

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, January 11, 2010, at 5:17 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were: Michael Barnes, Susan Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, Patsy Kinsey, James Mitchell

ABSENT UNTIL NOTED: Councilmembers Patrick Cannon, David Howard, Edwin Peacock III

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Councilmember Dulin (Portion missing. Audio tape started late.) said 90,000 miles, 118,000 miles. One of them only has 28,000 miles on it that we are replacing. It's a 1991 Ford F700 with 28,000 miles on it. Diesel engines go hundreds of thousands of miles, but if we have had this truck since 1991, and it only has 28,000 miles on it, it seems to me there are some of these things we could live without. Your procurement folks just like to procure. That's what they do, I guess.

City Manager Walton said, no, sir. They put things out to bid once the department notifies them there is a need to go to bid, so it's not a function that this is what you see here, but it's because the departments have told them there is an operational need to replace a truck.

Councilmember Dulin said it would be interesting to know – I don't know if we have had that truck since 1991, but it's only got 28,000 miles on it. We are not using it for much. Now, it is a material spreader, so it might only get pulled out those two or three or four days a year when we are spreading materials like we have been doing twice this year.

City Manager Walton said spread salt, so it could be a corrosive issue.

Councilmember Dulin said it is just sort of interesting. Then No. 26 – this is for the attorney. I'm a Verizon client, and that's a Verizon wireless tower. Do we have any Verizon clients having trouble with that? We can come back to it. He must be getting his dinner.

City Manager Walton said what was your question, Mr. Dulin?

Councilmember Dulin said it's a Verizon Wireless tower lease. I don't think we have any legal problems being clients of Verizon. Just wanted to make sure.

Mayor Foxx said in terms of a conflict?

Councilmember Dulin said yes.

Councilmember Cooksey said do you own any of it?

Councilmember Dulin said I don't own any of that tower, no.

Councilmember Cooksey said do you own any of the company?

Councilmember Dulin said not at this time.

Councilmember Cooksey said, well, then you're fine.

Councilmember Howard arrived at 5:23 p.m.

Councilmember Carter said this is No. 17, and I want to commend our staff. They are removing debris using only water – nothing corrosive, nothing intrusive, nothing non-native and using

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filters to prevent any debris from going down storm drains, so please convey our appreciation to our staff to these two issues.

Councilmember Cannon arrived at 5:26 p.m.

Councilmember Turner arrived at 5:26 p.m.

Councilmember Barnes said, Mr. Manager, I have a question regarding Item No. 20. I don't know if anyone else has covered, but I was curious as to why the expediting of this project has run up the cost. That's how it reads. That may not be the case, but I just wanted some clarification as to why the costs have gone up by \$456,000 during the expediting of the project; if, in fact, that is what that is meant to say.

Curt Walton, City Manager, said, Mr. Barnes, the Berewick project has been on the drawing board a long time. Different phases of it have already been built. Several years ago we asked that the network be redesigned, which the developer agreed to do, and then we had to work with NCDOT since some of these are state roads. So basically the project was redesigned at our request, and now that it has been resolved, we are trying to expedite it as quickly as possible.

Councilmember Barnes said let me ask it another way. If we left it on the current timetable, would it still cost 456?

City Manager Walton said, yes, sir, I believe it would. It's just a different sequencing. I think expediting is more for timing and sequencing, and it doesn't really cost us anything.

Councilmember Mitchell said I just wanted to give a thanks to Jerry Orr and to the Airport on Item No. 16. So often we raise the question when they don't meet the SBE participation. In this particular one, they exceeded it almost three times, so, Jerry, thank you to you and your staff on the Airport Terminal Ticket Level renovation reaching a 28% goal.

Councilmember Burgess said this isn't on consent, but it is on nominations for Boards and Commissions, and it has to do with the nominee for the Firemen's Relief Board of Trustees. There are two errors in the information provided to us, and one is on the blue sheet it says that they are three-year terms, and they are really two-year terms. Also it says that Mr. Henry Donaghy is not eligible for reappointment, and he is. He was actually two times asked to fill in for the same person, who is in Iraq, so he has really only had one full term, and he would like to be re-nominated, and I expect to do that unless somebody else wants to do it tonight.

Mayor Foxx said any other questions on consent?

Councilmember Mitchell said can I follow to Mayor Pro Tem and ask the City Clerk on the blue sheet it says he did not meet attendance requirements?

Melissa Johnson, Deputy Clerk, said from what I understand, we were not aware at the time that this went out, but he had been appointed twice to fill in for someone who was serving in Iraq.

Councilmember Mitchell said so this is an error.

Ms. Johnson said I think this is an error as Ms. Burgess said.

Councilmember Dulin said this is the same topic as that but not a Consent Item. Is that okay for me to continue?

Mayor Foxx said that's fine.

Councilmember Dulin said along with this Firemen's Relief one is a nice letter from Chief Hannan about Clark Allen, who was appointed by Mayor McCrory and has served for 12 years. I would like to see some turnover in these things when we have got candidates that want to do the job. Twelve years this person has served I'm sure ably for 12 years, but there are other folks if there is somebody that wants to do these jobs. We rotate these folks and reappoint so fast sometimes without a lot of thought to other people that are on the list that would like to come up.

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I have had some personal friends and some other guys that have gotten sort of chagrined at putting their name out there because they can't ever get on a commission because people get reappointed. I just wanted to bring that up.

Mayor Foxx said thank you, Mr. Dulin. That's a very good point. In fact, I'm in the process now of looking at some of the appointments that were made in the last month or so. In some cases, they were people who had served two full terms but had only been reappointed once, and they just got reappointed again. I'm taking another look at whether that is appropriate because there are lots of people who want to serve on these boards, and we need to keep the pipelines clear. Thank you for that.

Councilmember Carter said on that there is an interest I have heard expressed from staff as well as some members of Council about having a Youth Advisory Council, and I heard recently that those members participated in boards and commissions. So if you want to extend the outreach of these boards and commissions that use advisory commissions might be a very, very good way to do it.

Mayor Foxx said good idea.

Councilmember Burgess said I only have one blue sheet, and we do not have a way to nominate for Transit Services Advisory Committee and Zoning Board of Adjustment. Maybe it's just me. No one has that?

Councilmember Peacock said I think we are all missing pages, too.

Ms. Johnson said there are some that are coming in February. That may be part of it.

Councilmember Burgess said so we don't nominate tonight?

Ms. Johnson said I apologize. I do have copies of those. You did not receive the second sheet – the Transit Services Advisory Committee.

Mayor Foxx said could we just get that sent out to us.

Ms. Johnson said Transit and Zoning Board. We have extras right here. I'll get them around to you.

Mayor Foxx said just have them circulated around the dais.

Curt Walton, City Manager, said two things before we get to the printed agenda I wanted to interject. First, I wanted to introduce Julie White, our new Intergovernmental Relations Manager. Her parents are here as well from Michigan.

Mayor Foxx said welcome and glad to have Julie with us.

City Manager Walton said Julie is currently directly of the North Carolina Metropolitan Coalition for another week. She will begin with us next week, but we have also agreed that she will continue to work with the Coalition until the end of February and helping them through the transition, so Julie will be with us full time starting next week.

Mayor Foxx said I want to add an editorial comment to that. I have had an opportunity to meet Julie through the coalition, and I can already tell you are just going to take off, and we are looking forward to working with you, so thank you for coming on board.

ITEM NO. 2: 2009 YEAR-END CRIME STATISTICS

City Manager Walton said the other thing. After the printed agenda went out, I asked Chief Monroe to talk to you tonight about the year-end crime statistics – the 2009 year-end crime statistics that will be coming out soon and also to talk about the status of the reorganization, which includes the recruitment division within the academy. So, with that, I will turn it over to Chief Monroe.

Chief Rodney Monroe, Charlotte-Mecklenburg Police Department, said by now most of you have had an opportunity to see news reports and learn about the charges levied against former CMPD Officer Marcus Jackson. I have no doubt that you are concerned as I am about the effect that Jackson's actions will have on the public's perception of our department and our ability to maintain the trust of the community we serve. As despicable as those actions are, I want you to know that this unfortunate event should not diminish or overshadow the tireless work that our employees have done and will continue to do. Because of their dedication and service, the Charlotte-Mecklenburg Police Department has recorded an historic drop in the crime rate. There have been over 10,000 fewer victims of crime reported in 2009, and this was no coincidence. It was because of our officers' focus and commitment to the citizens and the partnerships they are building within the community. Though Jackson's action have cast a shadow of dishonor over this department, I have told each and every member to hold their heads high and be proud of their continued accomplishments.

It is unfortunate that a member of this department has misused his authority to violate the public's trust and to cause dishonor to the dedicated officers who serve with integrity. Some are vexed, and rightfully so, how someone of this caliber ever had the privilege to wear the CMPD badge. I have been as candid as possible about all the details regarding this case, and I will be upfront again in saying that we did miss some valuable information about Jackson's background that would have disqualified him from being hired.

In November of 2008 since Jackson's hire, we began making several changes back then to improve our entire recruitment process. We placed a captain over recruitment to instill greater oversight and accountability in the hiring process. We added a major, who functions as an executive director of both recruitment and training. Recruiters obtain background documents now under the Lexus/Nexus report, which contains information on a variety of things – criminal offenses, driving offenses, past and present addresses, names of relatives, possible associates. We have also included the checking of social networking activity in the investigation process. We also added a behavior focus interview to the process in which the applicant must respond to specific scenarios designed to observe how the applicant would possibly respond in a field situation. We have also modified our outsourcing checks and began allowing our recruitment officers to conduct those background checks for thoroughness and a better understanding of who they are hiring. In addition, we have made the changes in our recruiting staffing in order to provide a fresh set of eyes and an even greater efficiency in the process. With the newly assigned recruiters, we have strongly encouraged them to develop a rapport with the applicants, to give recruiters a stronger voice in recommendations for hire and disqualifications and not simply rely on a metric system.

Even with these changes, please understand that at no time have we ever reduced, changed, or modified the high standards that have long existed within the CMPD recruitment process. Let me be crystal clear in saying the same standards of excellence that existed three years ago, five years ago, and even ten years ago are the same high standards that apply today. We will never compromise the integrity of the hiring process, but we will continue to explore ways to improve it. We are considering additional changes to date – adding a human resource professional to the recruitment staff, adding civil request checks to be a part of the background process, researching pre-employment databases that provide multiple data sources, continuing the evaluation of recruit staff and continued effectiveness of that staff and any needed training, additional background checks not only based on when a recruit comes into the Academy or while they are in the Academy but also an ongoing random check of those through the graduation process.

I am confident that this department is made up of individuals who are committed to law enforcement, to the CMPD, and most importantly to the community, and I continue to expect our officers to uphold, enforce, and obey the law. Some are asking why wasn't Jackson immediately

terminated after an earlier act of misconduct, which was not related to his recent arrest. The media report said what relates to what Jackson was charged with does not accurately reflect the circumstances of this case. I also want you to understand that I am committed to maintaining a fair and equitable disciplinary process. We cannot be so heavy-handed on every act of reported misconduct, but it is our continued effort to identify, respond to all violations of departmental policy. We will seek to address those violations in order to modify behavior and allow those members to move forward, however, when it's indicated that an individual needs to be separated from the department, the appropriate action will be taken.

Finally, I want all of us to recognize and appreciate the hard work and dedication of our employees that they give to this organization and to the city and not take the actions of many by the actions of one. It is truly a challenging time for us, but together we will forge ahead. I believe that most citizens will not judge the entire department on the actions of one individual, however, we all have been victimized. A fraud has occurred against our citizens' trust account whereby we have experienced a significant loss. Nevertheless, we can feel confident in knowing the culprit has been identified and will be held accountable for this crime. Now, we must immediately begin rebuilding our trust account by working even harder with our citizens in expressing our dedication and commitment to serve in their best interests. We will move forward together knowing we have the resolve and the perseverance to achieve success in 2010 and beyond.

With that, I'm happy to have the opportunity to talk to you tonight about some good news for CMPD and the citizens of Charlotte. Our officers and citizens of Charlotte have worked together to bring significant reductions in crime and making Charlotte a safer place to live and work. In 2009, Charlotte's crime rate per 1,000 population declined to the lowest level in over 30 years. Overall reported crimes in Charlotte declined 19% with violent crime down 20% and property down 18.2%. Homicides declined to their lowest level in 21 years – 56 homicides in 2009 – the lowest number since 1988. There were double digit decreases in every crime category except rape. Homicides declined 33%, robberies declined 21%, aggravated assaults declined 22%, burglaries declined 19%, larcenies declined 15% -- including a 22% reduction in larcenies from auto -- vehicle thefts declined 38%, arsons declined 25%. The only category that saw an increase was rate, which increased 12%. The greatest number of those cases involved a victim and suspect who had some relationship to one another.

As crime continued to decline through 2009, skeptics claimed that CMPD was counting crime differently. I want to state emphatically that we were not counting crime differently. We were fighting crime differently. All of our department's work is guided by a strategic plan, which was developed by several members within the department. The plan centers on seven clear strategic goals – priority offenders, juvenile enforcement initiatives, juvenile prevention initiatives, gangs, personnel, and facilities – moving our facilities back into the neighborhoods – technology, and engaging difficult to reach communities. This serves as our blueprint.

In 2009, we reaped the benefits of organizational changes that were implemented in September of 2008. Those changes focused on reducing crime at the neighborhood level, increasing police visibility in all neighborhoods, and allowing the patrol divisions increased flexibility in the use of their resources and increasing accountability for results at all levels of the organization. Each of the 39 patrol divisions was assigned a sergeant to function as the response area commander. Those response area commanders monitored crime trends in their assigned area and developed strategies to utilize their resources to address crime and disorder. The response area commanders, along with their officers, worked to build constructive partnerships with citizens in the area so that police can address those issues that are most important to our residents.

Each patrol response area also had a focus mission team that could be deployed throughout the division to meet critical needs. The officers are deployed to address areas with chronic crime problems as well as areas with emerging crime trends that can be impacted by increased police presence. We have also increased the ability of using money from our Justice Assistance Grant to enable officers to patrol and work in an overtime capacity. These funds were used during the summer when certain crime tends to spike and also during the holiday season so that citizens could have a safer environment while shopping and visiting.

During 2009 also we evaluated the use of our vehicle fleet. We converted a number of unmarked vehicles to marked vehicles and began assigning those vehicles as take-home cars -- vehicles assigned to officers who live within CMPD's jurisdictions. This is another way to enhance our visibility within the community. Over the next year, our visibility will further enhance by the addition of 125 new officers to our force. Fifty of those officers were funded by the stimulus program, and, thanks to you, 75 additional ones were funded by you.

We constantly evaluate the status of our crime reduction goals so we can determine what works and what emerging trends need to be addressed. We meet every Monday to evaluate our crime reduction goals and what progress we have made. We have adopted the COMSTAT model where each patrol division provides an indepth look at their crime trends and reduction strategies every 28 days. This approach has increased accountability and gives officers in each response area a sense of ownership in the problems that are faced by their residents. In 2009, all 13 patrol divisions experienced a decrease in crime ranging from 26% in the Steele Creek Division to 7% in the Central Division. Thirty eight of the 39 response areas experienced reductions in crimes.

Much of our work in crime reduction is focused on getting repeat offenders off the street. We work closely with our communities to determine who is the worst of the worst in each area, who is creating fear and disorder. Those suspects are dealt with by our Priority Offenders Strategy Team, which prioritizes these offenders through work with the District Attorney's Office, Probation, and others in the federal system to make sure that we successfully prosecute these individuals. Electronic monitoring has grown. A once 125 clientele now reaches to over 250. Ninety seven percent of all robbery releases are placed on electronic monitoring. More and more property offenders are also placed on electronic monitoring.

I mentioned earlier that homicide had reached its lowest level in 21 years. We have taken a new approach to investigating homicides. When a homicide occurs, not only do homicide detectives respond but detectives from ADW, Vice, Narcotics, Gangs, Firearms, and Patrol Division staff responds to that affected area. This helps us to better understand the underlying causes of that homicide and helps establish the relationships involved in these cases, which allows us to prepare a highly focused and coordinated response. We believe the creation of the ADW Unit has increased the emphasis placed on serious assaults whereby we can get that offender off the street before their violence escalates. We have initiated the 48-hour briefing where every homicide is debriefed to determine what additional investigative work can be done. Other divisions throughout the department have also contributed in our success in reducing crime. The Crime Lab is now fully staffed and priorities have been realized to support what is important in the neighborhoods. The Crime Analysis Division provides a great deal of support. Our calls for service have been reduced by over 24,000, which is a clear indication that citizens are believing that their needs are being addressed. More citizens are expressing their concerns to officers and their response area commanders. In many cases, we are able to address those concerns before they generate a 911 call.

All of our crime reduction effort is clearly dependent upon CMPD having the trust and the support of the community. One of our priorities for 2010 is to continue to strengthen our community engagement so that more citizens can have an active and positive relationship with the officers who serve the neighborhoods. We are extremely proud of the crime reductions that we have accomplished in 2009; however, we have no intention of slowing down our efforts to both sustain and grow those reductions. We will continue to develop innovative crime strategies, engage the community as active crime reduction partners. We look forward to a good year in 2010, and I expect to be able to deliver more good news on crime reduction in 2011. I ask for you and the community continued support. Thank you.

Councilmember Carter said, Chief, you have done wonders. We have seen the impact of your work -- the reallocation of officers, the targeting of criminals, the resources that are gathered for our community. Thank you.

Chief Monroe said thank you for your support.

Councilmember Carter said I have up here that some of the non-reporting of crimes is linked to the charges that are outstanding against the officer.

Chief Monroe said these are reduction in calls for service pre-Jackson.

Councilmember Carter said what I have heard though is the Hispanic community is not feeling free to call in their problems, and I would like to offer an opportunity to CMPD to start rebuilding the relationships that we might need to do. Tomorrow night at 7:00 at St. Paul Baptist Church Maudia Melendez of the Jesus Ministry is holding a meeting, and I think this might be a step forward if we can attend. I know I am going to, but thank you for all you do for our community.

Councilmember Peacock said, Chief, excellent news. Thank you for your forthright and upfront approach on Officer Jackson. I had one question regarding the background check for him and the procedures that you went through as far as what is going to happen going forward, but when we look back, was CMPD responsible for the background check of Officer Jackson or was that a function of possibly something that we outsourced to someone else? Some organizations I know of your size would do that.

Chief Monroe said because the process is a CMPD process regardless of whether they provided some of that background investigation it is and was our responsibility. We accept that responsibility.

Councilmember Peacock said going forward we are going to continue to keep that in-house. It's not going to be sent to an outside third party, and it never has?

Chief Monroe said in June of last year we brought it back in-house because I think it's important for the investigators to call references, to check on job references so they can get a good feel, a direct feel of what an applicant's past actually versus reading a report submitted from an investigative agency.

Mayor Foxx said, Chief, first of all, I just want to say thank you and thank our men and women in blue for the work they have done. I think this bears repeating that we have seen 10,000 fewer crimes occur in this city in an absolute number – 10,000 fewer crimes this year than the previous year. That's a testament to the hard work and collaboration with the community, and the department is to be commended for that work. On the Jackson issue, there has been a lot of conversation about the process that led to his hiring. I understand most of that, 99% of that process, occurred before you were on board. I would like the Council to have some discussion about that process and perhaps the records specifically to this officer, and so I would suggest that we on January 25th as a body have some discussion. It's a personnel matter, so it will have to be in Closed Session, but I would suggest that we have some discussion about the file itself and whether to release it. Does anyone object to that?

Councilmember Dulin said I would like to know more about what your thoughts are, but I would object to opening up a personnel matter more than likely.

Mayor Foxx said this is what I have in mind – is having some discussion of not only the process but the file itself, and we have not heard from the Police Chief what the Police Chief thinks of this, but I would suggest that would be an appropriate venue for the Chief to share his views about that. Mac, you may tell me whether that's appropriate in Closed Session or not.

DeWitt McCarley, City Attorney, said there is a provision in the statutes that would allow the Council to release information only in a file on a written finding recommendation from the City Manager. When you talk about specifics in the file to make the decision of what to do, I would recommend that be done in Closed Session.

Mayor Foxx said it's a Closed Session to have a conversation about whether to do it.

Councilmember Turner said I have a couple of concerns, and one being this individual no longer works for the City of Charlotte. He has been terminated. He is facing criminal charges, and it concerns me when we start meddling in law enforcement business in a criminal matter. I'm afraid we may compromise the criminal charges that he is facing. Now, I have been on this Council for over six years, and I have been in many Closed Sessions, and by the time we leave Closed Session and I can get in my car and go home, half of the information we have discussed

in that Closed Session is already out in the general public. I am very, very concerned about us going forward and having a Closed Session matter about personnel issues to do what? He is unemployed. He is terminated. I think the Police Department and Internal Affairs have done their jobs. He is now the property of the State and waiting with pending charges that are pending against him. I really have a concern. What is it that we are trying to get out of this?

Mayor Foxx said I can share with you what I would like to get out of it, which is transparency. A lot of what the Chief has described is a set of processes that have been described in abstract terms, but they haven't been described in particularized terms. This Council could make a decision to release those records so that information could be shared with the public. The Council may choose not to do that, but what I'm asking for at this point is to have some focused conversation on whether to do it or not.

Councilmember Turner said when you say transparency – transparency and the procedure in which the City Police Department or HR for the City do background checks. I don't see why that would be necessary. If that's what we want to know, then we simply tell the Chief bring forth those and tell us the procedures that we used during that time to hire this person. Now, I'm getting a different message now. It's obvious we have changed those procedures. A lot of things have come back in the house. I'm still caught up when you use the word transparency I don't know or foresee a cover-up. I don't feel that there is something we have done differently. If we had done it differently, then maybe we wouldn't have this situation, but we can't change that. That has already occurred. What we can change is the procedures that are in place that they used. I think the Chief has clearly told us you have changed those processes.

Now, I would like to see the process A-Z, the new processes versus the old, and see how that mistake can be made, but I don't see the satisfaction. I still don't see what the final results you are going to get. I could see if this young man's job was still pending, there was still ongoing discussion about his continued employment with the City of Charlotte, but that is not the case here. I really don't understand why we would need that information other than understanding the procedure of hiring and doing background checks.

Mayor Foxx said I think it's a fair point, but I have a different view, so let's figure out what we want to do.

Councilmember Cannon said I particularly don't care too much about Mr. Jackson's file. I care everything about his conviction and making sure that we don't have that type of individual representing this city in any capacity whether it's on the Charlotte-Mecklenburg Police Force or anywhere based upon what he has been charged with doing and potentially with more that may come full circle about what he has been doing. Your reorganizational efforts are to be commended. It's those reorganizational efforts that I want to make sure that are things we are focusing on, that you are focusing on primarily in ensuring that we don't have this type of situation to occur again, and you have been working in that regard extremely hard since you got on the force as chief, and I have the utmost confidence in you, your department, and the ability to make sure that we are doing those things that are going to be cracking down on these types of situations.

I'm just a little bit concerned about the level of – the precedent we may potentially set on opening up this file, and I hear the Mayor. The Mayor makes excellent points, but I'm struggling a little bit. I'm going to have to be convinced a little bit further – maybe away from here – about that, but I really believe that you being the chief and doing what you are doing, the way you are doing it is appropriate thus far. I believe those persons that are also, as Mr. Turner has said, it's already being turned over in another capacity. We need to let that process take its course and be whatever it's going to be. Again, I don't care too much about his file. I care everything about his conviction.

Councilmember Burgess said I think it's important that we make the distinction that we are not making the decision to open up his file. We are making the decision to hear, to learn in Closed Session more about what happened with specificity towards this officer. I know that the people of Charlotte have a lot of angst about this, and I think it's only fair to our constituents and fair to the over 2,100 officers that serve honorably on our police force that we learn this information in Closed Session. We may very well decide not to go any further, but I think it's important that

we go this far, and on January 25th, if that is what works well, then I think we should do it, and I hope the Council will support the Mayor in his suggestion.

Councilmember Cannon said what do we do with the information? We just make some determination about whether to release it to the general public or not?

Councilmember Turner said correct. What are they going to do with it?

Mayor Foxx said in my opinion this is not just a personnel matter. Ms. Carter has spoken to it already. It's a situation in which a lot of people in the community are wondering how it happened. At this juncture, only a certain amount of information can be released about exactly what happened, so it's really an opportunity for us to talk about whether the personnel issues and whether there is any litigation risk, whether any of those issues would trump the motivation to provide as much transparency to this as possible. I think we could easily in a Closed Session come to the conclusion that the risks of putting the information out publicly are greater than this Council is willing to take on, but we cannot even have that conversation thoughtfully in this session because we don't have the information available to us.

Councilmember Cannon said, Mr. Mayor, can I make a service request?

Mayor Foxx said sure.

Councilmember Cannon said the service request would be just to get an opinion from the police attorney on what we should be doing or should not be doing in the way of looking at the possibilities of opening up these files.

Mayor Foxx said I think Mac has already spoken to that.

Councilmember Cannon said I didn't say the city attorney. I was asking for the police attorney.

Councilmember Carter said that was my request that the city attorney give us an opinion.

Mayor Foxx said, Mr. City Attorney, is there any light you can shed on this for this body?

Mr. McCarley said the action that you are proposing, Mayor, is a lawful and (inaudible) action if Council wants to hear what's in that file. The standard that has to be met for the Manager to recommend to you that material be released is that it's necessary to maintain public confidence in City services. A Closed Session conversation would be an appropriate place for you to hear that if you want to hear it.

Mayor Foxx said that's simply what I'm asking is for us to make that determination.

Councilmember Peacock said, Mr. McCarley, said is there a precedent in the City of Charlotte of you coming to us about a personnel matter that you would believe would cause a lack of public confidence?

Mr. McCarley said the statutes speak to the Manager bringing you that recommendation. Usually if I bring it to you it's because it's in litigation.

Councilmember Peacock said, Mr. Manager, any history from your experience or Manager Syfert or Wendell White?

City Manager Walton said I only know of this happening twice – the request being twice – and the other time it was not opened up – the file was not opened up. So, I have been asked by the media to release the file, and I don't see the best interests of the community being violated by not opening up the file. Any information that the Mayor and the Council want we will find a way to get you that information. Independent of that, I guess I agree with where Mr. Turner was in that the officer has been terminated, the process has been changed 18 months ago, and so I don't necessarily see the correlation between that old process and where we are right now.

Councilmember Peacock said just to summarize what you said – you said that you are not recommending that we open this particular file based off the information that you know.

City Manager Walton said, no, sir, I am not; that’s correct.

Councilmember Howard said just to clarify. You are saying not to open it in Closed Session or to the public – just to clarify.

City Manager Walton said the only request to me has been to open it to the public, and that answer for me has been no. But to my other point, any information that the majority of you want to hear, we will certainly provide.

Mayor Foxx said does everyone have their questions answered?

Councilmember Barnes said, Mayor, I appreciate it. I am struggling a bit because I certainly understand the interest you have expressed in bringing as much transparency as possible. I was just discussing with the city attorney a litigation issue, and it seems that – I don’t know if we can talk about what we just talked about – but the contents of that file would be subject to discovery anyway, so it could come out whether we do this or not.

Councilmember Burgess said, Mr. Mayor, I would like to make a motion that we go into Closed Session on January 25th for the purposes of learning more about this Marcus Jackson case.

[Motion was made by Councilmember Burgess and seconded by Councilmember Barnes to]
[go into Closed Session on January 25, 2010, for the purposes of learning more about the]
[Marcus Jackson case.]

Councilmember Cooksey said do we need that motion, or in your authority as Mayor, can you simply put that on the agenda for us on the 25th?

Mayor Foxx said I could, but I think it’s better in this instance for the Council to make a decision of what it wants to do. It’s been moved and seconded.

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

AYES: Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey

NAYS: Councilmembers Cannon, Dulin, Mitchell, Peacock, Turner

Mayor Foxx said we’ll have a Closed Session on the 25th. Very good conversation. I’m sure you’ll have more.

ITEM NO. 3: STREETCAR AND ENHANCED BUS PROJECT FUNDING

John Muth described the Bus and Bus Facilities Program.

Jeb Blackwell described the Urban Circulator Program.

Mayor Foxx said, Jeb, I want to say something on the record. For purposes of the previous conversation by Mr. Muth, I’m handing the gavel over to Mayor Pro Tem Burgess out of an abundance of caution out of conflict of interest issues, so she is now presiding for purposes of this discussion.

Councilmember Barnes said, Mr. Blackwell, would you go back a slide. You may have answered this question, but I just wanted to be clear. The \$6.25 million match from us would come from the \$8 million or general fund?

Mr. Blackwell said we would have to determine that. That's the minimum. You have to do that to qualify for the 25, but that would assume your project was a \$31 million project. We don't have a segment that really works at \$31 million to get to Elizabeth, we think, so our number is a higher number. It would be 45 unless we opted to use the existing cars. That would lower that sum.

Councilmember Barnes said it would be 20% of the \$45 million.

Mr. Blackwell said, no, no. Their cap is \$25 million, so any cost beyond that we would cover. So the local cost, if we buy two new cars, would be \$20 million to do the \$45 million project. If we opted to not buy the new cars, it would be \$12 million; and, of course, we have \$2 million or so left from the previous, so it would be \$10 million of new money, \$12 million local if we don't buy the new cars.

Councilmember Barnes said that would be the stretch running from Presbyterian to uptown?

Mr. Blackwell said to the Transportation Center.

Councilmember Barnes said uptown.

Mr. Blackwell said when you say uptown, it is not to Tryon Street. It would be to the Transportation Center.

Councilmember Barnes said near the arena.

Mr. Blackwell said, yes, sir.

Councilmember Barnes said maybe I'm just having an odd moment here. Would the \$6.25 million come from general fund revenue or –

Curt Walton, City Manager, said, if I could, let me go back and summarize a little bit. Two new programs that came across in December would have a 60-day window, so tonight it's just for information, but if we decide to proceed with either of these you can make that decision on the 25th.

Mr. Blackwell said when we get to the steps forward we'll be coming back to you on the 25th to talk about some of that.

City Manager Walton said two programs. One that John talked about we could accommodate pretty much with existing resources, and it takes the whole streetcar line and makes it, particularly the stops, more pronounced. So it is kind of a transition to the streetcar project whenever that happens. The other project that Jeb is now talking about would be building a streetcar segment from Presbyterian to the Arena that would then get on the light rail line and go to the maintenance facility on the South Boulevard corridor so you wouldn't have to build a maintenance facility. That is one that we would have to assume at this point would be on our dollar because the MTC hasn't considered any of this. So the match for us would have to come from reallocation of some existing resources, and that is the next phase for us to tell you, if you are interested in pursuing either or both of these, what we would recommend you do. The operating costs, which are about a million and a half, we would also have to assume would be a City cost because CATS right now doesn't have the financial capacity nor has the MTC made the policy decision. I think tonight it is more a matter of if you want to pursue either, neither, or both. The two programs don't compete, but you could decide strategically it's better for Charlotte to only go after one – the one you prefer more, and we don't have a recommendation for you on that yet. So, it has come down so quickly. We worked through it to get to this point, but there are a whole lot of policy implications for you to consider over the next couple of weeks and before you decide which project, if either, you are interested in going for, the biggest part being the match for the streetcar.

Councilmember Barnes said if I may follow up just to be clear. The magenta color line is \$45 million.

Mr. Blackwell said it would go from here, yes, to here.

City Manager Walton said, yes, unless we decided not to buy the cars that we would eventually use on the streetcar line; instead to use the replica cars that we have. We have three of them?

Mr. Blackwell said we have three. We would run two, so you would have one sort of in reserve at all times.

Councilmember Barnes said, right, and that is a \$12 million option.

Mr. Blackwell said the cars are \$8 million, and there is \$2.5 million in the current CIP that is unallocated that could be applied to this. It wouldn't be new –

City Manager Walton said somewhere between 12 and 20.

Mr. Blackwell said it would be 12 local dollars, and ten of it would need to be new local dollars that we haven't currently identified for the streetcar.

City Manager Walton said whether that would be reallocation of corridor money, reallocation of your road package that is scheduled for this fall, we haven't gotten there yet.

Councilmember Barnes said so we need to come up with \$20 million.

City Manager Walton said, well, if you want to pursue this one. We would need to bring you back options. This is a complicated issue that has come down very quickly and will have to be dispensed with very quickly. You might want to send it to committee if we can get it back out very quickly, but it's a great opportunity, but opportunities also have costs.

Councilmember Howard said just a couple of things that I think would be important to point out. One, on that same slide that Councilmember Barnes was talking about, I just want to make sure we point out that it says award grant does not affect other grants – just so that is clear to everybody else that we are in concert with with this transportation plan that it would not affect anything else we are trying to do. Often this project is kind of being seen as something that would stop other projects, and that's not the case with this one. The other thing is just going to what Curt said a second ago, if we had to choose between the two, it seems like to me the question would be which one fits into something we already wanted to do. Between the two of those, Mayor Pro Tem, it seems like the streetcar would be the one that makes the most sense. I don't think the sprinter one was something. That's just taking advantage of an opportunity. That one that we was already planned as opposed to streetcar is what I'm asking. Which one kind of fits into the transit plans already on the books is really all I'm asking?

Mr. Muth said we have talked about the enhanced buses being kind of a logical first step towards streetcar. I mean that's what we have done on the west corridor along Morehead and Wilkinson with the Airport Sprinter, so we feel like it's a reasonable thing to do on this corridor. We currently don't have the \$15 million to do the project. We do have the funds available for the local match because we are typically buying new buses anyway, so we have the ability to provide the local match within our existing means, and we have the ability to kind of reprogram how we operate the buses along there such that it doesn't add any additional operating costs to our work. Again, we think the enhanced bus is a good logical step and is very complimentary to the streetcar project.

Councilmember Howard said then I stand corrected. Thank you, sir.

Councilmember Dulin said, Curt, you mentioned just a minute ago one of these options would have us rotating a streetcar up onto the light rail line somehow to let it go out to the maintenance facility.

Mr. Muth said that would only be just for service, so typically that would be after operating hours.

Councilmember Dulin said how do you get it up there?

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Mr. Muth said we would run a non-revenue line, and what we have included in this estimate, is a single track non-revenue line that will go up along Fifth Street. You may recall across from Fifth Street we sold that land to the developer. We maintained in there a \$1 million option to buy that land back, and this estimate include the million to repurchase that back from the developer. So, we would run a non-revenue track that would come up Fifth. It's shown on there. The non-revenue connection that is shown there.

Councilmember Dulin said circling the Arena.

Mr. Muth said, yes, that's correct.

Councilmember Dulin said I can vote no on that later.

Mr. Muth said about 1,500 feet long.

Councilmember Dulin said, Mr. Manager, this has a lot of local money in it.

City Manager Walton said this option does, the first option does.

Councilmember Dulin said can that local money if we didn't spend it on this be spent for community safety?

City Manager Walton said depends on which funding option. If you decide to go forward with this which funding option you chose. Some funding options are restricted; some aren't.

Councilmember Dulin said regardless of what we spend this money on it's going to take it away from other things, other priorities when it comes around to it. Then the \$130 million is the total for the country of the United States of America – not for here.

Mr. Muth said correct.

Councilmember Dulin said so \$25 million is the most we can get.

Mr. Muth said, yes, sir.

Councilmember Dulin said I have said it before. I said it to former Council. I will say it again tonight. Every hour we spend working on this thing is taking our eye off the northeast line, off of other things in my opinion we ought to be working on or we ought to be working with Rodney Monroe and helping him get completely the folks he needs. We ought to be working on building some roads, fixing some roads. I really think we are taking our eye off the ball in other areas when we spend time on this.

Councilmember Carter said I think both of these projects are extraordinarily important, and I would like to see them both move forward. The reason being with this proposal you are looking at economic development, which is stalled on Elizabeth that could bring in considerable revenue to our coffers. You are also beginning that promise of that fifth transit project. You are looking at utilizing rail that we have already put down. You are looking at developing technology that could be very important to us. You are looking at putting in stops that would be used particularly by the Sprinter bus if that's also proposed, so that's overlapping costs as I see it. With the Sprinter possibility, that is developing stops that could be used ultimately by the streetcar. It's testing them out. It's seeing the popularity. You are looking at a service that is considered appropriate for a large amount of our population, and when you tie the population – I consider it would be from both ends into the Airport – not just the east side but also Beatties Ford into that service to the Airport – rapid fire – you are serving a population that is not currently served. I think that is a very important thing. You are buying hybrid buses, good for the environment that when this is completed with the streetcar you can move those buses elsewhere to serve elsewhere. So there are so many overlaying benefits to going ahead with both projects. I think we have a good shot at both of them.

Councilmember Burgess said I have a couple of questions. Are any of the potential funding mechanisms that were identified by BAE relative to funding this? Could we use any of those with our local match?

Mr. Blackwell said I think a number of those are options that we could – an assessment of those sorts of things – I'm not sure what the answer of how you apply those.

City Manager Walton said, Ms. Burgess, what I remember primarily that would apply here would probably be some kind of tax increment financing, but most of Elizabeth is already TIF, and it's also I believe the majority of it is in the Municipal Service District. I don't remember any offhand that could come to bring a whole lot of money to this table.

Councilmember Burgess said another question. I hope we can go forward with both. Is there any symbiotic relationship with these two, for example, enhanced bus stations or transit stations that one would help the other?

Mr. Blackwell said we believe we can make the stops work for both. Either of these has advantages for the other. As John described on the Sprinter line, we would look to have the stops done in a way that when the streetcar did come they would be able to use those stops. So there is some overlap. I'm not sure if you can add more to that, John.

Councilmember Burgess said one reason the Council decided to go forward with planning and engineering last year was to protect our investment on Elizabeth Avenue and also to put us in position to take advantage of any federal grant that may come out, and this may very well be it. I don't know. We'll have to learn more by the 25th, but at any rate, thank you very much.

Councilmember Kinsey said just one quick comment. I do support going forward with both. Ms. Carter mentioned – and you, too, Ms. Burgess – the economic development prospects along Elizabeth that are very important. But I also remember that the largest community college in this state is right on Elizabeth Avenue. The parking is horrendous, and any of those students we can get to school via the east line or the south line, whatever comes next, is certainly of benefit. It keeps their cars off the road and off the streets in Elizabeth. Also, I think it's just a short distance that maybe the smaller cars would work temporarily since it's not any longer than what – a mile and a half – save us a little money.

Councilmember Peacock said, Jeb, what would the costs be if we were to do this from Rosa Parks to the Transportation Center?

Mr. Blackwell said it would be – I don't know off the top of my head. It would be a pretty big number. We are in the \$40 million a mile range in cost, but I don't know that off the top of my head, but it would be a pretty big number.

Councilmember Peacock said I asked because this is clearly something that we were not talking about three months ago. We had rumors that this may be coming, and I realize that Elizabeth and everything on this corridor makes an enormous amount of sense, but I think we all understand that not much has changed on what hopefully we will be calling the west end. That would be eligible, correct?

Mr. Blackwell said, yes, urban circulator project, you know, any operating piece of streetcar that we could have under construction in 18 months, that's a fairly big design project, so on eligibility I think it would meet their technical eligibility. I think we are pushing pretty hard to get construction drawings and so forth together on this piece. What we did look at roughly what we could do with a similar size project going west from the CTC so you would still have the inner line opportunity, and that would not get us as far. We would only have four stations. We would have more bridges to deal with. Working through Tryon would be more difficult. You could get down to Cedar Street roughly, so I guess you would potentially be reaching Johnson and Wales, but that will be a more difficult project, and you don't take advantage of the half mile that we have. So instead of getting a mile and a half of line, you end up getting a little over a mile of line. We didn't feel like that was as good of a buy for us.

Councilmember Peacock said I just think if I'm a citizen and I live on that end of town, if I live over near that region, you are already seeing a region that is seeing all of this development, all of this activity, all of the sun has been shining on this part of the globe over here and not on that side. I just think the broad message here is – I don't disagree that this is a corridor that is already teed up to receive service. Clearly it has been, but we have got to in this discussion let that end know that if you are talking Rosa Parks all the way to Eastland you have to – I know the engineering costs were going to be substantial, but the number needs to be looked at.

Mr. Blackwell said many communities have done these in pieces. Portland, you know, you build a piece instead of trying to do the whole thing at once – I think a ten-mile project at once. I'm not sure if anybody has ever – any city has done that. Most cities build – they go for the lower hanging fruit first and it really is for the good of everybody even if you may not be in that first phase. I understand though that could be perceived in a lot of different ways.

Councilmember Barnes said just for point of clarity, if I could, Mayor Pro Tem, regarding what staff is asking us to do tonight.

City Manager Walton said I think the first thing is whether you want to consider this further, and, if so, do you want to take either project off of the table, and then, third, what kind of decision making between now and the 25th do you want to undertake whether it goes to committee or if you would rather us bring our recommendations back on the 25th.

Councilmember Barnes said the concern I have is identifying the funding source or funding sources. The one thing I didn't want us to do as we started down this road would be to commit to projects without identifiable sources of funding, and I assume that's the work you guys will engage in now, but that concerns me because, one, this opportunity has just kind of arisen here recently. We didn't anticipate it, and I'm always worried about diverting money from one thing to something else on the spur of the moment. I would look forward to hearing more about your suggestions with respect to funding our portion. What I'm talking about is \$20 million; not \$6.25.

Councilmember Carter said looking at the cost of this proposed streetcar segment does that cost fall within the cost per mile that we had anticipated?

Mr. Blackwell said, yes, it's in the same range as what we have been talking about.

Councilmember Carter said it's not lower; it's not higher.

Mr. Blackwell said it's pretty similar. It's right in the range. There are several variables on it, of course, and one of them is if you are buying the cars with this it puts a heavier weight on this piece than the other, but it's in the general range.

Councilmember Carter said I was thinking about the construction costs to see if they would be lower at this current moment. That could recommend the project to us if the costs were lower because of the economy and we are performing jobs.

Councilmember Peacock said I would make a motion that we refer this and receive comments, of course, from the vice chair and the chair of Transportation and Planning to committee to evaluate closer specifically the funding sources; secondly, what would be the cost to do segments in either direction. Vice chair and chair, have you got any opposition to this?

Councilmember Mitchell said to Councilmember Peacock from the timing standpoint with Transportation you have a meeting on the 8th of February?

Councilmember Howard said we have a meeting on the 25th.

Councilmember Barnes said January 25th. We would be prepared to do it.

[Motion was made by Councilmember Peacock and seconded by Councilmember Cannon]
[to refer this to committee and receive comments from the Transportation and Planning]
[Committee to evaluate closer 1) the funding sources, and, two, the cost to do segments]
[in either direction.]

Councilmember Kinsey said I was going to make a motion that we not refer it to committee but have staff come back because of the short period of time, but I'm fine. The rest of the Council don't have an opportunity to look at what comes back from the committee. If we consider it on the 25th and bring it right to –

Councilmember Burgess said we could still have the same presentation to the Council.

Councilmember Peacock said we could also have the committee have a meeting just exclusively for this before that, couldn't we? Is that possible? Not that I'm trying to create more work over there, you all.

Councilmember Barnes said you apparently are.

Councilmember Peacock said I am.

Councilmember Burgess said how long would it take the staff to prepare for a committee meeting?

Mr. Blackwell said to discuss this I think we could be ready pretty quickly. It's hard to know what the questions might be. I don't have an estimate for going to Rosa Parks. That would take me a little time to develop, but if I know what the questions were – depending on what they are, we should be ready in a week.

City Manager Walton said they are way ahead of the funding piece, so probably it would just take a couple of days on our funding recommendations for the streetcar piece.

Councilmember Burgess said, Mr. Howard, if that's agreeable with you and your committee we can set the time for that at another time but just agree that the Transportation Committee will meet between now and the 25th to consider this; is that good?

Mr. Howard said that's fine with me.

Councilmember Burgess said is that good with the vice chair?

Councilmember Barnes said it may have to be on the 25th.

Councilmember Carter said may I clarify the motion, please. Is that for both projects or for simply the streetcar with the extensions?

Councilmember Burgess said it is for both; wasn't it?

Councilmember Peacock said yes.

Councilmember Burgess said any further questions. I don't think we need a vote to refer to the committee. I think we are done with this, but before I turn it back over, Mr. Mayor, I think it's appropriate to recognize the impassioned work of a small group of people back when Dan Morrill, Betty Chaffin Rash, Gaines Brown, Terry Shook, and others, who were committee to that historic trolley. That probably was the incentive to get the redevelopment of SouthEnd done, and now we may actually use that again as the precursor to the streetcar. You never know when a small group of impassioned people can really make a difference in a city, and that group probably has done that. Mr. Mayor, with that, it's all yours.

ITEM NO. 4: CITYWIDE TECHNOLOGY STRATEGY UPDATE

Curt Walton, City Manager, said we have coming forward on the 25th a budget component of our financial management system. We talked to you about the continuum of needs, and we are moving down that continuum, and Jeff Stoval, our chief information officer, is here to talk to you about that process.

Jeff Stoval, Office of the Chief Information Officer, said I will start off with a view that we presented last year around our technology strategy around what is it that we are trying to accomplish, what are we trying to get to, and this was the graphic that we presented at that time talking about our technology cornerstones. ERP, which really is an integrated administrative management system, our HR and Finance system; the CRM, which is the Citizen Relationship Management System, Work and Asset Management, and our Geographic Information System all combined with common software.

As far as actions we have taken since September, we did have the presentation in September on the 12th, but following that presentation, we also had a work and asset management project that was submitted and approved at almost \$2 million. On the 14th, we had another approval that was made for common interfacing software that was presented with CMPD software. That was just over \$100,000, but next we have much larger chunks of work we need to get done around the financial and budget system upgrade.

Just to take us back for a minute to talk about ERP and what that means, ERP stands for Enterprise Resource Planning. What that really stands for is an integrated administration management system. What we have been looking at is how do we upgrade our capabilities in our financial management, our budgeting, our HR, our payroll, integrate all that information together including procurement so we have a higher degree of capability in managing our finances and our resources across the city. So since then, we have conducted a number of conference calls, talked with professionals with cities all across the United States. Here in North Carolina, we have talked to Raleigh and Durham. We have talked to Denver. We have talked to Kansas City. Catawba County also has a system that is similar to the one we use today, and we have talked with industry experts as well.

The findings that we have at this point is we have significant operational risks if we were to take an ERP approach that would move us off of the HR payroll system that we have currently and that a single vendor ERP approach, which is the most typical approach that there is, may not meet all of the needs that we have for the city at the lowest cost, so we are proposing to move forward a little bit differently instead of looking at a single vendor approach. Looking at an integrated administrative management system, we are looking at how do we combine procurement, our core financials around general ledger and fixed assets, payables, into a single system which would go out to bid for – an integrated procurement and financial management system – keep our HR system that we have in place, PeopleSoft, and upgrade that to meet the current needs and current capabilities, and implement a new budget system, which will be presented at the next Council meeting on the 25th. The budget system is one way of loading the information into the financial system, but it's a front end to the system, and it can be implemented separately without any harm to our overall project or progress that we expect to make.

So the next steps we have for the ERP are submitting the budget system for Council action on the 25th. We want to move forward with our upgrade for HR payroll that is already programmed into our budget for this year, moving forward again with the RFP development for the Finance and Procurement system, so we will go out to bid on that system, and planning for an FY2012 financial system implementation.

Another one of our major cornerstones is the CRM, the Citizen Relationship Management System, so today we have a very fragmented environment, as we have discussed in the past, that we have over 13, 14 different applications that sit on the desktop of our 311 agents today. We have many systems that don't interact and don't connect with one another. The idea behind the CRM is to build an integrated system for citizen relationship management, being able to take in citizen requests and be able to route those requests and act on them and be able to track those requests as they go through our system so we know the resolution of the request, we are able to

positively confirm when a request comes in, what action was taken, and what timeframe we can respond back to the customer, to the citizen, and let them know that the positive action was taken and we have resolved the situation that they called upon.

But that also represents part of what we are looking at with CRM. We are also looking at GIS integration. We have extensive GIS capabilities today. The CRM system would interleave within our GIS environment to allow us to be able to track information not only from a citizen perspective but from a geographic perspective – where are specific actions being taken across the city. Simplifying the 311 desktop I have already discussed. Comprehensive business intelligence, being able to really understand of all the requests we have how do we solve them, what is our ratio, what is our statistics associated with those things. Those are capabilities that we just don't have today. Comprehensive knowledge base, a single place to have question resolution for the activities that come in through 311 as well as through other channels, and a shared resource with the County because as we go forward even in our 311 operations today we share a lot of our resources with the County, so we would want to be able to extend that capability beyond just the City to include some County activities that are already incorporated into 311 today.

Next steps on CRM – completing business requirements. We are actively completing business requirements done in this quarter. We are very close now, but we also need to determine funding and grant opportunities because this is not fully programmed into our budget today. So how are we going to look at funding and paying for our system such as what we are talking about and what are our ability and capacity constraints as far as being able to get it done. One issue that we have to make sure we are paying attention to as we are planning these projects is that we don't overburden our staff with too many large projects. We are capacity limited, we have a limited staff, and so we want to make sure as we are staging the projects that we have the opportunity to stage them in a way that meets the capacity limitations that we know that we have. So, those are the next three steps around CRM. CRM is taking somewhat of a lower priority to our ERP in terms of the way we are moving forward, but it is still a very significant part of what we want to do in order to improve citizen service, but, nonetheless, it's still continuing to move forward. This is just a brief update on where we are today, and I would be happy to entertain questions that you have about the systems and our direction.

City Manager Walton said the budget system that will be on your agenda in two weeks is included in this year's budget – the funding for that. If you recall in December when Greg Gaskins presented the year-end report, we had \$16 million above our 16% fund balance threshold. Later in the budget process, I will recommend to you that we take that \$16 million in reserves for these technology projects because the financial system will be probably \$10 to \$20 million. We can make that decision later, but I want you to know that's what I'm thinking now. We had \$16 million left last year that we reserved for the state and for CMPD expenses. We still have \$7.5 of that. We may need some of that for the economy in this current year budget, but if there is anything left at the end of that, I would also like to apply that to technology.

Councilmember Howard said you actually touched on what I was going to ask Curt, and that was where the whole (inaudible).

City Manager Walton said, yes, it is.

Councilmember Howard said I was wondering if there are any estimates on what kind of cost savings to operations doing all this work does over time?

City Manager Walton said starting with that point it will be significant, but that is what we will learn through the requirements when we are determining the functions and the requirements we want these systems to provide, but there will be significant process simplifications throughout the organization, so that's a key component. The first question you are referring to the \$3 million that we set aside for system technology?

Councilmember Howard said just that whole myriad of things. (Inaudible)

City Manager Walton said it's a huge issue, and I don't hold out a lot of hope that our \$3 million is going to move that needle very far because the state just controls all of the cards. So until they

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are in a position to implement something that can be – at this point, their position would be implemented across all 100 counties in an equal way, and we are where we are. So, it's still there, it's still in reserve, but I don't sense that we have made a whole lot of progress.

Councilmember Peacock said let's go back to your first slide past your cover page. This is the one page that describes the integration process as a whole; those are all the various acronyms of what we are trying to merge?

Mr. Stovall said yes. This is the core of what the strategy is going to provide, yes.

Councilmember Peacock said prior to this we have had 14 different systems all trying to speak with one another; is that correct?

Mr. Stovall said it's a lot more than 14. We have hundreds of systems. The 14 really relate back to what we have just in 311 on the 311 desktops, so our agents at 311 have to navigate between 14 different applications in order to be able to answer the calls that come in.

Councilmember Peacock said I asked this at the September 12th meeting – maybe I did or I didn't – but there is a large allocation of money going here that I don't question whether there is an overall need for this and how it will improve, but I'm most concerned about – this is a cancer of constantly having new programs added all the time. What's to tell me that a Council 20 years from now is not going to be cleaning up what we have now. Now, I know technology keeps moving, but, Curt, you have been here a while as well, too. I mean these software vendors are pretty good at convincing us we need to keep buying more stuff here. How is this going to get us to a really good chassis that is going to work for us moving forward?

City Manager Walton said I think there are two salient points, Mr. Peacock. First, this is something that our organization has not done well. I think this is our soft underbelly of an otherwise extremely sophisticated organization. So, this goes back ten, 20, 30 years, and it's just something we haven't kept up with. At the same time, we haven't funded it well because it's not sexy and the customer doesn't automatically see an impact and associate it with that \$10 or \$15 or \$20 million expense. They may see better customer service and that feels good, but they don't know exactly what to attribute it to. I think Council in 20 years will be dealing with these things because they do change so quickly, but we have moved through mainframe to client server to these products now, so the products keep evolving, and we will have to continue to spend money on anything that we buy, which is one of the problems that we had with our financial system 30 years ago. We didn't really invest in it until we had to with Y2K, so I think we have learned a lot of lessons. Jeff has kind of drug us out of the dark ages internally, so I think now if we can apply the dollars to it we are in a position to finally implement some of these things.

Councilmember Peacock said my follow-up to that is you feel as though this will finally get us caught up to where we need to be and where we should have been, and going forward is it going to prevent this constant overlay of new things coming in that don't speak to each other. Will it hopefully mitigate that? I know it's impossible to tell what technology will bring us.

City Manager Walton said that's more in behavior, and we have to change our behavior.

Councilmember Peacock said that's what I'm concerned about is just that we are in this scenario where we get to the end of the year and it's time to buy more stuff. That's what we were doing, and it appears we bought a lot of things that aren't necessarily necessary possibly. My final question to you, Jeff, is who has the best system that you admire the most? Who has the best municipal system you admire the most – what city?

Mr. Stovall said I would say Denver. Denver has a very extensive model, but Denver also represents something a little bit different from what we have in that they have both the city and the county, and they have done a governmental consolidation there, but they have a very extensive system, a very extensive background in being able to advance these systems because they made a lot of these changes a decade ago. So, in some cases, we are more than a decade behind some of our peer cities.

Councilmember Peacock said speaking of that question what if we were to put the County's map side-by-side to yours, where are they in comparison to us on this subject?

Mr. Stovall said in a couple of areas they are more advanced; in a couple of areas we are more advanced, so I wouldn't say there is an overall advantage on either side. We have different philosophies in how we invest in technology, so there are going to be some differences.

Councilmember Peacock said, Curt, do you see some opportunities for, even remotely, mixing oil and water here?

City Manager Walton said we do a lot of that already. Keep in mind, we do a lot of the customer relationship for the County, and GIS is already somewhat collaborative, so the big thing that I think there is not going to be overlap on are payroll and financial management. Those are the ones that are really separate and distinct.

Mr. Stovall said we do partner very heavily on GIS today. As a matter of fact, our WAM system, if you may recall, we are using the same system that the County already has implemented for storm water, so we extended that system and reused that capability here in the City in order to advance what we needed and got rid of three or four legacy products in the process.

Councilmember Peacock said another follow-up question – I apologize, Mr. Mayor. When we were going through the rental ordinance discussion and we talked about the registration of people with property, would that reside under GIS when a property is bought or sold in the county, Curt?

City Manager Walton said I think right now, Mr. Peacock, we would have to build that separately because I don't know that we have anything that we can integrate it into, but it probably might become more of a WAM.

Councilmember Peacock said what I remember from that discussion was the real estate community was advocating for us using very similar information that is already provided in the recording of deeds and what goes on there, and we heard very loudly from CMPD that they really didn't want to play in our sandbox and they didn't want to share that information.

Mr. Stovall said also recognize that many of the deeds issues are handled in the County as well, so the difference between the County-maintained systems and the City-maintained systems if we needed to build something in order to enforce an ordinance that we created, there may not be an overlap that already exists because the County-maintained systems really just aren't suited or built, purpose built, for that particular information.

Councilmember Cooksey said I'm not necessarily expecting cost savings out of this. I'm just expecting better results, and that's what you keep promising us about this is we are going to wind up getting better data, better tracking, everything better to help us do our jobs as well as you all do your jobs. If you go forward to – I just wanted to check. There is an obvious question that has got to be asked. Go forward one more. In going to a more component oriented approach for the CRP instead of the single vendor that you talked about before, just touch base on how will that affect us going forward in terms of dealing with upgrades? Are you keeping your eye on whether it will be easier or more difficult to keep up with trends if it's in a component based rather than dealing with a single vendor?

Mr. Stovall said in dealing with a single vendor I think the issue we would have as an advantage would have been that we would have a single platform, and then you really only have agent to deal with. The problem with that is dealing with that one agent doesn't necessarily give you the flexibility that you need to solve the business problems here at the city, and particularly what we found with the budgeting system because that is one that you are going to be seeing here soon is that we talked to dozens of cities, more cities than what we have on this list. Very few cities use the same budget system as they did their financial system because of the unique aspects of local government budgets. They are fairly unique, and the big ERP vendors don't necessarily have good solutions for the budget side, although they are very good on the finance and HR side because that's similar to what they do in private industry.

Councilmember Cooksey said thank you. I was curious about that. I will leave the final one for later – probably for two weeks from now.

* * * * *

Councilmember Dulin said off topic, but very quick going back to the consent time when we could ask questions, Mr. Mayor. We got some information about crosswalk marking last week. I had asked for it, and the LED pedestrian signals. Just in the reading, there was a term I don't know. Piano style crosswalks? Is that a paint? What is a piano style crosswalk?

Liz Babson said that is similar to the ones that you have seen (inaudible). It's just a style of marking.

Councilmember Cooksey said it's a pattern where it's a line, a little space, a line, a lot of line, a little space, a line.

Councilmember Dulin said it's a striping. Thank you very much.

The meeting was recessed at 6:59 p.m. for the Council to go to the Council Meeting Chamber.

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BUSINESS MEETING

The Council reconvened for the regularly scheduled Business Meeting at 7:03 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding.

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INVOCATION AND PLEDGE

Councilmember Dulin gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

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AWARDS AND RECOGNITIONS

RECOGNITION OF THE 60TH ANNIVERSARY OF THE BERLIN AIRLIFT AND THE 20TH ANNIVERSARY OF THE FALL OF THE BERLIN WALL

Mayor Foxx recognized Kurt Waldhausen, Honorary Consul for Germany, to highlight the 60th Anniversary of the Berlin Airlift and the 20-year anniversary of the fall of the Berlin Wall, including the overall unique relationship between Germany and the United States.

Councilmember Howard said this summer – a number of you guys have heard me talk about this, but I wanted to share with so many of my German friends in the audience – I had an opportunity to actually visit Berlin as part of the German Marshall Fellowship Fund as an American Memorial Fellow, and I just wanted to say that not only was Berlin one of the most beautiful places I have ever been, but I promised my family that we would go back. The Berlin Cathedral was actually one of the most beautiful buildings I think I have ever seen. I actually had a chance to visit the site of the Berlin Wall as well as the Memorial Gate right there in front of it, and the feeling of history of actually walking that area was something that I very well respect. I actually had a chance to actually see the main exhibit for the fall of the wall and actually had one of the guys who was part of the intelligence agency that night to stop them from destroying the records

at spring dust for about an hour and a half how important the events that led up to the falling of the wall were. So, just wanted to say that and to let you know I have a huge respect for you all as a country as well as your city. It's a very beautiful place.

Councilmember Burgess said we do appreciate certainly Germany being the number one trading partner and the presence of so many of German companies headquartered in our city, and, of course, we appreciate our direct flights to your cities every day. But I think that you have honored us, and I think it's appropriate that we honor you for the many contributions of the German-American community to the people of Charlotte. Not only do you add a lot of cultural interest and certainly with the arts program that you sponsor, but I want to particularly thank you for the scholarships that you give our students to study the German language and to travel to Germany, so thank you very much.

Councilmember Kinsey said this brings back a lot of memories. I was just telling my colleague here. I was actually in Berlin, in east Berlin, in the summer of 1989, and I traveled with Friendship Force, and it was an exchange, and it was just absolutely very moving and a beautiful city. I met a young man in east Berlin, and since that time – 20 years now – he and his daughters have visited me. I haven't had the opportunity to go back, but it's on the list of my travels. I just love Germany and Berlin. Thank you for bringing back good memories.

Mayor Foxx said thank you very much, and we are just grateful for your presence here, and we look forward to a much longer relationship not only with you but also with the country of Germany.

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CONSENT AGENDA

Stephanie Kelly, City Clerk, said, Mr. Mayor, I think all questions have been answered, however, Mr. Dulin requested Item 15, and staff requests Item 27-F be pulled for further negotiations. You have on your Speakers' List a speaker, but that speaker has asked to be pulled from the Speakers' List as well.

Councilmember Dulin said, Mr. Mayor, my request for 15 is no longer. It's okay to go ahead and do 15.

Mayor Foxx said so we are pulling that one item.

City Clerk Kelly said, yes, 27-F.

[Motion was made by Councilmember Howard, seconded by Councilmember Dulin, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of]
[Item No. 27-F, which was pulled from the agenda.]

The following items were approved:

13. Contract to the lowest bidder, Rush International Truck Centers, in the amount of \$183,610 for rail maintenance truck for Transit.

Summary of Bids

Rush Truck Centers	\$183,610.00
Cherokee Truck Equipment	\$185,106.00
Aspen Equipment	\$189,405.00
Piedmont Truck Center	\$194,500.00
Quality Trucks	\$195,529.65
Charlotte Truck Center	\$196,011.00
DC Bates	\$255,218.00

14. Contract to the lowest bidder, Averest, Inc., in the amount of \$148,734 for Airport electric baggage cart battery chargers for Aviation.

Summary of Bids

Averest, Inc.	\$148,734.00
AeroVironment, Inc.	\$152,763.00
Johnson Batteries	\$153,030.00

15. Contract to the lowest bidder, Rush International Truck Center, for heavy duty trucks and road construction equipment for Business Support Services for a term of one year, and authorize the City Manager to renew the contract for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The FY2010 expenditures are anticipated to be a combined total of \$519,278.

Summary of Bids

Item No. 1: Truck Cab and Chassis

Charlotte Truck Center	Charlotte, NC	\$81,368.00
Rush International Truck Center	Charlotte, NC	\$80,274.00
Rush Truck Center	Charlotte, NC	\$86,254.00
Piedmont Truck Center, Inc.	Greensboro, NC	\$81,000.00
JFW Equipment, Inc.	Climax, NC	No Bid
Sherwin Industries, Inc.	Milwaukee, WI	No Bid

Item No. 2: Crew Cab Type Vehicles

Charlotte Truck Center	Charlotte, NC	\$82,685.00
Rush International Truck Center	Charlotte, NC	\$80,825.00
Rush Truck Center	Charlotte, NC	No Bid
Piedmont Truck Center, Inc.	Greensboro, NC	\$77,400.00
JFW Equipment, Inc.	Climax, NC	No Bid
Sherwin Industries, Inc.	Milwaukee, WI	No Bid

Item No. 3: Single Rear Axle Truck

Charlotte Truck Center	Charlotte, NC	\$92,254.00
Rush International Truck Center	Charlotte, NC	\$93,218.00
Rush Truck Center	Charlotte, NC	\$97,831.00
Piedmont Truck Center, Inc.	Greensboro, NC	\$96,200.00
JFW Equipment, Inc.	Climax, NC	No Bid
Sherwin Industries, Inc.	Milwaukee, WI	No Bid

Item No. 4: 1500-Gallon Fuel Truck

Charlotte Truck Center	Charlotte, NC	\$106,957.00
Rush International Truck Center	Charlotte, NC	\$94,953.00
Rush Truck Center	Charlotte, NC	\$100,910.00
Piedmont Truck Center, Inc.	Greensboro, NC	\$96,200.00
JFW Equipment, Inc.	Climax, NC	No Bid
Sherwin Industries, Inc.	Milwaukee, WI	No Bid

Item No. 5: 125-Gallon Trailer Mounted Asphalt Sealant Melter/Applicator

Charlotte Truck Center	Charlotte, NC	No Bid
Rush International Truck Center	Charlotte, NC	No Bid
Rush Truck Center	Charlotte, NC	No Bid
Piedmont Truck Center, Inc.	Greensboro, NC	No Bid
JFW Equipment, Inc.	Climax, NC	\$45,479.45
Sherwin Industries, Inc.	Milwaukee, WI	\$43,285.00

Item No. 6: Crew Cab Type Vehicle

Charlotte Truck Center	Charlotte, NC	\$85,345.00
Rush International Truck Center	Charlotte, NC	\$89,734.00
Rush Truck Center	Charlotte, NC	No Bid
Piedmont Truck Center, Inc.	Greensboro, NC	\$87,900.00
JFW Equipment, Inc.	Climax, NC	No Bid
Sherwin Industries, Inc.	Milwaukee, WI	No Bid

16. Contract to the lowest bidder, Edison Foard, Inc. in the amount of \$1,342,010 from the Airport Discretionary Fund to be replaced with proceeds of a future General Airport Revenue Bond issue for Airport Terminal Ticket Level renovations for Aviation.

Summary of Bids

Edison Foard, Inc.	\$1,342,010.00
Camps Construction	\$1,384,232.00
Holden Building Company	\$1,385,800.00
Rodgers Builders	\$1,406,625.00
The Bowers Group, Inc.	\$1,492,300.00
J.G. Coram Construction	\$1,513,085.00
Dave's Construction	\$1,522,400.00

17. Contract with American Pavement Cleaning Services, Inc. for asphalt, driveway, and sidewalk cleaning services for an initial term of three years in the estimated annual amount of \$130,000, and authorize the City Manager to approve up to two, one-year renewal options with possible price adjustments based on the Construction Cost Index as authorized by the contract.
18. Contract with Hazen and Sawyer, P.C. in the amount of \$334,290 for design and construction administration of a water recycle system at the Franklin Water Treatment Plant.
19. Reject the low bid of \$5,462,245 by Hickory Construction Company for failure to meet the requirements of the Small Business Program, and award the low bid of \$5,567,000 to Crowder Construction Company for improvements to the primary clarifiers at the Sugar Creek Wastewater Treatment Plant.

Summary of Bids

Hickory Construction Company	\$5,462,245.00
Crowder Construction Company	\$5,567,000.00
M.B. Kahn	\$5,588,500.00
Wharton-Smith	\$5,622,000.00
State Utility	\$6,284,000.00
Gilbert Engineering	\$6,436,000.00

20. Change Order #1 in the amount of \$455,998.40 with Bullseye Construction, Inc. for the Sidewalks and Accessible Ramps FY2010 Project to expedite the Shopton Road West sidewalk.
21. Resolution declaring 28 retired buses as surplus, authorize 23 of the 28 retired buses to be sold by electronic auctions beginning February 1, 2010, and ending March 1, 2010, and authorize the City Manager to sell the remaining five retired buses directly to other governmental units.

The resolution is recorded in Resolution Book 42 at Page 346.

22. Resolution of intent to abandon a portion of North Myers Street, and set a public hearing for February 8, 2010.

The resolution is recorded in Resolution Book 42 at Page 347.

23. Resolution of intent to abandon a portion of Armory Drive, and set a public hearing for February 8, 2010.

The resolution is recorded in Resolution Book 42 at Page 348.

24. Resolution of intent to abandon a residual portion of Thrift Road and Freedom Drive, and set a public hearing for February 8, 2010.

The resolution is recorded in Resolution Book 42 at Page 349.

25. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$18,634.06, and adopt a resolution authorizing the refund of business privilege license payments made through clerical or assessor error in the amount of \$974.34.

The resolution authorizing refund of property taxes is recorded in Resolution Book 42 at Page 350.

The resolution authorizing the refund of business privilege license payments is recorded in Resolution Book 42 at Pages 352-353.

26. Resolution approving the Third Amendment to a Tower Leasing Agreement with Celico Partnership d/b/a Verizon Wireless.

The resolution is recorded in Resolution Book 42 at Pages 354-355.

- 27-A. Acquisition of 192 square feet in sidewalk and utility easement plus 7,002 square feet in temporary construction easement at 5400 South Boulevard from First Citizens Bank and Trust Company for \$24,075 for FY08 Accessible Ramp Installation, Parcel #26.

- 27-B. Acquisition of 6,567 square feet in fee simple plus 299 square feet in storm drainage easement plus 15 square feet in utility easement plus 2 square feet in combined utility and storm drainage easement plus 7,877 square feet in temporary construction easement at 4724 Statesville Road from Turner Real Estate Holdings, LLC for \$73,100 for Statesville Road Widening (I-85 to Sunset Road), Parcel #27.

- 27-C. Acquisition of 8,946 square feet in fee simple plus 6,074 square feet in temporary construction easement at 5021 Statesville Road from Consos, Incorporated for \$45,575 for Statesville Road Widening (I-85 to Sunset Road), Parcel #45.

- 27-D. Acquisition of 1,115 square feet in fee simple plus 1,802 square feet in temporary construction easement at 5127 Statesville Road from Carl Alexander for \$17,700 for Statesville Road Widening (I-85 to Sunset Road), Parcel #55.

- 27-E. Acquisition of 2,666 square feet of storm drainage easement plus 2,567 square feet of utility easement plus 583 square feet of temporary construction easement at 2400 West Sugar Creek Road from Sotirios Tsilimos a/k/a Sotirios Sam George Tsilimos for \$18,350 for Sugar Creek Road – Rumble Left Turn Lane, Parcel #8.

- 27-F. Resolution of condemnation of 4,121 square feet of fee simple plus storm drainage easement plus temporary construction easement at 4900 and 4916 Statesville Road from Paul Barnes Stewart and wife, Jean Brown Stewart, and any other parties of interest for \$3,150 for Statesville Road Widening (I-85 to Sunset Road), Parcels #37 and #38.

The resolution is recorded in Resolution Book 42 at Page 356.

- 27-G. Resolution of condemnation of 1,769 square feet of fee simple plus storm drainage easement plus utility easement plus combined utility and storm drainage easement plus temporary construction easement at 5432 Statesville Road from Tammy Birmingham and any other parties of interest for \$1,175 for Statesville Road Widening (I-85 to Sunset Road), Parcel #78.

The resolution is recorded in Resolution Book 42 at Page 357.

28. Titles, motions, and votes reflected in the Clerk's record as the Minutes of the November 9, 2009, Business Meeting; November 16, 2009, Zoning Meeting; November 23, 2009, Business Meeting; and December 7, 2009, Oath of Office Ceremony.

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ITEM NO. 7: PUBLIC HEARING ON RESOLUTION TO CLOSE A PORTION OF WEST 3RD STREET AND A RESIDUAL PORTION OF SOUTH MINT STREET

The scheduled public hearing was held on the subject item.

Jeff McSwain, Charlotte Department of Transportation, said we have a short presentation for you. It's in three parts. First, I will talk about the areas to be abandoned and the contingency statements to go along with it. Second, Mark Hahn of the County, will discuss design, and, last, Jim Kimbler will discuss the transportation impacts around the stadium. He began a PowerPoint presentation entitled, "Proposed Abandonment of Rights-of-way related to the Knights Stadium," a copy of which is on file in the City Clerk's Office and said, if you look, the area highlighted in red is the Third Street area to be abandoned between South Graham Street and South Mint Street, and then it's hard to see on the screen, but there is a small portion along Mint Street to be abandoned. Should Council vote to approve the abandonment, it will be effective on the date that three things happen. The first is that Mint Street, Poplar Street, Fourth Street are changed into two-way operation to enhance the traffic flow, the streets constructed and accepted by the City of Charlotte for maintenance, and the building permit has been obtained by the County for the construction of the new Knights Stadium, and this contingency is for a five-year period. If these things do not happen, then it will be void. Next, I will turn over the stadium design to Mark.

Mark Hahn, Director, Mecklenburg County Real Estate Services, said I have included detailed memorandum in your agenda package for your consideration, and tonight I would like to briefly highlight a few key points from that information. On your screen is an aerial view of the AAA ball park site looking toward the east and showing existing conditions. The County owns the two blocks bounded by Martin Luther King, Jr. Boulevard, South Mint, Fourth, and South Graham streets. You can see the main portion of West Third Street being considered for abandonment where it runs between South Mint and South Graham Streets. This slide shows an overlay of the new ballpark design transposed over the existing conditions, and a portion of West Third Street being considered for abandonment is shown in red. The next slide then shows the ballpark's schematic design with Third Street closed.

The location of the AAA ballpark in the Center City and specifically in these two blocks is consistent with the recommendations of the Center City 2010 Vision Plan, which was adopted by the Charlotte City Council and the Mecklenburg County Board of Commissioners in 2000. The vision plan recommended locating a baseball stadium in the Center City area to act as a catalyst for downtown activity and other associated development. Affirming the location of a stadium at this specific site, the Charlotte City Council later approved a rezoning petition that resulted in the 2010 Plan being amended to reflect this exact location.

In 2004, the Charlotte Knights hired the Gateway Consultants Group to prepare a feasibility study for the AAA stadium. The study recommended this site as the best option out of eight potential locations analyzed. The study estimated 600,000 fans would visit the ballpark annually creating a positive economic impact on the many restaurants, shops, and entertainment venues in uptown. The AAA ballpark is being designed to seat up to 10,000 people and requires approximately eight acres in order to accommodate the footprint. To achieve a contiguous site of that size, the County is requesting the abandonment of the subject portion of West Third Street. This closing will then allow the two blocks to merge into a single site large enough to accommodate the AAA ballpark. In summary, the success of this new AAA ballpark is contingent on the subject abandonment, and the County appreciates your consideration of this request. Jim Kimbler will now present more detailed information on the street conversion.

Jim Kimbler, Charlotte Department of Transportation, said as Mark mentioned earlier, Third Street is shown in red in the center of the stream. That's the street that is proposed to be abandoned. We have completed a traffic impact analysis for this area, and the closure of Third Street will be offset by the conversion of Fourth Street to two-way traffic. That's the street to the right shown on the diagram. Future two-way volume after this change will be well within the capacity of the affected streets. The proposed change to traffic patterns will continue to provide reasonable means of access and egress to all the property owners within this area.

Only two intersections will experience delay to vehicles, and that's the intersections of Mint Street and Third and Mint Street and Fourth Street. Even with that change, the intersections' operation will be acceptable. I would like to recommend the reason for the change to those two intersections, and it's somewhat of a positive one, since both of those intersections will include phases for pool pedestrian movements, and, as you know, our Center City Transportation Plan emphasizes making Center City Charlotte very pedestrian friendly.

We have also evaluated traffic generation for the baseball stadium. The demand for parking will be low – about 1,800 spaces are needed for a 12,000 seat stadium since national studies indicate that about 47% of baseball fans typically arrive by car where mass transit exists. That number is reduced by another 11% when a stadium is in a downtown area. The average vehicle occupancy as well is 2.8 persons per vehicle, so as you can see, a demand for the traffic generated is reasonably small. As with other sports, fans will park within a five-minute walk in parking decks and lots. In this case, we expect them to park as far away as College Street and north to Sixth Street or in SouthEnd based on pricing and convenience. Based on the location of our parking supply, a minimal number of vehicles will use the intersection immediately adjacent to the stadium, and most importantly, these trips will typically be off-peak and not compete with commute trips since most games begin at or after 7:00 p.m. or midday at 1:00 or 2:00 p.m. or on weekends; therefore, acceptable traffic conditions are expected including the traffic generated by a baseball stadium.

Mayor Foxx said is there any motion or discussion?

Councilmember Carter said, Mr. Mayor, I'm going to be consistent in this. When the project was brought to us earlier, I opposed it. I think using our most expensive land inside the I-277 loop is not appropriate. I would recommend the use of land outside on the transit corridor where the use of the transit system and economic development would be enhanced.

Councilmember Burgess said I will make a motion that we reopen and conduct a public hearing to close a portion of West Third Street and a residual portion of South Mint Street to incorporate the right-of-way into adjacent parcels for the new Knights Baseball Stadium Project, and to adopt a resolution to close.

[Motion was made by Councilmember Burgess and seconded by Councilmember Howard to]
[reopen and conduct a public hearing to close a portion of West Third Street and a residual]
[portion of South Mint Street to incorporate the right-of-way into adjacent parcels for the new]
[Knights Baseball Stadium Project, and to adopt a resolution to close.]

Councilmember Barnes said I believe one of the speakers indicated that we have looked at a total of eight sites. Were any of them outside the 277 loop?

Mr. Hahn said I don't recall the full number in versus without, so I'm not sure of that. I believe there is at least one site in South End that would have been outside the loop, and beyond that I'm not sure.

Councilmember Barnes said I think Councilmember Carter makes a good point. I hadn't really thought about it. I have gotten used to this particular site, but I wish we had thought about that more loudly a while back.

Mayor Foxx said motion has been made and properly seconded.

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

AYES: Councilmembers Barnes, Burgess, Cannon, Cooksey, Dulin, Howard, Mitchell, Peacock, Turner

NAYS: Councilmembers Carter, Kinsey

The resolution is recorded in Resolution Book 42 at Pages 341-345.

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ITEM NO. 8: JOINT PUBLIC HEARING WITH THE CHARLOTTE-MECKLENBURG UTILITIES ADVISORY COMMITTEE CONCERNING REVISIONS TO THE WATER AND SEWER EXTENSION POLICY

The scheduled public hearing was held on the subject item.

Barry Gullet, Utilities, said the Water and Sewer Extension Policy provides the framework for expansion of the water and sewer system and describes how customers get new connections to the system. The policy applies throughout Mecklenburg County, including the smaller Towns, and was first developed in 1975. The Utilities Advisory Committee is sitting with you tonight for this public hearing to consider changing the extension policy, and I would like at this time to introduce the members of the advisory committee. I don't have them in the same order they are sitting in, but we'll go through it. If you will raise your hand so everybody will know who you are. Mr. Gullet introduced the committee.

This is a group that is appointed by the City Council and County Commission to advise Utilities and Council on Utilities' policies and issues. The advisory committee was created by Council in 1991. The agreements that we have between the City and the County and the Towns require that Council hold a joint public hearing with the advisory committee before the extension policy can be changed. The policy was last changed in 1995, so this is not a process that we go through often. It's not one that you might be familiar with. The advisory committee has discussed the proposed changes at several of their meetings, and subsequent to consideration of any public comments tonight, recommends that Council approve the changes to the policy.

There are several changes proposed. The largest change was developed in conjunction with City DOT and the City's program for converting private streets to public. Council approved those changes, I believe, in November. With a few exceptions, the extension policy doesn't currently allow for public water mains to be built in private streets, and this is for citizens to request that the City take over private streets so they can get water service, so this proposed change will allow citizens to provide an access easement for the water mains to be constructed without the need for the City to convert the private street to a public street.

Another change that is needed to the policy is to make it consistent with recent state requirements that new in-ground irrigation systems must have a separate water meter. So the changes to the extension policy describe how that separate meter would be provided. The extension policy also contains very detailed provisions for Utilities to provide a financial assistance program to help customers pay for new water and sewer connection fees. We are not proposing any changes to the program, to the financial assistance program, at this time, but it's proposed to separate the financial assistance program from the extension policy so that Utilities can recommend and Council can make timely changes if and when they are needed without going through the more time-consuming and cumbersome process of changing the extension policy.

Finally, there are a number of minor changes proposed to bring the policy in line with administrative and operational changes that have evolved over the last 15 years. We will consider any public comments that are received during the hearing and plan to bring the final policy changes back to you on January 25th for final approval. Thanks for your time, and thanks to our advisory committee members for all the time and work they have done for our community.

Mayor Foxx said, thank you, Barry. I also want to thank our advisory committee members for your service as well. We do have one speaker tonight.

Larry Huelsman, 7401 Broken Oak Ln., said I am here to speak as a citizen of Charlotte and a customer of Charlotte-Mecklenburg Utilities to the sewer and water extension policy. I would like City Council and Charlotte-Mecklenburg Utilities to consider the inclusion of work with Mecklenburg County Park and Recreation with regards to greenways. By leveraging of our resources of money, manpower, equipment, and materials, we, in a serious way, would not only reduce costs but also allow our customers and users earlier access to the results of these two organizations working in concert with one another. I am aware that two organizations working

closer together as they plan and implement their respective work, but by the inclusion in the policy would place more emphasis on the cooperation, collaboration, implementation of their expansion projects.

Mayor Foxx said good input. We do need to have a vote, I guess, to conduct the hearing.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Carter, and]
[carried unanimously to conduct a joint public hearing with the Charlotte-Mecklenburg]
[Utilities Advisory Committee to consider proposed revisions to the Water and Sewer]
[Extension Policy.]

City Manager Walton said the approval will be on the 25th.

Mayor Foxx said we'll see this back on the 25th. Thank you very much for the input, and the advisory committee and the staff will take it under advisement.

[Motion was made by Councilmember Dulin, seconded by Councilmember Burgess, and]
[carried unanimously to close the public hearing.]

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ITEM NO. 9: CITY MANAGER'S REPORT

Curt Walton, City Manager, said as we get closer to the point that the census forms will be going out we wanted to continue to update you on the plan for doing that, so I'll turn it over to Kim McMillan and Sue Breckenridge to talk about the plans for moving forward.

Kim McMillan, Corporate Communications, said we appreciate the opportunity to come back and update you on the activities we have been working on since our last briefing to City Council in October. In December, we attended, along with Mayor and members of Council, we were present at Johnson C. Smith University where Gov. Perdue signed an official declaration to have a statewide committee. One of the other activities we were fortunate to participate in was with Johnson and Wales University. We had the opportunity to actually speak and visit with 350 members of the homeless community where we distributed toiletry kits and information. We also told them we were able to really spend some time alleviating any fears, and we told them we would be back into the homeless shelters at the end of March to make sure we get an accurate count of our community.

On a very cold day last week in January at the corner of Trade and Tryon, we were part of the official road tour kickoff, which was a national road tour kickoff in Washington, DC, and we had an excellent turnout from our community. Tonight, Co-Chairman Sue Breckenridge, is going to speak to you about the Community Action Plan, which is really our major deliverable to the citizens of this county, and it identifies strategies, messages, and tactics, so I would like to turn it over to Sue.

Sue Breckenridge, Co-Chairman, said it's good to be back in front of all of you again and good to be inside this time. My co-chair, Melanie Sizemore, is on vacation, and I hope she is someplace warm, so I am going to do this tonight, and you will have the pleasure of seeing Melanie again in the future. You have in front of you now just a quick organization chart that shows you how we have organized ourselves and how we are cross-communicating with each other and also with the City and County staffs. At this point, I would like to have all of our Complete County Committee please stand and be recognized. These wonderful people are all volunteering their hours to make sure. They have done an enormous amount of work meeting separately in their sub-committees to develop this community action plan. We are very grateful to all of them, and we would not be where we are today without their help.

Again, our mission is to communicate, communicate, communicate. We are here to also encourage all of our residents to participate and to meet the deadline of April 1st by which they need to send in their forms. Also, part of our communication plan is to alleviate concerns and fears and to alleviate trust issues that exist, and we know they exist. So, we are looking for

various ways to communicate with the hard-to-count communities. We are looking at ways to reach the people that typically are not reached with some of these plans. We also have a good strong message about communicating what is at stake if our count does not accurately represent our community.

One of the things that Gov. Perdue said at one of her kickoffs is that if another state does this better than North Carolina then we lose, and I'm here to tell you that if another county or city in North Carolina does it better than Mecklenburg County or Charlotte or any of our communities and cities and towns around here, then we lose because the money we get from the federal government is based on our count. So, also part of our communication plan is to tell people that the form is short. It's very easy, it's convenient, and it's safe. We have local messages – I need to point out to you. This is from the 2000 census. This is the return rate we had in the 2000 census, and you can see where there are pockets that did not – we had a very low return rate – some pockets where we had higher return rates, but we still have pockets that we know are hard to reach, and we need to get to those people. If any of those are your districts or you know people in your districts that can help us do that, please send them our way. We are very open to sitting down and talking to them. We go to meetings, we go to neighborhood association meetings, we have been on the radio, we have done TV interviews. We are here to reach out in any way we can to ensure we get to the people that are hard to count.

Again, we are talking about the different ways we are communicating. We are doing articles for all kinds of print material for employee newsletters, for neighborhood associations, for the faith-based community bulletins, for student and faculty publications. We are getting letters from all the area mayors, and we are in the process of filming public service announcements that we will put on air. One of the good things we have done is to cross-pollinate our subcommittees with other government departments and public offices. Our sports and culture subcommittee is working with the education subcommittee to go see the college athletic directors to promote the census at games. Our business subcommittee is working with local governments to email our message to the business license database. Our neighborhood and communities subcommittee is partnering with the Charlotte Housing Authority to establish a Be Counted site so that we are trying to make it easy for people to ensure they are counted. Our social services and seniors subcommittee is working with other area residences like the Booth Garden Apartments and the Reid Park Apartments, and our local towns are distributing bookmarks during Black History Month. The media subcommittee supports all of us by helping develop the articles and get the messages out and schedule radio and TV interviews.

So what we are here to say tonight is to encourage everybody to understand how critical it is that if you live here you count. We need to have everybody in this community fill out that form and send it in by April 1st. They should be receiving the forms from about mid-March to the end of March. There are ten questions on the form. It will take about ten minutes. It's easy, and it's safe. We also have a Web site where people can go, and our action plan is up there on the Web site so that anybody can go and see it and help us in any way you see you can.

Mayor Foxx said, first of all, I just want to say thanks to the entire committee, the Complete Count Committee, for our area because I have met with many of you, and there is just a remarkable breadth of the community that is represented on that group, and I hope we are able to get our count up as close to 100% as we possibly can. That is so critical for so many resources and so many needs that we have as a community.

Councilmember Turner said a couple of things I wanted to express to us is that I know and I attended several events already, and I know we are going to do all we can do. The thing I still think we are struggling with is a trust factor under certain circumstances such as when you start talking about federal housing you have individuals based under our laws, our local laws, our City and Housing Authority laws that permit certain people to live whether they are living with their grandparents, whether they are living with their mother, or whether they are living with a friend. We are going to find a way to make them understand that it's okay. We just want to know how many people live in that household. This information will not go to HUD, will not go to the federal government to kick them out or get them in trouble. You also have the same trust factor when you start talking about immigration, illegal. But you are right. They are here, and we need to count them. They need to be counted in order for us to get the resources that we need for our city and our county.

But we have a trust factor, and I think that is going to be one of our greatest challenges when I look at your map based on the 2000 census on your return. Those areas are highly populated where we have concentrated low-income housing. Also highly concentrated where we have a huge immigration population. Somehow or another have you all sat down yet and come up with a strategy to attack those issues and how do we do that?

Ms. Breckenridge said we are identifying trusted voices in all the various communities. That's what our neighborhood association subcommittee is working on. We are also reaching out to the faith community and trying to find trusted voices there, and, again, we could use your help. If you know someone who is a trusted voice in any of those communities, let us know. We are very open to going out. We have been out to talk to several people. The message is that this information is confidential. This information is kept confidential. No one can see the information for 72 years, and then it's only released under specific conditions. So we do need to get that message out, and we recognize that, Councilmember Turner, so we are looking for suggestions from you, and every time you hear someone say something like that, all of us are charged with saying time out. It is safe. You can trust it. You can fill it out and send it in, and no one is going to see your personal information. It does not ask for social security numbers. That's one of our key messages. People need to understand they are not going to be identified personally through this census count. So, we know there are some issues out there that we need to address. That's what these messages are for. All the brochures we have say this, but any time we can reach someone who is a trusted voice who can carry that message for us, we need to talk to those people.

Councilmember Howard said, Mr. Mayor, I just wanted to share with the Council that I have shared with several of the people involved with the census that I plan to lend my support as much as I can. As a matter of fact, during announcement times at the end of our Council meetings, I plan from time to time to maybe share an important fact about the census with the general public since it is viewed on television. It's the right thing to do. It's important, and, of course, my big sister, Lisa, is working with it, so she has twisted my arm. I want to make sure I let you know what I plan to do, so when I start doing it you guys know what my goal is with it.

Councilmember Cannon said one of the things, and you may already be doing this, but the Planning Commission has a list of all the neighborhoods, and you talked about trusted voices and so forth. That's a level of leadership, and you may have already been tapping that.

Ms. Breckenridge said we are.

Councilmember Cannon said you have been?

Ms. Breckenridge said we are working with the Planning Committee. Our neighborhood associations subcommittee is working with them to make sure we get to all of those neighborhood associations. That was one of the first trusted voice pockets we identified in our meeting.

Councilmember Cannon said good. Just identifying those zip codes would be extremely important and piggybacking on Councilmember Howard's comments. I know a certain radio station where a certain talk show host has a show, and he will be, of course, making sure each and every Saturday at 9:00 a.m. to 10:00 a.m. that he will be announcing what is going on in terms of the importance of being involved in making sure they participate in this process.

Ms. Breckenridge said Moira Quinn will go and be guests on his show.

Councilmember Cannon said if you so desire I will be happy to broker that for you.

Ms. Breckenridge said thank you.

Councilmember Cannon said in all seriousness David Belton has been there. Lisa Crawford has been a part of that and several others have been a part of that, and we welcome that input from you.

Ms. Breckenridge said we welcome your input. It's important we know where we can go to take this message.

Mayor Foxx said I'm confused about whose radio show we are talking about.

Councilmember Cannon said I think you have been on it a couple of times. We'll figure it out later.

Mayor Foxx said thank you very much for the presentation, Sue.

Ms. Breckenridge said we are more than happy to be here, and I would be remiss if I didn't let Mr. Walton know how much we appreciate his staff. They are just phenomenal. They have done all the work.

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ITEM NO. 10: SMALL BUSINESS STRATEGIC PLAN

Councilmember Burgess said today at the Economic Development Committee meeting we voted unanimously to recommend to the Council that we direct the staff to develop a Small Business Strategic Plan in collaboration with the City's economic development partners. We have Scott Stone here, who is chair of the Business Advisory Committee. In fact, I think it was their suggestion that we start this process, and we appreciate all the work of you and your committee in getting this going. I guess probably the best process is for you to present, and then if we have questions from the Council I will be happy or Mr. Flynn I'm sure can answer those.

Scott Stone, Chair, Business Advisory Committee, 13213 Whisper Creek, said in October I presented the Economic Development Committee at the time, which is a different committee, but Councilmember Carter and Councilmember Kinsey were there, and they heard our input, and we got good input from them as well. If you look at Mecklenburg County, there is a very large percentage of businesses in Mecklenburg County that are small businesses. Small business, one of the challenges defining what a small business is, some of what we have been discussing is that's less than 100 people, but if you look at of all the small businesses in Mecklenburg County, 53% of small businesses are less than five people.

This topic couldn't come at a better time because if you look at the history of the last 25 years in almost all cases net job creation came from small businesses that have been around less than five years. Currently during this current economic challenge we are having, we are not seeing the net job growth from those small businesses as has been tradition. So, if we are going to tackle the unemployment rate, it's not going to happen overnight. Certainly with the strategic plan, it's going to take a lot of hard work and a lot of good planning, but I think for a long-term growth in small businesses which will drive our economy and continue to drive down our unemployment rate, it's going to come from small businesses. So I appreciate all of your support in the efforts.

The Business Advisory Committee is kind of a cross-section of a lot of different folks. There are some big business owners there, big company representatives, but there are a lot of small business owners there, and they are all very excited to sort of take the lead on this for you and throughout the process. As part of the process, we think the Business Advisory Committee has recommended the plan include a mission statement of what is small business and what are we trying to achieve as a government and as a community. What do we want to be our role in small business? We want quantifiable objectives and goals, and quantifiable being a key element to that. We think it's important to be able to measure our successes. We wanted to make sure we define the role of the City, the Chamber, and other small business partners. I have been fortunate to participate in some small business partner meetings, and there are a lot of resources that we have in this community between CPCC, between the Chamber, between small business lenders, and we need to make sure all those are not only just available but easily defined for those small business owners.

Small business, again, is many different things. It is new businesses that are just starting for the first time, it is long-term existing businesses, and it's also maybe folks who want to choose

where they are going to set up shop for a small business, and we want to make sure that Charlotte is branded the right way for small business and being small business friendly and recruiting these companies. Part of our recommendations we are suggesting we do a peer city analysis, identification of resources needed to implement the recommendations, and, of course, the recommendations to improve support for small businesses. We are excited to get started on it for you as you task us to do that hopefully tonight, and we think it can make a big difference to job growth over the next several years in Charlotte.

Councilmember Burgess said on behalf of the Economic Development Committee I do make the motion that the Council approve this recommendation for the staff to move forward.

[Motion was made by Councilmember Burgess and seconded by Councilmember Cannon to]
[approve the 2009 Economic Development & Planning Committee's recommendation to direct]
[staff to develop a Small Business Strategic Plan in collaboration with the City's economic]
[development partners.]

Councilmember Peacock said, Susan, the Mayor's Small Business Taskforce is charged with reviewing the City's Small Business Opportunity Program, which currently covers 650 small businesses. Give me a feel for what types – who is comprised of that 650 – the types of businesses? Did y'all look at that in the committee?

Councilmember Burgess said I'm glad you brought that up because this is really a separate effort. We are dealing with the 27,000 small businesses. The Mayor's special taskforce is looking at small business opportunities with those firms, so they are really two separate issues. This is all small businesses in Charlotte, and the Small Business Taskforce that the Mayor has appointed is for small business opportunity.

Councilmember Peacock said, Mayor Foxx, has the appointment been finalized?

Mayor Foxx said no.

Councilmember Burgess said that's a very good question.

Mayor Foxx said other questions? The only comment I would make is it's not explicitly stated here, but I assume there will be some checking back in with the Business Advisory Committee as this process moves along, Mr. Flynn.

Tom Flynn, Neighborhood and Business Services, said absolutely. We were just going over their agenda today about what we are going to talk to them about on Friday. We are also going to be – we have the resources of the Business Opportunity Program Taskforce, and that's sort of a subset of this, albeit a much small subset, but we will be looking at them. Part of this process also will be coming back after we get input from other small businesses and stakeholders, coming back through the Economic Development Committee.

Councilmember Peacock said a question for Mr. Stone and Mr. Flynn. Are y'all including discussions with the banks and the financial partners that we have in the community? Are they part of your discussion because I hope they are? We know what we are going to hear from businesses right now – that they are struggling, and we are hearing more and more that it's a financing mechanism that they are missing right now, so how integral is that going to be a part of what you all are going to be evaluating?

Mr. Flynn said, yes, it absolutely is a big piece. It's part of the resources, and, yes, we are. We made a presentation today to the Economic Development Committee around not only the City's own programs but also the SBA government supported loan program as a way to begin to introduce the topic, but that is clearly part of what we are going to be talking to. We have meetings. I have a meeting with Wells Fargo Thursday. We are setting up a meeting with Bank of America, and also the community banks, the smaller banks, because they are the ones who really do most of the lending in the small business arena.

The vote was taken on the motion and recorded as unanimous.

Mayor Foxx said I think it's a great effort, and I applaud the committee and the staff. Let's make this happen in 2010.

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NOMINATIONS TO BOARDS AND COMMISSION

Firemen's Relief Board of Trustees – The following nominations were made for one appointment:

Stephanie Kelly, Deputy Clerk, said nine nominations were received for Henry Donaghy and one nomination for Jane Smith.

1. Henry Donaghy – Councilmembers Barnes, Burgess, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock
2. James Smith – Councilmember Turner

Mayor Foxx said just for those who are watching at home with their agenda books this item here, 11-A, says he has completed his second term of service, but I believe we discovered that is not correct.

Ms. Kelly said that is correct.

Councilmember Cooksey said, Mayor, I realize usually even if the nominee has a majority we carry forward to a vote, but in light of the fact that Mr. Donaghy is an incumbent eligible for reappointment, I move reappoint him.

[Motion was made by Councilmember Cooksey, seconded by Councilmember Burgess, and]
[carried unanimously to reappoint Mr. Donaghy.]

Mr. Donaghy was reappointed.

Privatization/Competition Advisory Committee – The following nominations were made for three appointments:

Ms. Kelly said I have nine nominations for incumbents Collette Alston and Trent Gustafson. Both received nine nominations. Nominations were also received for Sophia Matthews, Edward Smith, and Thomas Turner, and Ms. Alston and Mr. Gustafson are also incumbents.

1. Collette Alston – nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner
2. Trent Gustafson – nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Dulin, Howard, Kinsey, Peacock, Turner
3. Sophia Matthews – nominated by Councilmember Barnes
4. Edward Smith – nominated by Councilmembers Burgess, Cannon, Howard, Mitchell
5. Thomas Turner – nominated by Councilmembers Dulin, Peacock
6. Joseph Carr – nominated by Councilmember Mitchell
7. Karen Labovitz – nominated by Councilmember Kinsey
8. Paul Hurlburt – nominated by Councilmember Cooksey

Councilmember Mitchell said clarification, City Clerk. You didn't receive a nomination for Joseph Carr?

Ms. Kelly said, yes, sir, I'm sorry, and also for Karen Labovitz. I received a nomination for her as well.

Councilmember Cooksey said you should also have one from Paul Hurlburt. I gave that one just a few moments ago.

Ms. Kelly said, yes, sir, I'm sorry.

bvj

Mayor Foxx said we have three appointments for that group, and you have two with nine votes, and then there's a number of others? What's the pleasure of the Council?

Councilmember Burgess said, Mr. Mayor, since Ms. Austin and Mr. Gustafson are eligible for reappointment and they are incumbents, I would like to move that they be reappointed to continue their service tonight.

[Motion was made by Councilmember Burgess, seconded by Councilmember Cooksey, and]
[carried unanimously to reappoint Ms. Austin and Mr. Gustafson.]

Ms. Austin and Mr. Gustafson were reappointed.

Mayor Foxx said we'll take up the next appointment at our next opportunity.

Transit Services Advisory Committee

Local or Express Service Transit Passenger – The following nominations were made for one appointment:

Ms. Kelly said I have nominations for Anthony Wesley, an incumbent. I have eight nominations for Mr. Wesley, one nomination for Mr. Schaeffer, and one for Richard Griffin.

1. Anthony Wesley, nominated by Councilmembers Barnes, Burgess, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner
2. Mr. Schaeffer, nominated by Councilmember Dulin
3. Richard Griffin, nominated by Councilmember Carter

Mayor Foxx said are those both under the one appointment for local or express?

Ms. Kelly said, yes, sir, those are.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Carter, and]
[carried unanimously to reappoint Anthony Wesley.]

Mr. Wesley was appointed.

Van Pool Rider – The following nominations were made for one appointment:

1. Marvin Holliday, nominated by Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock

[Motion was made by Councilmember Burgess, seconded by Councilmember Cannon, and]
[carried unanimously to appoint Marvis Holliday.]

Mr. Holliday was appointed.

Zoning Board of Adjustment

Ms. Kelly said I have eight nominations for the incumbent Randall Fink, one nomination for George Morgan, and one nomination for Jeffrey Zawtockki . Mr. Fink is an incumbent.

[Motion was made by Councilmember Cooksey, seconded by Councilmember Carter, and]
[carried unanimously to reappoint Mr. Fink.]

Mr. Fink was appointed.

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ITEM NO. 12: MAYOR AND COUNCIL TOPICS

Councilmember Kinsey said this past week you received in your packets two memos from me. One was concerning the noise ordinance. We had a lot of problems. I think it was pretty well explained, at least in District 1 and several different neighborhoods. The ordinance has not been looked at in some time. In fact, I think Mac said it was over 25 years old.

Councilmember Cannon said Shuffletown in 1993-94.

Councilmember Kinsey said that's right, and I would very much like for us to look at that again and would like it be sent to the Restructuring or Community Safety. Do you want it or do you want it?

Councilmember Cannon said Community Safety is fine.

Mayor Foxx said are there any objections to that? All right.

Councilmember Kinsey said the second memo – the most recent race we had before Christmas I received an awful lot of complaints. It was two weeks before Christmas. It ran down Providence Road and really did block access to some small businesses along there, and, of course, we are dealing with small businesses and are concerned about them, but I did receive calls very early that morning. We have looked at this before. I know it's difficult to schedule all the races, and most of them or all of them really are for very good causes, but I really would like for us to look at this one more time and see if maybe we should not have scheduled this two weeks before Christmas. It did impact small businesses. I suppose the Transportation and Planning Committee would be the appropriate one if Council would so agree.

Mayor Foxx said is there an objection to that referral?

Councilmember Dulin said, no, but I do want to make a comment because I have worked with the schedulers in great detail over the years, and I think they have done a good job of communicating with people. The folks – there happens to be one storekeeper along Providence Road that he calls every year, and Providence Road happens to be the cleanest of the entire route. They are in there early and out of there early. By 8:30 or 9:00 a.m., everybody has passed this fellow's store. Later as they are winding through NoDa that you happen to have as well, Patsy, when they are stretched out, but the economic impact of this race and the fact that we had folks from 37 states this year running in this race – maybe it was 38 states running in this race this year, and that will grow – is a big engine for Charlotte. I would contend that it's bringing shoppers to a lot of places. It's certainly selling a lot of meals. It's certainly putting heads in beds in the tourism industry. They are selling hotel rooms, they are selling meals, so it's going to go to committee, I'm sure, but I would not support changing things at this time.

Mayor Foxx said is that an objection to referral?

Councilmember Dulin said, no, sir.

Mayor Foxx said is there any objection to that referral?

Councilmember Turner said, Ms. Kinsey, I got your letter of concern. How many businesses are we talking about because the concern – and the reason I'm asking you that is the concern I have, and you were on Council, is I know we spent a lot of time in past years dealing with that issue, and staff has spent a lot of time, and I think one of the most important things I recall them saying to us is that there is such a demand for races. We could never take on all the races that people come forward wanting to perform in our city because there is a cost. I think what I'm more concerned with is, one, going back and trying to find a solution. I think we are always going to have complaints. You are always going to have someone that feels they have been totally impacted by this in a negative way. And, I guess what my concern is here is how many businesses are we talking about. Do you have any idea at this point?

Councilmember Kinsey said, Mr. Turner, I would have to go back and start counting because the area that is of most concern in District 1 was from about the intersection at Myers Park

Methodist Church on down toward Crescent Circle and then some on the side streets. This is possibly the largest race we have. I'm not saying get rid of it by any stretch of the imagination. I'm just saying if it could have been a week earlier it might not have impacted these businesses quite as much as it did. Also right now I'm involved in trying to plan a race down North Tryon, so I know exactly what the situation is, and we are working with the planner that does all of these races, so I'm not suggesting that we not do it. I'm just asking if we could look at it and maybe tweak it a bit a week earlier or something. Particularly I think these small businesses were concerned because of the economic downturn this year. That's all.

Councilmember Turner said may I make a suggestion then that we can at least think about it before we send it to committee, if that is the direction we are heading, and put that much staff time into it. Could we simply ask the City Manager to have staff pull us the schedule that we pretty much have entertained in the last years? A lot of these people are repeat races. We know when they are going to happen based on their own schedule. Is it feasible, would it even be reasonable, realistic to push it back a week if that particular race is the race that we are talking about versus looking at the totality of our race events that we hold during a fiscal year?

Councilmember Kinsey said Council's pleasure.

Mayor Foxx said I'm hearing some requests for some policy discussion about the issue of how road races get scheduled and so forth.

Councilmember Burgess said which committee are you recommending that it go to?

Councilmember Kinsey said Transportation.

I think all that information can be pulled together before the committee meeting, and we may decide to keep it the way it is or have that race after Christmas when it wouldn't have such an impact, but I think it's worth examining because I heard the same thing.

Mayor Foxx said would it be possible, Mr. City Manager, to get the information before our January 25th meeting, and maybe the Transportation Committee can take it up after that date – take it up in terms of referral?

City Manager Walton said give it to Transportation before the 25th?

Mayor Foxx said refer it now but wait for the Transportation Committee discussion until there has been the information that Mr. Turner suggested as chair.

City Manager Walton said, yes, sir.

Mayor Foxx said let's do that.

Councilmember Carter said the NLC board met this past weekend, and there are six items I would love to refer to our staff. Number one, we have had contact with Cecelia Munoz, the director of Intergovernmental Affairs. She has discussed already shovel ready projects for the stimulus fund, and we brought in the discussion about long term, whether we should be including planning, design, and engineering for long-term projects that we have and not just stuff that is ready to go into construction. She heard us readily and was, I think, very receptive. We were linking goals as well saying that projects that had multiple priorities for cities – ED, Environment, Transportation – that those should rise in importance, and she also heard that, and we heard that echoed also from HUD's Deputy Secretary Ron Sims that there are mega grants available where many projects are pulled together like the priorities that I mentioned before. I also mentioned to him complimentary funding for Section 8 so affordable housing can be spread over all of Charlotte.

Number two, we talked about GEM, which is a government employee marketplace. It's a one-stop portal for government employees and education employees and employees of nonprofit organizations to save on purchases for personal use through volume discounts on a variety of brand name goods and services. There would be ten cities over the country that would be

selected for this, and I would love for Charlotte to put its name forward for this service in saving for our community – not just government employees but also nonprofit employees.

And, number three, Bank On Charlotte. This started in San Francisco, and since we are a partner with San Francisco, I would love to see us do that with our banks to establish a safe, affordable banking accounts and best practices for citizens. It's a program citywide, and I think it could bear some investigation for our citizens. Number four, the Climate Action Map where you self ID innovations in the environment, and that's simply listing your projects and getting on a map, so throwing that to our Environment Committee might be a very interesting thing. Number five, there was a direct contact with South Africa Small Businesses and the Chamber, so it might be something for our small businesses to reach out and take advantage of. And, number six, there is a transportation barrier to our after-school programs. Some students cannot attend because they can't get home, and some cities such as St. Paul and Minneapolis have set up a circulator for after-school programs, and I was thinking that CATS might have some availability on our school buses. I would like to present these to the City Manager to see if our staff can look into them.

Mayor Foxx said any objection. No objection.

Councilmember Burgess said the Office of the Comptroller of the U.S. Treasury has a publication, and Charlotte is mentioned in it as one of the best models in the country for investment in at-risk neighborhood impacted by foreclosures, and they have featured our Peachtree Hills and a big feature on self-help. I will get a copy of that to everyone, but I didn't know that was coming. That was real exciting. The other thing I'm always celebrating something, and today is my mom's 92 birthday, so Happy Birthday Rachel Meachum of east Charlotte.

Councilmember Cannon said a couple of things, Mayor and Council, and Mr. Manager. One, I touched base with Utilities today with regard to an issue that relates to the primes that typically get business over there particularly on the hauling side maybe dealing with some companies that may be pass-through companies or I guess the appropriate word would be conduit type companies. In other words, the prime would get with someone that basically has said that they are a hauling company, but, in essence, they have no trucks to haul anything with. I would like to see what we can do to look into the idea of having the inspector or the project manager or the consultant, who kind of all operate under the same umbrella over there in Utilities, to go out and do a site visit on some of these properties to determine if indeed these companies are pass-through/conduit or not. That's number one.

The second thing I would like to see, Mr. Attorney, what the legalities might be in dealing with matters like this if we find companies that are operating as pass-through companies and/or conduit companies that are not doing business the way the City would expect them to. That's what I have on that, Mr. Walton, and I know that Mr. Bean is here in the audience, and he is still up top. He stayed through the meeting tonight, and I really appreciate him being here, who is our Utilities director.

City Manager Walton said on the first point, Mr. Cannon, the more specifics we could have as to not necessarily who said what but whom they said it about. I think we will need a starting point.

Councilmember Cannon said that's not a problem.

City Manager Walton said that is very broad, so the more specifics we can get the better.

Councilmember Cannon said I wanted to be careful in this setting not to make the blunder, if you will, per se, and certainly we can get you that information and then, in turn, you can share that with the Mayor and Council accordingly. The second thing, and this is sort of on a sad note, if I can have the Council's attention. Over the weekend on Saturday in the Eastway Division, Officer Todd Canipe was found by his wife to be unresponsive, and he leaves behind a three-year-old son and very sad situation. I would just ask that you keep his wife and his brothers and sisters, son, all in prayer because that is just a tough thing to go through, and I wanted to make sure everybody knew about that.

One last thing. Laura McClety, I failed to mention her tonight. She has been doing a great job with the census bureau as well.

Mayor Foxx said, Mr. Turner, you had a question on one of these items.

Councilmember Turner said not necessarily a question – just a comment. I understand Mr. Cannon not wanting to mention any more than I think he has, but I would want this Council to know that has been brought to my attention on a couple of projects, and I wanted the Manager to know one of the other things that I have a question. What is our legal process when we, as a Council, award a bid? I have a complaint right now that is outstanding with regards to a subcontractor that was working on the Briar Creek project. Apparently the person that won the bid had not paid them, and to my understanding, we have already awarded them the money. They have the money that we are responsible for giving to the contractor, and the contractor has not paid some of his subcontractors.

City Manager Walton said I don't know right offhand, Mr. Turner. We'll have to get that answered -- again, the more specifics. Sometimes it's for performance reasons that people don't get paid. Sometimes there's a problem with the prime, so I think we would just have to look at this specific situation and determine what the recourse would be.

DeWitt McCarley, City Attorney, said if you can get us that information the project manager and someone from my office will be glad to look into it.

Councilmember Turner said thank you. I will do that.

Councilmember Peacock said last year in the Restructuring Government Committee under the leadership of then Chairman Mitchell as well as Vice Chair Cooksey we learned a lot about advisory committees, and one of the advisory committees that staff gave us detailed about was Keep Charlotte Beautiful and Keep Mecklenburg Beautiful, two groups that have very similar charges and very similar mission. So the action that I would like to ask for you all's permission is to have on our January 25th agenda is to instruct City staff to work with County staff on forming the Keep Charlotte-Mecklenburg Beautiful Advisory Committee in order to merge resources. Where it came in committee we brought it up to the analysis and evaluation event, so it doesn't need to go back to committee, and what I would like to have staff prepare for you all and for your review in order to vote for this on the 25th is just that information. So, Mayor Foxx, if I can just add to the agenda, instruct City staff to work with County staff on Keep Charlotte-Mecklenburg Beautiful and merging two citizens advisory committees and to create a little bit more efficiencies there.

One other footnote to that. I did speak with Chairman Roberts from the County side. We spoke briefly probably about four weeks ago on it, so this is not an idea where I'm catching the County off-guard. They are aware of it, and she is very behind it, so I'll put that motion on the floor if I can get a second.

[Motion was made by Councilmember Peacock, seconded by Councilmember Dulin, and]
[carried unanimously to instruct City staff to work with County staff on merging Keep]
[Charlotte Beautiful and Keep Mecklenburg Beautiful into one committee.]

Mayor Foxx said while we are on that subject, Mr. Peacock, this is just generally speaking, between the County and the City there is some overlap in subject matter, and the environment is one of those topics, and I think we ought to be open to having some joint meetings early while we are still setting the agenda to maybe figure out a way to collaborate, so I want to encourage that.

Councilmember Peacock said I would like to echo that sentiment as well. Chairman Roberts and I have talked about the fact that the fact that I think you breathe – do you breathe Mecklenburg County air?

Mayor Foxx said I think I do.

Councilmember Peacock said I do, too. They also breathe Charlotte air. There are all kinds of issues where we definitely will be merging, and she thinks this is a very good first step. I agree.

Councilmember Mitchell said three quick items. The first one I would like if the City Council would refer to the HAND to look at our location policy. There has been a lot of discussion. Topics include inclusionary zoning, so I would like for the whole location policy to be referred to the HAND Committee if the City Council is not opposed to that referral.

Mayor Foxx said is there any objection to that referral?

Councilmember Peacock said, Mr. Mitchell, is the referral about inclusionary zoning? Is that just the subject matter?

Councilmember Mitchell said the entire location policy – inclusion, zoning just being one of the topics, but it's the whole location policy.

Councilmember Dulin said after we vote on that.

Mayor Foxx said as long as there is no objection we can just make the referral.

Councilmember Howard said one thing. Just so you know, Councilmember Mitchell, today in the TAP Committee, Transportation and Planning, we actually started talking about special needs housing as it relates to the locational policy. Just so you know if there is some crossover about that one we started talking about that one today.

Councilmember Cooksey said I'm on both committees. I'll get it covered.

Councilmember Mitchell said the second one, if Council is okay, I have been working with Tim Newman on a VIP during the CIAA with the construction industry. We are talking about having the 12 historic black college presidents meet with our SBE contractor, and there seems to be a lot of buzz. It's scheduled tentatively right now for Friday, February 26th. I would like to ask Council if we are okay to move forward and have staff to add some administrative support would be very appreciative.

Mayor Foxx said this is sort of a networking opportunity.

Councilmember Mitchell said networking opportunity to talk about the projects that are there on the college/university as well as expose some of our SBEs and general contractors to those opportunities as well.

Councilmember Dulin said is there a cost associated other than staff time?

Councilmember Mitchell said no cost associated. City would not pay a penny. The last one, just for the district, the citizens of District 2, the Intelligent Leadership Conference is scheduled for Saturday, January 23rd, at 9:00 a.m. Please come out and give me your input on what priorities to take to the full Council. Kim Pearson-Brown is waiting by the phone for your call at 704-336-2180. Thank you.

Councilmember Cooksey said one more committee referral item. It's come to my attention that out Clerk and the Board of County Commissioners Clerk are working on kind of the next stage of tracking technology for what it is we do. As you are aware, for some time we have had video streaming of our meetings on line, and that is provided through a vendor called Granicus. There is some other stuff being discussed, and I think it's reached the level where a little Council oversight would be welcome and useful at least to us. I don't know if it will be useful to the clerks, but it will be useful for us. I would like to ask the subject of technology improvements in the Clerk's Office be sent to Restructuring Government for a little oversight and presentation.

Mayor Foxx said any objection? Very good. Mr. Walton, you have got a lot of work to do.

City Manager Walton said this isn't directed at Mr. Cooksey just because he was last, but I think at the Retreat we are going to have to give you a feel for staff capacity because probably the last

two or three months we have added dozens of new initiatives, and keep in mind, we are in a very, very tight budget year where probably 10% of our administrative workforce is vacant and unfunded, so we are not going to be able – we can move on all of these. We may not be able to move on them as quickly as you would like. I just want to keep that in mind, and we'll give you a report on the new initiatives that we have undertaken, but we are reaching a tipping point.

Mayor Foxx said I think it wouldn't be a bad idea unless you have another referral.

Councilmember Peacock said in my defense this is a project that is going on already. I'm just saying it's time to get Council involved in it.

Mayor Foxx said I think it might be a good idea since we only have a few weeks between now and the Retreat to maybe if we can hold further referrals until we have the Retreat that would be a good idea. If we can agree to do that, that would be great.

Councilmember Dulin said that is what I was going to say, Mayor. We are overloading these poor folks.

Mayor Foxx said last thing – I just want to say this – I did an op-ed last week in *The Observer*, and I just wanted to say to the community that with Dr. Martin Luther King, Jr. holiday next week I'm hoping we can use this opportunity to focus on an issue as a community that really needs more attention, and homelessness is one that I would really like for there to be a little more conversation out in the community about. I have a meeting this Friday at 8:30 in 267 where we are bringing in a number of leaders in the community who deal with that issue, and all of you are invited, so I look forward to having more conversation over the next week about that, and obviously for much longer than that as we move into a budget year, so thank you.

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ADJOURNMENT

The meeting was adjourned at 8:31 p.m.

Stephanie C. Kelly, CMC, City Clerk

Length of Meeting: 3 Hours, 10 Minutes
Minutes Completed: February 12, 2010