

CITY OF CHARLOTTE

CITYWIDE RECORDS PROGRAM

PUBLIC RECORDS REQUEST #2768

The following materials have been gathered in response to public records request #2768. These materials include:

Recommendations of the Committee on the Charter Review Commission Report - 3/16/81

City Council Minute Book 71 - Pages 298-300 - 7/16/79

City Council Minute Book 71 - Pages 334-337 - 7/30/79

City Council Minute Book 74 - Pages 52-58 - 7/14/80

City Council Minute Book 75 - Pages 65-68 - 12/8/80

City Council Minute Book 75 - Page 340 - 2/23/81

City Council Minute Book 75 - Pages 393-409 - 3/16/81

City Council Minute Book 75 - Pages 429-434, 438-439 - 3/23/81

Resolution Book 17 - 120, 122 - 3/16/81

For further information about this request or the Citywide Records Program,
please contact:

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City of Charlotte/City Clerk's Office

600 East 4th Street, 7th Floor

Charlotte, NC 28202

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Request for Council Action

Charlotte

To the City Manager

Don

March 11, 1981

From Don Carroll, Chairman, Environmental Health & Protection Committee

Date

Action Requested City Council consideration of recommendations of the Environmental Health and Protection Committee on the Charter Review Commission Report.

Attached for your review and consideration is a package of information and recommendations of the Environmental Health and Protection Committee on the Charter Review Commission Report, which includes:

- Mayoral Veto
- Appointive Powers
- Fair Representation Clause in the Charter
- The District At-Large System
- Terms of Office
- Partisan vs. Non-Partisan Elections
- Miscellaneous Recommendation that Charter Should Set a Limit on the Number of Years a Person Can Serve on City Council.

cgm
Attachments

Environmental Health and Protection Committee Meeting
February 11, 1981

Charter Review Commission Report

Committee discussed the major areas studied by the Commission as follows:

1. Mayoral Veto

George Selden presented the attached amendment (Attachment #1) and made a motion that it be recommended for Council approval with the following changes.

- Mayor claim the 24 hour veto privilege at the meeting
- Include internal affairs as an exception, except for the hiring and firing of the City Manager, City Attorney and City Clerk.

Motion seconded by Herb Spaugh. Vote 3-2 in favor.
Opposed Don Carroll and Laura Frech.

City Attorney is to provide proper wording to incorporate these changes into amendment (See Attachment #1 as amended).

2. Appointive Powers

George Selden presented the attached resolution (Attachment #2) and made a motion that it be recommended for Council approval with the following change:

- Add: Be it further resolved that legislation be adopted to allow the Mayor and Council to share 1/3 - 2/3's the appointments to those boards and commissions prescribed by the Charter.
- Also, that a plan be developed to implement all boards and commissions over a period of time as approved by Council.

Motion seconded by Herb Spaugh and vote unanimously carried.

3. Fair Representation Clause in the Charter

George Selden made a motion to accept Charter Commission recommendation. Motion seconded by Herb Spaugh and vote unanimously carried.

4. The District At-Large System

Herb Spaugh made a motion to endorse Commission recommendation to continue 11-member Council, Four at-large and Seven-district. Motion seconded by Laura Frech and vote unanimously carried.

5. Terms of Office

Laura Frech made a motion to not adopt Commission recommendation at this time but refer to Council for further study. Motion seconded by George Selden and vote unanimously carried.

6. Partisan vs. Non-Partisan Elections

George Selden made a motion not to adopt Commission recommendation but refer to Council for further study. Motion seconded by Herb Spaugh and vote unanimously carried.

7. Miscellaneous Recommendation that Charter Should Set a Limit on the Number of Years a Person Can Serve on City Council

George Selden made a motion not to adopt miscellaneous recommendation but refer to Council for further study. Motion seconded by Herb Spaugh and vote unanimously carried.

cgm

Attachments

A BILL TO BE ENACTED

AN ACT TO AMEND CHAPTER III, SUBCHAPTER B, SECTION 3.23(b)
OF THE CHARTER OF THE CITY OF CHARLOTTE TO PROVIDE A
VETO POWER FOR THE MAYOR.

THE GENERAL ASSEMBLY OF NORTH CAROLINA ENACTS:

Section 1. Chapter III, Subchapter B, Section 3.23(b) of the
Charlotte City Charter is hereby amended by deleting the following:

"Provided: as to ordinances, unless they are approved
by at least nine (9) members of the council, the mayor
shall have the power to provide for a period of additional
deliberation by postponing the passage of the ordinance
until the next regular or special meeting of the council.
An ordinance postponed for additional deliberation by the
mayor shall automatically be on the agenda at the next
regular or special meeting of the council, but shall not
become effective until reapproved by the council with at
least eight (8) members voting in the affirmative at such
regular or special meeting of the council. In the absence
of the mayor, the mayor pro tempore shall preside, but
shall not have postponement power, and shall only vote
when so presiding as herein provided for the mayor"; ...

and by inserting in lieu thereof the following:

"Except for actions involving petitions to rezone property,
appointments by council to boards, agencies, committees,
and commissions, and the internal affairs of the council
(which shall not include the employment or dismissal of the
city manager, city attorney or city clerk), the mayor may
veto any action adopted by the city council. If the mayor
decides to veto an action, he must exercise his veto power
within 24 hours after the action is taken. Provided, however,
that if the mayor is considering vetoing an action, he must
announce that fact at the meeting at which the action is taken;
otherwise no veto may subsequently be exercised. An action
vetoed by the mayor shall automatically be on the agenda at
the next regular or special meeting of the council, but shall
not become effective unless it is readopted by two-thirds of
the membership of the council. In the absence of the mayor,

the mayor pro tempore shall preside, but shall not have veto power, and shall only vote when so presiding as herein provided for the mayor"; ...

Section 2. All laws and clauses of law in conflict with this Act are hereby repealed.

Section 3. This Act shall become effective upon ratification.

MEMORANDUM

February 13, 1981

To: Mayor and City Council

From: *Henry W. Underhill, Jr.*
Henry W. Underhill, Jr., City Attorney

Subject: Recommendation of the Environmental Health
and Protection Committee with Respect to
Appointments to Boards, Commissions, Agencies
and Committees

The Council Environmental Health and Protection Committee has been reviewing the recommendations of the Charter Review Commission. One of the recommendations under review is a recommendation that the Mayor be given one-third (1/3) of all appointments to all standing committees, boards and commissions. The Environmental Health and Protection Committee had recommended that the Council adopt a resolution calling for the City Attorney to prepare the legislation necessary to allow the Mayor and Council to share appointments on a one-third to two-thirds (1/3-2/3's) basis on those boards and commissions prescribed by Charter.

For your information, this recommendation would require Charter amendments with respect to the appointments to the Auditorium-Coliseum-Civic Center Authority and to the Civil Service Board. These Charter changes would have to be approved by the General Assembly. Legislative approval would also be required for the Firemen's Retirement System Board of Trustees, the Housing Authority, and the Zoning Board of Adjustment in order to implement the Committee's recommendation.

HWUjr:ps

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE ENDORSING THE CHARTER REVIEW COMMISSION'S RECOMMENDATION THAT THE MAYOR BE GIVEN ONE-THIRD (1/3) OF ALL APPOINTMENTS TO ALL STANDING COMMITTEES, BOARDS, AND COMMISSIONS.

WHEREAS, the final report of the Charter Review Commission recommended that the Mayor be given one-third (1/3) of all appointments to all standing committees, board, and commissions, and that the Council be given two-thirds (2/3's) of such appointments; and

WHEREAS, the Council feels it is desirable that the Mayor be given authority to appoint people to every committee, board, or commission, not merely the few permitted; and

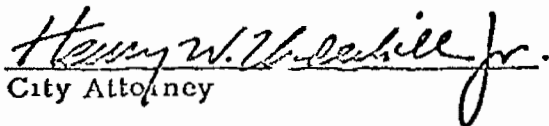
WHEREAS, in order to carry out this recommendation, it is necessary that not only the Charter be amended, but also a number of city ordinances and resolutions be likewise amended.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlotte, that it hereby endorses the recommendation of the Charter Review Commission that the Mayor be given one-third (1/3) of all appointments to all standing committees, boards, and commissions, and that the Council be given two-thirds (2/3's) of such appointments.

BE IT FURTHER RESOLVED, that the City Attorney be directed to prepare legislation necessary to allow the Mayor and Council to share appointments on a one-third to two-thirds (1/3-2/3's) basis on those boards and commissions prescribed by Charter.

BE IT FURTHER RESOLVED, that the Council develop a plan to implement the appointments on a one-third to two-thirds (1/3-2/3's) basis over a period of time for all boards and commissions.

Approved as to form:


City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 1981, the reference having been made in Minute Book _____, page _____, and recorded in full in Resolutions Book _____, page _____.

WITNESS my hand and the corporate seal of the City of Charlotte,
North Carolina, this the _____ day of _____, 1981.

Ruth Armstrong, City Clerk

A BILL TO BE ENTITLED

AN ACT TO AMEND CHAPTER V, SUBCHAPTER A, SECTION 5.01(a)
OF THE CHARTER OF THE CITY OF CHARLOTTE TO PROVIDE CERTAIN
PROVISIONS WITH RESPECT TO APPOINTMENTS TO COMMITTEES,
BOARDS, AND COMMISSIONS.

THE GENERAL ASSEMBLY OF NORTH CAROLINA ENACTS:

Section 1. Chapter V, Subchapter A, Section 5.01(a) of the
Charlotte City Charter is hereby amended by the addition of the following
language at the end of said subsection:

"It is desirable that in appointing persons to boards,
commissions and authorities, the appointing authority
should attempt to secure reasonable representation on
each such body of all sexes, races, geographic sections
of the city and political parties. Provided, however,
that such representation shall not be required, and the
validity of any appointment may not be challenged on
grounds that such representation has not been achieved."

Section 2. All laws and clauses of law in conflict with this Act
are hereby repealed.

Section 3. This Act shall become effective upon ratification.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE
ENDORING THE CHARTER REVIEW COMMISSION'S RECOMMENDATION
TO CONTINUE THE PRESENT COUNCIL SYSTEM.

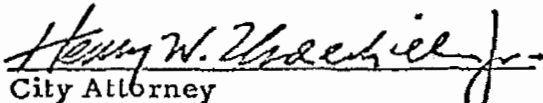
WHEREAS, the final report of the Charter Review Commission recommended that the present eleven (11) member City Council, four (4) at large, and seven (7) district members be retained; and

WHEREAS, the Charter Review Commission concluded that the present system had worked quite well, had provided effective, efficient and representative government for all of Charlotte's citizens, and that it was premature to consider reducing the size of the Council; and

WHEREAS, the Council Environmental Health and Protection Committee has reviewed this recommendation, and has recommended _____ to the Council that it endorse this recommendation of the Charter Review Commission.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, that it hereby agrees with, and therefore endorses the recommendation of the Charter Review Commission that the present eleven (11) member Council, four (4) at large, and seven (7) district members, be continued.

Approved as to form:


City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 1981, the reference having been made in Minute Book _____, page _____, and recorded in full in Resolutions Book _____, page _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of _____, 1981.

Ruth Armstrong, City Clerk

A RESOLUTION OF THE CHARLOTTE CITY COUNCIL AGREEING TO FURTHER STUDY THE ISSUES OF COUNCIL TERMS OF OFFICE, PARTISAN VERSUS NON-PARTISAN ELECTIONS, AND A LIMIT ON THE NUMBER OF TERMS.

WHEREAS, the Council Environmental Health and Protection Committee has studied the recommendations of the Charter Review Commission with regard to the terms of office for Mayor and Council, and the question of partisan versus non-partisan elections of the Mayor and Council; and

WHEREAS, the Committee has recommended that the Council not adopt the Charter Review Commission's recommendation with respect to these issues, but instead study the matter further; and

WHEREAS, the Committee also recommends that the Council study the question of whether there should be a limit on the number of terms a person can serve on the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, that a further study be given to the question of terms of office for the Mayor and members of Council; partisan versus non-partisan elections for the Mayor and members of Council; and whether or not the Charter should be amended to set a limit on the number of years a person can serve on the City Council.

Approved as to form:

Henry W. Henderson Jr.
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the _____ day of _____, 1981, the reference having been made in Minute Book _____, page _____, and recorded in full in Resolutions Book _____, page _____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the _____ day of _____, 1981.

Ruth Armstrong, City Clerk

July 16, 1979
Minute Book 71 - Page 298

CONSIDERATION OF THE MAYOR'S APPOINTMENT OF A CHARTER REVIEW COMMISSION,
DEFERRED FOR TWO WEEKS.

Motion was made by Councilmember Selden, seconded by Councilmember Locke, for adoption of a proposed resolution authorizing the Mayor to appoint a nine-member Charter Review Commission to review the City Charter for the purpose of determining necessary revisions.

Councilmember Frech referred to written comments which Councilmembers had received from Mr. Marvin B. Smith, President of the Westside Community Organization. She stated that some of these comments are similar to concerns she has had from people in her district about the proposed Charter study. That it is not too clear what the study committee is to do. There was one appointed in 1969 which reported in 1971. It studied a lot of the aspects and recommended a new Charter which went to referendum and it would have consolidated the City and County. The voters defeated it.

She stated district representation has been in effect only a year and a half and she is a little concerned that this is perhaps premature to start a Charter study at this time, particularly without clearer indication of exactly what the commission is to do, and how they are to be appointed.

She made a substitute motion that this be referred to a committee of Council with a charge to review what the 1969 commission found and develop a charge for the commission and develop a method of appointment which would insure participation by a broad cross-section of the community. The motion was seconded by Councilmember Carroll.

Mayor Harris asked that Council hear his side of the story first. He asked that the handouts which were given to the prospective members of the proposed commission be distributed to Councilmembers. The Mayor stated that the last time the Charter was officially studied was in 1964; the 1969 review was by a mandated consolidation commission whose purpose was to put the governments together. It was not to study the Charter. They had to come out of there with a drawn Charter which had to be put to the vote of the people without any input from either elected body - it was a mandated, legislated act.

He stated what he is speaking of now is a Charter Review Commission and it is called that intentionally because the purpose is to appoint nine people to a commission, to do a study of the City Charter and to report back to Council by July 1, 1980. It would be a report with which Council could do what they wished, prior to the 1981 Legislative Session. They would have six months for time to either agree, disagree, or whatever, with it. There is no mandate to draft a Charter; this group would not be doing any of that; the mandate is only to review the Charter. They may find everything is fine; they may agree with everything in the present Charter, and that may be what the report says. It is not for any other purpose except have a non-political body, in effect, study the Charter, because we have not had it occur. Right now, we have no provision in the Charter for review. This is something he thinks they need to have. He stated the only thing that has occurred since the 1964 charter is ^{the} district representation plan but that came about from lack of action by Council. That if Council had acted a few years ago, they would have acted on district representation without having been forced into either an up or down vote on one item. That is not the way things should be done; the ideal way is through planning. The idea here is thinking out things, listening to people; defusing this item entirely for this fall. The idea is to give this to a body to listen to and let them hear from people in the community and write a report and say this is what the community's input is. Then the Council can do what they wish to with it.

Councilmember Carroll stated what concerned him was he did not realize what the Mayor thought needed to be looked at; whether it was the role of the Mayor or what. Mayor Harris replied everything related to our Charter. That right now we have no way except by citizen action, or maybe a piecemeal approach, to have any process of looking at the Charter. He stated that in 1971 the Legislature gave this power back to local government. It formerly took a Legislative act. Now, the Council has the power to do that here; the City Council is going to make that decision, regardless.

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Councilmember Carroll suggested that this be deferred until the next meeting when Councilmembers have had time to review the materials from the Mayor. He stated he wanted to know what the reasons for it is.

Councilmember Cox concurred with that suggestion, stating that although he supports the Mayor all the way, if there are any questions they all need to go into this together. The Mayor stated he would not want to go into this without Council's support, but he believed that when they saw his approach to it he would think they would be the ones initiating it; they would be the ones concerned about it. He stated he would not do one thing that Ms. Frech has asked - the idea of appointing a political body around the City. He was trying to narrow it down to pick people who he thought could do a good job; people who have agreed to serve - Richard Vinroot, chairman; Sis Kaplan; Joan Zimmerman; Kelly Alexander, Jr.; Larry Cobb, Phil Gerdes, Elizabeth Randolph, Cliff Cameron and Jimmy Johnson. They are nine quality, leaders of the community.

Councilmember Selden asked if he could compare this to the Productivity Committee as an outside body that is reviewing a basic part of government; and coming back with recommendations? Mayor Harris replied yes. Ms. Locke stated they will set up ad hoc committees also.

Mayor Harris stated he would be glad to have this delayed until the next meeting and answer questions, but the purpose of all of this was to have approximately six months for the commission to listen; that at every election there is a lot of comment made about changes of government but no one ever takes advantage of it, except maybe the editors of newspapers. This would be a hearing session where they would listen for six months and then maybe using the Institute and the League of Municipalities write a report for the City Council by July 1, 1980, so they could have a definitive report of what the people of Charlotte really want to have as far as their government in the 1980's is concerned.

Ms. Frech stated she thought it was a very good idea; she would certainly welcome more information about it; that her concern was the same as Mr. Carroll's - that they were not given enough information as to how this would be done. She stated she could see that the Mayor's point about having this commission listen to comments during the election is good; and that he is hoping to defuse the issue of district representation. But, from the reaction of Mr. Smith and other people, she thinks they can see that unless the commission is set up in a way that satisfies the concerns of people in the districts, the issue will not be defused. They have made clear that they are concerned that this could be part of the current attack on district representation.

The Mayor replied he felt Mr. Smith was over-reacting on this; that Mr. Smith should be one person to come before the commission and testify as to what he believes to be the merits of district representation.

Ms. Frech stated she would like to suggest to the Mayor once more that he think about their point; that the Mayor says he has no intention of seeing that it includes people from all over the City, that he is just selecting people who are highly qualified (she will not argue about the qualifications of the people he has named; there are many, many people, hundreds, who are qualified). But, she really would suggest that in order for it to have the kind of support and credibility that he is talking about, and also to insure that Council will be interested in listening seriously when the report comes back, he should give some consideration to looking at the area of the City in which these people live. She would, in fact, like to see a breakdown of just how many of the people he has named live in Southeast Charlotte. If he has not checked that, these people are going to come in with such a breakdown and let him know about it. She stated he is losing a chance to give the commission a lot of credibility.

Mayor Harris responded by saying that the credibility of the commission will be the meat of the report; if the report is not good, then the credibility was not there. Ms. Frech replied you cannot wait until they bring the report in to get credibility; they have to have it from the start.

Mayor Harris stated the commission is going to report to Council; they are not going to be the final body at all.

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At this point Councilmember Frech withdrew her substitute motion to refer this to a committee, and made another substitute motion to defer the matter for two weeks. The motion was seconded by Councilmember Selden.

Councilmember Chafin requested that staff include at that time some information about what the group which looked at the Charter in 1964 did and clarification on what the group in 1969/1970 did. That there is a misunderstanding that the Charter Commission that dealt with consolidation was charged with a comprehensive review of the Charter.

The vote was taken on the motion for deferral and carried unanimously.

APPOINTMENTS TO THE AIRPORT ADVISORY COMMITTEE.

(a) First position for an unexpired term:

The following nominations to the Airport Advisory Committee to fill the unexpired term of Mr. Roddy Dowd were considered:

1. Lewis Sykes, nominated by Councilmember Cox.
2. Joan Zimmerman, nominated by Councilmember Chafin.

The results of the balloting were announced as follows: Mr. Sykes received one vote (Councilmember Cox); Ms. Zimmerman received nine votes (Councilmembers Carroll, Chafin, Frech, Gantt, Leeper, Locke, Selden, Short and Trosch). Ms. Zimmerman was appointed to fill the term which expires July 31, 1980.

(b) Second position: Ralph Easterling, nominated by Councilmember Leeper to succeed himself for a three year term.

Motion was made by Councilmember Selden, seconded by Councilmember Leeper, and carried unanimously, for Mr. Easterling's reappointment.

(c) Third position: A. J. Little, nominated by Councilmember Selden to succeed himself for a three-year term.

Motion was made by Councilmember Locke, seconded by Councilmember Selden, and carried unanimously, for Mr. Little's reappointment.

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COUNCIL'S APPROVAL OF APPOINTMENT OF CHARTER REVIEW COMMISSION DEFERRED UNTIL AFTER NEXT ELECTION.

Motion was made by Councilmember Locke, seconded by Councilmember Selden, to adopt a resolution authorizing the Mayor to appoint a nine (9) member Charter Review Commission.

Councilmember Trosch asked that the motion be amended to designate eleven (11) members of the Commission, with the additional two being appointed by City Council, or at least with the input of the Council. Ms. Locke agreed to the amendment.

Councilmember Frech stated it was good that they are willing to think about that; but she was still concerned; that eleven members will be a large number and she was not sure that the addition of two is going to meet the concerns that she had expressed earlier, about getting greater geographic distribution on this Commission. That seven of the nine suggested members are living in Southeast Charlotte and probably would be in two districts - 6 and 7. She still thought that this is not a very good time to appoint it. That the charter review is needed, but it would be better for it to be done after the next election, or sometime after the first of the year.

She stated she would like to support the motion on the floor, but reluctantly would make a substitute motion that the appointment of a Charter Commission be deferred until after the next election. The substitute motion was seconded by Councilmember Carroll.

Mr. Carroll stated he had read over the two Charter Commission reports made in the early 1960s and in 1971; and tried to see what problems they addressed and what problems have not been addressed that they need to wrestle with. In that respect, he disagreed with Ms. Frech; he does not see the need for change that are not addressed. Maybe they are; maybe there are things such as the role of the mayor or consolidation which this Commission would be the vehicle to address. He did not understand that was the situation; he understood from their limited discussion last time that it was to just look and see if there were some things that needed to be addressed. Maybe that is appropriate, and for that reason he can support Ms. Frech's motion. That primarily his feeling is because, in reading those reports, the indication was that after they spent maybe 18 months working on one and they came out and finally got a unanimous group on that, and then the reactions from the public were in all different directions, and it was still very difficult to develop the political concensus to move forward from there. This occurred while one City Council was sitting and the study period was in that entire City Council's sitting.

He stated it seemed to him that it would be more appropriate for the next Mayor and the next Council, if it is an item that is on their agenda that would really need to be tackled, to undertake that, and to pursue it like this Council pursued passage of the bonds or anything else, and have a study commission do it and then sell it to the public. He felt they were in an awkward situation at this time of setting something in motion which the next Mayor or City Council may not think is on their agenda. He did not want to limit Mayor Harris' input into that process, and would hope that maybe it would be something that the next Mayor and Council would want to do that he could be directly involved in. He did not believe, in order to make it fruitful, to really pay off, that it was appropriate for them to move forward at this time to do it.

Councilmember Cox stated that when Council first talked about this he was not very supportive of it because he was not really aware of some of the problems that needed to be addressed, not because we have not taken a look at our government in the last fifteen years. That, to him, is not a very productive reason to take another look at the way you govern yourselves. However, fifteen years ago we were certainly a lot different than we are today; our economy has changed, our size has changed, the way that we look at government has changed; the way that our citizens look at government has changed. The citizens' participation which they call "C.P." was not even around fifteen years ago; it was only recently that it was decided that people really wanted to participate in their government. Many of them

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are sitting on Council now because of the increase activism on the part of many of our citizens. Those are the reasons he thought the Mayor was right; that we need to take another look at the way we govern ourselves. Those are positive reasons for moving ahead with this kind of initiative. He felt the Mayor should be complimented on taking that initiative to try to take another look at that whole subject.

He stated there are some less pleasant aspects of this. One of the processes that has been developing in this community has been the assurance of the diversity of thought that this Council is all part of. That is important. It is important for them, every Monday or so, to sit down and be assured that people with different thoughts come together once a week to express and communicate, and hopefully make the City a better place to live. That diversity of thought is assured, not by where people live, but by what is in their minds. He stated that when he took a look at the list which had been proposed for the Commission he saw a very much of a cross section of thought in this community. That is much more important than the fact that seven of nine of these happen to live in one or two districts. As he named some of the individuals, he stated they were quality individuals; that the need to assign this task to a quality group of people who reflect the diversity of thought in our community. He felt the Mayor had done an outstanding job of putting together a list of people that meet those two goals. He supported Ms. Trosch suggestion that two be added. If eleven is unworkable, it may be they have a first agenda for this new group to take a look at. He felt that adding the two members, with input from the Council, would give, hopefully, the support from Council that is obviously needed. As some of the articles in the newspapers have shown in the last couple of days, even with the support going in, the people had trouble deciding on what to do, and the timing of what to do. He does not know whether the people had already made up their minds, but he changed his mind once and he hoped some of those who are going the wrong way right now, would change their minds and support the Mayor, and support the City in this very important matter, and entrust it to this group of people because they could not find a finer group of people than this group which the Mayor has asked and who have agreed to serve on this very important Commission.

Councilmember Short stated actually the previous group was appointed in the latter part of 1963, and Jerry Tuttle and Fred Alexander and himself came on Council not more than a month before it became their job to vote on this Charter and he was scared to death because he did not know enough about it, but they had to take their cue from the others and voted for it. He stated they should just say outright what he was sure was on everybody's mind, and that was that this Charter Commission if appointed will consider the entire Charter, including district representation. That district representation in Southeast Charlotte is widely perceived as having created a block vote on Council and it is widely perceived that nobody from Southeast Charlotte is in the block that on critical matters, and very important matters, controls the Council.

Mr. Short stated that if you have a situation and you are going into an election campaign and the most populous and highest voting, and the highest taxpaying quadrant of the City is feeling this way, and they certainly do, it is just good politics for all of them to make it seem that somebody is doing something about this subject. He realizes they do not even have a vote in reference to a number of the members of this Council, but they have all bragged that they believe in district representation. He believes in it although he thought it should be a little bit more balanced. They have all bragged that all of them have a citywide view, and here is a chance to indicate that they really do feel that way and are not just attempting to maintain the strength that they have through the district system. He stated he expected to vote for this Commission as it would just be good politics for all of the Councilmembers during the course of the coming campaign to be able to say that somebody is considering this kind of matter; we have not ignored your feelings.

Councilmember Chafin stated she would have to disagree with Mr. Short; that as far as what is good politics, she felt the issue is not whether the idea of reviewing the Charter is good or bad; that clearly it has merit, particularly in light of the many structural questions that have been raised about the City Council and our form of representation during the past two years.

Nor is the issue one of the composition of the group proposed by the Mayor. The nine people suggested are outstanding citizens of this community and would constitute a blue-ribbon approach and she was sure the additional two people would be of the same stature. She felt the issue was one of timing. It seemed to her that was logical and appropriate that a commission of this importance should be appointed by the same elected body to which it will be reporting in order to have any credibility and influence. That in order to accomplish anything it has to have credibility and influence with the body that has the power to enact its recommendations.

Ms. Chafin stated she would agree with the substitute motion that Council defer action on this matter until after the election and that the establishment of such a commission be one of the first acts of the new Mayor and Council.

Councilmember Gantt stated it seemed to him that the Mayor had the powers right now to set up that commission if he wanted to. The central issue to Council is whether or not they really want to appropriate \$10,000; that is really the only Council input into this entire matter. That the Mayor has the opportunity to do this no matter what Council's vote is. That he suspects the Mayor came to Council because, of course, he wants their vote and support. He stated it is quite clear the Council is split on this matter. That he would like to say that the idea of a Charter Review was not a bad one as far as he was concerned; he did feel however that the Mayor's motives and reasons stem, to some extent, from his reason for not seeking re-election and had to do with the role of the Mayor; and seemingly to get into that discussion would involve more than a kind of dotting-i's-and-crossing-t's review of the Charter; it was in fact, to get into a substantial discussion of the structure of City Government here in Charlotte. He felt, for that reason that maybe the Mayor would want to have unanimous support of this Council at least going in; or maybe the next Council ought to consider the entire question. He stated he would think it would be awfully difficult at this point to leave a good taste in anybody's mouth around this table right now if this vote turns out 6 to 5, or 7 to 4, or whatever. He suggested the Mayor consider the idea of withdrawing the idea of a Charter Commission at this point and leave that as a matter to be discussed with the next Mayor and the next Council.

He stated they all agree that they may want to look at that Charter again after fifteen years, but he would hate to see the Mayor get a majority vote but have such a divided Council. It might be best in the interest of all Charlotteans that this matter be delayed. He did not see anything necessarily pressing that would require that this start now. They could just as easily wait until some time in the first part of the next year. He stated in the interest of that, he was making a plea to the Mayor to withdraw this request and if he does not withdraw it, then he will have to vote against it.

Councilmember Selden stated he felt that every Councilmember has the prime objective, whenever the Charter Commission should be formed, that it be the most objective committee, dealing the most objectively with the problems relating to the Charter of Charlotte than any other. That should be the top priority. He felt very strongly that to set the wheels in motion, appoint the members, subsequent to the election is a way of reducing that objectivity because if it is appointed now, it would have a clearer hand totally. The new Council that is going to review whatever is presented before them will be reviewing and be able to weed through and throw out what they did not want and accept what they did want. But, there will be no subservience in any way of the committee that was appointed if it is appointed now rather than after the election.

Councilmember Trosch stated she felt it was a matter of the broadness of the representation on the commission and that is why she moved to add two people to it. That timing is a factor; the need for it seems to be a question in some minds, but in most minds not; and the additional two would offer an opportunity for broader representation. She thought the perception of the community was important as to it being a broad based commission, and that would enable that to happen.

Councilmember Dannelly stated he would like to comment on what Mr. Selden had said. That he agreed with other Councilmembers that this was a blue ribbon group and he would hope that anytime someone is selected for a job like this it would be such a blue ribbon group. He does not see any blue ribbon group being subservient to anybody at anytime they are selected. They will do the job at hand, not showing favoritism to anybody. So, particularly with this group, he would have to disagree with the conclusion that if they are selected by somebody else under their terms then they would be more lenient towards whatever they possibly would want to see.

The vote was taken on the substitute motion to defer approval of a Charter Review Commission until after the next election and carried as follows:

- YEAS: Councilmembers Frech, Carroll, Chafin, Gantt, Dannelly, Leeper.
- NAYS: Councilmembers Locke, Short, Trosch, Selden, Cox.

Mayor Harris stated that the only real issue was whether or not Council supports the need for the review, and also the appropriate funding. As to the matter of timing, every Mayoral appointment is going to be up for review after the change of office, so that is another matter. But, they will probably go forward. He expressed his appreciation for the confidence expressed by Councilmembers, stating the campaign is on.

CONTRACT WITH THE CHARLOTTE UPTOWN DEVELOPMENT CORPORATION FOR PROMOTION AND DEVELOPMENT ACTIVITIES IN THE MUNICIPAL SERVICE DISTRICT FOR FY80.

Motion was made by Councilmember Short, seconded by Councilmember Chafin, and carried unanimously, approving the subject contract for a total not to exceed \$110,000.

THREE APPOINTMENTS TO THE CHARLOTTE-MECKLENBURG HISTORIC PROPERTIES COMMISSION - PAM PATTERSON, JIM JOHNSON AND NAN HENDERSON.

The following nominations to the Historic Properties Commission were considered:

- (a) First position for Barbara Casstevens' expired term:
 - 1) Alice Dorsett nominated by Councilmember Trosch.
 - 2) Pam Patterson nominated by Councilmember Frech.
 - 3) Jack Hill nominated by Councilmember Selden.

The results of the first ballot were announced as follows:

- 1) Alice Dorsett - 3 votes (Councilmembers Cox, Trosch, Locke)
- 2) Pam Patterson - 6 votes (Councilmembers Frech, Leeper, Gantt, Chafin, Dannelly, Carroll)
- 3) Jack Hill - 2 votes (Councilmembers Short and Selden)

Ms. Patterson having received a majority vote of 6 was appointed for a three-year term.

- (b) Second position for Walter Toy's expired term:
 - 1) Jim Johnson nominated by Councilmember Carroll.
 - 2) Dorothy Tobias nominated by Councilmember Short.

The results of the first ballot were announced as follows:

- 1) Jim Johnson - 8 votes (Councilmembers Dannelly, Carroll, Gantt, Selden, Leeper, Frech, Cox, Trosch)
- 2) Dorothy Tobias - 3 votes (Councilmembers Short, Chafin, Locke)

Mr. Johnson having received a majority vote of 8 was appointed for a three-year term.

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to look at the qualifications of persons who were nominated before they voted on it. If Council nominates them today and vote on them today, they cannot do that. That he just wanted to point that out.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 16, at Page 138.

RESOLUTION AMENDING RULE IX, SECTION 3 AND SECTION 5 OF THE PERSONNEL RULES AND REGULATIONS OF THE CITY OF CHARLOTTE AS IT PERTAINS TO CIVIL SERVICE BOARD HEARINGS.

Motion was made by Councilmember Cox, seconded by Councilmember Selden, and carried unanimously to adopt the subject resolution.

The resolution is recorded in full in Resolutions Book 16, at Page 139.

ORDINANCE NO. 461-X TRANSFERRING MONIES FROM THE GENERAL FUND CONTINGENCY TO FUND THE OPERATION OF THE CHARTER REVIEW COMMISSION.

Motion was made by Councilmember Cox, seconded by Councilmember Selden, to adopt an ordinance transferring monies from the general fund contingency to fund the operation of the Charter Review Commission, in the amount of \$3,000.00.

Councilmember Trosch stated if she had to vote on this today she would have to vote against it; she felt Council had been given almost no information. This has been a very controversial thing. She does not know what the commission is doing, what charge and issues they are addressing, the progress they have made to date nor what they envision in the future. She stated this was voted on by Council one time and turned down. At that time she had supported an expanding of the basic committee.

Mayor Pro Tem Chafin agreed that the information was very incomplete and noted that the Commission chairman was present.

Ms. Trosch continued that she really did not know what the committee was doing, although she had met with the representative from her district and had heard of some things which concerned her and others which were positive. She stated the whole acceptance of the community has always been in question and the broadness of this committee in representation; especially the fact that people, whether rightfully or wrongfully, have felt this was something that involved district representation and was another attempt to get at it with another cut. She has been assured by people who are on the commission that this is not the case, but she has no information as to what the commission was charged to do, what they have been doing, nor what they envision doing with "flyers, postage and David Lawrence."

Councilmember Frech, stating with the long agenda and not knowing how long this would take, moved that this item be deferred and that they hear from the Commission at a later date. This substitute motion was seconded by Councilmember Trosch.

Councilmember Leeper stated he had spoken to Mr. Ballantyne, City Manager's Assistant, and he guessed there had been a great deal of concern about the lack of adequate information about what the \$3,000 would be used for. He stated at least 14,000 flyers would be given out with information for the public hearing. He thought his comments were germane to the motion for deferral as they would help him determine whether the deferment was necessary or appropriate. He did not get any information about what the consultant study would be about and he felt that information was important, particularly in light of the fact they are talking about having a public hearing next month. If that is the case, then a two-week deferral will have some impact on the work that will have to be done up to that point. He would be interested in knowing exactly what the consultant is expected to do in having a breakdown of how the \$3,000 will be utilized.

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Mayor Pro Tem Chafin stated that what they were doing was getting into a discussion. The issue before them now is whether or not to postpone the discussion and a decision. They need to make a decision on that:

Mr. Leeper stated even if they set a specific time frame in the motion, he would still need to know what effect that time frame would have on their particular process. He would like to get this matter over with. There is a lot of suspect in the community and they need to bring it to a head and deal with it. He is ready to deal with it head-on; he does not have any reason to feel that his position is in jeopardy, but if it is then the citizens need to make those kinds of decisions.

Ms. Frech stated she did not mind setting a time frame of two weeks, and would so amend her substitute motion. She stated there is a lot more there that she is concerned about than what they are going to spend and she felt it would take a long time to have any kind of presentation to deal with it. They have not had anything like the presentation that she has said all along that they have needed to have from the Committee before she could vote for any funding for it. They are putting Council in a very, very strange position. Council does not know why they have picked these things. No Councilmember has been invited to appear that she knows of. They have heard from a lot of people but not from any present Councilmembers. They do not know why they are holding a hearing on these particular things.

Councilmember Trosch stated she had read the minutes from both of the times that this had come up and that kind of information was asked for. As a matter of fact, that report was due in July of this year.

Councilmember Cox stated Mr. Leeper had the right idea; Council is going to have to deal with this sooner or later. He did not think this committee was going to fold up its tent and go home if they do not vote this \$3,000. He is against deferral because from all he has heard so far there are a lot of unanswered questions, and he is not sure what questions this body would commit itself to answer before the next meeting, except to say there is some concern about district representation, and some concern about the charge. Frankly, he thought there was a concern about the whole idea of the committee. That is what they are dealing with; surely they are not just talking about the \$3,000. The issue is not \$3,000; the issue is the work of the committee. What they should do is spend the \$3,000, go to the public hearing and participate if they want to.

Councilmember Locke stated it was incumbent upon this body today to vote this up or down. It has been a controversial issue right from the very beginning. The \$3,000, as Mr. Cox has said, is nothing. The meetings have been open to anyone who wanted to observe; they have been publicized. She called the question to either vote it up or down.

Councilmember Leeper asked if the two-week time frame would have any effect on the Commission's processing?

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Mr. Richard Vinroot, Chairman of the Charter Review Commission, stated he thought it would have some effect, and apologized for the lack of information. They had been trying to go about this in a way that did not involve Council directly because they knew it would be coming to them ultimately. In the best way they could they wanted to save Councilmembers the involvement and embarrassment in a process that some of them were already staked out against to begin with. He assured Council there had been no effort to shield their activities or their work from them, and that they would share whatever information they wish at any request.

The reason they are here now is that it is becoming late in their process. They have met some twelve times - about 300 person hours are involved at this stage; they have been consulted with at least twice, gratis, basically from the Institute of Government, to help them get oriented into the process. They now have tentatively scheduled a public hearing on August 18th. Some communication with the public between now and then will be necessary through the most economical means they can find available. Their budget is \$2,000 for the communication expense which is primarily for a brochure that explains the things they have at least tentatively focused on as issues. They are not necessarily exclusive or ones on which they would recommend changes.

Subsequent to that, they hope to report to Council in early September so that, to the extent they agree with the Commission and found their work worthy of adoption, they would have time to deal with the Legislature and work out whatever they need to work out with them to get those things enacted. They will not be delayed entirely if Council delays action for two weeks. It will simply raise an additional cloud that makes them a little concerned about the time and effort they have put in, at the request now of two mayors, on a very worthwhile endeavor that they have gone about in a way that if Councilmembers were present they would not be fearful of anything they have said. They are not heading in the direction that the press has from time to time reported. He would say that the wrong commission was appointed if the intention was to do in district representation or any part of it. The right chairman was not picked, nor the right combination of people if this was the intent. If that is Council's concern, he did not see that as being very much at all a part of what they were about.

Mr. Vinroot stated a number of things they will be talking about with the public are things that they have found in the very good work of the 1971 Charter Report which he thought was full of a lot of things that sunk it. But he must tell them that an awful lot of babies got thrown out with the bath water. Now the bath water has become part of our process, and a lot of those babies need to be reconsidered.

Councilmember Trosch called for a point of order; that she did have questions and felt they should vote on the motion on the floor.

The Mayor Pro Tem stated that the Vice Chairman of the Commission was present and wanted to make a brief comment that related to the motion.

Ms. Sis Kaplan stated she was not here selling one way or the other to any members of Council - the discussions of the Commission or anything else. But she did feel that what was really involved here is a political issue. The commission was set up against a great many people's points of view and then it was carried on by a new mayor when he came into office.

She is not selling, not looking for any more jobs, anymore meetings, but she thought a decision ought to be made. Either do away with the commission now, or proceed with some sort of report. That is what, in her personal opinion, is incumbent upon this Council.

The vote was taken on the substitute motion for deferral and failed as follows:

YEAS: Councilmembers Carroll, Frech and Trosch.

NAYS: Councilmembers Berryhill, Cox, Leeper, Locke, Selden and Spaugh.

Speaking to the main motion, Councilmember Frech stated she would have to stick by what she had originally said all along. She has told the Mayor several times that she was open to considering voting for funding if they received a report from the Committee as to what they have done, what the issues are that they have found, why they intend to pursue these particular issues, and what they hope to do. Council has not received any such report. In the material they received there was a hint of some things that might be very constructive and that she would perhaps like to see done, but there were also hints of some things that she did not understand why they were being considered, such as the number of district Councilmembers, and the number of at-large Councilmembers. Those things are getting at district representation by the back door - she was convinced of that.

She stated that there may be things that can be said that would allay her concern, but things she had seen in the media - that was the only way she had gotten her information except through some minutes of the Commission and through talking with a person she knew who was on the Commission - were not at all reassuring to her. For the reason that Council had not received the information that she thought they should have, she was opposed to the funding at this point.

She stated that Council usually goes into a great deal of detail before it votes to fund something; they usually ask for very detailed reports, analyses, projections, statements of what was going to be done, and she thought to vote to fund this on the basis of the very slight information they had was really going against their usual procedures. She questioned why there was so much concern with the size of the Council - the number of district Councilmembers, the number of at-large Councilmembers. She was well aware that had been a standard attack on district representation for quite a while - ever since it came in. Maybe they need to discuss that now.

Mr. Vinroot responded they were not aware of any request for information from the Committee. Maybe that was a lack of communication on somebody's part; he had been in fairly close contact with the Mayor and he was not aware of any request for information. If he had, Council could be sure he would have been furnishing them all they had to give.

Councilmember Frech responded that she had told the Mayor twice that that was the basis on which she would consider funding and she thought others had too; she had also said that publicly and to the newspapers.

Mr. Vinroot replied it was really news to him and came as the biggest shock out of all of this. In responding to her concern about district representation, the committee had heard from people who have said some things that they do not agree with. They are aware that there is an element in the community that has very strong feelings about that. The committee, at this point, rejects basically those arguments. That while they are willing to subject that issue to the process and to the public hearing, their present feeling is (1) it is too early to deal with that, (2) they are the wrong group. Council is probably the right group. He could almost assure them that they will not make any recommendation on that issue. On the other hand they will certainly be honest enough to subject it to a public hearing, given the opportunity. They will report to Council what they hear and they can make a decision based on that information. They can reflect what is best for the community, they can weed out the biases that reflect some of those feelings that the committee does not happen to agree with.

When asked if the issues which had been submitted were the only issues they were planning to address, Mr. Vinroot stated that he thought the prior commissions had done a pretty good job and that we had a very effective, responsive and responsible government to start with. They did not feel that they were out having to revise the charter. He would say they are tinkering, and were attempting to point out to Council some areas that could make it more responsive and more effective. Council would be the final judge of whether they have succeeded or not.

Councilmember Frech asked why these particular issues? Mr. Vinroot replied they had narrowed it down. They read the charter; they invited in a consultant; they read the two prior charter reports. They had considered some alternatives from other communities. When they began to talk with each other about the issues, they basically concluded they were not about shooting a shotgun, they were shooting a rifle. They felt there were three or four that several members kept repeating and that they were deserving of a public hearing. That is how they narrowed down the list to what he thought was a fairly short list. He is proud of the job they have done in that respect.

Councilmember Trosch stated she had also talked with Mayor Knox about this. That of the seven items that are listed, two of them involve the size and type of representation we have in the City. Three years ago the citizens put in an overwhelming amount of effort to bring an initiative to the voters. It is an issue in this City where citizens have to muster up their forces to go down and sign up for hearings. They did address this three years ago in an initiative; they may well address it through another petition in the future. Now, they are saying that in a public hearing in August those forces must again address this issue.

She stated Mr. Vinroot is saying that the timing is wrong and they are the wrong body, but these are three of the seven issues to be addressed at that public hearing. Knowing what they went through three years ago - it was a real tough battle because of the initiative from the ground work up - she has concern that they will again face that in January or February if that is what the citizens read the commission is doing. That is why she wants the information clearly stated - what the commission is doing, what its purpose is, its goals, and the purpose of the hearing - so that the citizens will, in fact, know where the commission is and where it is going in the hearing.

Mr. Vinroot explained they had identified in a brochure they had tentatively adopted at their last hearing some eight issues. One of those was with respect to the size and breakdown of Council. He stated he did not want to go into the public hearing having said they could say all they wanted to about that but they were not going to listen. He thought they wanted laboratory conditions as does Council. They cannot put their heads in the sand anymore than Council ever does. They are not attempting to do that. They are going to deliberate and certainly give Council a balanced and fair response to what they have heard. They are not going out in an effort to indirectly do what some other people are trying to do directly. He could not convince Council of that, nor make them feel secure about that.

Councilmember Trosch stated the way it is approached and how it is given to Council as to what their procedures are is important to the public's perception of what this hearing is for.

Mr. Vinroot stated they were reflecting, he supposed, some lay citizens' naivete; they have come to this process not knowing how to go; they are not elected representatives. They have asked people to tell them how to do it and the advice they have been given is not to let the Council participate at this stage, do not involve them; they want some sort of report untampered with by their own feelings and their own biases. They have done their best - not to keep Council out of the process because they thought that would be the best way to approach them, but because they thought that was the fairest

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to them; that they perhaps wanted that. He assumes that some of the Councilmembers, if they attend the public hearing, will want to say some things. If he were sitting on Council he thought he would not; he would prefer to let the system take its course, and let the process, which is a good one, tell them what the public thinks after this is over and then handle it in Council's own way.

Ms. Trosch stated that by voting this they would be endorsing the process, and noted that she only had three very short paragraphs to guide her.

Mayor Pro Tem Chafin stated that Councilmembers Frech and Trosch are quite right; that a number of them have said to the Mayor repeatedly that before they take a firm position on the Commission they would like a presentation and a progress report in order to know exactly what direction the Commission is heading. It was disappointing not to have the report and particularly disappointing to have such poor and really incomplete information in the agenda.

Mr. Vinroot replied he apologized for that; he should have been responsible for that; but he had had no request for information - no inquiries had been made of him to report anything to Council, and he had done his best not to for the reasons he had already stated. He thought it was the way it should be approached.

Councilmember Carroll stated he had some good friends on the Charter Review Commission and they are all people of good will. He had no doubt whatsoever about their good will in pursuing this. He did vote against funding the Commission some months ago when it came before Council, and he will vote against it this time, primarily because he felt if someone should be holding a public hearing about the basic political structure of our city it should be the City Council. He would love to get their report and have them tell Council to have a public hearing on it. It is Council's role and it is inappropriate for it to be done in this process. In fact, they would probably have to re-do it if they took any of it seriously anyway. He did not think this was the correct way to handle it. You do not change your basic charter without a lot of involvement, and you do not change it by isolating those who are most directly involved - isolating the citizens from communicating with those directly involved.

His feeling is that it has been turned down once by Council for some of those same good reasons; that it was time for the committee not to be left hanging out on a limb anymore, and to hand into the Mayor their report - it is really between the commission and the Mayor, it is not Council's commission - and let Council decide what they will do about it.

Councilmember Leeper stated he did not think there was any question in anybody's mind, on this Council or in the Council Chambers, on his feeling about the district system. He hoped he was not blinded or egotistical in his feeling about this Council's ability to withstand public scrutiny. He believed that this Council, at least in the last three years, has far surpassed the expectations of many people in the community who might have initially been opposed to district representation. He did not personally feel any obligation whatsoever toward any recommendations that might be forthcoming from this committee. He did think that because of the nature of this particular committee, it might be more appropriate for them to have a public hearing, particularly when it might seem that some of the things that come out of a public hearing may directly affect whether they, as Councilmembers, will be here another term or not. That may or may not be true. His personal opinion was that the general public will support our current system; he feels very strongly about that. Perhaps another body might be more appropriate in getting that input from the public.

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He has been concerned all along about the way this committee was brought into conception; he was concerned, and still is, about some of the direction that the committee has seemingly taken. He was concerned from a personal standpoint that at least the person he felt should have been on the committee was not placed on it. It is important for our community that we get past the concern, the ill feeling, the misconceptions that have been placed on the community by the purpose of this committee. That the sooner they get on with the business of their bringing a recommendation back to Council, the sooner they can deal with the issues that might be forthcoming or that people might be concerned about. That the chances of getting the true feel of the community are better through a public hearing process, whether the committee has it or whether Council has it.

He stated that because the issues that are coming out of that committee will probably have some effect on Councilmembers, his personal opinion was that it would probably come through a public hearing process that the committee would have. He thought he would support the recommendation for the funds so that they can move on.

Councilmember Cox stated he had said some things about this both times it has come up, but he will say one more time that what they have here is a group of folks who have spent a lot of time and who were created in an environment that this body did not particularly like. To him it is an opportunity and not something that they should not take seriously, or not something they should just do to get over with it and get it out of the way. It is an opportunity for those who have come around to the district way of thinking to nail the lid on that issue forever. It is an opportunity to do that; it is not a difficulty of letting district representation or the Mayor/Council relationship get all out of whack; it is an opportunity to put the icing on this cake that has been baking for two or three years.

Secondly, he did not think that this body would have been capable of raising the questions. That when Mayor Harris appointed this committee, he remembered some of them saying let's not raise this question now, it has only been two years. Let's not raise this question now, let's wait another two, three or four years. Council would never have raised the issue. Given that the issue was going to be raised, it had to be done in the way that it was done.

Councilmember Locke stated she thought Council had lost sight of what this committee was set up to do. Everyone is talking about the political issue of district representation. It was set up as a Charter Review Commission, period. We have not had a charter review since 1964. It was reviewed in 1971 when consolidation came in and many of the things, as Mr. Vinroot has said, that were put in the consolidation package in 1971 have come about through attrition. She stated that what the commission has been asked to do, they are doing - they are addressing our charter that has not been revised since 1964, and it was time that it was looked at through a citizens committee. It has been done the same way that Joe Grier's committee did it in 1964. She thought they had lost sight of the fact that this committee has worked long, hard, tedious hours and now it is time for them to finish their job through a public hearing. She moved the question, hoping that this Council would vote to do that. The motion was seconded by Councilmember Spaugh, and carried unanimously.

The Mayor Pro Tem stated Council's appreciation to Mr. Vinroot and Ms. Kaplan for their comments and responses to questions, stating they had been very helpful.

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

YEAS: Councilmembers Berryhill, Cox, Leeper, Locke, Selden and Spaugh.
NAYS: Councilmembers Carroll, Frech and Trosch.

The ordinance is recorded in full in Ordinance Book 29, at Page 245.

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date. Her feeling is that the sooner it is done, the better. That waiting until June 1, 1981, will be very late.

Mr. Burkhalter stated if this is the consensus, he would ask them to do this on the basis of preliminary data.

Councilmember Selden stated the preliminary data is only by enumeration districts, and they know for the total county it is 5,000 short. The enumeration districts repeatedly cross district boundaries and will cause a fairly large degree of estimation. It can be done on a degree of estimation of accuracy of about plus or minus 3%. But if they are talking about modifying boundaries to that degree but then having the district populations plus or minus 5%, they may be out of phase. This is the reason he was suggesting that they wait at least to see whether or not the data might be available earlier or in late winter.

COUNCIL RULES SUSPENDED IN ORDER TO PLACE ITEM ON AGENDA.

Councilmember Frech stated it seemed to her that they could go ahead and ask the Planning Staff to start on the census information on the basis of preliminary data, and then if they have to, make adjustments later. That maybe they need to put this on the agenda and take a vote on it in order for the City Manager to get a consensus.

Motion was made by Councilmember Frech, seconded by Councilmember Leeper, and carried unanimously to suspend Council rules in order to place this item on the agenda.

PLANNING COMMISSION STAFF TO PROCEED WITH PLAN FOR REDRAWING DISTRICT BOUNDARIES ON BASIS OF PRELIMINARY CENSUS ENUMERATION DATA.

Councilmember Selden stated he believed there had been a temporary summary on this that probably is accurate within three or four percent. That any further processing of the data beyond that point will be washed when the final data comes out because every one of the enumeration districts will probably have minor changes or adjustments in them - most of them. For that reason, the summaries would not be the same when the final figures come out that they would show in the preliminary. He thought that Mr. Cramton had the preliminary data, which he would be glad to provide; it is Mr. Selden's understanding this is available.

Councilmember Frech made a motion that Council ask the City Manager to ask Mr. Cramton to proceed with a plan for redrawing boundaries on the basis of the preliminary enumeration data which he now has. The motion was seconded by Councilmember Leeper.

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

YEAS: Councilmembers Berryhill, Chafin, Cox, Frech, Leeper, Locke, Spaugh, and Trosch.

NAYS: Councilmember Selden.

FURTHER COMMENTS BY COUNCILMEMBERS.

Councilmember Trosch stated that Ms. Marnite Shufford had made a presentation on the Black Symposium tonight in the Informal Session and made a request that they have more opportunity to share the findings with the Council. She thought that they should not let this pass since it was a request in the Citizens Hearing - as to how that information could be shared and discussed. The Planning and Public Works Committee is already dealing with the Urban Symposium, but this is much broader than the Urban Symposium was. It involves areas of crime, areas beyond land use.

Mayor Knox stated he had no objection to this, as long as it did not bog down on the Urban Symposium. Those parts that do not fit in could be dealt with separately. That he would be glad to send this matter to the committee. He thought they really needed to get moving on their Urban Symposium; the County adopted it.

Councilmember Trosch stated she thought it was incumbent on them that if they have anything that relates directly to the symposium and those findings, they should feed that into the committee process, committee deliberations, as some of the neighborhoods have done. Anything that goes beyond that can be dealt with separately. She said that the leaders of the symposium need to know when it is brought up also.

Mayor Knox then referred this matter to the Planning and Public Works Committee.

Councilmember Leeper stated he did not necessarily see the recommendations. There are some things that are related, but he thought that all of them are not related to City government. There may be some things that the committee may want to recommend in addition to some of the things that have already been suggested through the Urban Symposium process. He did not see this impeding the process that has been made already.

Mayor Knox stated he thought it was time for them to get some proposal about the CMUD relationship with the small towns. He hears about this, the County Commissioners are talking with him about this. They should get it up there, give them their best go at it, and if that is not satisfactory they will let it fall where it will. He thought as a matter of integrity that he owed them some answer.

Councilmember Selden stated one of the items that will come before the Planning and Public Works Committee tomorrow is the top one. The next item on there is the question of rates, which has been assigned to them.

Mayor Knox stated they should get it up there and decide. He hears all the rumors about who did what. He thought it was time for everyone to get together and resolve this. The new County Commission has already consulted him about it, and Council has had it since January.

Mayor Knox stated that Council received a letter from Mr. Richard Vinroot, Charter Review Commission, which he thought was pretty much self-explanatory. That if there is any other information Councilmembers need other than a chance for them to talk about it, he would be glad to do that. He would like to take care of this matter. If they have any interest that it be sent to a committee, he would like to send it to a committee. He has not yet had a chance to talk with Councilmembers individually, but he will. The state's budget has held him back a little. Within the next week or two, he hopes to do this, and maybe put it on the agenda sometime before the end of December or at least around the first of January.

Councilmember Frech stated she would prefer to see this go to a committee before Council votes on it. She thought a lot more discussion would need to take place. There are other points of view on this than what they have had. She believed they had been given only one side of it and not the other.

Mayor Knox stated he had no objection to that, but it has been studied and everyone has read about it.

Councilmember Chafin asked before they send it to a committee, could they get access to other points of view so that all of them will have the same information? Then they could determine whether or not they need to send it to a committee. The only written materials she has are those that came from Mr. Vinroot.

Mayor Knox stated he would like to try to get that information as Mr. Vinroot did, so they will not have any question about it when it comes before Council on the agenda.

Councilmember Frech stated everything Mr. Vinroot sent them was favorable. She was interested to see if they saw any material or consulted anyone who did not recommend it. She knew of one or two sources that they did not consult that have a different point of view on this; she would try to get them together.

Mayor Knox stated he did not want to wait until they put it on the agenda and have someone say they needed more information. That around the first of the year Council should be able to make some decision about it. The report has been in for at least one month.

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Councilmember Trosch stated to her, this was the process the committee goes through, and they have found it very successful. By the time it comes back to Council, no one asks for more information because the committee has asked those questions.

Mayor Knox stated he did not object to that, if that was what Council wanted to do. He wanted to get it there and get it back to Council around the first of January. He said he did not intend to refer it to a committee, but if someone wanted to do that they could put it on the agenda, make a motion, and refer it to a committee.

Councilmember Frech stated she could not agree with the idea that this is a very simple thing. This is a fairly serious step they are taking in Charter revision, and she thought it needed to have more discussion. She would prefer that it go to a committee, but she thought they could put it on the agenda and discuss it at a Council meeting if that is what they want to do.

Mayor Knox stated if they wanted to do that, they should put it on the agenda and vote to refer it. If they do not, they should plan to vote on it. He did not think that it was simple, but he thought the issues were pretty cut and dried.

Councilmember Locke stated this has been studied in committee for over a year. That is why she thought they could put it on the agenda and vote it up or down. They should put it on the agenda (not next week) and discuss it; then they should make a decision about sending it to a committee. Some of the Councilmembers feel pretty strongly that it has been studied for a very long time, and they can vote it up or down. Others feel less strongly about that. If they put it on the agenda later, they can make that kind of decision.

Councilmember Leeper stated one of the things he thought they have tried to do in the committee process is to try to keep down the lengthy debates that have taken place in Council meeting. Obviously, with the kind of general discussion they have had on this item, if they are going to try to make the committee process work and keep that kind of debate down . . . He did not know if they were still going to come out of the committee with everyone leaning the same way. He thought that it was obvious that it does need some more discussion. The information that he received was from four City Managers; three of them said they thought the veto power was something that would work very well and the other one said he had found a couple of negative times when it was used. That at least is one of the most serious considerations that they are considering.

He said he would like to see how many other cities that have the form of government that Charlotte has have this - whether there are more than four cities that have veto power. If there are, what are the comments from them? He thought this matter needed to be in a committee.

COUNCIL RULES SUSPENDED TO PLACE ITEM ON AGENDA.

Motion was made by Councilmember Leeper, seconded by Councilmember Trosch, and carried unanimously to suspend Council rules in order to place the following item on the agenda.

RECOMMENDATIONS FROM CHARTER REVIEW COMMISSION REFERRED TO COMMITTEE; COMMITTEE TO REPORT BACK TO COUNCIL WITHIN THREE (3) WEEKS.

Motion was made by Councilmember Leeper, seconded by Councilmember Frech, to refer the recommendations from the Charter Review Commission to a committee of the Mayor's choice, with the committee to report back to Council within three weeks.

Councilmember Frech stated she was supporting Mr. Leeper's motion because she feels although they have been given statements from City Managers in other cities, they have no opinion from the Institute of Urban Affairs at UNCC. There are some people there who are very knowledgeable on this subject. They were not asked for their input, and she feels they are making

a mistake if they do not use some of the local expertise they have, if they would be willing to appear with the committee. The committee is the place for them to hear that. It would be very valuable information.

Councilmember Chafin stated she was perfectly willing to support Mr. Leeper's motion, because she thought there was sentiment on Council for this kind of study. She did not know which committee had time to study this, if they look at the agenda that each committee has.

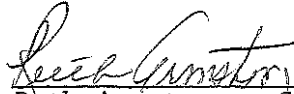
The vote was taken on the motion and carried as follows:

YEAS: Councilmembers Berryhill, Chafin, Cox, Frech, Leeper, and Trosch.
NAYS: Councilmembers Locke, Selden, and Spaugh.

(Councilmember Cox previously left the Council meeting without being excused by Council.)

ADJOURNMENT.

On motion by Councilmember Locke, seconded by Councilmember Leeper, and carried unanimously, the meeting was adjourned at 10:10 p.m.



Ruth Armstrong, City Clerk

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COMMENTS BY MAYOR KNOX.

Mayor Knox stated that in the almost ten years that Mr. Burkhalter has been City Manager of the City of Charlotte, he has really been the unofficial Mayor of the City. That he thought it would be appropriate for Mr. Burkhalter to call for the final adjournment later in the meeting. He said they really appreciated the fine job he has done and his commitment to the City, and wished for he and his wife a happy retirement.

COUNCIL RULES SUSPENDED; MOTION TO HOLD EXECUTIVE SESSION.

Motion was made by Councilmember Chafin, seconded by Councilmember Berryhill, and carried unanimously to suspend Council rules in order to call for an executive session of Council to be held immediately following the adjournment of this meeting for the purpose of considering certain conditions of employment of the new City Manager, pursuant to the provisions of G.S. 143-318.11 (a)(8).

ACKNOWLEDGEMENT AND ACCEPTANCE OF PATENT DATED OCTOBER 21, 1980, ON THE COMPUTERIZED TRAFFIC COUNTER; MATTER REFERRED TO FINANCE COMMITTEE.

Motion was made by Councilmember Berryhill, seconded by Councilmember Frech, and carried unanimously to acknowledge and accept a patent dated October 21, 1980, on the computerized traffic counter.

Councilmember Frech stated Council should commend the City employees responsible for developing this.

Mayor Knox then referred this matter to the City Council Finance Committee.

At this point, Mayor Knox turned the meeting over to Mr. Burkhalter, retiring City Manager, who presided for the remainder of the session.

STAFF REQUESTED TO PROCEED WITH DRAFTING LEGISLATION RELATIVE TO THE NEW PROCEDURE FOR SPECIAL USE PERMITS.

Councilmember Carroll stated Councilmembers had received a letter from the Planning Director about the amendment to the statute pertaining to the new procedure for the special use permits.

Motion was made by Councilmember Carroll, seconded by Councilmember Trosch, and carried unanimously that Council request staff to proceed with the drafting of this legislation pertaining to the new procedure for special use permits.

RECOMMENDATIONS FROM CHARTER REVIEW COMMISSION TO BE PUT ON COUNCIL AGENDA ON MARCH 16, 1981.

Councilmember Carroll stated they were supposed to have the Charter Review Commission recommendations on Council's agenda today but were held up because of Ms. Locke's absence. He knew they were under some pressure to get them on the agenda; they have until April 1 for local bills to be introduced. He thought they should set a date to make sure there will not be any more juggling around on this matter. He understood there would be no conflict with the next meeting of Council. That the recommendations will be circulated to Councilmembers prior to this time.

Motion was made by Councilmember Carroll, seconded by Councilmember Chafin, and carried unanimously to put this matter on Council's agenda for March 16, 1981.

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Mr. Readling stated the Police and Fire Departments did not believe that they needed the church property. They felt there was adequate egress and ingress with the street closing.

Councilmember Leeper stated he thought that was the basic concern the community expressed - not necessarily having the traffic across the property but the need for emergency passage to cross the property.

The vote was taken on the motion and carried unanimously.

The resolution is recorded in full in Resolutions Book 17, at Pages 118 and 119.

CONSIDERATION OF PLACING QUESTION OF VETO VOTE TO THE PUBLIC DEFERRED FOR ONE WEEK: OTHER RECOMMENDATIONS OF THE COUNCIL'S ENVIRONMENTAL HEALTH & PROTECTION COMMITTEE RELATING TO CHARTER REVIEW RECOMMENDATIONS ADOPTED.

Consideration was given to the following recommendations of the Environmental Health and Protection Committee on the Charter Review Commission Report:

1. Mayoral Veto
2. Appointive Powers
3. Fair Representation Clause in the Charter
4. The District At-Large System
5. Terms of Office
6. Partisan vs. Non-Partisan Elections
7. Miscellaneous Recommendations that Charter Should Set A Limit On the Number of Years a Person Can Serve on City Council

Motion was made by Councilmember Selden, seconded by Councilmember Locke, that Council approve the proposal to amend the Charter, Subchapter B, with respect to the City of Charlotte to provide veto power to the Mayor.

Councilmember Frech stated she thought all Councilmembers have received the information she has been sending them on this subject - the question of how to strengthen the role of the Mayor. During the past month or so, she has done considerable research on this subject. She did not find anything that indicates that giving the Mayor the veto power - even that which he has now or beyond that - is going to solve the problem. She found a lot to indicate that it could create some problems, and at the same time would not achieve the purpose Council intends - that is to strengthen and support the Mayor's role in policy making.

There are other possible ways to strengthen the Mayor's role that they have not even looked at. One, which she just discovered today, would be to allow the Mayor to make motions during Council meetings; she learned this from the City Attorney in Hartford, Connecticut, who has gone through this same experience to some extent. Before 1960, Hartford had nine members on Council, the Mayor being the highest vote getter and being a member of Council. In 1960, they went to a nine-member Council, plus a separately elected Mayor with no vote. The Mayor can introduce ordinances and make motions during Council meetings. He has the veto over ordinances only, not resolutions, and this requires a two-thirds vote of Council to override, which is what they have now.

She said it is the feeling of the City Attorney in Hartford that the veto, while rarely used, has not helped the Mayor to work with Council. Before the change, the Mayor worked much more closely with the Council; the one who does lead the Council under this system is the Deputy Mayor, who has to work to control the majority of votes. There is considerable conflict between the Mayor and the Deputy Mayor. She said this indicates to her that the veto is not going to produce, by itself, the strong leadership by the Mayor that they are looking for; but it does indicate to her that giving him a vote on the Council, which is the way the Council-Manager form of government was originally set up, would do that.

The City Attorney in Hartford confirmed the things she had already discovered; that if the Mayor does not vote, it is too easy for him to take a contrary

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position with the Council. It is not necessarily a healthy thing for him to have to work only with a minority that he needs to sustain a veto, rather than to seek a majority.

It is felt in Hartford that while there is some reason to allow the Mayor to veto ordinances, as Charlotte's Mayor already has the authority to do, the Mayor should not be able to veto policy decisions favored by a simple majority of Council.

She agreed that they need to strengthen the role of the Mayor. The problems begin, as has happened in Hartford, when the Mayor ceases to be a member of the Council. She still thought the way to solve the problem was to give the Mayor a vote on the Council; she understood why people felt that right now they could not do that. Some people in the community seemed to have seized on the idea that giving the Mayor a further veto than he has is going to achieve something. All she can see it achieving is giving the Mayor the power to block the will of the majority of Council. She said this had nothing to do with the present Mayor or any Mayor that has previously served; this has to do with what could happen. It will not achieve the positive things that it's supporters say; if she thought it would, she would support it.

Councilmember Frech stated she was really opposed to applying "bandaids" under political pressure when she thought that "major surgery" is what is needed.

Councilmember Frech then made a substitute motion that Council defer deciding on the means by which they will strengthen the Mayor's position until after April 28, and that they send this back to committee for further investigation and study. The motion was seconded by Councilmember Carroll.

Councilmember Frech stated it may appear to Councilmembers that the question has been studied. But she assured them that it has not. What she has done merely scratches the surface of the question; there may be many other ways to achieve their objective that they do not even know about. She could not imagine their attempting to solve such an urgent problem without knowing what all the possible methods are. To do this for political pressure is not the kind of decision making that this Council has prided itself on in the past.

Councilmember Carroll stated what Council is faced with in Ms. Frech's motion is deciding immediately whether they go to the legislature with the option which Mr. Selden's motion makes, which they need to do before the end of this month if they are going to do it during this legislative assembly. The effect of Ms. Frech's motion is to rule out that alternative for the immediate future. In doing that, Council can do it with the recognition that under the existing authority they have in the Charter they can make the Mayor a voting member of Council and pursue other means to strengthen his position as Ms. Frech had suggested.

He then asked that the following memorandum from Ms. Frech and himself, addressed to Councilmembers and dated March 11, 1981, be incorporated in the minutes:

"Proposed Mayoral Veto - Minority Report

In making fundamental changes in the City's governmental structure, it is important to look beyond ourselves and the present Mayor to determine if what we are creating is supported as a good vehicle for government by the best available information and opinion on the subject. We do not believe that the proposed Mayoral veto of all Council action, going beyond the existing legislative veto which the Mayor has, fits the mold of any healthy form of local government with a proven track record. It appears to represent an aberration in the form of local governments with very serious problems that may be discovered in actual practice.

You have all seen Laura's memos, concerning the individuals she has talked with that were mentioned as resources by the Charter Commission to support their recommendation. Her

personal conversations with these individuals bear out the point that the suggested change is really an aberration. This can be seen in part by really examining the reasons given by the Charter Commission for the changes. These reasons lack substance. Among what appear to be the key reasons for its recommendation are the following:

- 1) The public has an expectation of the Mayor as a leader which does not conform with his legal role.

In reality, this is not an argument for changing the Mayor's legal role, but an argument in favor of the existing limited legislative veto. The expectation that the public has is one that is there as a result of the fact that Mayors in Charlotte in the past have been good leaders and done an effective job. They have done so because of what the Commission labels a defect in their legal role. Their leadership has been consensus building and that role does not require a veto.

Regardless of whether or not a change is made in the Mayor's legal role, what the public continues to expect out of the City's Mayor will be an expectation of the leadership abilities of the persons who occupy that office. The change proposed may actually hinder Mayoral leadership.

- 2) That the Mayor needs to be given a veto over all Council action in order to insure that good people run and are elected as Mayor.

Again, this contention is not borne out by the facts. The fact is that we have had a number of excellent people run and be elected Mayor under the existing structure and there is absolutely no sign that this will not continue to be the case.

- 3) With authority to veto any or all Council action, the Mayor would become more involved in the legislative process, more active in efforts to communicate governmental decisions and policies to the public and more effective in efforts to implement those actions.

Again, the track record does not suggest that the Mayor is not now so currently involved, nor does a veto which is a negative, which stops actions, make the legislative process more effective; indeed, its tendency would be to ineffectiveness.

- 4) That the Mayoral veto of all Council actions would provide a better balance of authority between the Mayor and the Council.

This supposed justification does not really say anything. The existing balance is an excellent one based on the Mayor and Council's track record. It would provide a different balance but the Commission's report does not suggest how it would be a better one.

In summary, the reasons given by the Charter Commission for its Mayoral veto recommendations are largely makeweight. The research data on which the Commission supposedly relied does not support their result. This information reinforces the point that Laura has sought to make in her memos on this subject, that the proposed change is at odds with most of the existing thoughts about how local governments should be organized. This is seen by examining the survey article by Heywood Sanders, one of the Charter Commission's resource people. Of the 445 cities surveyed having City Manager governments, Mayors had some veto in only 9.9% of the cities (this would include use with our present legislative veto)

and the veto extended to all Council actions in only 2.7% of the cities. Among the cities in the South having Council/Manager governments (107), Mayors had some veto power in only 7.5% of the cities and could veto all Council actions in less than 1% of those cities. The plain fact is that Mayors in Council/Manager cities basically do not have veto power.

The other generally accepted form of local government beside the Council/Manager system is the strong Mayor system. Heywood's statistics show that in the strong Mayor cities surveyed (223) Mayors had some veto authority in 91% of the cities and could veto all Council actions in about 45% of the cities. The contrast between Council/Manager and Mayor/Council cities is striking. It certainly begs the question as to what is so peculiar about Charlotte that unlike almost all other Council/Manager cities, it should need to give its Mayor a veto. The Charter Commission avoids, however, even recommending that system in which a veto is prevalent. Indeed, the Charter Commission specifically recommends against such a move. Herein is the problem with the mutation form that is being created by moving from a City Manager form of government to a part City Manager/part strong Mayor system.

Why does this deviation in the form of local government present a problem? There are sound reasons why Mayors do not have veto powers in the almost overwhelming majority of Council/Manager cities. Strong Mayor cities vest executive authority in the Mayor, who has general control over the city's administrative policies and all its personnel and usually does not participate in Council deliberations or meetings. He is an executive apart from the Council, and the veto serves as a means of protecting his control of personnel and financial matters critical to a city's day-to-day operation.

On the other hand, the Council/Manager form emphasized executive control by professional administrator, who in North Carolina has statutorily-defined powers and responsibilities which the Council must respect. A strong Mayor in a Council/Manager city can only mean one thing--a two-headed executive with attendant problems of loss of accountability, confusion as to lines of authority, and possibly contradictory application of policy. This would be intolerable in practice and the likely outcome would either be a weakening of Council's control of City administration, due to inability to pinpoint responsibility, or the subordination or weakening of the City Manager or both. The issue raised by the change the Charter Commission suggests, to give the Mayor a veto control of all Council action, is really not an issue of whether this gives the Mayor more power but whether the City Manager should be weakened by creating another center of decision-making power which is non-professional and publicly less accountable than a collective process.

As is pointed out in the memoranda from Laura, the evidence of the Sanders' survey suggests that most cities had found that the Mayor functions best in Council/Manager forms of government when he is a part of the Council, and not when he is an independent executive official. Thus, approximately 88% of the Council/Manager cities surveyed permit the Mayor vote on matters coming before the Council. I think this pattern points to a recognition that the Mayor in a Council/Manager city should be a part of that collective process, but not an adversary to that process with a veto.

There is some suggestion in the Commission's report and the information supplied to us by it that there is a trend away from the Council/Manager form. This is at odds with the Sanders' survey data. It clearly states that there is a

continuing trend in local government reform away from the strong Mayor system toward the Council/Manager form:

'Much of this shift from political to professional government has come relatively recently. Sixty-eight cities reported abandoning the Mayor/Council form (strong Mayor form) during the period 1900 to 1930; from 1931 until 1960, 126 Mayor/Council cities (strong Mayor form) altered their government with most of these changes coming between 1950 and 1960. Since 1960, another 33 communities have dropped the Mayor/Council (strong Mayor) structure. The great bulk of these recent changes . . . have continued to swell the ranks of Council/Manager cities.'
 (During the same period, 1900 to present, only 17 cities switched from the Council/Manager form back to the strong Mayor form of government.)

It appears that the reasons given by the Charter Commission to support a Mayoral veto of all Council actions are skimpy and more in nature of conjectures than facts. The facts are that the form of government which cities have increasingly adopted across the country is the City Manager form and that in that form a Mayoral veto of all Council action is almost unheard of. There are, however, a substantial number of cities which give the Mayor a vote in all Council actions in the City Manager form. We would recommend that the Council adopt this proven approach to strengthening the Mayor's role."

Councilmember Carroll stated the data that appears in the Sanders material, which was a part of the back-ups for the Charter Commission's recommendations, does indicate that in Council/Manager forms of government they would be choosing - if they went with Mr. Selden's motion - not a route that has been found satisfactory in most other local governments. The route that has been found satisfactory in most local governments has been to make the Mayor a voting member of Council and involve him directly in every issue that comes before Council. He thought that more than anything this would serve a purpose of accountability, as the Charter Commission has pointed out. He thought it would also give the Mayor the opportunity to put forward and promote the concepts which he believes should be pursued in Council.

He said more importantly, it is the best way to avoid a "dig-in" form of government between the strong Mayor and City Manager/Council form of government.

He stated that Mr. Selden's motion, as it is, will effectively give the Mayor the right to veto the hiring and firing of the City Manager; to him, this is a direct conflict with the City Manager system Charlotte presently has. He did not think Council should make that kind of decision tonight; he did not think they should make it anyway. He thought one reason this has come up is because they have had good Mayors, whose leadership went well beyond their powers under the statutes in the Charter. This does not mean that their system is ineffective and needs to be changed. To the contrary, it argues that it is done well.

He suggested that the reasons given for this change are not supported by the facts, and that the proposed change - the substantive motion - would cause Council to create a form of government that is not in use and which offers to present some real conflict between the strong Mayor form and the City Manager form of government they presently have.

Councilmember Locke stated this is another way to defer and delay, as they have seen done over and over again by this Council. The Charter Review Commission has had this under advisement for two years; she asked, where were the Councilmembers who made the statements tonight when they were making their review? It was the unanimous consensus of the Charter Review Commission to give the Mayor the veto. It has been in committee, which is another

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delaying tactic. She urged Council to vote this matter up or down today, one way or another, and not to delay it one more day. That it is time to get on with the business at hand.

Councilmember Selden referred to the references that were made in Mr. Carroll's memorandum, relating to the 445 cities. That 95% of those cities were sized less than 250,000 population. They are dealing with a different structure altogether.

Motion was made by Councilmember Cox, seconded by Councilmember Locke, and carried unanimously to call the question on deferral.

The vote was taken on the substitute motion to defer the matter, and failed as follows:

YEAS: Councilmembers Carroll and Frech.

NAYS: Councilmembers Berryhill, Chafin, Cox, Dannelly, Leeper, Locke, Selden, Spaugh, and Trosch.

Councilmember Leeper stated they would like to hear Mayor Knox's comments on this particular issue. That he voted against the motion to defer because he thought they needed to act on this particular item - it is important. He is opposed to giving the Mayor the veto because it does not encourage a harmonious relationship. During the years he has been on Council, they have tried to develop this relationship. He thought the veto was nothing more than a negative vote that does not allow for any progressive decisions to be made, and unfortunately causes a great deal of confusion.

From his standpoint, the Mayor should be a majority leader. That is the role that is set forth in the form of government. He thought the current Mayor particularly has functioned very well in that role. The Mayor should work to try to bring about some consensus; they have always encouraged the Mayor to participate in the discussions. If a Mayor chooses not to do that, he will find himself in a position that does not make very good leadership on his individual part.

He said they were really confusing the issues in terms of the different forms of government that they have. He resents being blackmailed in determining whether Council is going to support the veto for the Mayor or whether people are going to support the district form of government. He said the district form of government should really have no bearing on whether or not the Mayor has veto power. He refused to be blackmailed with that particular issue; the district form of government is not set up for him - it is set up for the citizens of Charlotte. If they choose to support that form of government, that is fine. He thought the issues had been confused; they are talking about giving the seat of the Mayor the veto power, not Eddie Knox. The Councilmembers need to think very clearly on this matter; this is a power that future Mayors will have in that particular seat, regardless of the form of government they have. He is very much opposed to it, unless they are considering going to the strong Mayor form of government. If they are not, he will not support the motion.

Councilmember Berryhill stated the most important part of this process to him is the committee finding on the perception of the public of the City's Mayor. That the committee was appointed a couple of years ago - maybe three years ago - and was added to after Mayor Knox became Mayor. He thought some qualified people and a cross section of this community was put on this committee. They had qualified people who served, people who have lived in this community for many years, people who had observed the government of this community for many years. These were not people from Hartford, Connecticut, but people who lived in the City of Charlotte and plan to live here for many years. They saw some of the pitfalls of the present form of government from outside looking inside - from a point of view that he did not think some of them could see.

He said he could not see how they could see this as negative. Some of the items and policies Council talks about probably should not be put in the process on a six to five vote. Maybe they should think about them for a week and be sure of what they are doing. He hoped they would pass the motion as presented by Mr. Selden, and he planned to support it.

Mayor Knox stated this was not an easy item to talk about; it is sort of like asking someone to give you a raise to debate it with the Council. He wanted to take his own personal involvement out and talk about the Mayor's Office; this is really what they are talking about, other than the long-range objectives of this community.

He has been Mayor for about fifteen months now. That the Mayor's position is not untenable, but it is somewhat unmanageable. The system creates an unusual position or appearance of strength; yet, underneath it is more imagined that it is real. The Manager is hired by this Council; when the City was looking for a new City Manager, Mayor Knox made his own inroads into that process. But in reality, he had nothing to do about it - from a technical standpoint. And whether or not the new City Manager leaves or not, he had absolutely nothing to do with that. As a further complication, he is probably the only person who is the head of 310,000 people whose secretary and administrative assistant report to someone else. He was not saying this was all bad; but he thought it was an anomotous position that they just do not see in most corporate bodies, community bodies, churches, or businesses of any description. He thought this put his secretary and administrative assistant in an untenable position of loyalty, confidentiality, and even the possibility of carrying out the directives. Who are they responsible to?

Mayor Knox stated he thought this community of Charlotte was changing. It is changing so fast that they probably are not even aware of how fast it is changing. The problems are different than they were ten years ago and different from two years ago. The day-to-day requirement of meeting a system where they do not have enough money and services are inflating is something they can no longer sit idly by and hope to catch up.

He said that Mr. Carroll had sent out the memorandum which talked about a proven track record, and therefore they should not change. He reminded Council that this same argument was made when they went to the district system. That it was a good at-large system, and therefore they should stick with it and that they ought not to dilute or change it; he did not agree with that.

He thought the fact that the at-large people held to the "sacred cow", that what they had was good, is how the public dismantled. He thought the failure to share the mantle of power backfired on them; this is one thing that is very important.

Mayor Knox asked - How good is our track record? They have a great City; it is a beautiful City; they have a good economic climate. But in many ways, they are way behind. In transportation, they are so far behind that he was not sure they would catch up. How they are going to fund the City with capital improvements in the next two decades is beyond his imagination. He met with a financial planner the other day, and he said it was preposterous that they can go on like they are going and plan the capital needs of this community. Their housing record is a blemish. But in transportation they have fought back and forth on the MPO with the County; he has been a part of it and maybe the veto would not help. He thought the fact that he has not been able to streamline the staff to make that decision has caused them to delay for some fourteen or fifteen months the question of the MPO. They just spent \$35,000 getting someone to tell them what they needed all along. They ought to compromise and get on with it.

He said when they talk about how great they have done, he did not think it behooves them just to say that everything is all perfect.

Referring to Mr. Carroll's memorandum further, Mayor Knox thought the public perceives the Mayor in a different role than the Councilmembers. He thought this was a reality; and they also view the Mayor Pro Tem different from the rest of Councilmembers. He thought they also viewed the at-large Councilmembers different from the district Councilmembers. All in all, they are in this together. When the final analysis is done, it is the Mayor who runs a platform campaign; the focal point is on the Mayor's race. If the Mayor is going to campaign on issues out front and he is going to be

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the person who is carrying a platform for the people, he thought that he was going to bear the burden of the failures if changes are not made. He accepts this responsibility. In the past several decades, the Mayors Charlotte has had have been good Mayors; but they dealt with seven at-large people, most of whom they saw at church on Sundays. Mayor Knox deals with eleven very unusual, active people, all of whom have different interests, who represent different geographical regions and different economic interests. He was amazed to see the involvement of the black community in the meeting tonight to talk about industrial parks; there was a day when if this had come up, there would have been no one there to talk about that; this is one of the wholesome aspects of what they have.

He said from the standpoint of long-range planning, that central leadership has got to be upfront. He is not easily frustrated; he thought Mayor Harris did get frustrated with the system and that is probably why he supported the concept of the veto. But the Charter Commission went on to say that in order to get good people to run for office they have to have the vehicles and tools to carry it out. It seems to him that most people who run for office generally want to bring about some change; that is why he ran for Mayor.

In his judgement, the Mayor's Office is the only office that can mobilize the City to a central purpose. This Council has been very meaningful in helping them set objectives and goals and very helpful in seeing that those policies have been carried out; but he did not think there was any question but that the "buck stops" at the Mayor's Office.- be he weak or be he strong.

He asked the question - How do they get the Mayor involved in the process? He said since he has been Mayor, he has been successful in getting two appointments for this Council. He thought he had been asked about three. There has not been one time that he has appointed any group where he did not ask the Council for names of people. It bespeaks of what the system is; he is not in that process of appointment powers. So when it goes to the appointment powers, it seems to him that they have to have some reciprocity. If they are going to appoint someone to the Coliseum Authority today, maybe if he has someone down the road they might talk to him about it. It is the same thing in regards to policy issues.

Mayor Knox stated in reality, Council sits as eleven very congenial people; in practicality, they vote almost as two groups. Usually the votes come down to six-to-five on very critical issues; he has tried to stay in the middle. In reality, this is not easy.

When they talk about the Council/Manager form of government, it seems to him that the Mayor is the ostensible head of the City and should have more input from the Manager. If nothing else, he should have the basic loyalty of assuring the Manager that he could salvage him by getting at least eight votes if they decide to run him off. That is the only leverage he could ever have with the manager other than personality. The public perceives that the Mayor is involved in all transactions; for example, in the recent bus strike, he first gained information about the status of that strike when he made inquiry on Tuesday before it was supposed to happen on Wednesday. He did not know what the Councilmembers perceived about his input in that, but the public thought he was involved. He thought that someone from Council should have that information given to them along the way. For example, whatever the City agreed to pay those people could certainly affect the other employees of the City. Whatever contracts are made with them could certainly affect the contracts that potentially could happen to other people in the City.

He said they could do this on good graces; they could do it on the fact that it should be done this way. But he thought if they were going to continue with eleven different people and really represent this community the way it ought to be represented, the Mayor is going to have to have more to say about it.

Mayor Knox then referred back to Mr. Carroll's memorandum, which stated ". . . We would dissolve the great track record. . . . a two-headed executive with attendant problems of lost accountability making power which is non-professional and probably less accountable than a collective process."

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To him, this is saying that the Mayor cannot really have that power because he is a non-professional, even though he took two elections to the public and they elected him; the implication is that he is probably unaccountable. It also tells him that a City Manager who has been in that position for two weeks is more trusted than the Mayor is; he did not know if this was the way it was intended and did not take it personal. To him, it implies that because they have a Mayor who has some voice in what is being said about this community, he cannot be a professional; they are all in this for at least quasi-professional reasons because they want to see things changed.

Referring to the statistics, he thought they all knew that one reason they had problems finding a number of City Manager applicants is because the trend in the country with large cities is away from the City Manager form of government. This was told to him by their consultant. Obviously, many of the small towns have seen larger cities work well with the City Manager form of government and they have begun to employ them; the statistics are inflated.

Mayor Knox stated he did not want to do away with the City Manager form of government. But the Mayor should have something to say about whether or not the City Manager leaves. He reminded Council that on the Charter Committee was a cross section of people to make sure that every neighborhood was represented. They came back with a very exhaustive report; for them to say that this has not been studied and it is not any good is just saying that they really do not want to share the power.

He said when they talk about giving the Mayor some veto, they are not talking about weakening the City Manager. They are talking about letting the Council share with the Mayor some of its power. This is what he is asking.

Councilmember Cox stated he thought Mr. Carroll's memo was thoughtful, but that it was a "statement of fact based upon some erroneous assumptions". He disagreed with the following point: "Their leadership has been consensus building and that role does not require a veto." That it is not possible for the Mayor nor the Mayor Pro Tem nor for a single individual to build a consensus with a diverse body like this.

He also disagreed with the statement: "The track record does not suggest that the Mayor is not now currently involved." He said that Mayor Knox could be replaced with someone who is different from him; all Councilmembers could be replaced with people who are different. They are trying to build a system that is going to last for a long time, regardless of who is sitting in what seat. This is why he is taking to the "middle road". He did not believe that John Belk, Eddie Knox, Ken Harris, Harvey Gantt, or Barry Miller ought to have two and one-half votes. He thought they should have one vote.

He said the fundamental thing here is that the Mayor needs to become part of the process. The only way that this is possible is to bring him into this Council Chamber.

Councilmember Cox stated he disagreed with the statements that were made that Ken Harris or Eddie Knox have had a proven track record of strong involvement with the Council. If they would go back and look at the record, the truth is on the other side. Council does most of their work without involving the Mayor; then they stick him out the door and tell him to explain it to the public. It does not work that way; they need to make whatever changes are necessary to bring the Mayor into this Council Chamber to force Council to account for the Mayor in their discussions prior to the meetings and during the votes. This is why he supports the Mayoral veto. However, they do not need for a crazy man to get in the Mayor's chair and force this community to go to a rule by two-thirds; this is not and never has been the majority system.

He did not see this as being blackmail at all. The Charter Review Commission began before district representation was on the agenda; in fact, Council had their report in hand before Mr. Withrow submitted the petition. He also thought that the hiring and firing of the City Manager should reside with Council. When people say they are going to stay with the Council/Manager form of government, then they absolutely have to have that man hired and fired by Council.

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Councilmember Trosch stated this has been a very difficult issue for her personally. It is granted that a commission did study this, but she thought there had been enough questions about the information that was gained from that to at least raise questions in her mind as to what they are moving towards with the change. She agreed with Mr. Cox; she could not agree with government by super majority. Right now they hear a cliché going around - "Vote for the Majority" - in terms of why they should or should not have district representation. They do in fact rule by majority throughout this country; although they may not have a history of votes for the majority, they do have rule by the majority. They are saying here it is not majority; that it is two and one-half beyond the majority to make things happen.

She said she understands the need for more power for the Mayor; she supports this. She understood his appointment, although she thought he had had a large number of appointments as the Mayor does have; she understands that recommendation. However, she did not see in a veto power a power to do those things he was talking about - transportation and moving forward. A veto does not move him forward; a veto is used to stop action. A veto is a negative tool. She said many cities do have a veto, but in the majority of them that she knows about there is a delayed veto. That Mr. Berryhill had mentioned that they need time to sit back and maybe review what the majority did; then they could come back and vote. There would be time for the Mayor and the citizens to lobby. She understood and agreed with that. But when they talk about a commission that has a perception of the community that the Mayor needed a veto, more power - a hearing was held on this matter where the public was involved; there were over fifty people who came to speak and only two spoke regarding the Mayoral veto that she knows of. She did not know that there was an overwhelming community input regarding the fact that they needed a two-thirds overriding veto.

She did understand what the Mayor was saying. She thought what Mr. Cox said about an additional vote is something that she could live with. But she could not live with having the two-thirds override; that is not government by the majority. It is not even progressive government, because it only stops action. She thought government was made for the worst of them - the structure of government - not the best of them. Fortunately, they have had the best of Mayors in this community; they do not have a track record of the worst of them sitting in that seat.

Councilmember Trosch stated it concerned her that with the two-thirds override, the Mayor would only have to lobby four people, not the Council. He does not have to lobby the entire Council; he has to lobby only four people. Then he can stop any action from happening in this City. She did not think that is in the tradition of majority ruling. She did see the Mayor being elected by all the citizens of Charlotte, having a vote and some type of a veto arrangement if that is the way this Council sees fit - but not a two-thirds override.

She said that Mr. Selden's recommendation goes beyond what was suggested by the Charter Review Commission. The Commission said "He would have veto on all actions considered by Council except with regard to its appointments to committees, boards, and commissions, its employment of government officials, its internal matters, and affairs and matters which must be approved by the voters." If they do as Mr. Selden suggested, they will have gone way beyond what the Commission suggested be done; she has great concern with this. She was also concerned that Mr. Selden's motion asks for this to be not requested of the state legislature but, in fact, voted on as a final action to be requested. A lot of the discussion by the Charter Review Commission, when they presented their findings, was with the district system they needed to straighten the balance out a little for the Mayor's power. She said that Mr. Harris, former Mayor, used to refer to this a lot when they changed to the district system; they did not change the Mayor's role at the same time.

She stated the City is facing a referendum on April 28 that could take them back to another system. At that time, she heard no one asking for a different Mayoral veto. As a matter of fact, at that time until the district system was vetoed by the Mayor, most Councilmembers did not know the veto existed. They were shocked when he pulled it on them.

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Councilmember Trosch stated all these matters were of concern to her; she is not without compromise. But she could not support Mr. Selden's motion.

Councilmember Chafin stated she did support the Mayoral veto. That they really owe Ms. Frech gratitude for the very extensive and painstaking research she did on this subject. It is clear to her that Ms. Frech spent hours reading materials and contacting various sources. Ms. Chafin said she could not support the recommendation of the committee; if the committee's recommendation is voted on and defeated, she would like to propose an alternative.

It has been suggested that a Mayoral veto would be an aberration in the Council/Manager system. This may be true, but she thought they should stop and realize that their system already deviates rather dramatically from the form which prevails in the majority of Council/Manager systems; for example, their combination district and at-large elections, their partisan elections, the size of their Council, and the fact that the Mayor does not vote on all issues. These particular aspects of their system in Charlotte place them in a minority of Council/Manager cities. They generally exist in smaller, more homogeneous situations. Clearly, there is a perception that Charlotte's Mayor needs additional tools to provide effective political leadership; that he is looked at by the majority of citizens as the chief political leader of the City, and that the needs of this City require the office to be strengthened.

She said perhaps the most revealing comment in the Heywood Sanders' article on government structure in American cities was the following quote: "The Council/Manager plan represents the importance of professional confidency and efficiency values with little emphasis on political leadership." The National Municipal League's model version of a Council/Manager form relegated the Mayor to a largely ceremonial role. The position of the Mayor in today's Manager city is clearly brief. Charlotte has, over the years, modified and remodified its system of government to changing times; she thought the Mayor was right - Charlotte is changing. It is changing in terms of circumstances and in terms of values; it is clearly changing in terms of the complexity of issues with which this Council and Mayor must deal. She said today's times in Charlotte with a growing and increasingly diverse population, a greater complexity of urban issues, and financial questions, and a tremendous expansion of citizen participation demand greater political leadership from the Mayor, just as they demand a more diverse and representative Council as reflected in the district system. They also demand the professionalism reflected in the Council/Manager system, which they must preserve.

Councilmember Chafin stated it has been suggested that the veto would be a negative rather than a positive initiative. She thought the assumption behind the Charter Review Commission's recommendation is that the veto would, as Mr. Cox said, encourage more interaction between the Mayor and the Council in shaping legislative policies, and would encourage Charlotte's Mayor to become a part of the process. She thought in reality, after serving with three Mayors, for the most part when it comes to Council decision making, the Mayors have not been part of the process. In other words, by giving the Mayor a veto power, a strengthening of his role, the Mayor would have to take the heat for unpopular decisions with the Council as well as the credit for those that are favored.

For the most part, the record of Mayors in Charlotte would suggest that they usually elect reasonable people with a broad popular mandate who are not likely to abuse this privilege. History has demonstrated that when a Mayor goes against the popular tide in using the existing postponement power, the citizens will speak out; for example, Mayor John Belk's veto of the Council vote to draw up a plan for district representation in 1976 - her motion and his veto. She thought this was unlikely to change; she did not think Charlotte's Mayors, because of the popular support and accountability that they must respond to, are likely to abuse the veto.

She said a vote has been proposed for the Mayor; but with their current system giving the Mayor a vote would clearly upset the odd number balance, opening up the possibility of deadlocking, stalemating ties as has occurred in Raleigh with an eight-member Council. Nor did she think at this time

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they wanted to discuss the possibility of changing the at-large representation on Council in light of the upcoming referendum.

On the other hand, the committee's recommendations give her problems. The committee calls for the legislature to change the Charter, rather than enabling Council to make that change itself. She thought this was a prerogative that Council should reserve for itself and should make that change in a meeting of Council to allow for full public discussion perhaps after a public hearing.

She said the committee's recommendation calls for a twenty-four hour veto provision. She believed the veto should occur at the Council meeting. She would like a strong Mayor system, because their Mayor is present and free to participate in the discussion at the meetings. The public should know at that meeting what the Mayor's decision is regarding the veto.

The committee's recommendation calls for the inclusion in the veto power of the Council hiring and firing of the City Manager, City Attorney, and City Clerk. As it has been pointed out, this goes beyond the recommendations of the Charter Review Commission, and she thought lies at the very heart of the Council/Manager system. She did not believe that this prerogative of Council should be violated.

Finally, the committee's report calls for an eight-member override. It seems to her that a seven-member override is a reasonable compromise between those who want no veto and those who would call for the two-thirds. If the Mayor's position is truly in the public interest, he should be able to persuade more than four Councilmembers to go along with that decision.

Councilmember Spaugh stated he agreed with Ms. Chafin that they are in changing times and they need to change with the times. In Mr. Carroll's memo, he said that this system was working fine and has worked fine with the past Mayors. They have only had two Mayors with an eleven-member Council; one of them quit and the other gets pushed mighty hard. He is asking to give the Mayor a reasonable opportunity to lead.

He said that Mayor Knox had talked about the committee of thirteen members; they were diverse members that unanimously approved this idea of giving the Mayor a vote. He thought a lot of weight should be given to that because there are a lot of good strong people from all walks of life there.

Mr. Spaugh suggested that they try this; they were not setting it in concrete; if it does not work, they can change it back. Therefore, he would support Mr. Selden's motion.

Councilmember Selden stated he distinctly recalled over and over again when they were seeking a new City Manager the total consensus that they did not want a City Manager who was hired by six persons for him and five persons against him. He thought this was a total philosophy. He said the motion on the floor - which provides, in effect, a relatively large number to support that action on part of the City Manager either for hiring or firing - is carrying out that exact philosophy which they had in their meetings.

He thought he had known members of this Council quite closely in the past three years, and he has not seen a single one of them that could be pulled off to a corner and lobbied. It has been implied that the Mayor can pull off and lobby four people; he did not think this could be done.

Mr. Selden stated in support of the Mayor's position, he is obviously the top vote getter in this City. In that respect, he is recognized as the leading elected official in this City and should carry that prerogative of control. He is not going to use it day in and day out; as a matter of fact, he had one type of veto that he could have used; in the three years plus, Mr. Selden has only seen him use this once.

Councilmember Carroll stated he did not want any of them to take his comments personally. That what they are really wrestling with is a form of government that may be what is here a long time after every one of the present Councilmembers are gone. He felt that there are two points which

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his concern comes down to. He agreed with a lot of what had been said about strengthening the role of the Mayor as a part of this Council. This is why he suggested that within their existing authority under the Charter they address that at some point - giving the Mayor a vote, having him be first among equals. But he thought the two points that were important are whether or not Council believes that in their process of government decisions which are made are best made if they are collective decisions and based on the consensus of the majority; and secondly, if Council believes there is a significant part of the City Manager form which helps ensure professionalism by having a City Manager that responds to a body. Those to him are the important issues that Council are very seriously eroding by giving the Mayor a veto.

He said the Mayor is the top vote getter. When people vote for the Mayor, say there are twenty issues which are publicly debated, they may agree with the Mayor on eleven issues and vote for him because of that. It does not mean that on every issue that comes before Council the Mayor has the inside track on the public will. It is his strong feeling that decisions that are made best are made collectively. Over a year or so ago, this Council was concerned about the Mayor's input and changed the rules of procedure so that the presiding officer could speak at meetings like he has done; they encouraged the Mayor do do that. They have done all they could to be sure that he was a part of the process and that his ideas were considered. He thought they needed to go further and consider him having a vote on this Council. But he thought they seriously erode the process when they decide that he should have the final say over things that get done.

Mr. Carroll stated the Mayor has the legislative veto now, which is all the City's ordinances and appropriations of money. That is essentially the same veto that the President has of legislation by Congress. What the Mayor does not have authority over is Council giving directions to the professional administrator of the City. Mr. Carroll thought the Mayor should have input into that process, but if they give him a majority of control over that then they are essentially going to the strong Mayor form of government while giving "lip service" to the City Manager form of government; he did not think that was in the interest of the City.

Mayor Knox stated if the veto does not give him the capacity to fire the City Manager and could simply only require eight of Council to vote before they fired him, would it not strengthen the position of the City Manager as opposed to diluting his strength? He said the Mayor would be the City Manager's saviour; he would become his hero. At least it would demonstrate some loyalty to him, as opposed to the fact that any six Councilmembers could decide to fire him. They were not giving the Mayor the authority by giving him the veto to run him off; he could never do that. But he could at least be in good communication with him because he would know it would take eight of them to fire him instead of six.

Councilmember Carroll stated that by the same token, the Mayor could determine who was hired as the new City Manager, as opposed to it being a majority vote.

Mayor Knox stated he would like to see Council vote this up or down, and urged Council to not reserve whatever they are going to do for some period of time. He would be sensitive to the fact that the Council was going to send this up to Raleigh and get permission and hold that over his head for some period of time. If it is the mandate of the Council that they do not want to do it, he will know his options. But he did not think it was appropriate to send this off, and then come back and debate it and have another public hearing.

Referring Mr. Cox's concern about the City Manager, Mayor Knox stated the original draft that came from the Charter Review Commission did not have that exemption. That was taken care of the last day. In the draft immediately before this, that was not a part of it. When this motion was proposed, it was again taken back out and put the Mayor back in the process of the City Manager's hiring and firing. To leave him out of that process is to give him a veto on whether or not they are going to afford beer in a park on a Saturday night for the YWCA and take away the "nuts and guts" of what this is all about.

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Councilmember Cox stated he was deathly afraid of the strong Mayor system. He looks around at the cities that are in trouble today, and there is one thing they have in common - they have a strong Mayor. He wants to do enough to get the Mayor involved in the process without taking giant steps towards the strong Mayor system. There are people in this community, he is told, who support his veto because they see it as an evolution to a strong Mayor system. If he thought that was possible, that it was the first step towards a strong Mayor system, he would vote against it tonight and would not lose any sleep over it. But he did not think that was right. That is why he thinks the items he has talked about and what is essentially in Ms. Chafin's discussions are the right things to do.

Councilmember Dannelly stated if he were Mayor of Charlotte or Mayor of Mint Hill, he would want more veto power than their Mayors have had in the past. He is definitely for a Council/Manager form of government, but he would want to have that veto power. He said he could be wrong, but he would say if a majority of this Council were Mayor of this City they would want it also. They have been lucky in the past and have had good Mayors; he thought also that they have had some Mayors where if they had had the veto power they are talking about they would have abused it in the opinion of some people.

He thought they had also been lucky since the district Council in that they have not really had that kind of a Mayor. That is not to say that Charlotte is going to always be lucky. He wanted to assure the people of Charlotte that this is not a locked thing that would have to stay there for twenty years.

Mr. Dannelly stated he placed himself in the citizen position and in the Mayor position. Even as a district Councilmember, he gets blamed for things happening and not happening in the district. He knew that at-large Councilmembers get blamed for things also; that the Mayor Pro Tem gets blamed for things she is not responsible for and has no control over. So they know the Mayor gets that blame; also, the Council helps the Mayor carry out his ceremonial responsibilities because it is physically impossible for the Mayor of this City to do it. Yet, when the Charter was made, that was an easy task for the Mayor; he was looking for something to do. Now he is looking for some help to get the things done that he needs to get done, but not from the ceremonial standpoint - from the actual work standpoint. This is a tremendous responsibility.

He asked what does a person get out of being Mayor besides helping make their City a better City? Except for this, it is a tremendous sacrifice if they are successful in whatever they are doing. He did not think anyone needed to express that. That the Mayors Charlotte has had have been too big to make that statement of the sacrifice they are making relative to their businesses or jobs. So there has to be some other sense of satisfaction.

He looks around the Council and sees eleven Councilmembers, four at-large and seven district; they have a board of six people - the Mayor gets two of them and the eleven Councilmembers get four of them. He had a question about that; but by the same token, he could go along with it if anyone else could. Some people may question the difference between one-third and one-fourth; if he had his "druthers" he would say one-fourth.

Councilmember Dannelly referred to the citizen who may feel they have a Mayor who is abusing the veto or a Council who may feel that way. His idea of dealing with that would have been to have it so that the Council, within its first two meetings after they and the Mayor take their oaths of office, could deny the veto to the Mayor at this extent. After that point, they could not do it for the other two years - for the rest of the Mayor's term - rather than doing it if he "acts alright" and then take it away as the case may be.

He said if he were Mayor of Charlotte or Mint Hill, he would want more of a veto power than the present Mayor now has.

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The vote was then taken on the main motion and failed for the lack of six affirmative votes, as follows:

YEAS: Councilmembers Berryhill, Locke, Selden, and Spaugh,
NAYS: Councilmembers Carroll, Chafin, Cox, Dannelly, Frech, Leeper, and Trosch.

Councilmember Chafin then distributed to Council a proposed bill to be entitled, "An Act to Authorize the City of Charlotte to Provide a Veto Power for the Office of Mayor". She said this would ask the General Assembly to give Council the enabling legislation to provide a veto; it would follow through on the recommendations of the Charter Review Commission, except appointments to commissions, boards, and committees, employment of governmental officials, Council's internal affairs, and matters which must be approved by the voters; and would not become effective unless it was re-adopted by the Council with at least seven members voting in the affirmative. An action of the Council which was vetoed by the Mayor would not become effective unless it was readopted by the Council.

She said at such time as the City Council decides to provide a veto power for the office of Mayor, the provisions found in Section 3.23(b) of the City Charter with respect to the Mayor's postponement power shall be eliminated, it being the intent of this section to provide the veto power as a replacement for the postponement power which currently exists.

Motion was made by Councilmember Chafin, seconded by Councilmember Cox, to adopt the subject bill.

Mayor Knox ruled that this in substance is the identical motion, and therefore ruled the motion out of order.

Motion was made by Councilmember Locke that Council request the General Assembly to authorize a referendum to place the Charter Review Commission's recommendations, with respect to a veto, as revised by the majority recommendation of the Environmental Health & Protection Committee, on the ballot in September. The motion was seconded by Councilmember Selden.

Councilmember Cox stated he was one of the people who voted against the original motion. He asked why the provisions that Ms. Chafin made in her motion were so substantial that Mayor Knox ruled her out of order.

Mayor Knox replied that he thought it was tantamount to the same issues except for the seven affirmative votes. That the proper motion is to appeal the rule of the Chair and take a two-thirds vote if they do not agree with him.

Councilmember Locke stated she did not see why anyone would not vote for taking this to the public and letting them decide on this issue, rather than this Council since they are so divided.

Councilmember Frech stated she agreed with Ms. Locke; that sometimes it is best to take issues to the people. But since it cannot go on the ballot until September, she felt this was postponing the issue for quite a while. She thought that going for a referendum would be deferring the issue much too long; she thought the people would like a decision on this issue now.

Councilmember Chafin stated she appreciated the spirit of what Ms. Locke is trying to do; she is trying to get a decision on this issue, which is what she was doing. She said she was very disappointed in the Mayor's decision to rule the motion out of order because it was done in the spirit of compromise, which she thought he understood. There are a majority of people who want to give Mayor Knox a veto; but in giving him the veto, they are giving it to the office of Mayor. They are trying to keep this out of the personal light and are trying to strengthen the office of the Mayor. They also want to preserve the Council/Manager system. She thought this was the bottom line. In a way, she thought Mayor Knox was standing in the way of a good compromising situation.

Councilmember Cox stated it seemed to him that what ought to be done is that Council vote on this motion and then do what a majority of Council

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would like to do. They could vote to put it on the agenda next week, which they can clearly do, or appeal the Mayor's decision. As it stands right now, he would have to vote against the motion, even though he has no objections to it. He believes that a majority of Council are ready to move on the question ahead of them. That is essentially giving the Mayor a veto.

Councilmember Leeper stated there is a strong interest in the issue at hand. He would like for the Council to maybe consider deferring taking any action on this until the next week; so they could have a chance to cool off, rest, and give some second thoughts to this. Sometimes when one gets tired, he is apt to make some bad decisions. That they had been going for about six hours now, and he would like to see Council defer any action until they get a chance to give some additional thought to this and come back and tackle it when they are fresh.

Councilmember Dannelly stated he felt that if Council voted this motion up and it became a referendum, the people of Charlotte would give the Mayor the veto power. There are others who may disagree with that. He did not vote for Mr. Selden's motion as it was stated because there are some safeguards he feels the citizens of Charlotte ought to have on a long-range basis. He has been trying to understand this; by trying to listen and understand this - it is the first time he has seen it - he has not really fathomed at all. He would need it explained to him; it may take more time than this Council would want to convince him of some of the things he sees here. He would not want this Council to find itself giving the veto to the Mayor and it end up as pouring a thin layer of water over what they presently have; it would mean nothing. In his opinion, it would be an affront to the citizens of Charlotte.

He also felt this Council was ready to make a decision on providing the veto for the Mayor. It is just a matter of reaching the level at which they want to do it. He feels that his level is higher than most of them. He said he was sincere when he said if he was sitting in the Mayor's seat, he would certainly want more of a veto than he presently has.

Councilmember Locke stated she would be just as willing to defer this issue; she thought they needed to sit on it for a week and talk about it. She thought that Ms. Chafin's motion, which was overruled, is a dilution of power. She could never support it. She thought they ought to go to a referendum in order to get this thing resolved. She hoped by next week they could come back and make that decision.

Councilmember Leeper made a substitute motion that Ms. Locke's previous motion be deferred for one week. The motion was seconded by Councilmember Chafin.

Responding to a question from Councilmember Trosch, Mayor Knox stated that at the next meeting of Council, Ms. Locke's motion will come up for debate.

Councilmember Trosch stated she was confused because Ms. Locke's motion was not something they were asked to be doing tonight; yet, it was allowed after one was defeated. She was asking if Ms. Locke's motion is defeated next week, what then?

Mayor Knox stated that Mr. Cox said he had voted with the prevailing side on Ms. Chafin's motion. That he would assume Mr. Cox would make a motion. They could move to reconsider that.

Councilmember Trosch stated she would like to move an amendment to the motion that Council put Ms. Locke's motion and the subject of the Mayoral veto on the agenda next week. Mayor Knox advised Ms. Trosch that the motion was not amendable.

Councilmember Carroll stated he supposed there was no problem in their normal procedure by a majority of Council voting to put Ms. Chafin's motion on the agenda next time. Mr. Underhill, City Attorney, advised that this would probably be appropriate. Mayor Knox stated he understood the rules to say that the Mayor, City Manager, or a majority of Council may put matters on the agenda.

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

- YEAS: Councilmembers Berryhill, Chafin, Dannelly, Frech, Leeper, Locke, Selden, Spaugh, and Trosch.
- NAYS: Councilmembers Carroll and Cox.

Motion was made by Councilmember Selden that the remainder of the items relating to the Charter Review Commission report be deferred along with the one previously considered. The motion was seconded by Councilmember Spaugh.

Councilmember Cox stated he saw no reason for Council to defer the rest of this. It seems to him that there was unanimous agreement on the committee on them. In the interest of getting things done, he suggested they go through and vote them up or down tonight.

Councilmember Carroll stated he agreed with Mr. Cox, and asked if there was any particular reason why they should be deferred.

Councilmember Selden stated he had no idea how the final decisions will come next week on the recommendations of the Charter Review Commission. He felt that there may be some alternatives on the other recommendations. This is why he proposed to defer.

Councilmember Leeper stated he had previously moved deferral on the veto issue because it was hanging them up: He thought each of these recommendations had to stand on their own merit; they are no more related to one another than the other decisions Council has to make. He thought they should take them one by one; he did not see any controversy involved in them. He hoped they would move on if they could. If they get hung up on any of them, they could defer that issue.

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

- YEAS: Councilmembers Berryhill, Frech, Selden, and Spaugh.
- NAYS: Councilmember Carroll, Chafin, Cox, Dannelly, Leeper, Locke, and Trosch.

Motion was made by Councilmember Leeper, seconded by Councilmember Locke, and carried unanimously to adopt a resolution endorsing the Charter Review Commission's recommendation that the Mayor be given one-third of all appointments to all standing committees, boards and commissions.

Motion was made by Councilmember Leeper, seconded by Councilmember Locke, and carried unanimously to accept the Charter Review Commission recommendation on fair representation clause in the charter.

Motion was made by Councilmember Leeper, seconded by Councilmember Trosch, and carried unanimously to adopt a resolution endorsing the Charter Review Commission's recommendation to continue the present council system.

Motion was made by Councilmember Berryhill, seconded by Councilmember Selden, and carried unanimously to adopt a resolution of the Charlotte City Council agreeing to further study the issues of Council Terms of Office, Partisan Versus Non-Partisan Elections, and a Limit on the Number of Terms.

The resolutions are recorded in full in Resolutions Book 17, beginning at Page 120 and ending at Page 122.

RESOLUTION AGREEING TO PAY TO THE CHARLOTTE HOUSING AUTHORITY THE CITY'S SUBSIDY OF THE COST OF ACQUISITION OF SCATTERED SITE PROPERTY ON MUDDY POND LANE.

Motion was made by Councilmember Carroll, and seconded by Councilmember Locke, to adopt the subject resolution agreeing to subsidize the Housing Authority for the acquisition of land for the proposed Muddy Pond Scattered Site Housing Project, in the amount of \$25,000.

Councilmember Leeper stated he was glad Mr. Carroll made a public statement to that effect. That he has had a couple of citizens who had some opposition to a spay-neuter program come to him and indicate that Council is already taking some action on this without having the benefit of the public hearing. He thought Mr. Carroll's comments were appropriate.

The vote was taken on the motion and carried unanimously.

MOTION TO REQUEST THE GENERAL ASSEMBLY TO AUTHORIZE A REFERENDUM TO PLACE THE CHARTER REVIEW COMMISSION'S RECOMMENDATIONS, WITH RESPECT TO A MAYORAL VETO, AS REVISED BY THE MAJORITY RECOMMENDATION OF THE ENVIRONMENTAL HEALTH AND PROTECTION COMMITTEE ON THE BALLOT IN NOVEMBER, FAILED,

Motion was made by Councilmember Locke, seconded by Councilmember Selden, that Council request the General Assembly to authorize a referendum to place the Charter Review Commission's recommendations, with respect to a Mayoral veto, as revised by the majority recommendation of the Environmental Health and Protection Committee on the ballot.

Councilmember Carroll stated this motion would be considered in context of the next item on the agenda, which also deals with the question of the Mayoral veto. He thought their current docket going to the voters in September is pretty full. Without prejudice as to whether this might be an option at some time, he thought they needed to consider Ms. Chafin's motion, which is the next item on the agenda. He did not think it would be appropriate to do them both. He hoped they would give some consideration to Ms. Chafin's motion before approving this request for a referendum.

Mr. Henry Underhill, City Attorney, stated that apparently there has been some confusion - from some of the questions that had been asked concerning the previous Council meeting - as to why a legislative bill is needed to do this. That providing the Office of Mayor with the power of veto is not one of those things that can be done by a 5,000 signature petition, as is changing the size and makeup of Council. This is why it is necessary that, in order to put something on the ballot, there is approval by the General Assembly by way of a bill.

He said Ms. Locke's initial motion stated that this be put on the ballot in September. He consulted with Mr. Bill Culp about the best time to do it, and afterwards took the liberty to word the motion so that the item would be put on the ballot in November. Council would notice that the bill says as follows: "At the time of the general election for mayor and city council to be held in 1981 . . ." This would be the November election rather than the party primaries in September. The Board of Elections would prefer also that it be on the ballot in November as opposed to September. Ms. Locke then accepted the change to November.

Mr. Bill Cunningham, 3121 Valleydale Place, stated he thought the Mayor did need more veto power. He has a lot of responsibilities; it is unfortunate that most people tend to charge the Mayor with the success or failure of any program. He was sure that this Council has some responsibilities; but because of the amount of responsibilities on the Mayor, he should have a greater amount of power.

Councilmember Frech stated they have been working on this matter for quite a while, and November is a long time off; she thought Council was hoping to get something settled now without waiting until November. If something is going on the ballot for a referendum, she feels the issue here is not the question of the veto for the Mayor; that is just one small aspect of the whole question of the structure of our local government, which is the Council/Manager form - or whether or not they want to go to some other form. ~~The committee agreed on how this was to be worded; they had only two members of the committee to disagree.~~ The committee did not agree on how this was to be worded; two out of five members did not support this recommendation.

Corrected
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Bk 75 P 442

She said this really goes to the heart of the question of whether or not they want to move towards a strong Mayor system. If the citizens of this community are interested in changing to a strong Mayor system, then she would be willing to hear discussion on that question; November would be time enough to get the issue out and get all the questions before the public.

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She thought if the public voted on the veto for the Mayor, they would not understand this wording. It is not just the question of the Council sharing its powers with the Mayor; it is the question of whether or not they are really altering their present form of government. If anything goes on the ballot for a referendum, she would want it to be the overall question of whether or not they really want to change the structure to the strong Mayor system. She could not support going to a referendum with what she thinks is just a small part of the question they are dealing with.

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

YEAS: Councilmembers Berryhill, Locke, Selden, and Spaugh.
NAYS: Councilmembers Carroll, Chafin, Cox, Dannelly, Frech, Leeper, and Trosch.

CITY ATTORNEY AUTHORIZED TO SEEK LEGISLATION TO PROVIDE VETO POWER FOR OFFICE OF MAYOR.

Consideration was given to an alternate proposal by Councilmember Chafin to seek enabling legislation to provide a veto power for the Office of Mayor.

Councilmember Chafin proposed that Council accept the recommendation of the Charter Review Commission with one exception, that exception being that they insert the language "seven member majority" rather than "two-thirds majority".

Motion was made by Councilmember Chafin, seconded by Councilmember Frech, that Council accept the Charter Review Commission's recommendation on the veto power of the Mayor with the exception of inserting the language "seven member majority" in place of "two-thirds majority".

Councilmember Trosch stated in Ms. Chafin's memorandum concerning this, she mentioned that she also felt that they would ask that this be held in committee until after the April 28 referendum. She is concerned that if Charlotte returns to an at-large system that they do not have the same debate or argument over the balance, and also the role of the Mayor. She asked if in Ms. Chafin's motion there was any request or resolution of Council to so request this.

Councilmember Chafin stated she had not intended that as part of her motion, but she would be open to that, depending upon Council's pleasure.

Councilmember Trosch stated she thought it was important to have that as part of the resolution. She would not want action before the referendum. She thought this was a substantial change, if after the referendum the balance of the system changes.

Mr. Underhill, City Attorney, stated he believed they would deal with that separately, after the motion. Since the motion is to authorize the City Attorney to draft a bill which incorporates the Charter Review Commission's recommendations, with the exception that the two-thirds override be changed to a seven member override, this presents no problem. If they wanted him to pass on further requests to the delegation with respect to that bill, if it is approved, he thought it would be best done in separate actions, separate from consideration of Ms. Chafin's motion.

Councilmember Trosch stated she thought it was important to a number of people who are very interested in the Council discussion on this. She did not feel that they needed to go over the discussion they had at the last meeting of Council; it was one of the most thorough discussions Council has had since the committee began functioning with very indepth discussion on issues. Most of the Councilmembers have said their positions on this matter; for her, it is a compromise. She preferred a vote for the Mayor in the traditional Council/Manager system. But given the fact that that would make a tie in their system and this goes beyond just a vote, she could support the motion in light of some resolution of this problem rather than having to put it off and send it to the voters without the Council resolving it themselves.

Councilmember Cox stated if this motion passes, Council will have approved the recommendation of the Mayor's Charter Review Commission in its entirety.

with a single change of an eight vote override versus a seven vote override. He thought that was important for Council to remember. The Council and the Mayor will now share on a two-thirds/one-third basis all appointments to all standing committees; this means one-third of the Planning Commission, one-third of the Airport Authority, one-third of the Auditorium-Coliseum-Civic Center Authority, and one-third of the Housing Authority - he was not sure he wanted that one-third. This means that the Office of Mayor will have influence through its appointments to standing committees and through appointments to its own committees, such as the Mayor's Transportation Committee that moved this Council to significant action. He will have influence on each and every citizens committee that provides proposals for Council.

He said if he were the Mayor, he would prefer to have influence over all policy proposals before they came to a Council vote, rather than reacting to one after a Council vote. He personally feels like this is a more subtle, yet more powerful and more influential tool to have. The veto itself accomplishes a goal of encouraging the Council and the Mayor to work together, to talk before a vote; this is the important point.

Several years ago, they stuck the Office of Mayor out there by himself; they have all ignored him. This brings the Office of Mayor back into the process; they have to talk to him, and he has to talk to them before they do things. This is what is important in this system of government.

Mr. Cox stated the seven vote override is preferable to him because it lessens the probability that the Office of Mayor can dictate the process. The veto itself provides them with the option of talking; the seven or eight vote keeps them from having a Mayor down the road dictating the process. On the question of vetoing a Council action on the hiring or firing of the three City employees employed by the Council, he said Council conducts its business using the Council/Manager form of government. He believed that form of government has served Charlotte well; he hoped it would continue to serve Charlotte well in the future. If they need to change it, they should go ahead and change it and say they are going to the strong Mayor system.

He said those were the three major points in this entire discussion about the relationship between the administrative body, the Mayor, and the Council. That he thinks his first point is the most important. Actions they have already taken - last week - have already shared significantly the influence this Council has in the community.

He encouraged Council to think about the motion Ms. Chafin made and do what it takes to get a veto for the Mayor. This is the important point here.

Councilmember Berryhill asked for clarification of the following language in the bill presented by Ms. Chafin: "The city council of the city of Charlotte in its discretion . . ."

Councilmember Chafin stated her motion had absolutely no relationship to what was presented at the last Council meeting last week. She said the motion would read: "That the Mayor be given a veto on all actions, except with regard to its appointments to committees, boards, and commissions, its employment of governmental officials, its internal affairs, and matters which must be approved by the voters, subject to the right of Council to override that veto at its next regular or special meeting called by the Mayor with a seven member majority." She is substituting the language of the Charter Review Commission which says "two-thirds majority" with the language "seven member majority".

Councilmember Berryhill moved an amendment to the main motion to read: "That the Mayor have a two-thirds majority on the veto." The amendment was seconded by Councilmember Locke.

Councilmember Berryhill stated the committee worked very diligently. They have members of this community who worked on this, and they saw it from a side that maybe Council is too close to and cannot see. Some of them have a concern about the two-thirds relating to the possibility of going back to an at-large system. He has no compunction at all with giving any Mayor who serves under either system a veto of two-thirds. In any system they operate

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under, whether it be the federal or state government, he believed the two-thirds was always a part of that system. He would hope that Council would vote for the amendment and make the motion as the committee recommended it. The role of the Mayor - the legal role - is not what the public perceives it to be.

Councilmember Frech stated since two-thirds of eleven is seven and one-third, according to Robert's Rules of Order they have to move up to eight votes. That seven votes is almost 64%, while eight votes is almost 73% of the total votes on this Council. At 73%, it is very close to being a three-fourths majority. For that reason, she could not support what they were calling a two-thirds majority; it is almost a three-fourths majority. This is what some people have referred to as a super majority, and she did not think it was really appropriate in this situation at all. She pointed out to the Council that the Governor of this state does not have a veto at all.

Councilmember Spaugh stated the two-thirds majority has traditionally been used in all legislative areas, such as Congress. Robert's Rules of Order do say that two-thirds rounds up to the next number. He said the Mayor now in his delaying power has two-thirds. He thought anything less than that would be backing up.

Councilmember Selden commended Ms. Chafin for her proposal and Mr. Cox for his comments regarding it. He said this is a step backwards, as Mr. Spaugh has indicated, with respect to seven votes versus eight votes that he now has in certain areas of veto and retention. For that reason, he would hope that Council would vote for the eight votes. He said this is a matter of very serious deliberation.

Councilmember Carroll stated they could not stress enough that this change is one going as such to the Charter, which does not have anything to do with present personalities. They need to get away from that thought as much as possible. It is significant, particularly in the State of North Carolina. The way to make the Mayor more a part of the Council process and to make him more publicly accountable and exercise greater leadership is to have him vote on all matters before the Council - to be a voting member.

Presently under the City Charter, the Mayor has the right to veto any ordinances with an eight vote override required the next week. That includes any appropriations of money, anything which really gets something significant done, which affects the citizens of this community. As he understands it, that is presently more veto power in the Office of Mayor in Charlotte than exists with the Governor or in any other municipality in the state. He thought that was a reflection of the fact that North Carolinians have traditionally been slow to concentrate their political power. The concentration power is not the same thing; it is entirely different from an ability to lead; they are two entirely different concepts.

Mr. Carroll thought Mr. Cox was right in that helping provide that leadership ability through appointments, which the Council unanimously passed at the last meeting, is a very significant and noteworthy step in terms of the Council wanting to share its ability to help lead the community. Obviously, the Mayor has in the past and will continue to play a very strong and key role in that. But he did not think they had a tradition in the state, nor is it helpful to that leadership process, to continue the concentration of the veto power as proposed in this amendment.

Councilmember Dannelly stated last week he had indicated that if he were Mayor of Charlotte, Mint Hill, or even Hickory Grove, he would want more power than the Mayor of Charlotte presently has. It is obvious yet that there are some desires that some of them want, and there are other desires that others want relative to the powers of the Mayor. He views this as a compromise, but it does give to the Mayor more power than he has had in the past.

He was glad that Mr. Cox pointed out the additional appointive powers. At one time, Mr. Dannelly had problems with that; but this is an additional power he feels is very good for the Mayor because he can be certain about those appointments. He was going to support Ms. Chafin's motion. He thought that if it got to the point where Charlotte wanted to change its form of government, it would say so.

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The vote was then taken on Mr. Berryhill's amendment and failed as follows:

YEAS: Councilmembers Berryhill, Locke, Selden, and Spaugh.
NAYS: Councilmembers Carroll, Chafin, Cox, Dannelly, Frech, Leeper, and Trosch.

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(Paragraphs
only reverse)

Councilmember Locke moved an amendment to the main motion that the veto power bill be amended to provide that the Mayor be given a vote when the City Council is considering the employment or dismissal of the City Manager, City Attorney, or City Clerk. The amendment was seconded by Councilmember Carroll.

Councilmember Locke stated she thought her amendment was only fair. That the Mayor works with the City Manager every day, and she thought it was important that he be given a vote in the hiring and firing of the City Manager, City Attorney, and City Clerk - not a veto.

Councilmember Trosch stated she did not know her position on that, and asked if the amendment was germane to the item on the Council agenda. She has not had the opportunity to really consider or weigh that in the same degree she has weighed the veto, etc., nor has she had the time to know this would be before her. She feels like she would be voting on this off the top of her head.

Mayor Knox stated they have been discussing the relative powers of the Mayor; he did not know how they could ever separate that as not being a power, and it would be germane to the motion.

Councilmember Leeper stated this is directly related to the comments Mayor Knox made about being a voting member of Council. That he did not have any problem with that. The problem is when they get into the situation of trying to terminate the City Attorney, for example, and they have six people voting to terminate him and six voting to keep him; they could see what kind of situation that could put the Council in. That is precisely the point made about not being a voting member of Council. He said he would not have any problem with it if they could work it out where they would not have an even number of people voting; he would prefer the Mayor being a voting member of Council. But given the circumstances they have, he would have to vote against that; it puts Council in a very difficult position.

Councilmember Locke stated her concern has been that the majority of Council felt that a veto was too strong. She felt this was the logical compromise.

Councilmember Frech stated she has felt the way to solve this problem is to make the Mayor a voting member of Council, as is the case in a large number of Council/Manager cities. At this point, however, they are not talking about that; they are talking only about the veto. She felt that Ms. Locke's amendment is really not germane to the issue. She thought they should vote on the question, and then at a later date they can discuss whether or not it is possible to structure a vote. But she did not think that discussion belongs with this issue. They are not talking about the whole issue of the Mayor's role; they are only talking about one specific thing - that is a veto.

Councilmember Cox stated Council has "surprise" motions every week. That they have motions that people had never thought of. To him, if it is on the agenda, then it is fair to either vote it up or down. He thought they should put this on the agenda and let the votes speak for themselves.

Councilmember Carroll stated the motion related to this which was on the agenda last week directly had to do with the Mayor's role in hiring and/or firing a City Manager. He thought it was pertinent. He favored the Mayor having a vote, and thought Ms. Locke's suggestion is very reasonable to let him have a vote on the hiring and/or firing of the City Manager. If they get into a deadlock, they cannot take any action; this is possible to happen. But at this stage in the game, he saw no problem with allowing them to go forward.

Councilmember Dannelly stated it is hard for him to conceive, particularly when Council is making changes, why they do not want to allow the person who works more closely and consistently with the City Manager, City Attorney,

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and City Clerk to have a vote in hiring those persons and the firing of those persons. If any one of the Councilmembers were in that position, they would want to have that right to vote for the hiring and/or the firing. He did not see why Council was having all this discussion about a vote of the Mayor in those three instances. It should come about.

Councilmember Locke stated her concern was that this was discussed last week, and it has been discussed in the newspapers. She felt this was a compromise.

Councilmember Cox suggested that Council go ahead and vote on this matter. They have already built it up; it is probably as shaky as it can be. He was going to vote against the motion, but he did not think it could get any shakier.

The vote was then taken on Ms. Locke's amendment to the main motion and carried as follows:

YEAS: Councilmembers Berryhill, Carroll, Chafin, Dannelly, Locke, Selden, and Spaugh.

NAYS: Councilmembers Cox, Frech, Leeper, and Trosch.

Councilmember Trosch stated she voted against the amendment because she was not in the position to know that this was coming and to adequately address the issue.

Councilmember Frech stated she felt this was something that should have been considered at a later date. She was not prepared to vote on it at this point.

The vote was then taken on the main motion, as amended, that the Mayor be given a veto on all actions with regards to appointments to committees, boards, and commissions; its employment of governmental officials; its internal affairs; and matters which must be approved by the voters, subject to the right of Council to override that veto at its next regular or special called meeting by the Mayor with a seven member majority; and that the Mayor will participate as a voting member of Council in the hiring and firing of the City Manager, City Attorney, and City Clerk.

The motion carried as follows:

YEAS: Councilmembers Carroll, Chafin, Cox, Dannelly, Frech, Locke, Selden, Spaugh, and Trosch.

NAYS: Councilmembers Berryhill and Leeper.

MEETING RECESSED AND RECONVENED.

Mayor Knox declared the meeting at recess at 4:50 p.m. and reconvened the meeting at 5:05 p.m.

COUNCILMEMBER CARROLL APPOINTED TO AUDIT ALL RECORDS AND LOGS OF SURVEILLANCE THAT ARE PART OF POLICY INVESTIGATORY FILES, IN ACCORDANCE WITH CHARLOTTE POLICE DEPARTMENT GENERAL ORDER NO. 46.

Motion was made by Councilmember Leeper, seconded by Councilmember Cox, and carried unanimously to appoint Councilmember Don Carroll to audit all records and logs of surveillance that are part of policy investigatory files, in accordance with Charlotte Police Department General Order No. 46.

APPROVAL OF RECOMMENDATION FROM THE PUBLIC MONUMENT COMMITTEE TO NAME THE RECREATION CENTER ON TYVOLA ROAD THE "MARION DIEHL RECREATION CENTER".

Motion was made by Councilmember Chafin, seconded by Councilmember Selden, to approve the recommendation from the Public Monument Committee to name the recreation center on Tyvola Road the "Marion Diehl Recreation Center".

4. Property transactions, as follows:
- (a) Acquisition of 1647 square feet of construction easement from George W. Williams and Anna G. Williams, 6133 Paw Creek Road, at \$300, for Paw Creek Road bridge.
 - (b) Acquisition of 106.11 linear feet of sanitary sewer right-of-way, plus temporary construction easement, from Carolina Connecticut Properties, Inc., at east end of Castlekeep Road, south of N.C. Highway 51, at \$1.00, for sanitary sewer to serve 8218 and 8300 Castlekeep Road.
 - (c) Acquisition of 90.07 linear feet of sanitary sewer right-of-way, plus temporary construction easement, from William P. Berry and R. David Kennerly, at the east end of Castlekeep Road, south of N.C. Highway 51, at \$1.00, for sanitary sewer to serve 8218 and 8300 Castlekeep Road.
5. Loan to Edith L. Hitchcock, in the amount of \$73,400, for permanent financing to purchase residential Unit #502, Poplar Condominiums, 301 West 10th Street, in the Fourth Ward Redevelopment Project Area.
6. Contracts for the construction of sanitary sewer mains, all at no cost to the City, as follows:
- (a) Contract with Providence Development, Ltd., for the construction of 3,817 feet of 8-inch sewer mains to serve Saddle Point Subdivision, Section II, inside the City, at an estimated cost of \$76,340. (Located on the west side of Lawrence Orr Road, at the intersection of Johnette Drive.)
 - (b) Contract with Mulvaney Builders & Associates, Inc., for the construction of 1,489 feet of 8-inch sewer main to serve Sevilla Townhouses, outside the City, at an estimated cost of \$29,780. (Located at the northeast corner of the intersection of Johnston Road and Carmel Road.)
 - (c) Contract with Key Homes for the construction of 950 feet of 8-inch sewer mains to serve Bent Creek Patio Homes, outside the City, at an estimated cost of \$20,000. (Located on the northwest side of Lawyers Road, between McAlpine Creek and Olivet Drive.)
 - (d) Contract with William Trotter Development Company for the construction of 2,180 feet of 8-inch sewer mains to serve Sardis Creek Trunk, Phase III, outside the City, at an estimated cost of \$42,600. (Located on the southwest side of Sardis Creek, from a point approximately opposite the end of Trafalger Place, to a point approximately opposite the end of Lynderhill Lane.)
7. Resolution providing for public hearings on Monday, April 27, 1981, at 3:00 p.m., Council Chamber, on Petition Nos. 81-21 through 81-25 for zoning changes.
- The resolution is recorded in full in Resolutions Book 17, at Page 144.
8. Resolution authorizing a release from liability from approximately 975 owners of motor vehicles for motor vehicle privilege tax.
- The resolution is recorded in full in Resolutions Book 17, at Pages 145-184.
9. Denial of requests to compromise or abate late listing penalties. (Council was advised that the action was denied by the County Commission.)

MAYOR'S VETO POWER TO BE EXERCISED AT COUNCIL MEETING AT SUCH TIME AS THE PARTICULAR ITEM IS BEING CONSIDERED.

Mr. Henry Underhill, City Attorney, stated he felt the need for some guidance from Council on the veto power matter, as to how they want him to write the bill in terms of when the veto must be exercised. They have had two versions; one was that the veto must be exercised at the meeting at

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which the action was taken, at which the veto is being imposed; the other being that the veto could be exercised up until twenty-four (24) hours after the action was taken, but the Mayor has to announce his intentions or announce the fact that he is considering vetoing the matter at the Council meeting. He said the Charter Review Commission recommendations do not answer the question of when the veto must be served.

Councilmember Selden suggested that the Mayor would have to announce at the Council meeting that he is considering vetoing a certain matter, but could insert the veto within twenty-four hours.

Mr. Underhill stated this was the committee recommendation that came to Council. That the Mayor could veto the matter up until twenty-four hours after the action was taken; but if he were considering a veto, he had to announce, at the Council meeting, that he was considering vetoing the item. If he failed to announce it, the veto could not be exercised.

Councilmember Carroll stated he thought it was important for the Mayor to announce his intentions at the meeting, particularly when it is a free public issue and they have a lot of citizens at the meeting. They need to know about it; they could wake up a day or two later and read in the newspaper that the Mayor has vetoed something they felt strongly about. This could present a real problem.

He said there is always the possibility of bringing something back on the Council agenda a week later for reconsideration and going through the full debate process if Councilmembers and the Mayor think that is a good thing to do. He thought they should leave it as it is now.

Mayor Knox asked when the two-thirds rule is applied now, pertaining to his veto over ordinances. Mr. Underhill replied it is the day of the meeting; but that is not in the Charter; this is the way he has interpreted the few times it has come up. That he would like it to be in the Charter one way or another.

Councilmember Cox stated the entire purpose behind the veto power is for the Mayor and Council to talk enough about these things ahead of time. The Mayor should be no less prepared than the Council is.

Motion was made by Councilmember Carroll, seconded by Councilmember Leeper, and carried unanimously that the Mayor's veto must be exercised at the Council meeting at the time of consideration of the subject matter.

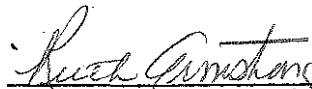
RESOLUTION ON COLISEUM SITE REFERRED TO PLANNING & PUBLIC WORKS COMMITTEE.

Councilmember Chafin presented to Council a resolution on the Coliseum site.

Mayor Knox then referred the resolution to the City Council's Planning and Public Works Committee.

ADJOURNMENT.

Motion was made by Councilmember Locke, seconded by Councilmember Spaugh, and carried unanimously to adjourn the meeting at 5:30 p.m.


Ruth Armstrong, City Clerk

Length of Meeting: 2 hours, 45 minutes.
Minutes Completed: March 27, 1981.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHARLOTTE ENDORSING THE CHARTER REVIEW COMMISSION'S RECOMMENDATION THAT THE MAYOR BE GIVEN ONE-THIRD (1/3) OF ALL APPOINTMENTS TO ALL STANDING COMMITTEES, BOARDS, AND COMMISSIONS.

WHEREAS, the final report of the Charter Review Commission recommended that the Mayor be given one-third (1/3) of all appointments to all standing committees, board, and commissions, and that the Council be given two-thirds (2/3's) of such appointments; and

WHEREAS, the Council feels it is desirable that the Mayor be given authority to appoint people to every committee, board, or commission, not merely the few permitted; and

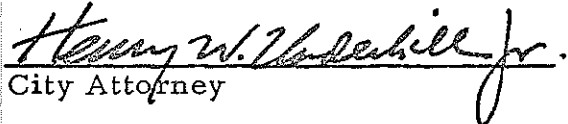
WHEREAS, in order to carry out this recommendation, it is necessary that not only the Charter be amended, but also a number of city ordinances and resolutions be likewise amended.

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Charlotte, that it hereby endorses the recommendation of the Charter Review Commission that the Mayor be given one-third (1/3) of all appointments to all standing committees, boards, and commissions, and that the Council be given two-thirds (2/3's) of such appointments.

BE IT FURTHER RESOLVED, that the City Attorney be directed to prepare legislation necessary to allow the Mayor and Council to share appointments on a one-third to two-thirds (1/3-2/3's) basis on those boards and commissions prescribed by Charter.

BE IT FURTHER RESOLVED, that the Council develop a plan to implement the appointments on a one-third to two-thirds (1/3-2/3's) basis over a period of time for all boards and commissions.

Approved as to form:


City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 16th day of March, 1981, the reference having been made in Minute Book 75, page , and recorded in full in Resolutions Book 17, page 120.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17th day of March, 1981.

Ruth Armstrong, City Clerk

A RESOLUTION OF THE CHARLOTTE CITY COUNCIL AGREEING TO FURTHER STUDY THE ISSUES OF COUNCIL TERMS OF OFFICE, PARTISAN VERSUS NON-PARTISAN ELECTIONS, AND A LIMIT ON THE NUMBER OF TERMS.

WHEREAS, the Council Environmental Health and Protection Committee has studied the recommendations of the Charter Review Commission with regard to the terms of office for Mayor and Council, and the question of partisan versus non-partisan elections of the Mayor and Council; and

WHEREAS, the Committee has recommended that the Council not adopt the Charter Review Commission's recommendation with respect to these issues, but instead study the matter further; and

WHEREAS, the Committee also recommends that the Council study the question of whether there should be a limit on the number of terms a person can serve on the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Charlotte, in regular session duly assembled, that a further study be given to the question of terms of office for the Mayor and members of Council; partisan versus non-partisan elections for the Mayor and members of Council; and whether or not the Charter should be amended to set a limit on the number of years a person can serve on the City Council.

Approved as to form:

Henry W. Underhill Jr.
City Attorney

CERTIFICATION

I, Ruth Armstrong, City Clerk of the City of Charlotte, North Carolina, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the City Council of the City of Charlotte, North Carolina, in regular session convened on the 16th day of March, 1981, the reference having been made in Minute Book 75, page , and recorded in full in Resolutions Book 17, page 122.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 17th day of March, 1981.

Ruth Armstrong, City Clerk