

**Charlotte-Mecklenburg  
Charter Drafting Committee  
1994-1995**

**Memorandum**

Date: August 28, 1995

To: Mayor Vinroot and the Charlotte City Council  
Chairman Schrader and the Mecklenburg County Commission

From: Joe Grier, Jr.  
Sam Wilson  
Co-Chairmen, Charlotte-Mecklenburg Charter Drafting Committee

Subject: Final Report of the Charlotte-Mecklenburg Charter Drafting Committee

Attached is an addendum to the final report of the Charlotte-Mecklenburg Charter Drafting Committee in response to your request that we continue our work to include a process for mandating savings as a part of consolidation of city and county government.

Our Committee held two meetings to complete this expanded charge. At each meeting it was difficult to get and keep a quorum of members. The Committee has worked hard since October 1994 and has accomplished its original charge of drafting a charter for the consolidated government. We have also responded to additional charges you have given us.

The only area in which there continues to appear to be great differences of opinion on the Committee is on the representation issue. The original principle called for an 8 district, 3 at-large Metro Council. In April the Committee adopted a 6 district, 5 at-large Metro Council. At our last meeting the Committee adopted a 6 district (2 representatives from each), 6 at large Metro Council. Attached are the revised pages of the Charter reflecting this action of the Committee.

It is our opinion that the Charter Drafting Committee has completed its work and the time has come for you to move forward and appoint a Charter Commission. We will ask that you do so in September. A Charter Commission could then begin its work of educating the public and gaining public response in time for a vote on consolidation in the Spring of 1996. You might instruct the Commission to allow the public to respond to all three representation plans.

We feel the time is right to allow the voters to consider how they will be governed. Functional consolidations are basically complete. Yet, weekly we observe in the public forum examples of City and County government in conflict as to level of services or responsibility in the provision of services. We think the benefits of having one body set

community priorities are enhanced accountability and a more efficient delivery of services. The citizens of Charlotte-Mecklenburg should be given a forum to consider all the advantages and disadvantages of consolidation and make their own decision. We have provided information on advantages and disadvantages in our original report. Attached to this addendum is survey data of other consolidated communities that you will find interesting.

Thank you for this opportunity to serve the citizens of Charlotte-Mecklenburg.

# **Addendum to Report of the Charlotte-Mecklenburg Charter Drafting Committee 1994-1995**

## **Expanded Charge of Committee**

On June 20, 1995 the Mecklenburg County Commission adopted a resolution requiring the Charter Drafting Committee to continue its work to "define the merits of consolidation and how it will impact the community". Specifically it was asked to include a process to require the consolidated government to mandate a \$4,000,000 savings each year for 5 years. The process for determining these savings and how the \$4,000,000 would be adjusted and be overruled is outlined in the resolution adopted by the County Commission (Attachment 1-Resolution). The Committee was asked to report back no later than September 15, 1995. On June 26, 1995 the Charlotte City Council adopted an identical resolution.

The Charter Drafting Committee met on July 28 and August 4, 1995 to consider the additional charge and discussed the mandated savings issue as well as other issues.

## **Mandated Savings**

The Charter Drafting Committee approved Article 4 Special Budgetary Provisions to be added to Sec. 3 of the legislation to accomplish City/County consolidation. This Article accomplishes the intent of the resolution mandating savings (Attachment 2-Article 4).

## **Other issues considered by the Committee**

The Committee also considered the following issues at the request of Commissioner Scher:

- an 18 member Metro Council (2 representing each district, 6 at large)
- a process for setting the salary of the Metro Council
- partisan/non partisan elections
- citizen instituted referenda

The Committee voted 4-2 to recommend an 18 member Metro Council including 2 members from each of 6 districts and 6 members elected at large. A vote to reconsider failed. This represents a change from the previously approved representation plan of 6 districts and 5 at large seats which was approved on April 13 with a 6-2 vote. The Committee discussed but took no further action on the other issues. (Attachment 3-Revised Charter Pages; Attachment 4-Salary Survey)

## **Survey of Other Consolidated Communities**

In response to questions raised by Commissioner Scher and Chairman Schrader, a survey was conducted of the consolidated communities of Athens, Indianapolis, Jacksonville, Lexington, and Nashville. (Attachment 5-Consolidation Survey)



Motion was made by Commissioner Bush, seconded by Commissioner Scher, and carried 8-1, with Commissioners Bush, Helms, McCall, Richardson, Rucho, Scher, Schrader and Williams voting yes, and Commissioner Higgins voting no, to approve the following Resolution:

**RESOLUTION**

BE IT RESOLVED, that the Charter Drafting Committee continue its work to define the merits of consolidation and how it will impact the community.

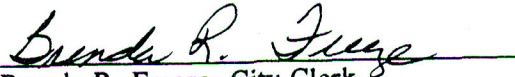
BE IT FURTHER RESOLVED, that the consolidated government may appropriate a budget to spend not more than the joint budget of 1997 for the City of Charlotte and the County, adjusted by a cost of living and population increase but less, at minimum, \$4,000,000 (to also be adjusted by the cost of living and by percentage of population increase) every consecutive year there after for a period of five consecutive years. In other words, there is to be a mandated savings of at least \$4,000,000 annually, for a period of five years for a minimum savings of \$20,000,000.

BE IT FURTHER RESOLVED, the only way this mandated savings can be over ruled is by a 2/3rd majority vote of the consolidated government. Further, that the Charter Drafting Committee report back in response to this motion no later than September 15, 1995, so that the process originally designated may continue to allow the public to consider a referendum in the year 1996.

**CERTIFICATION**

I, Brenda R. Freeze, 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 26th day of June, 1995, the reference having been made in Minute Book 108, and recorded in full in Resolution Book 33, Page(s) 303.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this the 28th day of June, 1995.

  
Brenda R. Freeze, City Clerk



The following is to be added to Sec. 3 of the legislation to accomplish City/County consolidation as a new ARTICLE 4.

ARTICLE 4. SPECIAL BUDGETARY PROVISIONS.

Part 1. Without a two-thirds (2/3) vote of its members, neither the Transitional Governing Board nor the Metro-Government Council may lawfully adopt or amend a budget ordinance for the Charlotte-Mecklenburg Metropolitan Government for any of the first five (5) fiscal years unless the budget ordinance complies with the provisions of this Article.

Part 2. The total appropriations for each fiscal year must not exceed the Net Adjusted Combined Appropriations of Mecklenburg County and the City of Charlotte.

Part 3. The words and phrases defined in this Part shall have the meaning indicated when used in this Article.

(a) "Base Reduction Amount" means Four Million Dollars (\$4,000,000).

(b) "Net Adjusted Combined Appropriations of Mecklenburg County and the City of Charlotte" means the Combined Appropriations of Mecklenburg County and the City of Charlotte adjusted for each fiscal year as set forth in Part 4, less the Base Reduction Amount adjusted for each fiscal year as set forth in Part 5.

(c) "Combined Appropriations of Mecklenburg County and the City of Charlotte" means the sum of the appropriations in the Mecklenburg County Modified Operating Budget and in the City of Charlotte Modified Total Budget as contained in their fiscal year (\*) budget ordinances, as amended.

(d) "Mecklenburg County Modified Operating Budget" means the total budget of Mecklenburg County excluding Medicaid, AFDC pass-through revenues, the portion of Stormwater expenditures financed by fees and the portion of Solid Waste expenditures financed by fees.

(e) "City of Charlotte Modified Total Budget" means the total budget of the City of Charlotte excluding the following amounts: Water and Sewer, operating and capital expenditures; Aviation, operating and capital expenditures; Transit expenditures; Community Development and Employment and Training expenditures; expenditures financed by Powell Bill revenues;

Convention Center, operating and capital expenditures; and the portion of Stormwater expenditures financed by fees and bonds.

(f) "Consumer Price Index" means the Consumer Price Index for All Urban Consumers - U.S. City Average, All Items" (CPI-U 1982-84 = 100) published by the Bureau of Labor Statistics of the United States Department of Labor.

(g) "Population of Mecklenburg County" means the population of Mecklenburg County as estimated by the Charlotte-Mecklenburg Planning Department.

Part 4. The Combined Appropriations of Mecklenburg County and the City of Charlotte shall be adjusted for each of the first five (5) fiscal years by the sum of the percentage change in the Consumer Price Index from January 1 (\*\*\*) until the January 1 immediately prior to the beginning of the relevant fiscal year and of the percentage change in the Population of Mecklenburg County from January 1 (\*\*\*) until the January 1 immediately prior to the beginning of the relevant fiscal year. Such adjustments may cause increases or decreases in the Combined Appropriations of Mecklenburg County and the City of Charlotte depending on whether such changes reflect increases or decreases in the Consumer Price Index and the Population of Mecklenburg County.

Part 5. The Base Reduction Amount shall be adjusted for each of the first five (5) fiscal years by the sum of the percentage change in the Consumer Price Index from January 1 (\*\*\*) until the January 1 immediately prior to the beginning of the relevant fiscal year and of the percentage change in the Population of Mecklenburg County from January 1 (\*\*\*) until the January 1 immediately prior to the beginning of the relevant fiscal year. Such adjustments may cause increases or decreases in the Base Reduction Amount depending on whether such changes reflect increases or decreases in the Consumer Price Index and the Population of Mecklenburg County.

Part 6. Any budget ordinance or amendment thereto adopted in violation of the provisions of this Article is invalid.

\*--The fiscal year immediately prior to the proposed first fiscal year of the Metro-Government will be inserted here prior to submission of the legislation to the General Assembly.

\*---The year of the January 1 which is eighteen months prior to the July 1 effective date of the consolidation will be inserted here prior to submission of the legislation to the General Assembly.

# Chapter 2

## COUNCIL AND MAYOR

- Article 1. Council: Composition, Terms, Qualifications and Compensation.
- Article 2. Council: Organization and Procedures.
- Article 3. Council: Powers and Duties.
- Article 4. Mayor.

### ARTICLE 1. COUNCIL: COMPOSITION,

### TERMS, QUALIFICATIONS AND COMPENSATION.

#### Sec. 2-1. Composition of the Council; terms.

(a) The Metro-Government Council shall consist of eighteen (18) members, twelve (12) district members and six (6) at large members. Each district member shall be nominated and elected by the qualified voters of his district only. Each at large member shall be nominated and elected by all the qualified voters of the Metro-Government. All members of the Council shall serve two (2) year terms beginning the first Monday in December after the regular Metro-Government election at which they were elected, but members shall continue to serve until their successors are elected and qualified.



members a Mayor Pro Tempore who shall hold his office until the first Monday in December after the next regular Metro-Government election, unless he shall resign his office of Mayor Pro Tempore at an earlier date. Any member entitled to make the aforesaid oath who was not present at the time fixed therefor may make oath at any time thereafter.

**Sec. 2-22. Meetings.**

The Council shall hold a regular meeting at least once a month, and may hold more frequent regular meetings. The Council shall fix suitable times for its regular meetings. A majority of the members of the Council, the Mayor, or in the absence of the Mayor, the Mayor Pro Tempore, may call special or emergency meetings.

**Sec. 2-23. Quorum; procedure; voting.**

(a) Ten (10) members of the Council shall constitute a quorum. No member shall be excused from voting except upon matters involving the consideration of his own official conduct, involving his financial interest, or when the member failed to attend the entire hearing on a request for the issuance of a special use permit. In all other cases a failure to vote by a member who is present or who, having been present, has withdrawn from the meeting without being excused by the Council, shall be deemed an affirmative vote and shall be so recorded. A member who has withdrawn from a meeting, whether excused or not excused, shall not be counted as present for purposes of determining a quorum.

(f) For purposes of this Section, "a favorable vote of Council" is ten (10) or more affirmative votes of Council members, or nine (9) of such affirmative votes, together with the affirmative vote of the Mayor, in case of a tie vote.

(g) The Mayor shall have a vote in the consideration of amendments to zoning ordinances when said amendments are the subject of a valid protest as provided by Section 7-19 of this Charter. In voting on amendments to zoning ordinances, the Mayor shall be deemed a member of the legislative body as that term is used in General Statute 160A-385. The Mayor shall have a vote in the consideration of the employment or dismissal of the Metro-Government Manager, Attorney and Clerk.

(h) Except for Council appointments to committees, boards and commissions; its employment of the Metro-Government Manager, the Attorney and the Clerk; its internal affairs; adoption or amendment of the budget ordinance or any project ordinance; and matters which must be approved by the voters, the Mayor may veto any action adopted by the Council. The veto must be exercised at the meeting at which the action was taken. An action vetoed by the Mayor shall automatically be on the agenda at the next regular meeting of the Council (unless considered at an earlier special meeting), but shall not become effective unless it is readopted by the Council with at least eleven (11) members voting in the affirmative.

(i) The Mayor Pro Tempore, when presiding over a Council meeting, shall

the ordinance or petition proposing the amendments shall be void and of no effect.

**Sec. 10-5. Amendment of Charter provisions dependent on form of government.**

The authority conferred by this Chapter to amend Charter provisions within the options set out in Section 10-1 also includes authority to amend other Charter provisions dependent on the form of the Metro-Government to conform them to the form-of-government amendments. By way of illustration and not limitation, if the number of members of Council is amended to increase the size of the Council from eighteen (18) to twenty (20) members, Section 2-23(a) of this Charter defining a quorum of the Council as ten (10) members shall be amended to define a quorum as eleven (11) members.

**Sec. 10-6. Plan to continue for two years.**

Charter amendments adopted as provided in this Chapter shall continue in force for at least two years after the beginning of the term of office of the officers elected thereunder.

**Sec. 10-7. Municipal officers to carry out plan.**

It shall be the duty of the Mayor, the Council, the Metro-Government Clerk, and other Metro-Government officials in office, and the Mecklenburg County Board of Elections and election officials, when any plan of government is adopted as provided by this Chapter or is proposed for adoption, to comply with all requirements of this Chapter, to the end that all things may be done which are



# CHAPTER 11

## DISTRICT BOUNDARIES

Article 1. Council Electoral Districts.

### ARTICLE 1. COUNCIL ELECTORAL DISTRICTS.

Sec. 11-1. Council electoral districts.

(a) There shall be six (6) electoral districts with two (2) district members of the Council apportioned to each electoral district. The boundaries of each electoral district may be revised in accordance with the provisions of the General Statutes applicable to counties, and such revised boundaries shall supersede all prior boundaries.

(b) The initial electoral districts are initially defined as having these boundaries:

DISTRICT 1: [See Mecklenburg County Commissioner Districts Map, January 1994]

DISTRICT 2: [See Mecklenburg County Commissioner Districts Map, January 1994]

DISTRICT 3: [See Mecklenburg County Commissioner Districts Map, January 1994]

DISTRICT 4: [See Mecklenburg County Commissioner Districts Map, January 1994]