position that we want to expand and forecast some projections. The supportive information they will be developing in the next nine months will also do that. Plus it will go hand-in-hand with the environmental assessment report in that they will give Council and the public the pluses and minuses of what we need to do, and if we move on the terminal.

Councilman Gantt asked how they do the environmental impact statement without understanding or knowing anything about the size of the facilities? Mr. Birmingham replied the first thing included in that would be the schematic and the refinement of the 1974 plan in order to provide the schematics and soforth.

Councilman Gantt asked if the architectural firm will be involved in this? Mr. Birmingham replied he will be involved in this. They will both go hand in hand.

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Councilman Gantt stated he likes the idea of having a thorough environmental assessment done on this project, and possibly having it before putting it before voters. It makes it a much better situation for all of us to have to deal with. Mr. Birmingham replied this is one of the reasons they anticipated this. If you are to get federal money into the public areas of the terminal building, this became law in 1976.

Councilman Gantt stated the unspoken word, and maybe the concern some have, is the appearance we are going right on with the terminal development. That it should be made clear that what they are trying to do here is to update the plan; that agreements have to be made with the airlines regarding the future, and for some reason they want long term agreements. Mr. Birmingham stated this is the first time he believes we have them in the posture where they recognize that we do have to do something quickly as far as the new terminal. They are willing at this point in time, during the next four or five months to work with us, and commit to us long term financial arrangements that will support a new terminal building. In light of that they are proposing these studies to go along with that to point out the pluses and minuses of doing that. They do not propose they will sign one for that until after Council decides sometime, hopefully in the Spring, that they would pursue this. It is his hope that there will be a bond referendum in the Spring to support it.

Councilman Williams stated he notices the \$160,000 is coming out of a bond fund account? He asked which bond fund is this? Mr. Birmingham replied it is coming out of 1972 bonds. That money can equally come from airport revenues.

Councilman Gantt asked if any of these costs are supported by federal government? Mr. Birmingham replied yes; that 75 percent of the \$100,000 they are asking approval for on the environmental assessment is coming from them. Councilman Gantt stated but none of the items we are talking about here? Mr. Birmingham replied it is real hard at this point in time to estimate it because all of the amount of effort they have put in to the public area of the schematics or the square footage for the terminal building is eligible to recoup as a federal project at 75 percent.

Councilman Davis stated he would like to emphasize a point Mr. Gantt brought out, and Mr. Birmingham responded to. This is an appropriation of \$160,000 to study, at least in part, airport terminal expansion which was rejected by the voters. He thinks it is important to note that the request includes the thought that before anything is done, this would be put before the public for another bond referendum. He stated that is also the sentiment he would like to express in voting for this. He recognizes the importance of doing planning with the thought that it will come back to the public to give them a chance to vote again on it.

Mr. Birmingham stated his idea is to provide Council with enough information so they can make a decision.

Mayor pro tem Whittington stated he does not think anyone would get the idea from this that we are going ahead with the airport without a bond referendum. Councilman Davis stated it might disturb some people to see Council appropriating money to study the expansion of the terminal. They might think they had voted that down, and ask why Council is doing this.

Councilwoman Chafin stated she thinks the public fully expects Council to do exactly what it is doing.

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

The ordinance is recorded in full in Ordinance Book 25, at Page 19.

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ORDINANCE NO. 762-X AND APPROVAL OF A CONTRACT WITH BOLT, BERANEK AND NEWMAN TO PROVIDE ENVIRONMENTAL ASSESSMENT OF THE IMPACT OF DEVELOPING THE NEW TERMINAL AT DOUGLAS MUNICIPAL AIRPORT.

Upon motion of Councilman Gantt, seconded by Councilman Withrow, and unanimously carried, subject ordinance was adopted appropriating \$100,000 from the Unappropriated balance of the Airport Operating Fund to provide environmental assessment of the impact of developing the new terminal at Douglas Municipal Airport.

Motion was made by Councilwoman Locke, seconded by Councilman Withrow and unanimously carried, approving a contract with Bolt, Beranek and Newman, in the amount of \$88,700, to provide environmental assessment of the impact of developing the new terminal at Douglas Municipal Airport.

The ordinance is recorded in full in Ordinance Book 25, at Page 20,

ACCEPTANCE OF REPORT OF THE COMMITTEE TO STUDY STORMWATER RUN OFF CONTROL AND PROPOSED ORDINANCES REFERRED TO PLANNING COMMISSION FOR THEIR RECOMMENDATION.

Councilwoman Locke moved acceptance of the report of the Committee to study Stormwater Run Off Control and recommended that Council refer the proposed ordinances to the Planning Commission for its recommendation. The motion was seconded by Councilman Williams.

Councilman Davis stated if this is going to the Planning Commission he knows there will be an opportunity for further input and he would hope someone will ask a number of talented citizens in the community that have ideas on Stormwater Run off to have input, such as the Society of Civil Engineers and people like that who work with business and industry. That he did not recognize all the names who made that study and Councilwoman Locke advised that Mr. Phelps is an engineer.

Mr. Milton Short, Chairman of the Study Committee, stated he is sure the Committee members appreciate Council's acceptance of this report. That he thinks Council will get back a favorable answer from the Planning Commission. He stated this was a real good Committee and they deserve Council's appreciation. Mr. Short stated Mr. Richard Phelps is the Engineer on the Committee, representing the Society of Engineers, Mr. Walter Hendricks, Mr. Ken Hoffman, Mr. Nelson Nunnally, Ms. Margaret Marrash, Mr. Clark Reading made a real good committee very varied backgrounds which were used to real good advantage. They had a strong interest in doing the right thing and they displayed real good judgment and a conscientious effort and they were an excellent committee.

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

APPROVAL OF THE SALE OF CITY-OWNED PROPERTY TO MECKLENBURG COUNTY TO BE INCLUDED IN THE MCALPINE CREEK GREENWAY PROJECT.

Motion was made by Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, approving the sale of 1.974 acres of city-owned property to Mecklenburg County, for the amount of \$4,900, which parcel is to be included in the McAlpine Creek Greenway Project.

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CONTRACT WITH HENNINGSON, DURHAM AND RICHARDSON FOR A SOLID WASTE STUDY, APPROVED.

Upon motion of Councilwoman Chafin, seconded by Councilman Gantt, and unanimously carried, the subject contract was approved with Henningson, Durham and Richardson, in the amount of \$117,000, for a Solid Waste Study.

RESOLUTION AUTHORIZING THE SUBMISSION OF A STATE CLEAN WATER FUND APPLICATION TO ASSIST IN FINANCING WATER MAINS ALONG WILKINSON BOULEVARD AND SAM WILSON ROAD.

Councilman Gantt moved adoption of a resolution authorizing the submission of a State Clean Water Fund Application, in the amount of \$28,956, to assist in financing the 12-inch and 16-inch water mains along Wilkinson Boulevard and Sam Wilson Road, which motion was seconded by Councilman Withrow, and unanimously carried.

The resolution is recorded in full in Resolutions Book 13, at Page 53.

CONTRACT WITH UNIVERSITY OF NORTH CAROLINA AT CHARLOTTE TO CONTINUE AND COMPLETE THE EVALUATION OF THE DALTON VILLAGE HIGH CRIME NEIGHBORHOOD PROJECT, APPROVED.

Motion was made by Councilman Gantt, seconded by Councilwoman Chafin, and unanimously carried, approving subject contract with University of North Carolina at Charlotte, in the amount of \$15,993, to continue and complete the evaluation of The Dalton Village High Crime Neighborhood Project.

ORDINANCE NO.763 AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF CHARLOTTE BY REPEALING THE EXISTING PROVISIONS OF DIVISION 4 AND BY ADOPTING A NEW ORDINANCE ESTABLISHING A NEW MUNICIPAL INFORMATION ADVISORY BOARD.

Councilwoman Chafin moved adoption of the ordinance which calls for the Municipal Information Board to be retained as a Municipal Information Review Board. The motion was seconded by Councilman Gantt.

Mr. Underhill, City Attorney, advised either of the two ordinances would repeal the existing ordinance and replace it with whatever Council wishes to have.

Councilman Williams stated he is basically in favor of everything being public - information. If there is to be restrictions on what the public has a right to know, then that information should not be in the pipeline in the first place.

Councilwoman Chafin stated Attachment A or B does not deal with that particular issue. The new ordinance under either arrangement will bring the Board into compliance with the State Law, which really says that all information is public except that which has been explicitly prohibited or restricted. That includes restricted by State or Federal law, or opinions of the North Carolina Attorney General's office, or both ordinances include criminal intelligence files. The difference in the two ordinances is that one would give the Board only advisory authority. All of its activities would come to the Council in the form of recommendations for approval. Recommendations regarding how to collect and disseminate information, what sort of safeguard procedures we use for handling information and even perhaps determining appropriate fees for duplication and dissemination of public records on request of citizens or organizations.

She stated the Attachment B ordinance, which she is proposing that Council adopt, gives the Board some approval authority. Under Attachment B, on Page two, the Municipal Information Review Board would review and approve the

collection, production, retention and use of personal information; no longer would they be able to classify information or restrict it - that has been eliminated from the ordinance to bring it into compliance with the state law. They would also approve policies to minimize the need for collection of information. All other responsibilities of the Board would essentially be the same under either ordinance - they would be recommending or advising the Council.

She stated in her view in re-writing the ordinance to bring it into compliance with the State Law and deal with some of the problems that have been identified during conversations in recent weeks and months and in the Committee's deliberations, we have in effect stripped them of some of their powers and she feels by reducing them to an Advisory Board we would diminish the enthusiasm and to some extent, the status of the Board. It was a precedent setting Board in itself when it was created; it was a unique animal; and may be the only one of its kind in the country. It has been pointed out by staff and with justification that if we establish it as a Review Board rather than as an Advisory Board, to some extent we might be setting a precedent there but we have already set the precedent by establishing the Board in the first place.

Mr. Pat Hunter, Member of the Committee, and Police Attorney, stated legally there is no difficulty with either one of the proposals. That basically the difference is all in the second paragraph and his personal feeling as a member of the Committee, the Advisory was in the best interest of the City and the departments that work under it. That he felt this was more in the spirit of the other Commissions which have been set up. He stated an example of that is the Planning Commission is advisory. It certainly has a lot of authority but it is an Advisory Board; the Airport Committee, the Community Relations Committee, the Community Facilities Committee - that he was not able to find one Board that was supervisory, or were advisors to the Council; and he felt that we were delegating some of the powers which should be properly vested in the City Council to a Board that was not elected and basically, that was his objection to it being supervisory rather than advisory. He stated the rest of it was very good changes to the ordinances and would make it comply with the State Laws.

Mr. James Golson stated the basic comment he would make representing the present MIRB would be that we really feel we are chartered to look at things a little differently perhaps than the Planning Committee, the Hospital Committee and some of the others that were mentioned by Mr. Hunter. In that they are going to be looking at the information practices of the City. There are a number of issues and day to day operations they feel they will be renewing. While they do not want to take away the decision making authority of the City Council, the Mayor or City Manager, they felt like the kinds of things they are dealing with come up on a day to day basis with actions that need to be taken, and it would be a real operational encumbrance to say they had to submit every thing they considered to the City Council for review. It would not be a good usage of Council's time as well as the good use of the committee members time.

An example would be someone wanting to access city records that are open under public law, but there was a discussion revolving around what is a fair and equitable fee for reproducing these records. Under the Advisory Board that would have to be submitted to Council for decision. Under the Review Board they could make this decision, and would be subject to be overridden by the City Council. Yet it would be a practical decisions they seriously doubt there would be a case of overriding. It is really a question if the City Council wants to be involved and be required to be involved on a day to day basis in the operations that would be influenced.

Councilman Williams asked about a temptation on the part of a member of the Board who might want to do a good job, and becoming a sort of censor on the kinds of information submitted? Mr. Golson replied they would not have that authority under either proposed ordinance. They have very carefully gone back and said classification authority becomes that of the State Public Records Law. They are trying to administer it in a fair and equitable viewpoint; particularly looking at the personal information. The ability to act as a censor would be effectively removed from it. The federal and state laws now dictate the censorship. He does not think that would be practical under either proposal.

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Councilman Williams asked what approach would better control what goes into the system; what information is collected in the first entry? Mr. Golson replied ultimately either could. They would want to make recommendations under the Advisory Board to Council. As a review board, after consultation or philosophical understanding, they would make decisions that would control what goes in. He thinks that will now become one of the Board's greatest challenges - to take the comment made earlier and say if it is not public then it should not be in there. They might begin addressing that and say let's drop back from worrying so much about protecting what is in there, and worry about why it is in there in the first place. He stated he would think they would want to direct their energies either way along that line as an Advisory Board - every time they wanted to do something, they would have to come back to Council for approval. As a Review Board, they would be at liberty to direct that certain actions could be taken, always also subject to Council review.

Councilman Withrow asked if there would be all that many decisions under a Review Board coming to Council or would there be all that work much in the decisions coming to Council and Mr. Golson replied somewhere along the line a lot of decisions will have to be made. That they ought to get down to the point of saying here is a form that is used by the federal government and we like to see a line changed on that - the only authority under the Advisory Board would be to submit that to Council to have it approved. He stated if you get down to that level of detail, yes it could well be a lot of requests coming to Council. That the Advisory capacity in itself really says they cannot make any decisions; they can only make recommendations and they have to recommend them to somebody and that basically becomes City Council.

Councilwoman Locke stated 9/10 of Council's Boards and Commissions are advisory and they do come to Council. That Council is the elected officials to make policy and she sees no reason why it should not be an advisory role because they will be coming to Council for decisions anyway.

Councilwoman Locke made a substitute motion that this be an Advisory Board. The motion was seconded by Councilman Withrow.

Councilman Withrow stated he does not believe there is a lot of difference coming before Council whether it be as a review or a supervisory board. That the Planning Commission has no objection to being an advisory board - at least he has never heard of any objection. Mr. Golson stated speaking for the MIRB, they are not going to pack up and go home, regardless of how this comes out, but speaking for the Board, they did feel the Review Board was their preference.

Mr. Burkhalter, City Manager, stated this has been a hard working Board and they have done a good job. That he hopes they will take as a compliment what he is about to say about the Board. He stated they have submitted dozens of reports to him and recommendations, every one of which has been approved to his knowledge. That they have had no disagreements and he is not speaking from that viewpoint. He stated it has served a good purpose and it was there for a good purpose. The thing that bothers him is the thing they have been talking about in connection with the Park and Recreation Board and other Boards that have power which Council gets some feedback but which they have no control. That the delegation of Council's power to some advisory board to become an administrative board is an erosion of the whole Charter complex of this city. He stated it begins to destroy the relationship between the City Manager and the Department Heads when a Board can come out and instruct the Department Head to do certain things - then it becomes a real serious problem for administrative procedure.

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Mr. Burkhalter stated he has no argument with the Advisory Board, which says they will make their recommendations to the City Manager, or to the City Council. There is no reason for most of those to go to City Council - most of them would be handled in a very routine manner because he certainly has a philosophy that is pretty much in tune with what this Committee has and what has been expressed by Mr. Williams and others. That he has no problems with any of the areas in which records are kept and he would welcome somebody to look at them and make recommendations. He stated he cannot keep from feeling a little suspect when any committee wants to have this right of approval in decision making and then he becomes a little disturbed. That he just thinks the advisory part would work well - they have worked well together and they will not know the difference as far as that part of it is concerned to get what they would like to have accomplished but it would remove any part of the Council in violating what he would consider the spirit of the Charter.

Councilman Davis stated he would favor the advisory role but he would like to say to the members of the MIRB that he is also in complete sympathy with what they are saying. That whether it is advisory or supervisory has little bearing on the degree of authority that would rest with the MIRB. For example, he feels the Planning Commission is the most powerful agency Council has and they are advisory. That the last time he checked on it Council was approving 94.7% of their recommendations so in that sense he would say that the Planning Commission is more powerful than the City

Council on zoning matters. He is saying this truthfully because they do the determining. The Body that does the investigation, and digs out the information has the power because of the work they do. The rest of us are in a review capacity, and it is very difficult to overturn good work that is being done. That is where the power of the agency comes from. That he thinks he will vote for the advisory role.

Councilman Gantt stated he seconded the original motion, and has not heard anything different to change his mind. That he thinks drawing the analogy of the park and recreation situation, or even drawing the analogy of other boards might be appropriate, particularly with respect to park and recreation. Here was an agency almost totally outside the city's normal working procedures. The operation of that department was almost all by the Commission. Much of what they provide in services for citizens is very high, profound and useful kinds of things the citizens look to City Council members for. In his opinion, there are a lot of good reasons to consider that a different situation. Here, we are trying to get people involved in an area which he thinks will become increasingly more difficult to handle. That is the whole idea of information. In one way we lessen their responsibility. His experience has been in trying to appoint people to boards and commissions, they have to perceive there is something important to do. He agrees the Planning Commission is advisory; they do perform a very important function.

Councilman Gantt stated he thought of the Parade Committee. They have the power to provide parade permits to groups, and Council never sees any of their recommendations. So in a sense they supervise their own aspects of parade permits, as an advisory committee. The truth of the matter is he wonders whether or not we will not lose the enthusiasm we have on this board; and losing the attention of getting very good people on this board. That he thinks we also lose the fact that the missing page in the attachments is very important. That is there is a Section 2-36.5 called "Appeals", which means if this committee becomes so gung ho and so much out of line that they are doing things to indicate they are power hungry, and so forth, the City Manager would have the right, and anyone else has the right to bring the issue to City Council for decision. The last line states "The decision of the City Council shall be final." He thinks because the City Manager is employed by this Council and is involved in all their decision making processes and if in fact they are getting out of line, the City Manager can appeal. In the meantime they do have the ability to go ahead and make some decisions in this particular area, and he sees no reason at this point to change them to an advisory board.

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Councilman Withrow stated he hopes the people who are serving on this Board, regardless of how the vote goes today, will not take their ball and bat and go home; he feels we have the best people Council can get on this Board; but he agrees with Mr. Burkhalter, it is an erosion of city government when we have review boards. What we are talking about is one of the most important things, other than the Planning Commission, in this city. This Board will be one of the most important ones, and he hopes they will continue to serve and bring Council recommendations. That he believes most of their recommendations will be approved by this Council.

Councilwoman Chafin stated the ordinance makes no reference to supervisory authority. That is in the memo attached where that term has been used. She stated there is a distinct difference between supervisory authority, which really implies administrative responsibility and review authority, which suggests oversight responsibilities. Here we are talking about an advisory board versus a review board. Under either ordinance, the responsibility for carrying out the recommendations of the Board would rest with the City Manager so there would be a close relationship.

Councilwoman Chafin stated there is one item that is not fully resolved in her mind. That is the reference to criminal intelligence files. She had thought we were going to request an opinion of the Attorney General with respect to whether or not criminal intelligence files were considered restrictive in the way that investigatory files were. That regardless of the Attorney General's opinion, there was no need to expressly mention criminal intelligence files as restrictive information in that if the Attorney General rules that in fact there were restrictive, it would be covered under opinions of the North Carolina Attorney General. If he ruled they were not restrictive, it would then be open information - public information. Mayor pro tem Whittington replied the Committee could not reach a consensus as to whether it should be advisory or supervisory and they came up with another ordinance, which is Attachment C, to recommend how to control, collect and maintain central intelligence files. Council can go with either the advisory or supervisory and Attachment C would recommend how you would handle the files by a 2/3 vote of Council. Councilwoman Chafin stated that still does not deal with the question of whether or not they need to include a reference to the criminal intelligence files in the MIRB ordinance. Apparently there was some discussion at the last meeting of the Committee that changed the sense of what they had decided at the meeting before.

Mr. Golson stated the point was pursued at that meeting and he spoke in opposition to putting the exclusive reference to the criminal intelligence files within the ordinance. However, the compromise position does serve the purpose to say the intelligence files are stated separately. There is a mechanism that allows City Council, in Section 3, to recommend there be someone perhaps who reviews the intelligence files. Wording is such that the person could be a MIRB member. The point that they were fiercely opposed to was the wording that said the MIRB should under no conditions review the intelligence files, implying that anybody else could, but not MIRB members. This is the compromise position that he has no qualms in supporting. Councilwoman Chafin stated she would still hope they would pursue an opinion from the Attorney General.

Councilman Davis stated this would clear up the question about the 2/3 vote. This is just a recommendation that does not appear in the ordinance. Mr. Underhill, City Attorney, replied it does not appear in the ordinance being considered; but is a separate ordinance which Council has not addressed at this point. Mayor pro tem Whittington stated it was the suggestion of the Committee that Attachment C be acted upon after the first ordinance is adopted.

Councilman Davis offered an amendment to the substitute motion and that is the appointments be made by the City Council rather than the Mayor. The amendment was accepted by Councilwoman Locke and Councilman Withrow.

Mr. Underhill stated the appointments under this ordinance are to be made by the Mayor with Council's approval. Councilwoman Locke stated she would rather

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City Council make these appointments.

Councilman Williams stated he is going to vote for the motion on the floor because he thinks we would more closely guarantee the free flow of information through the pipes. This would be one less opportunity to close the valve either partially or totally. Not only the advisory board would have a hand on that valve, but also the city administration. The City Manager should also be aware and caution them about not closing off the flow of information.

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

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

Councilwoman Chafin moved adoption of an ordinance amending Chapter 2 of the Code of the City of Charlotte by adopting a new ordinance defining the rights and duties of council members and others to review Charlotte Police Department criminal intelligence files (Attachment C). The motion was seconded by Councilwoman Locke.

Councilman Davis asked if this binds Council to a procedure calling for the 2/3 vote? Mr. Underhill replied yes. Councilman Davis stated any member of Council can go and view this information? Mr. Underhill replied not if Council adopts this ordinance. Mayor pro tem Whittington stated they put this in the ordinance because they felt very strongly Council should have authority over who goes in there. Councilman Davis stated he does not see much logic in making this a 2/3 vote. Why should this require more than Council routinely provides under its authority? Mayor pro tem Whittington replied this was part of the problem. The Committee felt they should not have the authority to just walk in there and peruse those files - those criminal files. If another person wanted to go then Council should approve it by the 2/3 vote. That is the reason it was recommended by the Committee.

Councilman Davis asked where in the ordinance it denied access of these records to any individual member of Council? Mr. Underhill replied when the question came up before, there was no statute or ordinance he was able to come up with that dealt with the question of access of this kind of information. If Council adopts this ordinance, then there will be an ordinance that deals with access and who is permitted access. And he would say the previous opinion he gave Mr. Davis as to the right of an individual councilperson to review criminal intelligence files would provide for a mechanism as to who or how much a review would take place. Under this ordinance, Council could designate a representative and that leaves pretty much to their discretion as to who that person might be. It may be a Councilmember, member of the MIRB, City Manager, City Attorney or a citizen. It would require a 2/3 vote of the Council membership to review those intelligence files by any person Council might designate.

Councilman Davis asked where in the ordinance it states this? Mr. Underhill replied it does not, but Council requested an opinion of him several months ago that asked about individual members of City Council's right to review these particular sets of files - criminal intelligence files. They also asked that he look at the larger question as to what restrictions might be placed on an individual councilmember's right to review any file the City Government might possess. His response to Council was that an individual councilmember is a member of the legislative body of the City and had the right to review any and all files kept by the City Government possibly with the exception of personnel files kept on city employees. By State Law the question of access to those files is specifically dealt with. It says certain information is public and

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other information is confidential, and therefore non-public, and can only be reviewed by the following classes of people. He stated Council will recall at that time one of the classes of persons who can look at certain information in city employee's personnel files are those officials of city, county or the federal government or state government who desire access and who have been granted access by the custodian of the record who has determined he has a legitimate purpose for looking at that.

Mr. Underhill stated at the time he wrote that opinion for Council, there was no such ordinance as this - if this ordinance had been on the books he would have said Mr. Davis, personnel records may be exempt from your review as an individual member of Council and also criminal intelligence files because there is now an ordinance that deals with the question of access to criminal intelligence files. That this would supercede his previous opinion to Mr. Davis because it would create a mechanism and a way as to who has access or how may be gained to this information.

Councilman Davis stated suppose an individual living in a district feels like he has been wronged by the government and the answer to whether or nor he has a legitimate grievance lies within the restrictive category of information and while the individuals themselves may forever be denied access to this information, it would be a source of great consolation if his elected representative in that district, or whoever his representative happened to be, could himself go look at any piece of information collected by the City of Charlotte. That it is true this puts a great burden of discretionary judgement on each individual elected official but he does not believe this is the sort of thing Council should attempt to monitor or control by ordinance. All elected officials are subject to right stringent and effective laws with regard to conduct in public office. That he does not really have too much fear of misconduct by local government officials.

Councilman Davis stated he is thinking of asking for a motion to reconsider the previous question on the basis that he did not appreciate the impact that the City Attorney just explained to him. Mr. Underhill stated perhaps he has confused things - the ordinance that Council just adopted, establishing an advisory board does not directly deal with the questions raised by the ordinance that is the subject of the present motion which is identified in the Agenda as Attachment C which deals only with criminal intelligence files and that is the only information that this ordinance deals with. All other city information, unless it is restricted in some manner by the State Laws, would completely fall outside the pervue of this; this ordinance has very limited thrust and that is to deal with access to Charlotte Police Department Criminal Intelligence files which is a specific set of files. That term is defined in the ordinance and the only thing this ordinance attempts to do is to provide a review process for Police Department criminal intelligence files, recognizing the sensitivity and the type of information that is generally kept in those files. He stated the ordinance, once it defines the term, says that the Council may, by an affirmative vote of 2/3 of its membership designate a representative to review criminal intelligence files, whenever such a review is deemed necessary.

Councilman Davis stated the previous question did not relate to individual Councilmembers access to this information? Mr. Underhill replied that is correct, but if Council adopts this one, it provides how such a review will take place.

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Mayor pro tem Whittington stated the Committee felt this should be separate and apart but necessary.

Councilman Williams stated he is not in favor of the motion on the floor to adopt this ordinance. That he would like to start with the proposition that everything is open to the public unless there is a good reason for it not to be. In the case of Police Intelligence files, he can see and recognize there is a good reason for it not to be, but when there is such a reason, any restrictions that are imposed should be as little as possible to deal with the problem. That when you go on and restrict the Council so severely from having access to these files by saying it requires a 2/3 vote for any Councilmember or designee of the Council, to get to view these files, that this is more restriction than we need to protect the privileged nature of the criminal intelligence file.

Councilwoman Locke asked what he would recommend and Councilman Williams replied it might be a matter of how much you are going to trust the Councilmembers as to whether you need an ordinance or not. That having no ordinance on the subject, you are saying we trust the judgement of the individual Councilmembers who have a right to go look at these files, but at the very most, he would not impose an extraordinarily high vote requirement.

Councilman Withrow stated he trusts all the members of Council and he trusts himself but when you allow a Councilmember and we will say that a person is in a criminal trial and the Councilmember gets pressure from a constituent wanting information that would be wrong to give them and a Councilmember goes and gets that information and passes it on and he does not think a Councilmember should be put in that predicament. That there is such a thing as a need to know.

He stated in the service even though you might have a top secret clearance you could not see top secret information even if you were a general officer unless you had a need to know and those people were trusted but they had to have a need to know the information they were seeking or they did not see it. That he would hate to see any individual Councilmember be put in the position that he could go into any of these files and get this information; it should be only by vote of the Council so it will not put any member of Council on the spot.

Councilman Davis stated he appreciates what Mr. Williams has said and he has a lot of good points but Councilmembers are put into this position every day when they have a lot of information that comes into our closed sessions that they are under a moral, legal obligation not to reveal to certain people, especially from constituents. He stated it does not bother him - it is something they have to live with and he would reiterate that all elected officials' conduct is governed by very strict laws that have been put into use in recent years and this would unnecessarily restrict Council's operations.

Councilman Davis stated when he went down to look at the criminal intelligence, he was the only member of the Council that had been down there. That he does not think it is abused.

Councilman Gantt stated a point about the ordinance being considered. If you read the section called "review", you understand the Council itself by a 2/3 vote can designate anybody, not necessarily a member of Council, to review those files. With regard to the question of certain councilpersons being dishonest, or abusing its privilege, he would be willing to consider some kind of notice being given to the Council that an individual member intends to review those files. That is to keep down the issue of someone surreptitiously going into the files and looking at information. To give public notice of that it could be a reference to City Council of the intention, which would be sufficient restriction on someone using those files.

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Councilwoman Chafin asked if the Attorney General were to rule that these files are in fact restricted, what effect would that have on the ordinance before Council or the existing procedure? Mr. Underhill replied it would depend on what else you ask the Attorney General in addition to whether or not it falls within the meaning of the public records law. That is one question you would ask, and the answer you would get back probably would be no, it is not within the purview of the public records law. Therefore a member of the public, for whatever reason, idly curious, legitimate, or whatever, you could not gain access to it. If you pose the question to him also as that if it is not accessible to the general public, then who is it accessible to? The Attorney General's office usually answers only what you ask; they do not volunteer any opinions. He would think if the only question we ask is whether or not criminal intelligence files are covered by the public records law, that is the only thing we would get back, and the answer would probably be no they are not covered. Then we would have a situation where, in his opinion, he would give the same opinion he gave Mr. Davis several months ago that any individual member of Council has the right as a member of the legislative body to review that information.

Mr. Underhill stated he would also say the Mayor has that right because the Charter provides he has the right to review the documents filed by the City. Obviously certain members of the Police Department have access to it because of their work. But as to who else might have access, this is a very large grey area.

Councilwoman Chafin stated she would like to withdraw her motion to adopt the ordinance relating to criminal intelligence files, Attachment C. Councilwoman Locke withdrew her second to the motion.

Councilwoman Locke moved that Council table the ordinance. The motion was seconded by Councilwoman Chafin.

Mr. Golson stated he would like to see any reference to criminal intelligence removed from the ordinance that has been adopted. That he is referring to Section 2-36.2(a) where it says "nothing shall be construed to prohibit the City Council from designating a member of the board as its representative", under the other proposed ordinance. He stated he as a member of the Committee is not satisfied with the answer to leave it as it is. The compromise was to say the MIRB was not entitled per se to go look at these files; but if Council under this new ordinance wishes to designate a MIRB member than that is legal and ethical. Under the conditions of the discussion Council has just had, he would prefer in the advisory board ordinance to remove all reference to this.

Mayor pro tem Whittington stated Council appointed a Committee, and the Mayor appointed a Committee to make recommendations to Council on what to do with this MIRB Board, which has more power than any Board of the City of Charlotte. Council took away some of that power by making it an advisory board in the motion which passed with a 4-2 vote. The Committee felt very strongly about it, and recommended that the Attachment C be a part of the Committee's report and recommendation for the very reasons Mr. Golson comes back and asks a question on. He stated we have a great police department and he has said that for many years. During the problems we had with the wire-tapping, or were accused of wire-tapping, it was in the federal courts, and we discussed it here on Council and had councilmembers wanting to do this and that, and made motions to get information about the police under indictment.

Mayor pro tem Whittington stated this part of the MIRB report is necessary as a part of Council procedures in the future. To leave that out and adopt what has been adopted causes great concern to him as a member of that Committee, and to the MIRB Board, because he believes the police need this. He would hate to see the day that any councilmember - representing a district or at-large - had the authority to walk into the police department and say "I want those criminal files, and I want to see them." This is bad business and should be cleared up today.

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Councilman Gantt stated it seems to him if Council does not pass the ordinance, then the present situation stands. He thought the understanding was Council would table this....

Mayor pro tem Whittington stated the problem they have is when you talk about what the Attorney General is going to say. This one would say one thing, and the next one would say something else.

Councilman Gantt asked if left where we are, would that allow any council person to have access to criminal intelligence files? Mayor pro tem Whittington replied yes, and he feels that is bad.

Councilman Gantt stated we can either put in another motion to define that even more to the point that there must be some justification or reason for it, and to restrict it to any one person by designation of a vote he thinks needlessly restricts access to information. He does not see any reason why the police ought to fear for their records being publicized. If we wrote an ordinance that said public notice must be given, we could clear that situation up. In regard to the ordinance itself, he would go back and reconsider and simply strike the last portion of the reference to which Mr. Golson referred. That would clear that up by simply considering the Amendment A which is the advisory body, and simply taking off the last part of that sentence. What it means is there is no opportunity for the advisory board to have access to criminal intelligence files. Subject to no designation at all about Council until such times as Council wants to rewrite the ordinance that defines specifically how the Council will proceed with the criminal intelligence files. By tabling Amendment C it gives Council an opportunity to prepare that ordinance. He would like to see Mr. Underhill proceed to do what he thinks is the consensus of Council at this point.

Councilman Williams stated he feels Councilman Gantt is right. That it is simply a matter of deleting the words after the semi-colon in that paragraph.

Mr. Underhill stated if you table "C", which is the motion before Council, then Council should go back and remove the reference in the ordinance which has been adopted (A) as it makes reference to it. If Council does not adopt this ordinance, the reference makes no sense.

Mayor pro tem Whittington asked if it would make more sense to go ahead with what they have adopted, and then come back with something on this? Councilman Gantt stated what they are adopting refers to a Section 2-37.2 and Mr. Underhill stated there is no Section 2-37.2 in the City Code. If they adopted the other ordinance that would be that provision.

Councilwoman Chafin asked the correct procedure for deleting that portion? Mr. Underhill stated that Mr. Golson has asked him to do something, and Councilwoman Chafin stated she agrees with Mr. Golson, as she previously expressed.

Mr. Underhill stated, to get the procedure straight, there is now a motion to table; if that is voted upon favorably then they ought to go back and amend the ordinance which is identified as Attachment A, by deleting the language after the semi-colon under sub-section (a). Then if it is the desire of Council that he come back to them with a new ordinance which deals with the right of review of criminal intelligence files, they can put that back in.

The vote was taken on the motion to table and it carried as follows:

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

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Councilman Gantt moved that the ordinance previously adopted relating to the advisory conditions of the Municipal Information Review Board be amended to delete, in Section 2-36.2(a), all of the language following "files;" The motion was seconded by Councilman Williams.

Mr. Golson stated the MIRB strongly opposes what Council has said if they pass this amendment. That everybody in the world could look at the intelligence files, if the Attorney-General ruled they were under public records, except the MIRB. That the amendment specifically states as a City ordinance that the MIRB's access is limited or restricted by criminal intelligence files.

Councilman Williams stated he thinks that is going to be restricted information; if the ruling is contrary to that he is going to be very surprised.

Councilwoman Chafin stated that in light of what Mr. Golson said, and in consideration of earlier discussions that the committee had, she will offer a substitute motion to delete all references to criminal intelligence files.

Mr. Hunter stated he is satisfied with the motion as it is to remove the section that seems to create some problem. But what started this in the beginning was the access the MIRB supposedly had to police intelligence files. If they want to "put this to rest," this basically does it. That today they have put to rest an amendment that will provide an orderly access to City Council. They are saying now, in light of the City Attorney's ruling, that all Councilmembers have access. He thinks they should not go one step back and leave the MIRB in the position of thinking that they possibly have access to them; that they should go ahead and face the issue.

The vote was taken on Councilman Gantt's motion and carried as follows:

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

Councilman Gantt asked that Mr. Underhill immediately prepare an ordinance to state their procedure when City Council reviews this.

Councilman Davis stated he would like to comment on two or three statements that were made earlier; that they were probably off-hand remarks but they have some status since they were uttered in a Council meeting.

First is Mr. Burkhalter's comment that he might himself act to deny access to Councilmembers. He described rather suspicious sounding circumstances. He knows that Mr. Burkhalter is a very resourceful person and if the circumstances were suspicious he is sure he would have no trouble delaying it long enough to take a reading. That he does not think any Councilmember is going to go in an irresponsible manner to do this.

Secondly, he agrees very much with the Mayor pro tem's point if he were going to go he would announce when he was going down, to the effect that he not be hampered by a search for information.

That, on the statement that Councilman Gantt made that he feels that a Councilmember should be entitled to go if he gives notice, does it in a proper manner, maybe informs the Council, and gives just reason for going. That if a Councilmember has to explain to other Councilmembers why he is going, that his constituents who elected him to office. . . - you do not know what is in these secret files until you go look at it. You cannot know what you are looking for or what you are going to find, etc. That it is always going to be a judgment question. If this Council imposes itself between the individual Councilmember and the people who elected him to office, they are coming between the voters and the elected representatives. He does not think anyone should do this - the City Manager, the Mayor, or even other Councilmembers, other than as provided by law. There are adequate safeguards in the law to take care of irresponsible elected officials.

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Councilman Gantt stated he did not mean to imply that it would require a vote on the part of Council. That just to give public notice of why he wanted to do it.

The ordinance is recorded in full in Ord. Book 25, at Pages 21-25.

PAY RANGE OF INVESTIGATORS TO REMAIN ON THE SAME LEVEL AS POLICE OFFICER AS RECOMMENDED BY CHIEF OF POLICE.

Police Chief J. C. Goodman stated he has previously sent a memo to Councilmembers which explains the organization of the Police Department, with the roles of the Master Police Officer, the Investigators, and the Patrol Officer in quite some detail. He will emphasize here some of the points that were made in that memo; and also bring up another point or two. Then he will answer any questions they may have.

He stated that the role of the Police Department is to provide the very best police service possible with the manpower and the resources that the City provides them. They take great pride in the flexibility that Council has demonstrated in the past in adopting modern and innovative police techniques to serve our community whose needs are constantly changing.

Several years ago we made a commitment to team police - policemen teamed together to prevent crimes. They moved from small specialized units to generalists. Their organizational chart was a bunch of little boxes - specialists, each one drawing different pay levels. They have been abolished one at a time and are now at investigators. This should not be new to Council because back as far as he can remember the police detective drew an extra pay step over the patrolman. In the early '60s the civil service rank of detective was abolished so that no more officers would be locked into the civil service rank of detective with no where to go. The detective would not get promoted to a line sergeant or a lieutenant because of the fact he was strictly an investigator only.

He stated they have become a department of generalists - each of the officers develop skills in the processing of crimes, investigation of offences - with crime prevention being the goal at all times. They perform a wide variety of duties very well and they display their initiative in judgment rather than becoming skilled in one specialized area. Most importantly, giving an officer a variety of job assignments, enables the department to identify his peculiar talents and to determine both his promotion potential and where his skills can more effectively be utilized.

Creating a specific classification for investigator has fostered a misconception that the duties of a patrolman and investigator are separate and distinct functions. In reality, the two roles overlap with the investigator's job serving as a logical extension of the patrol function. It is meaningless to say that the work performed by an investigative officer is of more value than the work performed by a patrol officer, since neither officer can perform effectively without the other. Many follow-up investigations are performed by the patrol officer. When he says "Ten, four" on that radio in response to a call, the investigative function starts; it starts in the blue and white car with the uniformed police officer. He answers calls daily; he has developed an insight into crime patterns and trends and can often put together information that leads to multiple clearances of cases. All officers - uniformed and plain clothes - develop informers; not just the plain clothes officers. These informers help to provide them with valuable information.

Chief Goodman stated that perhaps the one remaining distinction between a patrol officer and a team investigator is that the investigator is able to devote all of his time to investigative work while the uniformed police officer has to perform other duties in addition. With the appointment of 110 Master Police Officers which Council has authorized, they hope to emphasize the importance of the patrol officer, and the belief that a well trained officer can perform both patrol and investigative work, depending on where his talents are most urgently needed.

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He stated that Master Police Officers will be expected to take the lead in more complex and difficult investigations, as well as provide supervision in the absence of a Sergeant and perform the vital function of field training officers for the new recruits. Each team will designate some officers to devote all of their time to follow-up investigations, but this task will spring from preliminary work already completed for them by the uniformed police officer who initially answered the call. These investigative officers can function either in uniform or in plain clothes. Since the investigative function is shared by patrol officers and those who are designated as investigators, it seems unrealistic to say an investigator should be given extra pay for his work. Those officers who serve as investigators have an inherent advantage in that follow-up investigations are their only job task as opposed to the varied duties and the many additional dangers that are faced by patrol officers. They also have more desirable working hours. Due to the very function itself, they work in the daytime when they can talk with people, meet people. They do not work on Saturdays and Sundays when people are on vacations and out of town. They seek this job; they have no trouble finding officers who want to be investigators; they wear plain clothes and drive plain cars. It does have advantages; it also carries with it a clothing allowance.

The Chief stated they are maintaining a central core of investigators where extremely complex investigation - such as, homicides, rapes and robberies that are not solved on the spot or by the uniformed officer - are still investigated by the main central core. They have designated 16 of the Master Police Officers as investigators in the central unit, which they call a Special Investigative Section - 16 MPOs who will be working - plain clothes - to maintain a central unit. He stated they agree with the study that was made by the Public Administration Service that the investigator's duties do not merit the additional pay. The pay step does not allow the department to switch officers back and forth between patrol and investigative functions. If they are denied this opportunity, they are forced to keep a fixed number of investigative officers at all times, regardless of what their needs are. He says "fixed" because when you give a person an additional pay step, when you take it away from him, he considers it a demotion. You can tell him until you are blue in the face that it is a temporary assignment, he will be paid extra while he serves as an investigator but when he is no longer needed as an investigator and goes back into uniform he will take a pay cut, but when that day comes he considers it to be demotion. They think it is unfair to him and unfair to the department to fix the number of investigators they should have by establishing a separate pay range. If they keep from assigning all types of police work to the patrolmen, then they are denying them experience that would be to their advantage when it comes time for promotion. You have a few people performing investigative functions, rather than all policemen performing them at some time or other in their career. Most importantly, the department's maximum flexibility to assign its officers where they are most needed is not forced to waste its manpower.

Chief Goodman stated that approximately 50 of the 68 present investigators are being recommended for Master Police Officer rank. They have already started to train them, with 26 having completed the training as of today and 34 who will start on Wednesday. They are only talking about a very small number of investigators that will be left - about 18. They envision that with the 15 teams they will have approximately two investigators on each team - that is all they can afford although they would like to have more. They are talking about a total of 30 investigators yet to be appointed. These would be flexible - some teams would have four, some would have none, depending on the teams' needs at the moment. They would like to be flexible enough to where they could vary the number of investigators as the need occurs.

He stated another point that has not been made is the fact that police officers, investigators, Master Police Officers are entitled to the educational incentive pay in the pay plan. How about the investigator who does not make the Master Police Officer class, but he has four years of college?

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His salary would be placed ahead of the Master Police Officer. He was not able to qualify as a Master Police Officer, but he is making more money than the MPO. It is a future problem they will have if they give the investigator the five percent increase. He urged Council to keep the pay range on the same level as the police officer in order that they can gain experience in all aspects of police work; allow them to utilize all of the men's talents as well as they can. They feel that flexibility is vital to the growth and development of the career police officer and that the Police Department's first obligation is to be responsive to the needs of the community it serves.

Councilman Withrow moved acceptance of Chief Goodman's recommendation to leave the pay plan for police officers as it is. The motion was seconded by Councilman Gantt.

Councilman Davis asked if the 18 investigators that do not make MPO, when they are assigned to a team unit, will lose the five percent step they got when they became investigators? Chief Goodman replied yes. Councilman Davis stated that will be a cut in pay for 18 people.

He stated we hear frequent complaints that on burglaries in residential areas the rate of solving them is very low. Is this the typical type of assignment that the investigator now gets? Under his proposed plan, when the patrolmen comes out to the home in a patrol car to investigate a break-in, if he does not make an arrest right on the spot, chances are that is going to be the end of his investigation. Is that the way it would work?

Chief Goodman replied the only way he can answer is yes and no. It could be the end and it could not. The patrol officers make the majority of the arrests; a great majority of the cases are cleared by the uniformed police officers almost immediately after a crime occurs. Those that are not cleared are referred to investigators. They do a good job also. That as far as the number of crimes being cleared, we are above the national average in clearing these offences.

Councilman Davis stated he will focus on the real intent of his question. He knows there are a small number of these break-ins solved, and there probably will be under any system because it is a tough crime to solve. Under the proposed system, are we not giving up a goodly portion of our investigative capability?

Chief Goodman replied we are never giving up investigative responsibility. That he said 18 would be left, but he also said they would need about two per team, or 30. So, in addition to the 18 that are left, they will have to employ about 12 more investigators who are now uniformed police officers.

Councilman Davis stated it still looks like a change in the organizational structure to him. That under the crime fighting techniques, it would seem more important, using the automated record keeping that they have been talking about, it would seem that the investigator in the central headquarters who had information gathered from teams all over the City would be much better able to put this information together and spot trends or spot operating techniques that would lead to solving some of these crimes.

Chief Goodman replied they would still have a centralized unit composed of 16 of the very best investigators they have. They are not eliminating any function at all; they will still have investigators on the teams. Over all there will be fewer investigators because it is felt today the uniformed officer in the field can do more to prevent crime than a plain clothes officer.

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Officer R. L. Brown stated crime prevention is what he wanted to address; they will be weakening the Department's investigative ability. It may be a national trend to focus attention on shift to crime prevention; but crime prevention alone does not work. There is a crime prevention program at work in Baker 5 right now. Under the leadership of its team commander, Baker 5 has taken great steps in the education of citizens to protect themselves. This project only attacks one major step; it does not decriminalize the man. The criminal is still at work in Baker 5 and throughout the city. As long as man remains like he is, we will have crime, and it will increase as our population grows. We must resign ourselves to this fact.

Officer Brown stated he compared Baker 5 reported burglaries in August and September to a Team with only basic crime prevention program, and that Team is Baker 2. In August, Baker 5 reported 67 burglaries, and Baker 2 reported 73, which is only six more offenses. In September, Baker 5 report 90 burglaries and Baker 2 reported 63, which is 33 less. He is not quoting these figures to slight Baker 5 efforts; he commends these officers. However, it is obvious criminals are not going to change, and we must do everything in our power to prevent crime, and to continue to show the criminal element in our society that we will not tolerate their activities, and will use all of our resources to bring them to justice. In order to do this with the statistics on crime prevention it is a good thing, but it is basically a lot of public relations educating people, and if it does not work and if we go to the point where we are going to rely on the uniform officer to conduct follow-up investigations then we are going to sacrifice the citizens, because we will be paying more attention to the crimes being investigated by central investigations; which are the major crimes. Again we are saying house breaking and store breaking is of less importance, and can be followed up by uniform police officers.

Officer Brown stated he does not think the uniform officer will have the time to do the detailed investigation of a burglary that a plain clothes officer does. They feel the one step in pay should be maintained as an incentive for that officer. In the letter written to Council it did not mention day light hours. All the hours are not day light hours; you have a second shift working until midnight. He stated they are not complaining about the hours; but this is really not an incentive; they have a clothing allowance. They do not consider that an incentive - it is \$300 a year. Even the five percent is not; they have felt all along the job is worth more than five percent. The point they want to establish is to find out if we are going to maintain the constant vigilance on the apprehension of the guys breaking into peoples' houses. Or are we going to let that be secondary. That he says we cannot allow burglary to be secondary. That Chief's letter states eventually we could get to the point where there are no investigators. He stated he does not argue that point; but when we reach that point we will have to go back to a strong central investigation center as we had under the district system.

He stated they are saying this simply takes the investigator from one place, and puts them in another place; and we have to maintain a strong capability. Whether it be called a team investigator or if it is under central investigation. He stated even in recruit school you are talking about the fact that the criminal knowing that sure and swift arrest, and prosecution would be imminent. This study goes into various things as to saying if you do away with burglary investigations that we will be able to lessen the court load. He does not feel it is the police department's responsibility to lessen the court load. That is the court's responsibility.

Councilman Gantt stated one of the critical things is pay. That he understands out of the 68 investigators, 50 will be made MPO, and will get two pay steps. So on the issue of pay we are talking about what is happening to 18 people - 18 people who will not have gotten a raise. Then everyone else who becomes an investigator within a team will be a new person and will receive the same pay as the officer on the street. He asked if he thinks there will be problems getting people interested in doing investigative work? And that he disagrees with Chief Goodman's statement that he will have no problems? Officer Brown replied he has seen it in the past; that investigators on the job feel it is not enough; and they are dedicated. These men are going to continue to do the job. He is just saying it will be hard because in his Team he has seen people turn down investigator because they realize what the work load is.

As the officers become more aware of what the responsibilities are in being an investigator this is what we could have. He believes they will have trouble getting people to go into those jobs; trouble getting the best people as the remainder who are not MPOs. They may get some who say they want to work in plain clothes and say they want Saturday and Sunday off; but they may not get the best qualified man to be the investigator.

Councilman Gantt stated we are talking about team concept, and he asked Chief Goodman if it is a general practice of other municipal police forces in terms of doing away with the distinction of investigator as a special category; or is this something new that we are trying? Chief Goodman replied it is some of both. We were one of the first to try it. There have been many studies made - the Rand Corporation in particular has spent thousands of dollars on the role of investigators. That both he and his staff have attended seminars throughout the country on the role of the investigator versus the generals. That he was an investigator himself for seven years and enjoyed every minute of it. But seeing both sides of the picture now and the trends in changes, and the television images are not so. Over the nation today, team policing is being looked at very seriously. About every two weeks, a department will visit in Charlotte to look at our concept, and they go back and implement team policing in some form or other. Rockville, Maryland is coming in next week. There have been teams from Fort Worth, Dallas, and numerous other places visiting here. It is a new concept, and we happen to be one of the first to start it back four years ago.

Chief Goodman stated they had a juvenile bureau with 15 to 18 plain clothes detectives assigned to juvenile; these officers were put on the teams; and they found the only thing different between these officers and the regular officers were the papers they were filling out. So they trained their people to fill out the forms and absorbed the juvenile officers on the team immediately. They came on with the understanding they would not arrest any more juveniles; that the juvenile function was being eliminated. In this way they expanded their juvenile functions; they got more officers involved in juveniles. The same way with investigators. They are getting more officers involved in investigation work. That San Diego has considered abolishing the plain clothes officer completely. But he says no to that; we have to have the plain clothes officer; we have to have a central core of investigators when we get to a very delicate case.

Councilman Gantt asked what will happen to the present 50 plain clothes investigators who will not be made MPOs? Will they remain as investigators within the various teams? Chief Goodman replied we are talking about 110 MPOs - 90 of which will be assigned teams in uniform - 20 will be assigned other places and 16 of those will be in the center. Councilman Gantt stated that means within any one team you have a police officer who will do his own investigation in uniform? Chief Goodman replied that is right, and there will also be some plain clothes officers in each team as they are needed. Councilman Gantt stated then what he wants is the flexibility to move that plain clothes officer back and forth? Chief Goodman replied in and out of uniform. That he can see a rash of burglaries in an area, and they are behind, and he will assign eight or ten people to investigate these things; they will put them into plain clothes over two or three weeks.

Councilman Gantt asked what condition would be created if we went along with the idea of continuing to keep the pay step increase of five percent? How would that operate functionally in the concept here? Two or four investigators on a particular team making more? Is he saying he would not be allowed to shift them back into the field if he so desired? Chief Goodman replied they get into some legal problems of taking away people's money, when you assign a man and give him more pay, and then reassign him and take away that pay. They would have to have a reason for doing that. Councilman Gantt stated the reasoning being, and he made this statement in his opening statement, he would have to tell all officers while they are assigned to the function of investigative work, detective if you will, they will get a five percent increase. Chief Goodman replied this is the same thing they have been doing over the past 15 or 20 years.

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Councilman Gantt asked what if we granted the five percent pay increase for a special assignment, which will allow when the officer is removed from his plain clothes duties, that he reverts back to making the regular police salary? Chief Goodman replied that is the way it is now, and Councilman Gantt asked what would be wrong with keeping that?

Chief Goodman stated once people get a salary increase, moving them back creates a morale problem. The supervisor hesitates to move him back, knowing that he possibly is not the best investigator they have but he will lose the five percent in pay. It also limits them in putting more patrol officers into plain clothes, because of the fact that it affects their pay back and forth each time you move them.

Councilman Gantt stated that is the main point that he thinks is going to tip the scales in the Chief's favor, as far as he is concerned. This ability to train is not for generalists, and having the flexibility of moving an officer in an out of an area, possibly to get some experience, even when they find he is not effective in a certain line of work. On the other hand, we probably need to develop even more strongly the ability of officers in the field to do investigative work. He tends to go along with the Chief. That by making the special assignment and then having to shift the person back out of it and having his pay reduced would create a morale problem. If the concept has any merit, then it seems to him that this idea of creating the generalist makes some sense.

Councilman Williams asked if they feel like they get double duty out of an investigator who is part of a team? Do they make more efficient use of the manpower?

Chief Goodman replied yes; that studies have shown - and he is not opposing investigators - but investigators are more productive and that is what they are looking for. When you have a centralized unit they are less productive because of a lack of supervision. In a team unit he is supervised constantly by uniformed sergeants who are looking for a day's work out of him the same as they do out of a uniformed officer. Investigators do not like this concept and he can understand that.

Councilman Williams asked if he thinks he has enough manpower to carry out this mission? The Chief replied he would never say he had enough manpower. Councilman Williams asked if he had more manpower would he be able to afford the luxury, or whatever, of having more men in central investigations.

Chief Goodman replied that is true and they would certainly like to increase the number of uniformed and plain clothes officers.

Councilman Williams asked if there is some kind of national norm or average about how many police officers you have per so many in population? Chief Goodman replied yes, the City Managers Association has come up with a median - a high and a low - for cities of our size. Charlotte rates a little bit below the normal. This is hard to use as a guideline because, as the Manager can tell them, different cities have different problems. We are fortunate in Charlotte not to have the problems that coastal cities have, as well as other major cities.

Councilman Williams asked of the 16 who remain in the central division, how are they going to be divided, what will they be assigned to? Chief Goodman replied they will be assigned to what they normally call "vice," which consists of narcotics, general gambling, prostitution; also fraud and general investigations.

Councilman Williams asked if he will have a robbery squad? Chief Goodman replied no, this is what they did away with - all these special officers. They have expertise in robberies and other things.

Councilwoman Chafin asked the Chief what is the average length of an assignment to investigating? Chief Goodman replied that since about 1971 or 1972, for which he has the statistics, it is about two years; sometimes it runs

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over and sometimes it runs short, depending on the individual. That 43 of the 68 people they are talking about have all been appointed in the last two or three years as investigators. They are not old men who have been there for 20 or 30 years. They are young men, intelligent men, who have been moved in and were told at the time they would be moved out after a couple of years - so, it is not shocking news.

Councilwoman Chafin asked if he would say that an assignment to investigator in itself is an incentive? Chief Goodman replied that it is such an incentive that these 18 investigators that are not making MPO - he is told a good many of those did not even apply because they did not want to give up the role of investigator.

Councilwoman Chafin asked if we are experiencing a net reduction in the number of investigators? Chief Goodman replied yes - from 68 currently to 46. They are primarily on a team level. He stated that going to annexation, as they know, they have 36 people to take in some 30,000 people and they have to stretch what they have.

Councilman Davis stated the Chief gave a very persuasive presentation. He asked if Council wants to take action to protect the pay status of these 18 investigators who will be affected, how would he recommend doing that which would be the least disruptive to his proposed changes?

Chief Goodman replied they would not have to do anything; that they have voted now to continue their pay until such time as they stop it. Mr. Burkhalter stated that is not quite right, it would be until December. That to answer Councilman Davis' question, Council would just vote to give those people five percent more money than anyone else. That would be all; that they would have to do them individually, because it could be that they will not even be investigators. Mr. Burkhalter stated he thinks they are losing track of something. The chief has said it two or three times but he has not said it emphatically. That the patrolman trained in this field is equivalent to the investigator and should get the same pay; that those two jobs are equal in pay. That the chief does not believe they should get more pay. If Council feels that the 18 people ought to get five percent more - which they may not even get next year anyhow - but if they want to give them five percent more per year, or something of this kind, that is how they can do it, but it would have to be done by name.

Councilman Davis asked that suppose the Council wants to retain more investigative capability than the Chief's recommendation, how could they best do that with the least disruption to his organization? Chief Goodman replied he has an answer but he will not give it. That the City Manager would sit down with the problem if they had one, as he has done in the past.

Councilwoman Chafin directed a question to Mr. Brown - is the Chief not correct that this assignment to investigator with the five percent temporary increase does result in some morale problems? She stated she has gotten that kind of feedback - that someone becomes comfortable in the investigator role and in receiving that additional compensation and then is rotated off of that assignment.

Mr. Brown stated that what the Chief indicated may happen both ways. That he indicated that when a man is promoted (assigned) to investigator he knows that this is not permanent, and he takes it with that consideration. He stated he is not anxious to keep his five percent because he would certainly hope that he is one of the 50 so he can go back into uniform. If he is not, so be it. What he is saying is that he does not think it is any harder - he is not asking them to keep it for him or the 18; he is asking because he feels that the men have their work cut out for them; they have a big job ahead of them and all team investigators are entitled to the pay raise. He stated he took the job under the conditions that at some point in time he would lose it by being put back into uniform and reassigned somewhere else; he sees the same flexibility now. It is just the willingness of the administration to take that stand; and you can move a man anywhere you want to. The man knows it so he expects at some point in time, if he is given five percent, that he will lose it. The MPO has exactly the same thing - they have been given two pay steps, but at some point in time down the road the raise could be taken away from him because it is not a guaranteed position.

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Councilman Gantt asked how many officers are in training for the MPO? Chief Goodman replied 25 are completing the training today; another 34 will start Wednesday. They will continue this until they train about 120 or 130, of which they will pick 110.

Councilman Davis made a substitute motion that this be referred to a committee to be appointed by the Mayor pro tem and consist of a representative of the Fraternal Order of Police, a representative of the Police administration, and a representative of Council; that he would suggest Councilman Williams because of his background and because he is on a statewide committee on Law Enforcement. He stated he is very reluctant to go against Chief Goodman in his recommending of this change, but he is also very reluctant to go again against the Fraternal Order of Police, which represents a good hunk of our Police Department; that Council went against them on the educational incentive and he hates to go against them again. Councilman Williams seconded the motion for the purpose of a vote.

The vote was taken on the substitute motion and it failed to pass on the following vote:

YEA: Councilman Davis.

NAYS: Councilmembers Chafin, Gantt, Locke, Williams and Withrow.

The vote was then taken on the original motion to approve the recommendation of the Chief of Police, and carried as follows:

YEAS: Councilmembers Withrow, Gantt and Locke.

NAYS: Councilmembers Chafin, Davis and Williams.

Mayor pro tem Whittington broke the tie voting in favor of the motion.

DISCUSSION OF A RESOLUTION REQUESTING THE MECKLENBURG DELEGATION TO THE GENERAL ASSEMBLY AND THE NORTH CAROLINA CONGRESSIONAL DELEGATION TO SUPPORT CONSIDERATION OF TERMINATING THE PRESENT HOUSING PROGRAMS IN FAVOR OF DIRECT SUBSIDY TO INDIVIDUALS THROUGH RENT STAMPS.

At the informal session of City Council on October 3, Councilman Davis submitted a Resolution on Public Housing for consideration by the Council.

Mr. Ray Wheeling, Housing Authority Director, stated he read the resolution for the first time today; that it is a pretty broad resolution; that he would need to know more about the particulars. He is not sure he knows what is meant by a rent stamp program.

Councilman Davis stated the "whereas's" of his resolution pretty much stand on their own. He does not think anyone would disagree with (1) WHEREAS, the availability of low income housing is a major problem in Charlotte; (2) WHEREAS, public housing programs are inadequate to meet the needs of our citizens; (3) WHEREAS, present programs are not well received by our citizens. He made the last statement because in the two years he has been on Council he has not had one individual, a resident of a public housing project, come before this Council and say "I am moving into 'X' public housing project; I am happy with my circumstances; I appreciate what the taxpayers are going to do for me." He has not had individuals say this to him privately, and he has placed himself in circumstances to have this input. He knows that from the standpoint of the public housing project as a whole, it is apparently not well received because Council regularly gets complaints about the location of public housing projects in neighborhoods of all types - no one seems to want a project in their neighborhood. It occurs to him that the federal government which is the source of these programs, holds their destiny as they learned in the Glory Street project. We lose control of these projects and in the final analysis some of them may be implemented to the detriment of what we are trying to do locally.

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Councilman Davis stated he raises the issue at this time because just a few months back President Carter introduced his Welfare Reform Program, and he is approaching the problem along the same lines. We have a multitude of welfare programs - Aid for Dependent Children, Supplemental Security Income, Food Stamp Program, Work Incentive Program, CETA - all these programs are proposed to be consolidated under one umbrella. Many of them have different standards of eligibility. He stated that President Carter's approach could yield substantial savings because this could better be done by one agency. He sees no reason why public housing could not be handled in a similar manner, maybe in the same program, because the Welfare Program does deal with housing - they actually make payments in money to be used for housing.

He stated in the housing programs we have had similar experience. We have conventional public housing; then along came conventional public housing, scattered site type; the FHA 236 Program, the VMIR Program, the low market interest rates; and Turnkey III. All of these projects have had several things in common. One is that they were all expensive; that the second characteristic is that they have all been inadequate to meet our needs. The third thing they had in common is that they have all failed in a sense to accomplish what they were designed to do. For example, Turnkey III was designed to stimulate homeownership by helping out an individual who could not buy a home on his own. That has been pretty disastrous.

He stated that, as Councilman Gantt brought out last week, Section 8 is doing pretty good. That most all of these programs did at the outset. Section 8 in a sense, goes several steps in the direction he would like to see the program move, but it has two small flaws - it does include something akin to rent control, and secondly, the program is operated by an agency of the federal government. That programs of this type have all been unsuccessful and he sees no reason, even though it shows some promise at this point, why we can expect anything different in Section 8 public housing. That at this point it would be appropriate to ask our Congressional Delegation to consider the possibility of having a similar type of reform in the public housing program, or perhaps have this included under the total Welfare that Mr. Carter has proposed to be effective in 1981.

Mr. Wheeling stated he is sure that most of the people Councilmembers have heard have said they did not like public housing for whatever reasons; that he could probably get many, many more that are satisfied with it. It is true there is a stigma on public housing. He does not know of any social program that there is not a stigma. That Section 8 is the closest thing that has come down the pike to the rent stamp idea. He does not know how you could get any closer to it; it would be a matter of giving stamps or subsidizing the rent which Section 8 is doing. He is not trying to debate the issue of the rent stamp program or not. You would have to have a real detailed plan. He stated that President Carter's plan is good. If the HEW Welfare Program is out he has not read it. He has heard all kinds of stories as to what it contains. He does not know; he cannot discuss it intelligently with anyone.

Councilman Davis stated the rent stamp is not critical to the motion; some use the rent stamp but it could be cash payment. That under the Welfare Reform, food stamps would be reformed slightly.

Mr. Wheeling stated he was at a meeting last week, and he does know that there is a movement afoot to look into this; his program is in Committee now. How it is going to come out of the Congress is another question. The indication that he gets from the National level is that the President's Welfare Program is in the same boat. That Section 8 is the only ballgame they have to play in right now. That we have 371 allocation here to build 255 - that is for existing housing, not for new. No new has started here and very little new has started in the country.

Councilman Gantt stated he cannot support the resolution at this time, primarily because it seems to him that we need to be more positive in defining what we mean in terms of program. He realizes that Councilman Davis is not

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saying that rent stamps is necessarily the program, but it seems to him that unless staff was to get involved in an analysis of other proposed programs that would serve as an alternative to the present programs we have, we should not move at all. That there are even some basic changes being made in the present food stamp program. He understands the extent of what he is concerned about, that he thinks all of the Councilmembers are. He happens to know that there are academicians, theorists and people working in HUD now trying to find ways to improve the funding because of the situation we have. When you send a resolution off to our Congressional Delegation saying that we are concerned about housing and that we would favor a program for rent subsidy, that it is just not enough; that we should be a lot more involved than that; that he does not even know whether we have the capability here or the resources, after listening to Mr. Wheeling who is our public housing man.

Councilman Davis stated Councilman Gantt is absolutely correct - we do not have the capability of analyzing HUD's problem; he does not know that anyone does. But, he thinks it is important that we inform them that the present program is inadequate; that the gist of this from his standpoint is that a large part of the tax dollar that starts with the federal government and goes down through HUD and comes to these various programs, is consumed in administration and various organizations who set the standards. That if these could be consolidated under one department, we would get a little more money to flow down and actually be used for housing. That he would hope that just a response or reaction to our Congressional Delegation would let them know - maybe they do not know that the program is inadequate. They should know by now. But, they may not know that it is not being well received.

No action was taken on the proposed resolution.

APPOINTMENT TO THE CHARLOTTE AREA FUND BOARD OF DIRECTORS POSTPONED.

Councilman Gantt moved the reappointment of Arthur Lynch to the Charlotte Area Board of Directors. The motion did not receive a second.

It was the consensus of Council that since the other two Council appointees' terms expire in the near future, consideration of this item should be postponed.

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AWARD OF CONTRACTS.

1. On motion of Councilwoman Locke, seconded by Councilwoman Chafin, and carried unanimously, contract was awarded to the low bidder, Ross & Witmer, Inc., in the amount of \$10,817, for air conditioning the Traffic Engineering Operations Division on Craig Avenue.

The following bids were received:

Ross & Witmer, Inc.	\$ 10,817.00
Mechanical Contractors, Inc.	11,473.00
Climate Conditioning of Charlotte	11,480.00
Air Masters, Inc.	11,771.00
A. Z. Price & Associates, Inc.	11,977.00
P. C. Godfrey, Inc.	12,289.00

2. Councilman Withrow moved award of contract to the only bidder meeting specifications, Minnesota Mining & Mfg. Company, in the amount of \$10,972, on a unit price basis, for bus stop sign faces. The motion was seconded by Councilman Williams, and carried unanimously.

3. Motion was made by Councilwoman Locke, seconded by Councilwoman Chafin, and carried unanimously, awarding contract to the low bidder, Clifford of Vermont, in the amount of \$10,508.85, on a unit price basis, for traffic control cable.

The following bids were received:

Clifford of Vermont	\$ 10,508.85
Bryant Supply Company	11,966.33
Anixter - Greensboro	12,117.60
Graybar Electric Company	13,657.67
Mill-Power Supply Co.	13,692.00
General Electric Supply	14,397.77
Delco Wire & Cable	14,467.30

4. Councilwoman Locke moved award of contract to the low bidder, Climate Conditioning of Charlotte, Inc., in the amount of \$8,900, for air conditioning for Fire Station No. 9. The motion was seconded by Councilman Williams, and carried unanimously.

The following bids were received:

Climate Conditioning of Charlotte	\$ 8,900.00
Air Masters, Inc.	9,641.00
Mechanical Contractors	9,957.00
P. C. Godfrey	10,997.00
A. Z. Price & Associates, Inc.	12,222.00

5. On motion of Councilman Williams, seconded by Councilwoman Chafin, and carried unanimously, contract was awarded to the low bidder, D. R. Mozeley, in the amount of \$204,665.20, on a unit price basis, for Southside Park.

The following bids were received:

D. R. Mozeley	\$ 204,665.20
Crowder Construction	228,061.50
J. M. Furr Landscaping	242,661.80
Moretti Construction	246,688.00
T. A. Sherrill	252,448.00
F. T. Williams	268,238.65
Blythe Industries	276,268.50

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RESOLUTION AUTHORIZING CONDEMNATION PROCEEDINGS FOR THE ACQUISITION OF PROPERTY BELONGING TO M. S. ALVERSON, LOCATED AT 148 WEST BLAND STREET, FOR THE WEST MOREHEAD COMMUNITY DEVELOPMENT TARGET AREA.

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

The resolution is recorded in full in Resolutions Book 13, at Page 54.

CONSENT AGENDA APPROVED.

Upon motion of Councilman Gantt, seconded by Councilwoman Locke, and unanimously carried, the following action was taken on Consent Agenda items:

1. Adoption of ordinances affecting housing declared unfit for human habitation:
 - (a) Ordinance No. 764-X ordering the occupied dwelling at 1404 Camp Greene Street to be vacated and closed.
 - (b) Ordinance No. 765-X ordering the occupied dwelling at 2529 Brentwood Place to be vacated and closed.
 - (c) Ordinance No. 766-X ordering the occupied dwelling at 108-10 Irwin Avenue in a CDRS area to be vacated and closed.
 - (d) Ordinance No. 767-X ordering the unoccupied dwelling at 930 West Trade Street in a CDRS area to be demolished and removed.
 - (e) Ordinance No. 768-X ordering the unoccupied dwelling at 1200 Pegram Street to be demolished and removed.
 - (f) Ordinance No. 769-X ordering the unoccupied dwelling at 1420 N. Davidson Street to be demolished and removed.
 - (g) Ordinance No. 770-X ordering the unoccupied dwelling at 3514 Warp Street to be demolished and removed.

The ordinances are recorded in full in Ordinance Book 25, beginning at Page 26 and ending at Page 32.

2. Adoption of ordinances ordering the removal of weeds, grass and debris:
 - (a) Ordinance No. 771-X ordering the removal of weeds and grass from vacant lot adjacent to 3128 Seymour Drive.
 - (b) Ordinance No. 772-X ordering the removal of weeds and grass from vacant lot adjacent to 2327 Celia Avenue.
 - (c) Ordinance No. 773-X ordering the removal of weeds and grass from vacant lot at Celia Avenue and Onyx Street.
 - (d) Ordinance No. 774-X ordering the removal of debris from 3414 Sargeant Drive.
 - (e) Ordinance No. 775-X ordering the removal of weeds and grass from vacant lot adjacent to 3224 Seymour Drive.

The ordinances are recorded in full in Ordinance Book 25, beginning at Page 33 and ending at Page 37.

3. Adoption of a resolution authorizing the refund of certain taxes in the amount of \$154.63 which were collected through clerical error and illegal levy against ten tax accounts.

The resolution is recorded in full in Resolutions Book 13, at Page 55.

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4. Approval of contracts for the installation of sanitary sewer mains and water mains:

- (a) Contract with Walnut Properties, John Crosland Agent, for the construction of 4,723 linear feet of 8-inch sanitary sewer main to serve Walnut Creek, Section 2 (Terra Brook 2), outside the city, at an estimated cost of \$71,100.
- (b) Contract with George Goodyear Company for the construction of 1,632 linear feet of 8-inch sanitary sewer mains to serve Old Oaks Subdivision, inside the city, at an estimated cost of \$24,480.
- (c) Contract with Westminister Company for the construction of 1,706 linear feet of 8-inch sanitary sewer main to serve Stonehaven, Section 30, outside the city, at an estimated cost of \$25,590.
- (d) Contract with Carolina Steel Corporation for the construction of 932 linear feet of 8-inch sanitary sewer mains to serve 12825 Sam Neely Road, outside the city, at an estimated cost of \$13,725.00.
- (e) Contract with F. Kenneth Springsteed for the construction of 4035 linear feet of 8-inch, 6-inch and 2-inch water mains and three fire hydrants, to serve Deerhurst Subdivision, outside the city, at an estimated cost of \$38,500.00.

5. Approval of Encroachment Agreements with the North Carolina Department of Transportation:

- (a) Agreement for existing water and sewer lines located in a New Subdivision Timber Creek Section I.
- (b) Agreement for various water and sewer lines in Taragate Farms and Twelve Oaks Subdivision.
- (c) Agreement for existing water and sewer lines in New Subdivision, Ravenwood 3.
- (d) Agreement for existing water and sewer lines in a new subdivision, Carmel Woods Section 1 & 2.
- (e) Agreement for various water and sewer lines in Eastwoods Subdivision, Sections 1 & 2.
- (f) Agreement for a proposed 6-inch water main crossing Morris Field Drive, N. C. 160.

6. Approval of the following property transactions:

- (a) Option on 13,381 square feet, plus construction easement parallel to right of way, at 5201 Idlewild Road, from Brookridge, a limited partnership, at \$4,600, for Delta Road Extension.
- (b) Acquisition of 30,000 sq. ft., from L. P. Mayhew, at 2901 Dunn Street, at \$37,500 for Grier Heights Target Area.
- (c) Acquisition of 5,960 sq. ft., from Sallie Frances Tiller, at 1112 Greenleaf Avenue, at \$7,500 for Third Ward Target Area.

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COUNCIL REMINDED OF SEVERAL MEETINGS AND PROGRAMS.

Mr. Burkhalter, City Manager, reminded Council members of several events that will take place:

- (1) Sugar Creek Groundbreaking, October 21, 1977, at 11:00 A.M.
- (2) Review of Park Plans, October 21, 1977, NOON Luncheon, Sheraton Center Omni II.
- (3) Utility Rate Study, Monday, October 24, Noon Luncheon, Training Center.
- (4) Specialized Transportation Task Force, Tuesday, October 25, Breakfast, 7:30 A.M., Sheraton Center Omni II

Mr. Burkhalter stated he will send a notice to Council on all these meetings today.

STAFF TO PREPARE PLANS FOR EXTENSION OF SHARON AMITY ROAD ACROSS SHAMROCK DRIVE INTO DILLARD DRIVE AND TO NEWELL-HICKORY GROVE ROAD.

Mr. Burkhalter, City Manager, stated that Mayor pro tem Whittington requested staff to do some work on the extension of Sharon Amity Road across Shamrock Drive into Dillard Drive, and across to Newell-Hickory Grove Road. That Council has received some rough estimates on that. But he has some additional information now, but he would like to ask about the concept.

One, we can go from Shamrock Drive over into the end of Dillard Drive, which would be Section One.

Two, the extension of Dillard Drive, which would be Section Two.

Three, the part through the housing project would be Section Three.

He stated there will be some funds left over from the street improvement bond funds. He asked if Council would like for staff to gear up and utilize what funds can be raised, and if they are really interested in getting this off the ground. Then staff can come back with a plan.

Mr. Burkhalter stated no one involved feels that Dillard Drive is satisfactory as it is; but it could be used temporarily. There is a serious situation as to whether or not we should have a railroad overpass. That will give staff time to study it with the Norfolk -Southern Railroad.

He stated there is one thing Council must be concerned about. If that road is opened up, and then we do not get the right of way for Dillard Drive, we will never be able to buy it. When we open that road up it will make that land very valuable. Those people should be able to contribute something to this project, and they are the ones who could. He stated we need some more right of way where the present Dillard Drive exists; it is all industrial. It will not hurt it, but it will improve the value of that property considerably.

He stated the big thing this will do is that it could reduce the traffic on Tipperary Road by three to five thousand cars a day.

He stated if that is agreeable, staff will try to work up a plan and bring it back to Council.

No member of Council indicated any disagreement with the proposal.

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VIOLA TAYLOR INTRODUCED AS NEW STAFF MEMBER IN CITY MANAGER'S OFFICE,
TRANSFERRING FROM THE BUDGET & EVALUATION OFFICE.

Mr. Burkhalter, City Manager, introduced Viola Taylor who is taking Carol Loveless's old position in the City Manager's office. He stated she comes from the Budget and Evaluation office, and will be available to work with Council on the 24th of October.

ADJOURNMENT.

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



Ruth Armstrong, City Clerk