

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, July 26, 2010, at 5:22 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were: Michael Barnes, Jason Burgess, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, Edwin Peacock III

ABSENT UNTIL NOTED: Councilmember Patrick Cannon, James Mitchell, Warren Turner

* * * * *

ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Councilmember Dulin said No. 36 – let’s start there. I did this Thursday. This is wrecker service -- \$450,000 we are paying by contract to a wrecker service to tow our broken vehicles, and over the years I have okayed the purchase of thousands of new vehicles. I’m wondering why we have our vehicles breaking down. We have a maintenance department. Why don’t we buy 1,000 AAA memberships. That would still be cheaper. Anyway, that number jumped off the page at me and didn’t make any sense. I would like an explanation.

The next one would be 45. This is one of those things that I read it and read it and read it. This is \$268,000 to a consulting company to do a water and sewer rate methodology study, and we have been studying the water and sewer rates for two years. This Council has been getting hammered for two years, and maybe this is going to do the work that needed to be done before.

Curt Walton, City Manager, said this is something different, Mr. Dulin. This is, for example, looking at the relationship between the fixed and the variable components of the rate that haven’t changed for a number of years, so Council hasn’t dealt with this component of the water rate. I think this is something I strongly recommend that Council move forward and do because it has been a number of years, and it will hit on things we keep getting hung up on each year.

Councilmember Dulin said do we not have professionals on staff that can do this for us?

City Manager Walton said, no, sir, and if we did, I think we would need an outside – you would need an independent look even if we did, but, no, we don’t have.

Councilmember Dulin said the last one is No. 49. We are going to talk about it, but I think this is too big to be on Consent. Are these things usually a consent item?

City Manager Walton said, yes, sir.

Councilmember Dulin said the general obligations bonds we are talking about, folks.

City Manager Walton said this is the second of the three steps that you have to take in order to call a referendum, so this is basically moving toward setting the ballot in November. The last action would be August 23rd.

Councilmember Dulin said I think this needs – No. 49, Mayor – needs public at least awareness if not discussion about what we are doing, what the money is for as it moves forward.

City Manager Walton said it mirrors what was on the budget, and all of those materials were presented then. It could be done, but it’s just that we have traditionally done these steps on consent.

Councilmember Barnes said, Mr. Manager, I have a question related to Item 36 as well and the towing agreement. The question was why not get a low rate per call as opposed to the fixed annual contract, or am I reading that wrong? Are we providing in this case Hunter with \$450,000 annually and A-1 Thompson with \$20,000 annually regardless of how much towing we do? What are the intricacies of this contract because it would strike me that if we believe we

have enough volume to justify paying 450 per year that we might, in fact, be able to get a favorable per call rate as opposed to paying them regardless of how much work they do for us?

City Manager Walton said, okay, we'll address that.

Councilmember Barnes said also, Mr. Mayor, Mr. Manager, I'm not sure if the property transactions are appropriate to raise now or downstairs. There are some condemnations that I want to take a particular position on. Should I do that now or downstairs?

City Manager Walton said I think that would be part of the vote process, Mr. Barnes. If there are questions about them, we can handle them here. If it's statements or objections, I would do that – I would have those removed from the consent.

Councilmember Barnes said I simply wanted to have and take my own vote on 54-O through V because I want to vote against those acquisitions.

Councilmember Carter said No. 50, the voluntary annexation. I think this should be introduced into the record and be part of the meeting so that citizens know there will be a voluntary annexation public hearing date on the 23rd of August.

City Manager Walton said to pull for comment?

Councilmember Carter said yes.

Councilmember Barnes said may I make a comment on that. Councilmember Carter, just to provide this bit of information to you. I had a conversation with the neighborhood leader there, one of them, and Mr. McCarley was also involved in that discussion. I'm not trying to tell you not to do what you were going to do, but because of the nature of the annexation that we undertook with that neighborhood a while back, there was a small portion of the community that was not included, and they are near the clubhouse and they are saying we want to include that now, so annex us. So they are already on board with it as I understood it.

Councilmember Carter said to me it's a question of the entire area – not just the neighborhood knowing that this is now complete and part of the planning process to be addressed by people like the Charlotte East community that it's now annexed into the Charlotte area. It's an extended completed area that will be available for comment on east side issues.

Councilmember Barnes said this particular parcel though is within the Brantley Oaks community – literally right around the clubhouse.

Councilmember Carter said that's all.

Councilmember Barnes said because the rest of it was already taken in. Mac is not here, and I know we didn't talk about it, but I appreciate your point.

Councilmember Carter said then I would like to withdraw it. If you are in complete compliance, let's withdraw 50, please.

Councilmember Cooksey said I forgot a question about 39, and I would like to do a comment about 39 downstairs anyway. What are the estimated delivery dates on the mobile phone device applications? I didn't see that. We have got four phases there, and I would be curious to know when we would be expecting to see them hit the market.

* * * * *

ITEM NO. 2: MAYOR'S SMALL BUSINESS OPPORTUNITY PROGRAM TASK FORCE REPORT

Mayor Foxx said we have some members of our audience here who have supported through time, energy, effort working through our Small Business Opportunity Program, and I want to

bvj

acknowledge all of the taskforce members who are here. I see Michelle Fish and others on the taskforce. Why don't you all stand up, and we want to thank you for what you have done for us. We now are going to have a report from the Small Business Opportunity Taskforce. They have looked through our program pretty extensively, and I'm looking forward to hearing what happens.

Michelle Fish, Mayor's Small Business Opportunity Program Taskforce, said, first of all, I want to say thank you again to the members that helped us out in this committee. I'm the co-chair of the committee and wanted to go ahead and give you an overview. She began a PowerPoint presentation entitled, "Mayor's Small Business Opportunity Program Taskforce, Findings and Recommendations," a copy of which is on file in the City Clerk's Office.

Councilmember Barnes said I had a question for you regarding that affiliates' abuse issue. Is there some sort of penalty in place for people who violate that?

Cindy White, Assistant City Attorney, said if you are an affiliate then you can still apply to be an SBE, but the program would count the assets and wealth of both companies. That would be the difference, and if you have misrepresented your status, if you have lied about it in some way, then there would be penalties.

Councilmember Barnes said what are those?

Ms. White said I don't have them right in front of me, but they are liquidated damages for making misrepresentations. There is also a recommendation the taskforce had, too, that Michelle is just about to get to that if somebody violates the program they could be prohibited from bidding on future contracts unless they have shown that they have taken steps to remediate whatever the problem was. In other words, if it was a company that did that and they terminated the person who made the misrepresentation then that would count as a remedial act. But if there was no reason to see that they had taken steps to avoid that happening in the future then that may be grounds for rejecting their bid.

Ms. Fish continued the PowerPoint presentation with the top slide on page 6. She said the remaining recommendations are provided in the taskforce report.

Councilmember Peacock said could you go back to your slide that says "Informal Goal Setting Process"? I wonder if you could re-explain that. I don't understand your two points there.

Ms. Fish said the City staff to develop process for more closely linking informal SBE goals to SBE availability and KBU opportunities. Do you want to go into that, Nancy?

Nancy Rosado, SBO Program, said right now the City currently sets goals on informal contracting, but because of a lot of reasons like, for example, the citywide informal goal is set at 12%, which means that 12% of the City's informal purchases the goal is to spend them with SBEs. However, it's because of times, discretionary dollars have gone down, and it's making it more difficult for the City to reach that goal of 12%, which was increased from FY09, which was at 10%. Those are some of the challenges we are dealing with. We are also looking at how now the City is really pooling contracts together.

I'll give you an example, for example, of janitorial contracts. It used to be if there was a department that had five different facilities each one of those contracts would be a small, informal contract that could be let to an SBE. Now, the City is really looking at maximizing its efficiency, so they are pooling all of those contracts in a department into one larger contract, which makes it more difficult for some of our SBEs to be able to compete on a larger scale. So those types of situations are really causing for us to – it's making it more difficult for the City to reach those informal goals that have been established. Those are some of the things we are looking at.

There are other situations. For example, some of the KBUs have really specific purchasing needs, so if there is a part that goes bad, in order to not invalidate the warranty you have to go with the one company you bought the part from, the purchase from. So SBEs can't compete or there isn't an opportunity for an SBE to be awarded that type of account, yet those dollars are

still counted towards the informal dollars. So it's really looking at a better way of actually setting those goals and setting realistic, attainable goals.

Councilmember Peacock said one follow-up, Mr. Mayor, and then I have a question for Nancy while she is here. So informal goals are not reflective of existing opportunities.

Ms. Rosado said right.

Councilmember Peacock said you mean opportunities for all these other small entities.

Ms. Rosado said every quarter the SBO Office puts together a utilization report that reports on every department – how they are doing. Each department has an informal SBE goal that is set for each department, and then we report how they are doing towards meeting that goal; however, the goals haven't been revised in quite a while, and they haven't been considered looking at the new way of the economy, so we really need to go back and look at those goals and say are those goals realistic, are they attainable because they may have been established a couple of years ago when things were good and there was more purchasing happening, and things have changed. The economy has really made a significant impact.

Councilmember Peacock said one more follow-up. Nancy, you had just come on to City staff around the time we were amidst the Restructuring Government evaluation of the SBE program as we had it at that point. What is the difference between these findings and this taskforce and what we found through that process from '07 to '09?

Ms. Rosado said the Restructuring Government process really focused a lot more on the good faith efforts aspect of it, so we really looked at the good faith efforts. We looked at the personal net worth and we made changes to the personal net worth requirement. This was a much more broad view of the program, and it was really taking the expertise of each and every one of the taskforce members to really look and go beyond to say how can we increase utilization – not necessarily the policy aspects of the program? So I think the Restructuring Government process was more focused on policy.

Councilmember Carter said one point to Mr. Peacock's question that elicited the information about pooling, which I think is a very important point we are making, but if we pool to get efficiencies, can we support the SBEs pooling? In other words, some sort of informal amalgamation so that they can take advantage of the larger construct that we are offering.

Ms. Rosado said I think we can look at all of those different avenues, and the taskforce really was charged with just saying this is one of the findings that they came up with and they saw there was this trend, and they heard it from the SBO staff – not just our internal staff but all of the SBO liaisons saying that this is making it more difficult for them to meet those informal goals, so there are definitely opportunities for us to look at ways we can improve.

Councilmember Carter said with the notifying SBEs of available contracts or informal contracting there is the system with the 911 calls where there is a callback, and I'm wondering if we could use some mechanism such as this – an alert call for the SBEs rather than going on line only because some entities still are not on line, and I want to respect that for that multiple availability.

Mayor Foxx said, Ms. Rosado, can you tell us who on the staff helped out in staffing this taskforce?

Ms. Rosado said all of our staff. Alban Burney was a tremendous asset to our program and to this review process; Andy Jackson, who does a lot of our compliance work in our office; Sean Sarder, who does the reporting of our program; Tom Flynn, of course, was a wonderful asset; Cindy, my gosh, we couldn't have gone through this process without her, so really it was a combined effort. There was a lot of staff support, and all of the KBUs, SBO liaisons were really involved in the feedback and eager to give their input to the taskforce, so I think it was great for the taskforce to really solicit the amount of feedback that they did from the primes, the SBEs, and the staff. It was a team effort.

Mayor Foxx said thanks to the staff and thanks to the committee and the taskforce for taking the time to work on that. I do have a question, Ms. Fish, about the disparity study, and it has to do with can you give a little more background on that recommendation and what objective one thinks it can serve?

Ms. Fish said on the disparity study we realized that the last one was done in 2003, and so much has changed since then. One of the things we need to look at was the current demographics, the current economic conditions, and are we on the right path, so it was definitely time to go ahead and do another disparity study since it was so long ago.

Mayor Foxx said the phasing of it – can someone give us more information on what Phase 1 and Phase 2 actually means?

Ms. White said the reason it is in a two-phased approach is that we were trying to reduce costs. We weren't sure what the quotes were going to be, so we asked MGT, which is the company that performed the last disparity study, to give us the quotes in a two-phase process. The way that would work is that Phase 1 would be focused on determining the availability percentages of each category of MWBE firm and also on looking at City contracting to determine the utilization and then see to what extent there is disparity. If disparity is found or if disparity is close, Phase 2 could be performed to determine either why the disparity exists or why further gains hadn't been made in City contracting. In Phase 2, they would look at the anecdotal evidence. They would either do interviews or conduct hearings or do questionnaires to try to find if there are instances of discrimination in City contracting that people report. They would also focus on looking at the SBE program itself and potential reasons for success or failure and in recommending narrowly tailored remedies to address any disparity that might be found.

Mayor Foxx said without objection I would like to recommend that we send these recommendations to the ED Committee for further review in making recommendations back to the Council. Very good. Then let's go forward.

Councilmember Dulin said that committee meets next on August 12th. I don't think we can turn anything around to get it on that agenda, Ron, but, staff, it's your time schedule getting it to us.

Mayor Foxx said if you can, great; it not –

Councilmember Dulin said August 12th is correct, I believe.

Ron Kimble, Deputy City Manager, said we have a couple of members who said they will not be available that day. We are holding for August 19th.

* * * * *

ITEM NO. 3: TREE ORDINANCE REVISIONS

Mayor Foxx said it has been in the Environment Committee for quite a while. Mr. Peacock, do you want to do some introductory remarks on it?

Councilmember Peacock said, thank you, Mr. Mayor, and, Mr. Mayor, you were on the Environmental Committee when it first got there. So was Mr. Mumford, although I don't know if he is in the room or not. Council will recall that I wrote the previous Council about the very issue that we are at right now. I wrote them and educated them that we were working through this issue, and it was not easy, and it was taking longer than we thought. The timeline will show now in February of '09, we, on the committee, charged a subcommittee to do a cost analysis. In lieu of paying money to a consultant, who was going to come up with a grand plan for us, we actually enlisted the help of a lot of professionals, and I want to recognize several of them that are in the room today. First of all, if you are with the stakeholders committee or you are with the subgroup, if you don't mind standing. First of all, I want to thank you all, and I especially want to thank Julie Burch and Tom Johnson, who is going to talk to us now, and Dave Weekly.

I wanted to point out to Council as well, too, that as we got into this detail of the tree ordinance one thing that gets lost in this, and it did get reflected in the American Forest Report, which came to us before, and I will point you to this. On the third page of your report is that the county is within the tree canopy range recommended by American Forest. That's between 50 and 55%, and the City has been effective in minimizing the loss of trees during the heavy development through the various means including, as we'll mention here, developers preserving and planting trees, our City planting program, and then the volunteer effort in the community.

Mr. Mayor, as you really get into the details, and I know these guys are going to do it here in the next 40 minutes, if not less, this city is about saving trees, this city is about preserving trees, and what we are doing is we are tweaking an ordinance, and it has been an extensive process, and the reason it has been extensive is because there is a cost associated with it, and that's what our subgroup is charged to do. Thanks so much, Tom, and look forward to hearing your talk here.

Tom Johnson, Senior Urban Forestry Specialist, City of Charlotte, said I'm going to speak to you in regards to the proposed Tree Ordinance provisions recommended by Council's Environment Committee. The Environment Focus Area Plan says that Charlotte will become a national leader in environmental initiatives to preserve our natural resources while balancing growth with sound fiscal policy. It further says the City is committed to promote environmental best practices and protect our natural resources including the tree canopy. The City is also committed to recognizing interrelationship between air quality, water resources, land preservation, and energy and resource conservation. The City is also committed to making sound land use decisions regarding our future growth and development. The basic intent of the tree ordinance is to preserve and plant trees, to maintain and enlarge Charlotte's tree canopy. The benefits of our trees are those trees provide shade, a decreased storm water run-off, they promote clean air quality, and also prevent soil erosion.

So a brief synopsis of the tree ordinance history – it was first adopted in 1978, and that was basically a planting requirement for commercial sites. In 1989 we recognized we needed to also protect trees, and that was when we added the commercial tree save protection to the front building setbacks of commercial properties. Then in 2000, we revised the tree ordinance to include the tree planting requirements for UMUD and MUDD zones. In 2002, we added single family, and that was a tree save requirement as well as street trees would be required. In 2006, we assembled a group of stakeholders, who were charged with revising the commercial tree planting and tree save requirements.

Our basic tools of the tree ordinance are twofold, one being tree planting. We recognize that trees need to be replanted after a site is developed, and we do that strategically so that they can shade property and vehicles. This helps reduce the urban heat element effect and helps clean water. The second tool is preserving existing tree canopy that we have in the development process. Large trees provide ecosystem service benefits that small newly planted trees do not.

Like we just touched on, the urban ecosystem analysis, we presented that to you at a dinner briefing back in May, and it does show that we have tree loss here in Charlotte over time, and the purpose of revising the tree ordinance is to address this. So the intent of the tree ordinance revisions are to increase and enhance Charlotte's tree canopy by offering flexibility and options for tree save, and we also wanted to increase the number of trees planted in parking lots. The stakeholders really were the ones who were responsible for coming up with these revisions of the ordinance. Those were made up of local landscape architects, members of the Charlotte Tree Advisory Committee, representatives of the Real Estate and Building Industry Coalition, representatives from Mecklenburg County Parks and Rec, as well as some developers.

What I'm going to touch on here are the items that came to consensus in 2007 and then some refinements to the tree-save requirement from '07. First, there are about 13 items to '07 consensus items, and the first one was the one we spent a lot of time on, and that was requiring a 15% tree save requirement for commercial sites with the flexibility and compliance options. This tree save can be anywhere on a given site. What we currently do is – this picture depicts – is we protect trees along street frontages and the front building setback. That can be problematic with driveways, utilities, as well as constructing the actual building.

So there are options for the tree-save compliance that I talked about. Those options include on-site mitigation, an off-site mitigation, a payment in lieu option, as well as a vegetative green roof, and there is the chart that explains all of these options in your packet as well as a handout I placed on your desk. If you would like further information, the definitions for all site mitigation and payment in lieu is also in the ordinance itself.

So what the stakeholders are trying to do is mirror the centers, corridors, and wedges approach to growth. Basically what we want to do is get options for our tree-save requirements. You can see that this displays the uptown area, the area within I-277, that UMUD and UMUD-O there is not a tree-save requirement. Additionally, in TOD, MUD, and UMUD, and transit station areas, there is not a tree-save requirement. A transit station area is about a half mile radius around the light rail stops. Also in the corridors outside of transit station areas, there are mitigation options, and in transit station areas, mixed used centers, neighborhood services, and industrially zoned sites, there are also mitigation options for tree save. Then when you move out into the wedge, which is the largest area, is the 15% tree-save requirement.

The second consensus item was to require all parking be within 40 feet of an approved tree, and currently that requirement is that all parking is within 60 feet, so that essentially means there will be more trees in the parking lots. The third consensus item was that the stakeholders wanted these tree-save areas to be free of invasive plants – kudzu, wisteria, English Ivey, things of that nature that will choke the trees and ultimately kill them. The fourth item was we wanted to require a specific distance between trees and site lighting and that is simply to prevent trees from shading out site lighting. The fifth was to require 50% of the new trees to a given site to be native species, and we also wanted to specify diversity. There is nothing in our current ordinance that prevents monoculture, and you may recognize this picture. This is from the SouthPark area. This is Carnegie Boulevard. There used to be a whole lot of London Plain trees that were planted along Carnegie. They succumbed to bacterial leaf scorch, and when they caught that, they all had to be replaced. So those are the kinds of things that this item is trying to address.

The sixth was we wanted to create a minimum distance of at least ten feet between tree-save areas and buildings to protect trees during the construction process. It can be really hard to brick a house if there are trees right next to it. The seventh was the stakeholders wanted to allow tractor trailer and bus parking lots to plant trees around the perimeter of the parking lot as opposed to internally to the parking lot. When they are internal, there are maneuverability issues, and the trees often suffer for it. The eighth item from '07 was that we wanted to set a minimum distance requirement from overhead power lines rights-of-way and underground utility easements for tree-save areas.

The ninth is that the stakeholders wanted to allow passive uses in tree-save areas, and those are such things as trails that won't damage the trees, and there are specifications for how that is implemented in the ordinance also. The tenth item was that stakeholders wanted to require full ordinance compliance for the site if they do either of these three things. So if they were to add five percent to an existing building or 1,000 additional square feet to a building they would be required to comply with the ordinance. Adding ten or more new parking spaces would require compliance of the ordinance, or a size change of 10% or more. I will actually come back to that one.

The eleventh was that we wanted to amend the penalty section of the ordinance to include single family developments. That was something overlooked previously, and they wanted to write that into the ordinance. The twelfth was to include the incentive limit details for single family developments in Section 2193 for clarification. These incentive limits are ones that allow density bonuses for increased tree save. You have to refer to the zoning ordinance currently to get those details, and they wanted it all to be housed in one document. Lastly, from 2007, we wanted to require tree-save areas less than 30 foot in width be staked in the field upon the first submittal, and that just helps us as staff find these areas and make sure they are viable tree save.

So those were the 2007 stakeholder consensus items, and then in 2009, the Environment Committee requested a cost benefits study of the stakeholders and said they could better understand the costs and benefits of these provisions. Out of that analysis, the knowledge was gained to make some revisions to the tree-save requirement. So basically everything from 2010

I'm going to touch on is in regards to that 15% commercial tree-save requirement I talked about in '07.

The first one was the stakeholders wanted to allow Mecklenburg County Park and Rec greenway trails to run through tree-save areas and count towards the tree-save area. The idea is that the effective canopy will be maintained. You can see in this picture here the tree canopy still overarches that greenway.

Councilmember Barnes said with respect to that refinement within what distance would the proposed development have to be in order to take advantage of that?

Mr. Johnson said let's say you had a large site, and they were going to dedicate some area to a greenway project like they have a floodplain or something of that effect or a greenway trail would naturally connect then it would be physically on that site is the way that would work.

Councilmember Barnes said the proposed development would have to be contiguous to a greenway trail.

Mr. Johnson said that's right for this. This is what they want to have that tree save on their site, and have a greenway trail go through it and count as tree save, whereas in 2007 that wouldn't have been allowed. The second in 2010 was to allow existing tree canopy which overhangs existing underground utility easements to count toward the tree-save requirement for commercial developments. Thirdly, we wanted to allow small, maturing trees to be planted beneath overhead power lines to satisfy the tree-save requirement, and that is when it is being planted. The fourth was that neighborhood services zoned sites less than or equal to 12 acres would have options for tree-save compliance, and those are the ones I touched on previous.

Number five was to allow industrially zoned sites to have options for tree-save compliance. Sixth was in regards to the additions to existing sites, and those are the three that I touched on before with the building façade, adding parking spaces, etc. So what we did in 2010 was that the only requirement that the tree ordinance would have for these sites would be that the required trees would be planted, and there would not be a new 15% tree-save requirement if it didn't already exist on that site. The seventh and last from 2010 was in regards to grandfathering.

The stakeholder consensus refinements – there were two items that the stakeholders did not come to consensus on, and the Environment Committee made recommendations on those. The first refinement was that when these additions to existing sites occur and they are subject to the tree ordinance they shall preserve the tree-save area established prior to the time of those additions. Basically what this does is it prevents protected trees from being removed when an addition is made to the site that was developed prior to the implementation date. Like I said, currently we protect trees in that front building setback.

The second refinement was in regards to the payment in lieu formula, and that refinement was the payment in lieu formula would be based on the tax value of the land being developed with a cap not to exceed 90% of the average tax value of land in Charlotte. Calculation of the average tax value of land in Charlotte includes the ETJ but it excludes everything inside I-277.

Additionally the Environment Committee through their talks gave us some policy guidance statements of how we should implement this ordinance, and those were that the payment in lieu funds would be used to protect existing trees and in some cases could be used to plant trees. Also that off-site mitigation and payment in lieu will take place in the vicinity of the development when possible. Additionally, staff will report on these tools to City Council and how effectively they are being used. So our proposed path forward for this ordinance is to hold a public hearing on August 23rd amending the tree ordinance, and September 13, 2010, we request City Council to adopt the revised ordinance, and a January 1, 2011, effective date.

Councilmember Barnes said I may have missed this earlier. With respect to the composition of the stakeholders group, are there any community leaders or environmental experts?

Mr. Johnson said there were. There were some citizens who were also made up that group, and the Charlotte Tree Advisory Committee was also represented, so they would be like-minded. That list of stakeholders is in your packet.

Councilmember Peacock said I was just going to make a motion. I move this forward to the August 23rd public hearing.

[Motion was made by Councilmember Peacock and seconded by Councilmember Carter to]
[hold a public hearing on August 23, 2010, on the revised tree ordinance.]

Councilmember Cooksey said three questions. Back when I was on the Environment Committee – I think I know the answer to this one, but I just want to check. When I was on the Environment Committee last term, I remember we passed a recommended change to the ordinance to exempt industrial property in large part on the basis if my memory serves me correctly the data only 8% of the land in our jurisdiction is zoned industrial, so 15% of 8% is about 1.2% of our land, which my contention in making that motion and trying to get it passed was the impact on 1.2% of our City's area is minimal versus the impact of complying with the tree ordinance for industrial property. Did that amendment survive? I'm not seeing it in here.

Mr. Johnson said the iteration of that would be the stakeholders in 2010 decided to give those industrially zoned sites options for tree-save compliance. So they could do the off-site mitigation, payment in lieu, or greeneries.

Councilmember Cooksey said the second question – I never did recall getting answered then and answers from committee members or anyone. What's the rationale for having a façade improvement trigger compliance with the tree ordinance?

Mr. Johnson said that was a policy we had used as a trigger for the tree ordinance. What it previously said was any building permit or land use could require compliance with the tree ordinance, and we always thought that was a little broad, so it was narrowed to those three triggers, and that's what is currently being proposed.

Councilmember Cooksey said maybe a committee member can help me then because that doesn't give me a rationale. That just says it's a choice. What is it about a façade improvement that should trigger the tree ordinance? If I'm fixing up over 10% of the front of the building, should that trigger the planting of trees?

Councilmember Peacock said let's see if I can give you the answer. Would you agree to like it or dislike it?

Councilmember Cooksey said I don't know what the answer is.

Councilmember Peacock said let me put it this way. Our committee didn't come up with this idea. The stakeholders did. I know that's not the answer that you wanted to hear, but that fundamental question I have asked several times today, and I told you you would be getting this from Councilmember Cooksey, so there's your lead-in.

Mr. Johnson said I can try to answer that. I think the short answer is a compromise among the stakeholder committee because you had one group that didn't want to have that façade as a trigger to kick in the tree planting requirements, and then you had another side that was wanting to provide a deadline to have all parking lots comply with the tree planting requirements that are currently grandfathered. So the façade gives the opportunity to slowly get all of the existing development in Charlotte into compliance with the tree planting requirements of the tree ordinance, so it was a compromise among the stakeholders committee.

Councilmember Peacock said all right. Third question – has there been any discussion at any level about making compliance with the tree ordinance an eligible reimbursement provision under the façade improvement grant program we have? I'm presuming there was no conversation.

Councilmember Dulin said there was no conversation about that, Mr. Cooksey.

Councilmember Cooksey said that might be another case then because we provide grants to help pay for façade improvements, and now we are increasing the cost of a façade improvement, but compliance with the tree ordinance is not an acceptable expense under that program, so that might be something we should consider in a future budget cycle.

Mr. Johnson said I think landscaping is part of the façade improvements; is it not?

Councilmember Cooksey said improvements to bring grandfathered signage, parking, and landscaping into conformance with current code, so perhaps that is –

Councilmember Dulin said read that one more time.

Councilmember Cooksey said improvements to bring grandfathered signage, parking, and landscaping into conformance with current code. I guess landscaping would be – okay, so it is eligible. Good to know.

Mayor Foxx said I would like to ask a question. I know that going from 10% to 15% is a significant change, but have we looked or projected long term in what this change means in preserving our overall tree canopy? Can we say what we think is going to happen because we have been losing tree canopy.

Councilmember Peacock said I will let staff answer that in a follow-up. Rick Roti made some really good points to everything we are doing here is that we are talking about doing a 15% tree save. We have the American Forest report that is kind of the constant measuring stick, and what we are not doing enough of is reconciling the two as to how much does tree save in particular areas as shown in those wedges and corridor, how effective is it in preserving what we have right now? One thing that the American Forest report did fall short on was just telling us district by district where we are losing the most, and as a result of one of these options that was the most contentious payment in lieu the idea would be that through the county and through the Catawba Land Conservancy we would now have the ability to take larger pieces of land to preserve more in the areas where we want.

One other aspect that has a slot on there as well, too, was giving staff the flexibility that if someone develops the site in an actual area that the committee definitely wanted to give staff the flexibility to apply some of that money to tree planting in that area. The sentiment we have heard from a lot of citizens has been certainly if you are going to do development in my area I don't want to know that you are taking that developer's dollars and then planting trees somewhere else. I want something in my area to know that we are replacing some trees, so I think that was a good committee compromise. Mr. Mayor, that would be my answer to I guess where that 15% and how we are measuring it. Staff, I don't know if you have more to add to that.

Mr. Johnson said all these revisions are aimed at enhancing our tree canopy both the tree-save requirement and the tree planting. They are both pieces of that puzzle. It is possible for us to project out using some of the American Forest data to see what that is going to look like long term, and we can see what those benefits are currently also.

Mayor Foxx said as we get going to a public hearing I would kind of like to know where we are heading with this. Are we going from losing "X" percent of the tree canopy to losing "X" minus 5% or whatever it is? Order of magnitude, I know we are losing trees left and right, and I know everything is going to help keep some or put some more in the ground is helpful, but I just can't figure out where this leads us.

Mr. Johnson said I believe staff will be coming to you asking to set a recommendation on our tree canopy goal, and then we will take steps to meet that goal.

Mayor Foxx said as part of this?

Mr. Johnson said as part of the Environment Focus Area Plan, I believe.

Mayor Foxx said would you not have to come back and revise this if we have to be more aggressive to meet the tree canopy goal?

Unidentified Speaker said once we have that goal set we will be able to use the tools that we have from the urban ecosystem analysis to measure the effectiveness of these proposed revisions.

Jeb Blackwell, City Engineer, said the reason we don't know exactly what the impact of this will be is that we have tried to be flexible to make it so sites can work and because there are five options for compliance we don't know which of those will be taken, so this will protect more trees than the previous ordinance clearly, and it will plant more than the previous ordinance, so we believe that will have the desired effect, but we don't know for sure because many sites there are four or five options for compliance, so we are not certain. We'll have to wait and see how it goes forward. That's why as Tom described in six months we want to report out on how it's doing because we believe we know what it will do. We believe it is going to take us in the right direction, but until we actually see how developers work with it and what options people take, I think we can't definitively say what the percentage of save will be.

Mayor Foxx said I will just say that I know a lot of energy has been spent on this ordinance and a lot of good people have been working on this and spent a lot of time on it, so I have a healthy level of respect for that, but I'm just expressing some concern about whether we really understand where we are going with this at the end of the day, and I think it's a fair question to ask, and I will just keep asking it as we go through this process.

Councilmember Carter said when we look at Charlotte and we are reaching build-out, and I was wondering what percent of our land was not developed. We just had a conversation about that, but also that's why to me it is extraordinarily important that we put up the structures for infill and redevelopment. Those are two very important issues in the way we keep our tree cover. Do we know what percentage is undeveloped in our city?

Mr. Johnson said it could be derived. That would be a GIS exercise, but undeveloped may mean different things to different people, but it could be determined.

Councilmember Barnes said I wanted to echo some of your sentiments regarding where we are heading. As I looked at the chart, I think the point you were making and what I want to make is what we are hoping to do is try to find this trend line to stop going down. I don't know what mechanism or methodology you would employ to do that, but that's what I'm looking for as a policy maker so I'm not simply agreeing to a 15% tree save, yet by 2015 we are down 44%. That's what I'm trying to get at. Look forward to hearing more.

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

* * * * *

ITEM NO. 4: URBAN LAND INSTITUTE WEST TRADE BEATTIES FORD CORRIDOR TECHNICAL ADVISORY PANEL

Mayor Foxx said I see Dr. Ronald Carter from Johnson C. Smith and State Senator Malcolm Graham are here. I thought I saw them, but it's great to see you all, and I know a lot of good work was done in the process of this ULI study, so welcome, and we look forward to seeing the results here.

Curt Walton, City Manager, said Peter Zeiler worked on this project with those you mentioned, so Peter will give the overview of what was accomplished.

Peter Zeiler, Neighborhood & Business Services, said the Urban Land Institute (ULI) is the globe's premiere real estate forum. It is a nonprofit organization that has been put together with developers, architects, municipalities, all levels of government and academia to really do research and understand what the different issues and what the emerging trends are in real estate. He began a PowerPoint presentation entitled, "Urban Land Institute Technical Advisory Panel Beatties Ford/West Trade Corridor," a copy of which is on file in the City Clerk's Office.

Councilmember Turner arrived at 6:27 p.m.

Councilmember Peacock said I see in the headline that we call this the Beatties Ford/West Trade corridor. Has this officially been branded West End as we do the South End? Is that name going to be used formally, and was that ever described in the ULI?

Mr. Zeiler said that was not touched on in the ULI Technical Advisory Panel. The reason it has the two names is because we were covering such a large territory that went from a big chunk of uptown starting at Graham Street all the way through, so it encompassed parts of West End, but it also encompassed parts of Third Ward and Gateway Village.

Councilmember Peacock said is the West End just a term that people are using or will it be formally be adopted as the West End formally as you go under 277?

Mr. Zeiler said that is a question I do not know the answer to.

Councilmember Peacock said my next question is the historic district of Wesley Heights were they a part of the ULI discussion?

Mr. Zeiler said, yes, part of the territory touched onto Wesley Heights, and we certainly had a number of Wesley Heights' residents. They were probably the most active group at our community forum on the 3rd.

Councilmember Dulin said this is good work, guys. Getting the idea – it's not a new idea of getting the bookstore off campus and re-energizing the Five Points area down there is that's where you decide to put it. It would be great, and I look forward to help working on that. A good example of a project in the hand as opposed to waiting on the big, shiny, gold structure is the Family Dollar. With a lot of hard work and a lot of community effort, that project got built, and I think it's a value to the community and to the campus. Do we need to make a motion to move this to the Economic Development Committee?

Mayor Foxx said I think we can do it without.

Councilmember Dulin said that's fine. That's where it can go, and the committee can get working on it and help.

Mayor Foxx said let's go ahead and do that. This is one of the most important and groundbreaking studies that has happened in the city because there is a lot of good activity on that corridor, but pulling it together with a singular vision is something that we haven't really had in quite this way. Dr. Carter, you and Senator Graham, I just want to thank you so much for your leadership in helping that. It helps to have the full weight of Johnson C. Smith and Johnson and Wales helping to drive some of that.

Councilmember Dulin said are we paying ULI for their study?

Mr. Zeiler said yes. You did adopt an action to pay \$10,000 for the study. It was about \$60,000, and the partners picked up the rest of it.

Councilmember Peacock said while we have Dr. Carter and Senator Graham here I wanted to ask because they had asked me at one time at one of the Board of Visitors meetings about the water tower, Mr. Manager. That project is underway. We are restoring it to its historic gray color; is that correct? Did ever anything come with the public art discussion that we had about that? I know that was something that especially in these tight times wasn't something we could launch immediately, but that was talked about.

City Manager Walton said, right, we did have to restore the tank as you said, but I think there have been discussions that would allow the wrap design that they talked about in the future if funding can be found.

Councilmember Peacock said Arts and Sciences is working in concert, I believe.

bvj

City Manager Walton said ASC is working with Johnson C. Smith in order to do that at some point in the future.

* * * * *

Councilmember Kinsey said I should have brought this up earlier, but on the appointments, there was a name left off of the Business Advisory Committee – Shaunta Jones Hunter, and I wouldn't have noticed it had I not been the one who nominated her. It's a little bit unfair to go forward with that with her name not on it.

Mayor Foxx said you want to carry that one over. Let's carry that over to next month.

* * * * *

The meeting was recessed at 6:35 p.m. for the Council to move to the Council Meeting Chamber.

* * * * *

BUSINESS MEETING

The Council reconvened for the regularly scheduled Business Meeting at 6:49 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were: Michael Barnes, Jason Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, James Mitchell, Edwin Peacock III, Warren Turner

* * * * *

INVOCATION AND PLEDGE

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

* * * * *

CITIZENS' FORUM

ABORTION BENEFIT AND CITY HEALTH PLAN

Martin Davis, 2424 H Selwyn Ave., said, Mr. Mayor, as you know, on June 28th, I asked you and City Council then the taxpayer funded abortion benefit available to employees in the City group health plan. To date, you and Council have totally ignored my request. Now, Mr. Mayor, to be honest, you and your fellow Democrats are part of the elitist ruling class in control of Charlotte, so I expected no other response, but Republican office holders, at least in theory, are supposed to oppose abortion especially taxpayer funded abortion. After the June 28th meeting, I sent Councilmembers Peacock, Dulin, and Cooksey two emails pleading with them to take action. None of them bothered to reply. Last Thursday at a meeting of the Southern Mecklenburg County Republican Men's Club, yet again I asked Mr. Dulin and Mr. Cooksey to do what they could to eliminate taxpayer funded abortions for City employees and their dependents. Their answer was, no, that they have more urgent matters to attend to than "my issue". Mr. Dulin couldn't understand why I was upset. You see, Mr. Mayor, Ed, Andy, and Warren are also elitists. They differ from you Democrats only by degree, not by kind. The truth is these three are junior members of the ruling elite of Charlotte, and the big bosses like Hugh McColl, your champion, Mr. Mayor, tell all of you how they want Charlotte run, and you do exactly what they tell you. Andy, you wonder why abortion upsets me. Let me explain. In 1973, seven unelected Supreme Court Justices decided to illegally, judicially legislate the legalization of infanticide in the United States. Feigning allegiance to the Constitution, they

invented a right to privacy out of the Fourth Amendment prohibition against unreasonable searches and seizures. This, in turn, created “a penumbra” that the seven tyrants deemed “broad enough to encompass a woman’s decision whether or not to terminate her pregnancy”. Notice they stipulated “a woman’s decision”. Shortly after this ruling, other unelected elitist Federal judges expanded the illegal edict by extending abortion rights to any female able to conceive throughout all nine months of pregnancy even going so far as to require public school officials to allow students to leave school to have abortions, of course without parental notification. Andy, I am also upset that over 50 million babies have been slaughtered by abortionists in the United States since 1973. I am also upset over 300,000 abortions that have taken place in Charlotte, 10,000 every year. The public has been unaware that the City of Charlotte provides taxpayer funded abortions to City employees and their dependents, but now the public does know. You three gentlemen are Charlotte elitists; you serve your masters. People are catching on to this. Who knows? They may even begin electing people who will govern us properly.

* * * * *

TRANSPORTATION FUNDING

Jack Brosch, 3502 Marionwood Dr., said I apologize for my attire tonight. I was told I was on a standby list, and unfortunately I wasn’t, and your first four members wouldn’t have made a difference anyway, so I will present to you as best I can here on a little short notice. But, Charlotte has risen in the ranks of the United States to be a world class city, and I think as a world class city that Charlotte deserves a world class transportation plan; not a plan cobbled together one mile at a time, one line at a time where plans that were written, drawn up in 2000 and previous to that are ignored, but a plan that is funded, that is rational, and that will serve the citizens of this community for decades going forward – not for one election cycle. Last year I spoke in front of you when you had in front of you the possibility of sustaining the Mayor’s veto, and I was told that veto was going to be overridden and overridden as a foregone conclusion. No, that night that veto was overridden by one vote. If any one of the members on the Council would have voted to sustain that veto, you would not have Agenda Item No. 14 on the agenda tonight, you would not be looking at taking money from the Federal government that could have supported the citizens in this room and in this city to the tune of \$45 per citizens – man, woman, and child in this city – for a mile and a half of rail line that is going to serve 450 citizens of this community. I haven’t had a chance to do that math, but I can pretty well tell you that is pretty expensive per servicing for one citizen in this community. When you come up with a plan and when this economy, which I know it will as we all do, I will then stand in front of you and gladly and proudly support a comprehensive transportation plan. But right now is not the time to be spending citizens’ money on a mile and a half of rail when we have police officers, firemen, which Councilmember Dulin just commended for doing their job, and school teachers that are worried about their jobs when we are sitting here looking at a mile and a half transportation. I strongly urge you to vote no on Agenda Item No. 14 tonight.

* * * * *

AWARDS AND RECOGNITIONS

BUILDERS OF HOPE, INC. CONTEST WINNER

Councilmember Mitchell recognized Brenda Haden of Builders of Hope, Inc., which works to increase the availability of high quality, safe, affordable housing for working families. Builders of Hope, Inc. held a renaming contest for the Rowan Park Apartments and Monique Moore is the winner. The new name will be “New Hope Apartments”. The reason Monique gave for her entry of “New Hope Apartments” is she “thinks that people can have new hope because they are paying less and being provided with affordable healthy housing.” Monique attends Thomasboro Elementary and will be entering the 5th grade.

* * * * *

U.S. WOMEN’S AMATEUR GOLF CHAMPIONSHIP

Mayor Foxx said another exciting event happening in our area on the week of August 6-15, and that is the 2010 Women’s Amateur Golf Championship, which is happening at Charlotte County Club. He recognized Morgan Lang, who spoke about the event.

* * * * *

CONSENT AGENDA

[Motion was made by Councilmember Howard, seconded by Councilmember Carter, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of]
[Item Nos. 34, 36, 39, 54-D, 54-E, 54-F, 54-O, 54-P, 54-Q, 54-S, 54-T, 54-U, 54-V, which]
[were pulled for discussion, and Item Nos. 54-R, 54-X, and 54-Y, which were pulled for]
[speakers.]

The following items were approved:

- 25. Contract to the lowest bidder, Blythe Development Co, in the amount of \$2,559,800 for the construction of the final portion of the West Boulevard relocation, and Budget Ordinance No. 4471-X in the amount of \$2,559,800 from the Airport Discretionary Fund to be replaced with proceeds of a future General Airport Revenue Bond issue.

Summary of Bids

Blythe Development Co.	\$2,559,800.00
Ferebee Corporation	\$2,738,788.59
Rea Contracting	\$2,740,342.70
Scurry Construction, Inc.	\$2,776,796.88
Blythe Construction, Inc.	\$2,788,375.00
E.S. Wagner Co., LLC	\$3,060,370.80

The ordinance is recorded in Ordinance Book 56 at Page 705.

- 26. Contract to the lowest bidder, R.H. Price, Inc. in the amount of \$1,400,743.08 for construction of the Hood Road North Western Sanitary Sewer Outfall.

Summary of Bids

R.H. Price	\$1,400,743.08
Sanders Utility Construction, Inc.	\$1,461,101.19
Davis Grading, Inc.	\$1,471,290.91
BRS, Inc.	\$1,471,607.63
State Utility Contractors, Inc.	\$1,539,976.90
Monroe Roadways Contractors, Inc.	\$1,596,621.90
Blythe Development Co.	\$1,639,509.51
Buckeye Construction Co.	\$1,836,181.20
RF Shinn Contractors, Inc.	\$1,866,268.80
Dellinger, Inc.	\$1,954,861.70
Don Moorhead Construction, Inc.	\$2,116,802.99
BC&D Associates, Inc.	\$2,817,153.35

- 27. Contract to Kimley-Horn and Associates, Inc. in the amount of \$1,501,000 for construction phase services for the water/sewer infrastructure in the Hood Road North 2009 annexation area.

- 28. Low Bid unit price contract for providing various wastewater and water treatment chemicals in the estimated annual amount of \$2,302,496 for a term of one years, and authorize the City Manager to renew up to four additional one-year terms with possible price adjustments at the time of renewal as authorized by the contract to the following vendors: Water Guard Inc. (sodium hydroxide – less than bulk), Oltrin Solutions, LLC

(sodium hydroxide – bulk), Premier Chemicals (magnesium hydroxide), and Chemical Lime (hydrated lime).

29. Contract in the amount of \$142,000 with the Charlotte Mecklenburg Schools to administer and conduct the No East Walk Program.
30. Three-year contract with Public Safety Corporation to provide false alarm registration and management services, and authorize the City Manager to approve up to two, one-year renewal options as authorized by the contract and contingent upon the company's satisfactory performance.
31. Three-year contract with Turner Construction Company in an amount not to exceed \$1,779,312 for Airport project management services, and Budget Ordinance No. 4472-X appropriating \$1,779,312 from the Airport discretionary fund balance to be repaid by proceeds from future General Airport Revenue Bonds.

The ordinance is recorded in Ordinance Book 56 at Page 706.

32. Change Order #1 with Diversified Conveyors, Inc. in the amount of \$148,139.51 for modifications to the baggage conveyor system in the terminal building, and Budget ordinance No. 4473-X in the amount of \$148,139.51 from the Airport Discretionary Fund to be replaced with proceeds of a future General Airport Revenue Bond issue.

The ordinance is recorded in Ordinance Book 56 at Page 707.

33. Change Order #1 with DAS Architecture, Inc. in the amount of \$228,755 for additional design services for the East Terminal Expansion, and adopt Budget Ordinance No. 4474-X in the amount of \$228,755 from the Airport Discretionary Fund to be replaced by future General Airport Revenue Bond proceeds.

The ordinance is recorded in Ordinance Book 56 at Page 708.

35. Purchase of Mack Truck parts as authorized by the sole source exemption of G.S. 143-129(e)(6), contract with Mack Truck Sales of Charlotte for the purchase of Mack Truck parts and services in the estimated annual amount of \$200,000 for the term of three years, and authorize the City Manager to extend the contract for two additional one-year terms with possible price adjustments as stipulated by the contract at the time of renewal.
36. Contracts with the following service providers for the provision of towing, recovery, and related services for fleet vehicles and equipment for an initial term of three years in the estimated amounts of: Hunter Auto & Wrecker Service, Inc. - \$450,000 annually and A1 Thompson Towing, Inc. - \$20,000 annually; and authorize the City Manager to approve up to two, one-year renewal options as authorized by the contracts and contingent upon the companies' satisfactory performance.
37. Purchase of bituminous plant mix asphalt as authorized by the previously bid or "piggybacking" exemption of G.S. 143-129(g), and approve the unit price contracts with the following four vendors who have agreed to extend the City the same low bid prices offered to the North Carolina Department of Transportation in contracts for plant mix asphalt each contractor currently possesses. The four City contracts are for the provision of plant mix asphalt to the City Street Maintenance Division in the estimated aggregate amount of \$5.7 million for a term of one year: Ferebee Asphalt Corporation, Blythe Construction, Inc., Rea Contracting, and Blythe Development; and authorize the City manager or designee to extend these contracts for one, one-year optional renewal period with possible price adjustments as authorized by the contracts.
38. One-year contract with Elizabeth Lee Solutions in an annual amount not to exceed \$156,000 to provide business process documentation and support services in preparation for Citizen Relationship Management for CharMeck 311, and authorize the City Manager to negotiate and approve up to two, one-year renewal options contingent upon the company's satisfactory performance and continued project funding.

40. Change Order #1 in the amount of \$437,351 to G.W. Liles Construction Company, Inc. for the Light Vehicle Maintenance Facility.
41. Contract to the lowest bidder in the amount of \$189,435.75 to CMI Contracting, Inc. for the East Forest Neighborhood Improvement Project – Phase 1.

Summary of Bids

CMI Contracting, Inc.	\$189,435.75
Trull Contracting, LLC	\$199,434.11
Ferebee Corporation	\$222,156.90
OnSite Development	\$240,367.73
United Construction Company	\$248,720.33
Carolina Cajun Concrete	\$249,053.70
Red Clay Industries	\$254,909.59
Sealand Contractors	\$255,408.83
Blythe Development Company	\$293,952.75

42. Rescind award of \$1,429,660 low bid contract from 8-Star Construction Company, adopt Budget Ordinance No. 4476-X retaining and appropriating low bidder's 5% bid bond of \$71,483.01 to the Storm Water Capital Investment Plan, and award the contract to the second low bidder, Blythe Development Co., Inc. for \$1,619.794.

Summary of Bids

8-Star Construction Company	\$1,429,660.10
Blythe Development, Inc.	\$1,619,794.00
Ferebee Corporation	\$1,740,902.19
Showalter Construction, Inc.	\$1,761,489.18
Callahan Grading, Inc.	\$1,870,886.60
United Construction, Inc.	\$1,875,182.10
Sealand Contractors, Inc.	\$1,885,405.06
D.H. Griffin Construction, Inc.	\$1,913,395.20

The ordinance is recorded in Ordinance Book 56 at Page 710

43. Two-year contract with Prism Laboratories, Inc. for professional laboratory services in the amount of \$230,000, and authorize the City Manager to approve three, one-year renewal options.
44. Three-year service contract with Covington Power Solutions for generator prevention maintenance, load testing, fuel tank cleaning, and repair services for an amount of \$109,875, and authorize the City Manager to approve up to two additional one-year renewal options as authorized by the contract.
45. Contract with Malcolm Pirnie Consulting for a Water and Sewer Rate Methodology Study in the not-to-exceed amount of \$268,241, and adopt Budget Ordinance No. 4477-X appropriating \$268,241 from Utilities Operating Fund Balance.
46. Professional services amendment #2 with Camp Dresser & McKee in the amount of \$338,000 for extended construction inspection and administration for Phase 1 of the Briar Creek Relief Sewer.
47. Professional services amendment #2 with Kimley-Horn and Associates, Inc. in the amount of \$121,300 for design and construction administration for the Patton Avenue and Vest Elevated Water Storage Tank Renovations.
48. Contract with Rockwell Builders in the amount of \$135,000 for the purchase and construction of a \$2,048 square foot office and classroom facility for the Charlotte Vehicle Operations Center.

49. Introduce each of the three bond orders required for a General Obligation Bond Referendum and approve a resolution to authorize the Referendum which includes \$156,600,000 of Street Bonds, \$32,000,000 of Neighborhood Improvement Bonds, and \$15,000,000 of Housing Bonds and Improvement Bonds, and \$15,000,000 of Housing Bonds, and set a public hearing for August 23, 2010.

The resolution to authorize the Referendum is recorded in Resolution Book 42 at Pages 631-636.

The resolution to set a public hearing is recorded in Resolution Book 42 at Pages 637-640.

50. Resolution setting the public hearing for August 23, 2010, for the Brantley Oaks Common Area petition for voluntary annexation.

The resolution is recorded in Resolution Book 42 at Pages 641-642.

51. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$2,990.50.

The resolution is recorded in Resolution Book 42 at Pages 643-644.

- 52-A. Ordinance No. 4478-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1907 Savannah Hills Drive (Neighborhood Statistical Area 171 – Providence Estates East Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 712.

- 52-B. Ordinance No. 4479-X authorizing the use of In Rem Remedy to demolish and remove the structure at 901 Crestmere Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 713.

- 52-C. Ordinance No. 4480-X authorizing the use of In Rem Remedy to demolish and remove the structure at 905 Rhyne Road (Neighborhood Statistical Area 110 – Wildwood Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 714.

- 52-D. Ordinance No. 4481-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1514 Hawthorne Lane (Neighborhood Statistical Area 50 – Plaza/Midwood Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 715.

- 52-E. Ordinance No. 4482-X authorizing the use of In Rem Remedy to demolish and remove the structure at 232 Woodman Avenue (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 716.

53. Declare parcels at Lawyers Road Extension (PID 109-171-11 and 109-171-12) surplus and authorize staff to market the properties for sale.

- 54-A. Acquisition of 1.19 acres at 4216 Rockwood Road from Geoffrey & Lisa Gausman for \$133,000 for Airport Master Plan Land Acquisition.

- 54-B. Acquisition of 27,259 square feet in sanitary sewer easement plus 16,575 square feet in temporary construction easement at 2600 East 7th Street from Eastover Medical Park II Condominium Association, Inc. for \$270,950 for Briar Creek Relief Sewer Phase 2, Parcel #12.

- 54-C. Acquisition of 2,118 square feet in storm drainage easement plus 60 square feet in utility easement plus 1,407 square feet in temporary construction easement at 6319 Hazelton Drive from Jonathan M. Shapiro and Lisa Marie Angeldorf for \$14,925 for Eastburn Storm Water Capital Improvement Project, Parcel #43.
- 54-G. Acquisition of 1,072 square feet in fee simple plus 2,189 square feet in temporary construction easement at 5128 Rea Road from Lisa V. Rockholt for \$24,950 for Rea Road Widening, Parcel #55.
- 54-H. Acquisition of 663 square feet in fee simple plus 591 square feet in temporary construction easement at 5015 Rea Road from Maheshkumar V. Bhaskara and Deepthi Chaturvedi for \$11,500 for Rea Road Widening, Parcel #103.
- 54-I. Acquisition of 1,795 square feet in fee simple plus 42 square feet in guy wire/utility easement plus 4,456 square feet in temporary construction easement at 5232 MacAndrew Drive from Karl E. Keffer, III and wife, Carol H. Keefer, for \$46,525 for Rea Road Widening, Parcel #128.
- 54-J. Resolution of condemnation of 984 square feet of sidewalk and utility easement plus temporary construction easement at 1501 Pegram Street from Bishop S.C. Madison, as Trustee for the United House of Prayer for All People of the Church on the Rock of the Apostolic Faith and any other parties of interest for \$300 for Belmont-NCDOT Improvements, Parcel #6.

The resolution is recorded in Resolution Book 42 at Page 645.

- 54-K. Resolution of condemnation of 27,627 square feet of sanitary sewer easement plus temporary construction easement at 2630 E. 7th Street from Eastover Odyssey, LLC and any other parties of interest for \$118,050 for Briar Creek Relief Sewer Phase 2, Parcel #11.

The resolution is recorded in Resolution Book 42 at Page 646.

- 54-L. Resolution of condemnation of 9,965 square feet of fee simple on Central Avenue from William R. Foster, Jr. and Emily B. Foster, John B. Foster and Martha S. Foster, and Mary C. Foster Whitney and Grant Whitney, Jr., and any other parties of interest for \$17,500 for Briar Creek Relief Sewer Phase 2, Parcel #33.

The resolution is recorded in Resolution Book 42 at Page 647.

- 54-M. Resolution of condemnation of 2,258 square feet of sidewalk and utility easement plus temporary construction easement at 500 Dawn Circle from Paul A. Knight, Roy C. Knight, Jr., and Wade P. Knight and any other parties of interest for \$350 for Hidden Valley Neighborhood Improvement Project Phase 6, Parcel #44.

The resolution is recorded in Resolution Book 42 at Page 648.

- 54-N. Resolution of condemnation of 2,450 square feet of sidewalk and utility easement plus temporary construction easement at 436 Dawn Circle from Gary L. Stikeleather and any other parties of interest for \$3,025 for Hidden Valley Neighborhood Improvement Project Phase 6, Parcel #47.

The resolution is recorded in Resolution Book 42 at Page 649.

- 54-W. Resolution of condemnation of 1,948 square feet of storm drainage easement at 8425 Winged Bourne from Reginald T. Hubbard and Iris S. Hubbard and any other parties of interest for \$13,350 for Shillington Storm Water Capital Improvement Project, Parcel #6.

The resolution is recorded in Resolution Book 42 at Page 657.

55. Titles, motions, and votes reflected in the Clerk's record as the Minutes of the April 26, 2010, Business Meeting; May 17, 2010, Zoning Meeting; and May 24, 2010, Business Meeting.

* * * * *

ITEM NO. 34: AIRPORT ROOF TOP SOLAR POWER SYSTEM

Councilmember Carter said I would like to ask if Mr. Mitchell could be recused from this item.

[Motion was made by Councilmember Carter, seconded by Councilmember Cannon, and]
[carried unanimously to recuse Councilmember Mitchell.]

[Motion was made by Councilmember Carter, seconded by Councilmember Howard, and]
[carried unanimously to A) approve an agreement with Narenco Corporation of Charlotte to]
[design, construct, and operate a solar energy collection system that they will lease to the]
[City for \$49,360 per year for a period of 20 years; B) approve a contract with Narenco]
[Corporation of Charlotte in the amount of \$600,000 for a roof replacement on the Airport]
[Maintenance facility; C) adopt Budget Ordinance No. 4475-X appropriating \$600,000 from]
[the Airport Discretionary Fund to be repaid with future Airport Bonds and/or Passenger]
[Facility Charge revenues, and D) approve a Power Purchase Agreement with Duke Energy.]

The ordinance is recorded in Ordinance Book 56 at Page 709.

* * * * *

ITEM NO. 36: FLEET VEHICLES AND EQUIPMENT TOWING, RECOVERY, AND RELATED SERVICES

Councilmember Dulin said it has to do with our towing of broken City vehicles.

City Manager Walton said, Mayor and Council, Mr. Dulin and Mr. Barnes had several questions, and I would like to ask Chuck Robinson, our director of Business Support Services, to address those questions.

Chuck Robinson, Business Support Services, said, first, for Mr. Dulin. We really do have a fairly reliable fleet. This is a City and County contract. There are a little over 7,000 vehicles in that fleet that we manage. The City turns about 10% of that fleet every year, so we have about a ten-year replacement cycle. It really depends on the type of vehicle. Police cars get turned more frequently than heavier trucks and sedans. Actually AAA did bid on this business, but they couldn't meet the response requirement that we had, and their tows were about a third higher than the lowest price in the proposals. For Mr. Barnes' question, this is a price per tow, sir. It's not a blanket contract. These tows are priced out in four different categories. If the vehicle is not towed, we don't pay a thing.

Councilmember Barnes said does that mean that the cap of the contract for Hunter is 450 and the cap for A1 is 20?

Mr. Robinson said that is the estimated annual expense that we had, yes, sir.

Councilmember Barnes said are we paying them some monthly fee?

Mr. Robinson said, no, sir.

Councilmember Barnes said are they billing us per tow?

Mr. Robinson said per tow.

Councilmember Barnes said that was the issue I was getting at.

bvj

Mr. Robinson said if they don't tow, they don't get paid.

Councilmember Barnes said can you tell us what the categories are for the towing?

Mr. Robinson said, yes, sir. There are four categories – light vehicle, medium vehicle, heavy vehicle, and specialty equipment.

Councilmember Barnes said for a light vehicle what is the towing fee?

Mr. Robinson said right off the top of my head I can't answer that question for you, sir. The average tow for all the tows a year averages about \$114 a tow, but if we had to tow a fire truck, that's \$500 right there or a Solid Waste truck.

Councilmember Barnes said were the two winning bidders two of three or were there others?

Mr. Robinson said there were eight total bids.

Councilmember Barnes said is there some reason, some fairly easy to explain reason why one bidder got \$450,000 worth of business and the other got \$20,000?

Mr. Robinson said it was a Request for Proposal, so there were a lot of things that were considered. We considered the equipment, we considered that they had to perform the towing and other services, we considered the storage location, and we considered the price. Based on all that criteria, we selected the best vendors for those.

Councilmember Dulin said let's talk about this a second because we have been going through the supposed predatory towing practices around here a little bit, so this is sort of interesting subject to me right now because I have spent a lot of time on that. When they pick up one of our broken vehicles, are they towing it back to us or are they towing it to one of their yards?

Mr. Robinson said it depends on the nature of what's wrong with the vehicles. Many times it's towed to us. Sometimes a Solid Waste vehicle that is currently full of garbage we can't service it until it's broken down and gets towed to the landfill and gets emptied and then gets towed into our shop. That's one price to do all that work. So it really all depends on the circumstance.

Councilmember Dulin said so they are working with us. They are not going and stashing our cars somewhere and then we got to go get it again.

Mr. Robinson said, no, sir, not at all.

Councilmember Dulin said that just doesn't make any sense. This is outside of my comfort levels, but I'm going to go ahead and move for approval of this item, if you don't mind, Mr. Barnes.

[Motion was made by Councilmember Dulin and seconded by Councilmember Barnes to A)]
[approve contracts with the following service providers for the provision of towing, recovery,]
[and related services for fleet vehicles and equipment for an initial term of three years in the]
[estimated amount of: Hunter Auto & Wrecker Service, Inc. - \$450,000 annually; A1]
[Thompson Towing, Inc. - \$20,000 annually, and B) authorize the City Manager to approve]
[up to two, one-year renewal options as authorized by the contracts and contingent upon the]
[companies' satisfactory performance.]

Councilmember Cannon said real quick on the SBO piece of all this. It says no SBO goal was set for this contract because subcontracting opportunities were not identified. What went into trying to identify any opportunities for an SBO?

Mr. Robinson said, I'm sorry, could you ask the question again, please?

Councilmember Cannon said it suggests that there were no SBO goals set because subcontracting opportunities were not identified. What goes into identifying one to have an opportunity?

Mr. Robinson said we get that feedback from the Small Business Office, but these are contractors that are bidding on that work for their own business. It's not work that they normally subcontract out to other vendors. They are the service provider, and there just aren't opportunities to bid that work out to a subcontractor.

Councilmember Cannon said I understand, so they go at it 100% without asking for anyone to assist them with the process. They just take it on themselves; correct?

Mr. Robinson said that's correct.

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

* * * * *

ITEM NO. 39: CITIZEN SERVICE COMMUNICATIONS ENHANCEMENTS

Councilmember Cooksey said I had some delivery date questions.

Curt Walton, City Manager, said, Mr. Cooksey, the delivery dates will be within 90 days of execution of the contract, so November – certainly by the end of the year.

Councilmember Cooksey said ladies and gentlemen of the audience and TV within 90 days or so if you are an iPhone user be on the lookout for an iPhone app for accessing City services, and then the Blackberry and Droid apps will follow. This is just cool.

[Motion was made by Councilmember Cooksey, seconded by Councilmember Kinsey, and]
[carried unanimously to A) approve a one-year contract with EidoServe, Inc. totaling \$670,000]
[for enhancements to corporate citizen service delivery and expanded communication channels]
[to provide the following: 1) Development of a mobile phone device application for various]
[citizen services in an amount not to exceed \$120,000; 2) Professional IT development services]
[for a new interactive voice response (IVR) system ("GetABBY" Application Suite) in an]
[amount not to exceed \$200,000, 3) Caller assistance for calls managed via IVR application]
[based on not-to-exceed price per minute of \$.18 cents in an amount not to exceed \$350,000;]
[B) authorize the City Manager to negotiate and approve up to two, one-year contract renewals]
[for technical support and additional development with EidoServe, Inc. in an amount not to]
[exceed \$150,000 per year, and C) authorize the City Manager to negotiate and approve up]
[to two, one-year contract renewals for caller assistance managed via IVR system by EidoServe]
[in an amount not to exceed \$350,000 per year.]

* * * * *

ITEM NOS. 54-O THROUGH V (PARK ROAD SIDEWALK PROJECT)

Mayor Foxx said, Mr. Barnes, there were a number of consent items you pulled that you wanted to have separate votes on.

Councilmember Barnes said I did, Mayor. I pulled Items 54-O through V, which are a part of the Park Road sidewalk project that we have heard so much about, and I wanted to pull them simply for the purpose of voting against the condemnations and the project.

Mayor Foxx said we have a speaker on R.

Councilmember Cannon said can I ask a question of Mr. Barnes, Mr. Mayor?

Mayor Foxx said, yes, sir.

bvj

Councilmember Cannon said, Mr. Barnes, would that not also include under 54 Item D, E, and F?

Mr. Barnes said, Mr. Cannon, you are correct, it would.

Curt Walton, City Manager, said those are acquisitions as opposed to condemnations. That's the only difference.

Councilmember Dulin said would one vote do for everything, Mr. Manager?

Mayor Foxx said we have a speaker on R, so we have to pull R out. Can we have a motion on everything except R in that sequence between D and what?

Councilmember Barnes said it would be D, E, F, and then O through V except for R because we have a speaker on R.

[Motion was made by Councilmember Kinsey and seconded by Councilmember Carter to]
[approve the acquisitions of Items 54-D, 54-E, and 54-F and approve the condemnations of]
[Items 54-O, 54-P, 54-Q, 54-S, 54-T, 54-U, and 54-V.]

Councilmember Dulin said a "no" vote is no.

Mayor Foxx said and a "yes" vote is yes.

Councilmember Dulin said her motion was to go ahead and accept those items that he has pulled.

Mayor Foxx said yes.

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

AYES: Councilmembers Burgess, Carter, Howard, Kinsey, Mitchell, Peacock, Turner

NAYS: Councilmembers Barnes, Cannon, Cooksey, Dulin

Councilmember Cannon said a no on the D, E, O, and all that? Are we not speaking to that at all?

Mayor Foxx said we just voted.

Councilmember Barnes said the Mayor just moved forward. I was going to be happy to speak to it, but we moved ahead.

Mayor Foxx said go ahead and speak to it, if you want to speak.

Councilmember Barnes said no.

Mayor Foxx said, Mr. Cannon, would you like to speak to it?

Councilmember Cannon said, yes, this is with regard to those sidewalks on Park Road, and if you travel – if you know where the YWCA is on Park Road, and you are heading toward the city – in this case north – you will find that when you pass the next interchange you come about, which would be – well, actually the second intersection – it will be Poindexter. To the left-hand side of the street, there are sidewalks and then they stop after maybe 30 feet or so. Then there is a minor gap between that portion and maybe not a mile before the sidewalks pick back up. Essentially what we have are trees on that side, on the left-hand side of the street if you are going north. I would imagine in this case if we move forward to put sidewalks in, Mr. Manager, would potentially be excavated – they would be taken out.

City Manager Walton said some.

Councilmember Cannon said some. And, given we have been very conscious, or at least I think we have been conscious, about our tree canopy, it would seem to me that we would do what we can to preserve those trees. That's number one. Number two, there is a crosswalk right there at Poindexter that one can cross over to continue to stay on those area sidewalks if one wants to job or walk, and so it just doesn't seem to me that we need to be moving forward to provide a project to create this infrastructure where, one, seemingly people don't want it; two, where, in my opinion, it's not needed because we are not talking about any major connection. Now, I do have some concern because we do have a bus stop that's right there on the left-hand side of the street up on a hill, and I can't imagine anyone taking a bus there, but yesterday and days prior I took some video and some pictures of how much it's being utilized over there. People are not utilizing the current sidewalk that is already in place a great deal. So other than the idea, I guess, of what we are trying to do in the way of some level of connectivity where in my opinion it's still connected.

It's almost like a gap in one's tooth, if he could describe it that way, but it's small, and it's not a big deal, and we don't have to, in my opinion, go and cut out some of these area trees that will not bring about a sense of community to that area. We are destroying, in my opinion, the fabric of it, and I don't think we should go in that direction – not when people can make a concerted effort to simply cross the street and pick up the other sidewalk. Andy, what do you do when you are jogging? You job in place, you wait for that light to turn, you get across to the other side, and you continue on to your job. That's what all of us. So what's the big deal. I just don't see that we need to move in that direction of harming that area, and I think that's exactly what we would be doing if we allow for this to go forward.

Mayor Foxx said you are a no?

Councilmember Cannon said I'm absolutely a no, and I would encourage other members of this body to also be a no in addition to myself along with Mr. Barnes and Mr. Dulin. Please, if you would consider that.

Mayor Foxx said we have already voted. If you want to redo it; that's fine.

Councilmember Turner said, Mr. Cannon, is correct. This has been a dilemma that I think we have dealt with in regards to the citizens not believing that this was beneficial to them, and it's been very diverse on both sides. My concern here is again are we beginning to set a pattern. We approve something, we get it on there for approval, we get it funded, and the sidewalk issue – this is my first time dealing with a sidewalk issue in our community where neighborhoods don't want it or feel like it's intrusive. We just went through that on Bradford Drive and Freedom, and we are back here again having the same discussion about another matter. But, I think we have to look at the long term, Mr. Cannon. Even though that day you were filming it might not have had a lot of traffic, and I think there are some safety issues that have come about, but we are going to have to do a better job in our planting strips, we are going to have to do a better job in our setbacks where we put our trees and where we put our sidewalks. But I think we are going to have to make a decision here that's not going to satisfy everybody.

Mayor Foxx said before we go much further into this, I mean, we have already voted on the item, so is there some interest in taking it back up?

Councilmember Cannon said, Mr. Mayor, I was simply asking for a revote.

Mayor Foxx said is there a motion for a revote?

[Motion was made by Councilmember Cannon and seconded by Councilmember Barnes to]
[reconsider this item.]

Mayor Foxx said is that proper, Mr. Hagemann?

Bob Hagemann, Deputy City Attorney, said motion for reconsideration, yes, sir. It needs to be a motion and a second by somebody in the majority.

Mayor Foxx said so someone who supported it has to second that motion. I don't hear another second on that.

Councilmember Turner said I second it. I was in the majority.

Mayor Foxx said so that has been seconded.

Councilmember Carter said my point in this consideration is that the sidewalk is meandering. They are saving over half the trees. Many of those trees in that area are aging out of their life cycle, and they will be planting larger trees than normal in that area. We are doing everything we can to address the tree coverage, which we have just addressed upstairs with the 15% tree save. There is a push by this Council, by this body, to save our tree canopy. It is intentional, but the rising issue here is safety and how pedestrians feel walking that area without crossing a major street where there is no crossing area. It is a very important issue for public safety, and, therefore, I think it is an important issue for us to pass on unanimously.

Councilmember Barnes said just to make a quick comment about it. One of the reasons I'm going to vote against it is because when the community spoke to us and with the emails we have received they essentially feel like we are literally shoving this down their throats, and they explained what I believe was a reasonable alternative to the sidewalk in terms of where people who are walking an area really go. It made sense to me at that time, and it still makes sense to me now, which is why I'm voting against it.

Mayor Foxx said we have heard arguments on both sides here. The motion is to reconsider the action, so a vote in favor would go forward with the property acquisition. A vote against would be to not go forward with the property acquisition. No, I've got it wrong?

Mr. Hagemann said I understand that the motion before you is to reconsider. That motion would have to pass in order to revote on a substantive question.

Councilmember Cooksey said the question is are we going to vote again.

Mayor Foxx said we are asking essentially whether we are going to vote again. The yes is to reconsider.

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

AYES: Councilmembers Barnes, Cannon, Cooksey, Dulin, Turner

NAYS: Councilmembers Burgess, Carter, Howard, Kinsey, Mitchell, Peacock

Mayor Foxx said we will not reconsider that. Good discussion.

Resolutions of condemnation are recorded in Resolution Book 42 for the following properties:

- 2922 Park Road, Page 650
- 2918 Park Road, Page 651
- 2912 Park Road, Page 652
- 2812 Park Road, Page 654
- 2808 Park Road, Page 655
- 2804 Park Road, Page 656
- 2734 Park Road, Page 657

* * * * *

ITEM NO. 54-R: CONDEMNATION AT 2816 PARK ROAD

Deborah Robinson, said thank you again for consideration on this issue and for the conversations we have all had with some of you and for the great insight we have gotten in working with City Planning engineers. I know we have all looked at options and ways to make this project happen that will make CDOT happy, will make homeowners happy, but obviously

bvj

it's still not quite where we want it to be. I do urge you to think through this project because it is ruining homes that have been there for 80 years. It is ruining trees that some say are aging out, some say are beautiful old oaks. More than half of the trees on that street will be taken out; others will be severely damaged and may not make it. The property value damage to those homes is severe. All of the realtors we have talked to have said it will severely impact our investment at a time when our houses are already low in value. Given what has happened with the economy that is certainly not good. Traffic safety and pedestrian safety has been raised, but I looked at the traffic safety studies for this area, and since 1996, I believe, there has not been a single pedestrian accident in this stretch – not one. And, when you look at 2006 to today, there have only been four or five car accidents, and they have been very minor – someone hit the sidewalk or someone hit a phone pole, and that's because the phone poles are right by the street. So this area is not a huge pedestrian area, and it's not a safety issue, and those that try to make it sound like there is a marathon running through there every day, it's just not the fact. We live there. We don't mind crossing the street. We do believe that we should preserve the trees in the neighborhood and preserve the spirit of the neighborhood. That's why we bought a house in this area. That's why we moved to Charlotte because of the tree canopy. Old neighborhoods are what make this area charming and make it a great investment and what helped keep the city alive and vibrant, and if you take that down, people are going to leave. They are going to move to the suburbs, and you are going to lose that city infrastructure that you very much want to keep. I really encourage you to consider all of these facts when looking at this decision and also look at the price tag of this project. When you can't keep schools open, when you are looking at libraries, and even though this is a bond fund issue -- the money is a separate pot – that money could be spent on a lot of other things other than a sidewalk for 14 homeowners who happen to not mind crossing the street, not need it, and not want it. You could spend that \$500,000 on a lot of schools, a lot of sidewalks in communities that do want them, for people that need those to walk to work, walk to school, walk to church, and elsewhere. Appreciate your time very much, and any other thinking that you can provide on this and to really give it fair consideration to the people that vote for you all and pay taxes in this city.

Councilmember Barnes said, Mr. Mayor, did we exclude 54-R? Did I make that a part of my motion? So we are voting on R separately.

Mayor Foxx said yes.

[Motion was made by Councilmember Barnes and seconded by Councilmember Dulin to]
[deny the condemnation.]

Councilmember Barnes said in order to be clear the intent is to avoid the project at that parcel.

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

AYES: Councilmembers Barnes, Cannon, Dulin, Turner

NAYS: Councilmembers Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock

[Motion was made by Councilmember Mitchell and seconded by Councilmember Kinsey to]
[approve the condemnation at 2816 Park Road.]

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

AYES: Councilmembers Burgess, Carter, Howard, Kinsey, Mitchell, Peacock

NAYS: Councilmembers Barnes, Cannon, Cooksey, Dulin, Turner

The resolution is recorded in Resolution Book 42 at Page 653.

* * * * *

ITEM NO. 54-X: CONDEMNATION AT 400 EAST 33RD STREET

Dave Ransenburg said I'm bringing up a project that I am doing in the NoDa area. I built several hundred homes and townhomes in that area, and I'm looking to do a 340-unit apartment complex. I have been working with CATS on several years on how to get their lines through the project, and we thought we had a solution to it, and then a new map came about, and the map cuts my water quality pond in half, which has already been approved. I have a grading permit ready to go, and this condemnation cuts my water quality pond in half. I can't build the project without it. CATS insists that there is a way to get around it. I have yet to get it, and I have financing ready to go. This would mean three to 400 construction jobs over the next 16 months. I'm kind of in a quandary. What I'm trying to say is that I'm willing to work with CATS on the bigger issue of eminent domain and having the CATS line go through there. This is a perfect project for CATS. It's located between two prospective stations. It's right behind the Johnson YMCA. It's a nice project. It's a Class A, 340-unit project. The thing I have a problem with is just being fair about it, and right now I am in a quandary. I don't know which way to turn. I have really come across a roadblock with this issue. So I'm asking for your help in saying let's try to be fair about it, let's come up with a solution before they take the land, and right now they are not willing to do that. They are basically saying to me that I need to solve this problem on my own, and I can just equate this to if perhaps somebody was coming across your yard looking for a sewer easement. They ruin the sewer easement, and they don't come back and fix it. I'm at a problem right now. I can't build my project without this, so I need your help to tell them to hold off and let's see if we can go ahead and solve this thing before they begin the project.

Mayor Foxx said I would like to have staff maybe respond to this one.

Curt Walton, City Manager, said Jeff Reid from Real Estate.

Jeff Reid, Real Estate, said as Mr. Ransenburg alluded to, this is a project that has been going on, and there has been dialogue and negotiations been going on for over five years between CATS and his company. We have worked with him on a number of different issues, have worked through plat discrepancies, right-of-way discrepancies, a number of disagreements about access, whether or not he had it or was able to get it, and were able to work through all of those issues. What this has ultimately come down to is an issue of compensation. We have had this parcel and our impact upon it appraised. The appraised value came back at \$480,000. We are currently, as far as I can tell, several million dollars apart in what he believes is just compensation or fair compensation for the taking versus what the appraisal that we obtained states. So what we would like to do is to move it into a third party impartial hearing and give him the fair hearing which he is entitled to under the law to make that determination whether or not he is actually being treated fairly by moving forward with the condemnation.

Mayor Foxx said, Mr. Ransenburg, would you like to respond to that?

Mr. Ransenburg said there are two issues here. One is fairness for compensation, and one is fairness for being able to build the project. Right now I don't have the ability underneath the City's and the County's rules for water quality to build this. There are two options I have. One is to build a second pond that would cost me in excess of \$500,000 to do. The other option is to buy out the water quality issue, which is about \$600,000 -- \$60,000 an acre. I'm not looking to do either one of those things. I just want to have -- if CATS feels as though this is not a problem, let me build the pond the way it is. They are not building the line for several years. Come back in and fix it later on. To me, the approved plan is if the pond was there. You guys have already given me the approval to build the pond. To remove it from me is not fair. The issue of compensation is a third party issue; that's fine. I'm talking about fairness about being able to build my project.

Councilmember Turner said I have to agree with the citizen here. I think even here in our city I think we want to work with him, and I think if we could allow this opportunity to have a chance to negotiate this with a third party I think we should extend that time to do so. Is that all right with you, sir?

Mr. Ransenburg said I don't know what that means at this point. If there is a third party, who chooses it; what is it all about; if it's going to court? I don't know. What I do know is that I do have –

Councilmember Turner said go back up here for me, please.

Mr. Ransenburg said I do have an approved set of plans, so my point being that I'm open to ideas and talking about this matter.

Councilmember Turner said then I would suggest that we leave it open and allow him the time to do that. How much time do we think we are going to need to do this?

Mr. Reid said we have been negotiating for five years.

Mr. Ransenburg said that's not correct. What we have been doing – we had a plan. They presented to us an alignment of the CATS line, okay. We abided by that. We didn't rezone our entire project. We rezoned a portion of it. With that, we actually put a water quality pond in, and at that point when everything is approved is when they came back and said, no, we need to get access for Duke Power, and we have to do it this way, so we are cutting your pond in half. That's the real issue here. That's the crux of it. I can't foresee ahead, and like I said, if they feel it's not a big deal, let us build a pond the way it is. When they come in to fix it, they can fix it with whatever mechanism they see fit. I don't think it's very fair for them just to come in and say cut it in half; I can't build my project.

Councilmember Turner said I have a question for you, sir. Hearing what this gentleman is saying is basically the way I gather from him is that he wants to be able to go forward with the plans that he has and complete his project with the current pond design with us doing an upfit when we start our project. Do we have a projection when we plan to start this project?

Mr. Reid said I believe the plan as it exists right now is that right-of-way acquisition will begin in the year 2013, however, this particular right-of-way portion is being acquired under a protective purchase that has to be approved by Federal Transit Administration to stop imminent development from interfering with the alignment that has been approved by FTA. We are following federal guidelines here, and they are very stringent, and we have followed them all along and tried to keep Mr. Ransenburg involved in that process.

Councilmember Turner said are you saying to us because I want to make sure we get this, and I want the Council to make sure we understand what you are saying to us. Are you saying right now that there is something that would keep him from being able to do what he wants to do even if we chose as a Council tonight to make the decision for this gentleman to maybe go forward and let's hold off on our acquisition of the pond, which is part of his plan. He needs that pond because that's one of the things that we put on developers is he is just doing what we tell him that he needs to do. Now are you telling us that we can't go forward because there is some federal regulations that are saying hold up on this project?

Mr. Reid said I'll let CATS speak to that, please.

CATS representative said there is a reason we are doing a protective purchase here is to prevent the escalation of cost of right-of-way as we go forward. If development occurs in the right-of-way that we are purchasing, there is really no point in purchasing the property because it is supposed to protect the citizens, the taxpayers, for the future cost increases.

Councilmember Turner said but for his development of the building, the structure, we are talking two different languages now. We are talking about the structure, and we are talking about a pond, detention pond. Are you telling me what we really want to avoid here is redoing the pond once he has constructed it at our cost?

CATS representative said yes.

Mr. Ransenburg said basically the issue here is not the right-of-way for CATS. The CATS right-of-way is there. It's the right-of-way that they have to protect for Duke Power that cuts my project in half, my pond in half.

Councilmember Turner said is that true, staff? Hold on, sir. Is that correct what this gentleman just said?

CATS representative said the right-of-way that we have to protect is the right-of-way that is necessary to build the project.

Councilmember Barnes said, Mr. Ransenburg, how long have you owned this property?

Mr. Ransenburg said 2006.

Councilmember Barnes said so you all have been negotiating with him since he bought the property. When had we determined that the Blue Line Extension would go through that area, Mr. Rogers.

Mr. Rogers said our schedule would have us starting construction in 2013.

Councilmember Barnes said when did we determine that the right-of-way for the Blue Line Extension would go through –

Mr. Rogers said initially the alignment was different. It went through the middle of the property that is in question. Based on request to develop the property it was asked that we make adjustments to the alignment, which we did, working with the developer to minimize the impact to the property. So we have made adjustments based on their requests in the past, and that is what the result of this alignment is.

Councilmember Barnes said was the original alignment determined in the '90s or 2001? When was it?

Mr. Rogers said there was a major investment study that was done 2005 that determine the original alignment. We made adjustments to that alignment as we were moving toward preliminary engineering.

Councilmember Barnes said when was that?

Mr. Rogers said 2006. That alignment is different than the alignment we have now. That alignment just accounted for the transit line. As we developed the project and did more engineering, we determined that we had to provide access to Duke Power because they have a substation there in that vicinity, so we have no choice in that. That is a factor of ongoing engineering.

Councilmember Barnes said one more issue. The gentleman said it's not about money, but I heard our staff resource indicate they were several million dollars apart, which indicates to me that it is about money. Can you clarify?

Mr. Ransenburg said, yes, I can clarify that. There is an issue here of fairness with two issues. One is the compensation based upon the appraisal they got and then discounting the fact of what we could have done on that project to begin with. The issue I'm bringing up here today has to do with the alignment of the CATS line, and I don't think you have the final answer here in terms of when this alignment actually occurred. The alignment to allow for Duke Power's easement occurred much later in the process, much past, a much later date than I actually had when I rezoned the project with the City Council. When I rezoned the project, I was not allowed to rezone that area that is to one side of the tracks. I could only rezone the portion that he told me I could. So I limited myself as to how many units I could actually put on this because of their requirement. Their appraisal does not take that into account one bit. Also it does not take into account my additional costs to provide for this water quality pond at a different location. When you talk about money, these are the issues. They are talking about several million dollars apart.

It's not the issue. The issue is it comes out to that because of their limiting me being able to build it and build it where I wanted to build it to begin with.

Mayor Foxx said I know there is a lot that it sounds like is going on here, and it's probably more complicated than our ability to resolve tonight.

Councilmember Dulin said I have one quick question, Mr. Ransenburg. If we delayed this until our August 23rd meeting, which I'm getting ready to make a motion to do that, because the Council needs more information about this. You guys aren't getting along very well. We have got the Blue Line Extension, which is important to all of us. We have got the feds in on this thing. I am going to make that motion, but what does that do to you if I put it off until August 23rd?

Mr. Ransenburg said it basically just pushes me back a month. I'm going back in to you guys with a proposal to have a solution that is going to cost me a lot of money if it even works.

Councilmember Dulin said to give you guys an opportunity to get together, too, and try to come back to us with a more unified approach because on the 23rd we are going to make a decision, and somebody is not going to get what they want.

[Motion was made by Councilmember Dulin and seconded by Councilmember Kinsey to]
[delay 54-X and 54-Y until the August 23, 2010, meeting.]

Councilmember Barnes said as a part of that delay I would want to know from staff what the ramifications would be if we were to deny X and Y. I think there is a much broader issue here that we are not touching.

Councilmember Dulin said this is big, and I want to make sure we –

Councilmember Barnes said this is the northeast corridor and the pathway for the Blue Line Extension that is at issue.

Mayor Foxx said I agree with that, and I also would like – it sounds like there has been some tie-ups with different departments having different things approved like this retention pond that he is talking about. I would like to get more information on why it was approved one way and now why we are kind of coming back and changing it. Why don't we get that information to make an informed decision.

Councilmember Carter said not only that. I would like to know what our delaying this condemnation for a month if there will be an impact in our procedure with the Northeast Corridor, number one; and then if we do delay it to make sure that Storm Water folks are there with you to see if there are other mitigations such as underground detention at that area. But I would also like to remark that apparently we have moved our project initially because of this. It initially bisected this – this is what the gentleman said. It bisected the property, so, consequently, I think we have made adjustments already to this property.

Mayor Foxx said I'm sorry. Unless there is a question directed, we are going to have to keep moving.

Councilmember Howard said, Curt, I would also like to see the Duke Power right-of-way that he is talking about – a map that kind of explains that, and I would be glad to take information from you, too, sir.

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

* * * * *

ITEM NO. 8: PUBLIC HEARING ON RESOLUTION TO CLOSE AN UNOPENED PORTION OF HANOVER STREET

The scheduled public hearing was held on the subject item.

[There being no speakers either for or against a motion was made by Councilmember Howard,]
[seconded by Councilmember Kinsey, and carried unanimously to close an unopened portion]
[of Hanover Street.]

The resolution is recorded in Resolution Book 42 at Pages 620-623.

* * * * *

ITEM NO. 9: PUBLIC HEARING ON RESOLUTION TO CLOSE A PORTION OF EAST 12TH STREET

The scheduled public hearing was held on the subject item.

[There being no speakers either for or against a motion was made by Councilmember Howard,]
[seconded by Councilmember Kinsey, and carried unanimously to close a portion of East 12th]
[Street.]

The resolution is recorded in Resolution Book 42 at Pages 624-628.

* * * * *

ITEM NO. 11: SUSTAINABLE COMMUNITIES INITIATIVE PLANNING GRANT

[Motion was made by Councilmember Kinsey, seconded by Councilmember Carter, and]
[carried unanimously to adopt a resolution endorsing Sustainable Communities Regional]
[Planning Grant application to be submitted to the U.S. Department of Housing and Urban]
[Development (HUD) on behalf of the Charlotte metropolitan region by the Centralina]
[Council of Governments.]

The resolution is recorded in Resolution Book 42 at Pages 629-630.

* * * * *

ITEM NO. 12: FY2011-FY2015 CONSOLIDATED PLAN AND FY2011 ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT

[Motion was made by Councilmember Mitchell, seconded by Councilmember Turner, and]
[carried unanimously to approve the proposed FY2011-FY2015 Consolidated Plan and]
[FY2011 Action Plan for Housing and Community Development.]

* * * * *

ITEM NO. 13: S. CRIGLER STREET AND MARVIN SMITH ROAD CLOSINGS

[Motion was made by Councilmember Mitchell and seconded by Councilmember Howard to]
[approve closures of S. Crigler Street and Marvin Smith Road CSX Railroad crossings.]

Councilmember Mitchell said I need to thank staff, Veronica Wallace, and the residents of Oakdale, Thomasboro, and Hoskins for coming. We still owe the community some environmental studies that we want to make sure they receive that as the project moves forward. I just want to make sure the citizens know we owe them some information that will be coming forward to the citizens. Staff, thank you so much for your efforts.

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

bvj

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

NAYS: Councilmember Turner

* * * * *

ITEM NO. 14: STREETCAR GRANT

[Motion was made by Councilmember Howard and seconded by Councilmember Carter to: A)]
[authorize the City Manager to accept a \$24,990,000 Exempt Discretionary Program (Section]
[5309) for Urban Circulator Systems grant from the Federal Transit Administration, B) adopt]
[Budget Ordinance No. 4470-X appropriating \$36,990,000 including \$24,990,000 from the]
[Urban Circulator Systems grant and \$12,000,000 from existing general capital investment]
[funds for the City's match, and C) authorize the City Manager to approve an agreement with]
[URS Corporation – North Carolina for the design and construction administration of the]
[Streetcar Grant Project (\$4 million) and for the evaluation and design of the storm drainage]
[system along the Trade Street Corridor (\$700,000), in an amount not to exceed \$4,700,000.]

Martin Davis, 2424-H Selwyn Ave., said Councilmember Peacock recently gave the community his views on the streetcar issue with an article in *The Charlotte Observer*. Mr. Peacock wrote that he, Andy Dulin, and Warren Cooksey support expanding mass transit. Mr. Mayor, earlier this evening, I pointed out that these three gentlemen differ from you Democrat elitist only in degree, not in kind. That proves my assertion conclusively. That these three pseudo-Republicans would support the unmitigated financial disaster transit is meant for Charlotte proves they are every bit as corrupt as you Democrats, Mr. Mayor. Rail transit along South Boulevard was sold to the public by CATS as costing \$129 million. When the nine-mile line was finally completed, CATS claimed the taxpayers had finally coughed \$467 million, a mere 267% more than the original projection. You can add onto the \$467 million another \$70 to \$80 million the City diverted from other projects for infrastructure along the line. Mr. Mayor, the annualized cost of our light rail system works out to more than \$3.60 per passenger mile compared with less than \$1.00 for a bus and less than a quarter for an automobile. Of course, most of the \$3.60 is paid for by the taxpayers. Transit riders pay an average of only twelve cents per passenger mile to ride, which means taxpayers are paying \$3.50 per passenger per mile or over \$20 per ride, Mr. Mayor. A sane person would ask why City government would do something as stupid as build rail transit in Charlotte. Angelo Codevilla gives us the answer in the July/August issue of the *American Spectator*. He writes, "John Kenneth Calbraith's characterization of America is private wealth amidst public squalor has ever encapsulated our best and brightest complaint. Left to themselves, Americans use land inefficiently in suburbs and excerpts making it necessary to use energy to transport them to jobs and shopping. Americans drive big cars, eat lots of meat as well as other unhealthy things, and go to the doctor whenever they feel like it. Americans think it justice to spend the money they earn to satisfy their private desires even though the ruling class knows that justice lies in improving the community and the planet. The ruling class knows that Americans must learn to live more densely and close to work, that they must drive smaller cars and change their lives to use less energy and that their dietary habits must improve, that they must accept limits in how much medical care they get, that they divert more of their money to support people, cultural enterprises, and plans for the planet that the ruling class deems worthy. So ever greater taxes and intrusive regulations are the main wrenches by which the American people can be improved, and, yes, by which the ruling class feeds and grows." Mr. Mayor, everyone at the dais is part of our ruling class. Many here tonight are furious about what you elitists are doing to us. I want to remind these angry citizens we have city elections in 2011, and I will leave you with the immortal words of that great American, John F. Kennedy, "Don't get mad; get even."

Tariq Bokhari, 3631 Annlin Ave., said I just want to start by saying thank you to all of you. We really appreciate what it is you do, and we all also know that you guys get put through the wringer and have to make a lot of tough decisions, and being up there on that dais requires a lot of commitment, and we appreciate that, and we know you are confronted with really tough decisions on a daily basis where most of the time you are going to make one group of people angry at you almost every time. So, we just want you to know that this decision you are making

tonight to accept a \$25 million grant from the federal government, while at first glance it seems like it makes a lot of sense, there are a lot of strings attached that are going to cost a lot of money further down the road. We want you to know that we have come before you tonight with a pretty simple message of just because tonight you vote against accepting that grant it doesn't mean that this City -- that you don't believe in mass transportation, and you don't believe in developing and helping the areas of this community that need it. It just might mean that this expenditure does not make sense with our current priorities. You are going to hear a lot of folks come up in front of you that say these are some priorities that are important to me that might come above spending \$25 million and then \$12 million and then a million and a half a year, and, you know, it's going to be the teachers that are being laid off by the dozens, the millions of dollars of road backlogs that exist right now. I personally have one that is important to me -- crime -- and I looked up between Time Warner Cable Arena and Presbyterian Hospital. That stretch this is going to go on over the last six months only, within 500 yards to each side of where this line is going to go, there have been 2,124 counts of violent and property crimes since January. Let me give you the highlights -- 291 counts of larceny from auto, 58 counts of auto theft, 22 counts of residential burglary, 98 counts of possession and sale of narcotics, 17 counts of armed robbery, and four counts of rape. There are better places that we can spend this money, and spending this money here doesn't make sense right now. So, listen, if you even have a question in your mind you are going to vote against this and not accept this grant, believe us when we say that with as much passion and gusto as we have come here tonight we will come to back you in that decision.

Craig Nannini, 3014 Parker Green Tr., said the economy here in Charlotte is in bad shape right now. Our employment rate is what -- 10% right now? We have next year our tax receipts we are going to be in big trouble. We have to reappraise for our taxes by state law, and we know they are going to be crashing. You look at the EpiCentre. They just got a 25% discount. Wish I had that at my house. Let's look at the IBM Building. What did that sell for -- a quarter of its value? What did Eastland Mall sell for -- was it \$2 million? Let's face it; we are in a money tight situation on taxes. The commercial is not going to carry us. What is going to carry us is going to be the homeowners here, and I can't afford to get my property tax raised any more. I know you are going to come back and say it's revenue neutral, but revenue neutral means the homeowner, I'm going to get clobbered in my taxes. I know it, and these folks up here know it, and that's one reason we are here to talk about let's do something smart with this decision today on the streetcar. Let's talk about that streetcar. Mr. Barnes, we live up in the University area. Are you happy with the amount of big box stores? Is the street car going to fix that? Mr. Mitchell, District 2, the roads in District 2, are you happy? Is this going to fix the roads? Ms. Carter, crime in your district. What is this going to do to the crime -- nothing. Ms. Kinsey, does this mean my taxes are going to get raised? Mr. Howard, you know, you are new to City Council this year, and it's got to be aggravating to you that the City is \$3 billion in debt. This year alone we are going to spend \$177 million on just the interest on that debt, and you were handed a budget that had this attached to it, and it really limits what you can do as far as spending. Adding another half billion dollars in debt, is that going to help us out? Mr. Burgess, you are new. You can make a good, tough decision today, and look what is for the future of Charlotte. Last thing, Mr. Cannon, I sat in a Don Reid breakfast where you gave a speech about being fiscally conservative, and I said, "Wow". I wish you could tell the gentleman next to you about that speech because I would like to see him and the rest of the Republicans live up to that speech you gave. I was impressed. I want to hold you to that because that speech I had folks come up to me afterwards, and they said why is Pat a Democrat, and I said, hey, it was a speech, like I said --

Councilmember Cannon said your time is up.

Mr. Nannini said I vote no on the streetcar. Thank you.

Jay Privette, 11106 Knight Castle Dr., said in post-World War II America prior to 1964 the San Francisco Bay Area was the only region of the country seriously considering the construction of new commuter rail lines. Streetcars were considered to be so inefficient in 1955 Congress ordered all streetcar companies in Washington, DC, to convert to buses. Then came the Urban Mass Transit Act of 1964. Expensive, high visibility transit systems that were monuments to government were built on the lure of free money from the Fed. Rail lines began replacing buses on more direct transit routes, but when budgets inevitably became squeezed, increased fares and cut bus services in the poorer neighborhoods most hurt the citizens that are

most dependent on mass transit. In 1995 the NAACP sued the City of Los Angeles for this very reason. Los Angeles conceded to restore bus service, but despite the millions LA spent on rail essentially all their transit growth has been on buses. A similar lawsuit has more recently been filed against the City of San Francisco. An examination of numerous transit systems uncovered very few successes for rail transit. There may be immediate increases in rail riders, but rail advocates are hesitant to mention drops in bus ridership caused by riders switching to rail or reduction in bus services to pay for rail. Overall, transit ridership often decreases. I know Portland, Oregon, has often been heralded as a great rail success. According to a senior fellow with the Cato Institute, Portland Rail Transit has not relieved congestion, but it has sparked taxpayer revolt. Developments along this line are heavily subsidized, and those subsidies have created a cabal of developers that milk taxpayers. Since 1998, Portland citizens have voted against increased rail taxes and against high density, transit-oriented housing developments. Now, let's look at Charlotte's proposed 1.4-mile, \$37 million proposed streetcar. Charlotte could purchase more than enough buses to service this route with the \$12 million which we are responsible and still would have millions of dollars left over. Those buses would also be able to extend service beyond the ends of the tracks, but before any additional money is spent, we should ask ourselves is the current transit system insufficient? It would also be prudent to consider that a 2006 study of dozens of rail transit projects yielded an average 41% cost overrun. Charlotte's share of the cost of the streetcar could be \$27 million just until we hit the national average on overruns. In closing, I have a friend who every time I mention the word "streetcar" tells me of an accident he had many years ago in Washington, DC, when his motorcycle slipped and went out of control as he went over a streetcar track. He severely burned his leg on his cycle's exhaust pipe. I thought his situation may be isolated, but it was easy for me to go on line and quickly find where six cyclists are currently suing the City of Seattle for accidents that resulted when their cycles hit the rail tracks. That's all I have.

Mike Love, 8512 Headford Rd., said I'm going to suggest basically three quick points, three arguments that have not been presented so far that we return the taxpayer dollars to their rightful owner for the streetcar project, and the first one I would like to highlight is that local funding of transit projects is unconstitutional. As you know, the enumerated powers clause in the United States Constitution tells the federal government what they can tax us for, and it covers things, as you know, like establishing post offices, declaring war, raising armies, maintaining a navy, but you will not find in the enumerated powers anything to do with local transit projects, so it's very clearly an unconstitutional act to take dollars from citizens around the country and route them to Charlotte for a project here. I know that many of you are in the legal profession, and to you adhering to the law is the most important thing in your life, and the United States Constitution is our rule of law for our country, and it limits what the government can take from us, and I would like to ask you to please show your respect for our Constitution by returning our fellow taxpayers money to them around the country. Argument number two would be that Americans are overtaxed already, and I'm going to share some numbers that are quite sobering. In 1900, we paid roughly 6% of our income in taxes. That number today is 27%, so in 100 years in America, we have lost a full 21% of our personal resources to taking by the Federal government, many of them having to do with unconstitutional takings like you are considering here. But with unemployment in double digits, we don't need to take more income out of the pockets of our fellow taxpayers; we need to put more dollars back in their pockets by cutting taxes. Then the third and final reason is that our Federal government is broke. They don't have any money to give us. The 2010 federal deficit just this year is \$1.4 trillion. The government is already borrowing 40 cents out of every dollar they spend, and with the new Health Care Bill that is being passed, that will add several trillion more, and the unfunded entitlements that are coming, that is going to add about \$60 to \$70 trillion more in the coming years, and the Congressional Budget Office says we are going to have to double tax rates if we don't take care of those unfunded entitlements. The Federal government doesn't have any money to give us. So by returning the taxpayers' money to them –

Jason Kitchell, 1559 Tippah Pk. Ct., said fellow residents of Charlotte, members of the City Council, Mr. Mayor, my name is Jason Kitchell, and I am here to oppose the streetcar project on the grounds of shifting tax burden and fiscal responsibility. Many of you know, but some of you may not that next year we are required to revalue property in Charlotte, which will be the basis for our future tax revenue. Now, Craig highlighted some famous cases – the EpiCentre or Eastland Mall or the IBM Complex, which are resulting in millions of dollars in lost tax revenue that is going to be needed to be shifted to private residences or future businesses. I am here to

tell you that is not what I need; it is not what Charlotte's jobs need, and it's not what our country needs. My primary concern is for the increased tax burden for the citizens of Charlotte, but I must also speak for the hardworking taxpayers who are putting up the \$25 million that we are going to use to kick off this project. Not only is this a cost we cannot afford, but it will commit our city to an increased tax burden that we will bear for years to come. This does not need to happen. There is a better way, and it is the Charlotte way. If we want this, then we'll pay for it. Leave out kids out of this by not recklessly racking up stupid amounts of debt. We are at a crossroads right now, and we have a decision to make. Will you decide to be a part of the problem or can we decide to be a part of a solution? If we citizens of Charlotte and the City Council can make a stand that will not burden our community with ever-growing cost structure but that we will lead with jobs, then investment will rush to our city at all different levels. It is not right to take \$25 million of other people's money for our projects, and it's not right for us to add \$1.5 million in increased City spending in this economy. If we don't say no to anything now, then future generations will be forced to say no to everything. This is wrong, unjust, and not what we in Charlotte want to be known for. Please reject this project until our local economy can support it on its own without increasing the tax burden.

Marcus Philemon, 325 Fannie Cir., said I'm a Charlotte native, and I have lived in or around Charlotte for about 41 years. I'm here tonight to express my concern that by you accepting a \$25 million grant for the streetcar project would be irresponsible and break a promise that was made to all citizens in 2007 that only the half-cent sales tax will be used upon such transit projects. Voters supported a half-cent sales tax to expand our transit systems. We also agreed to allow the Metropolitan Transit Commission to advise us on future expansions and implementations of new transit projects. If you accept this \$25 million grant, you will have to obtain matching funds from an already cash-strapped City budget. Those funds for the completion and operation expenses from additional taxation, which would be breaking a promise that was agreed upon back in 2007. The fact that you are considering moving forward with such a project at a time when our country and city is in a recession demonstrates to me as a citizen that you know no boundaries with regards to spending. Now, I would like to couple on to what Tariq Bokhari said. If you make a decision to fund this, how do you explain to the teachers, to all the other unfunded libraries, to all the other systems that are unfunded in this city and myself. I am the executive director of Char-Meck Court Watch. Last year our volunteers put in over 3,100 hours to address the repeat offender issue that all of you at one point in time has been on your campaign platform. You don't have enough money to prosecute, you don't have enough money to house these prisoners, you don't have enough money to fund the District Attorney's Office, but you can find the money to fund a streetcar system. Saturday's newspaper article, David Howard, I would like to present a quote that was in the newspaper. Whether it's right or wrong, I know how the newspaper can be sometimes. "With this investment, the streetcar investment, we are looking out for the quality of life for our children and grandchildren. That is a core Charlotte value." My wife and I have five children. We reside here in Charlotte, and I can tell you I think fiscal responsibility should also be a core Charlotte value because it will help lighten the tax burden, not only for our children and grandchildren, but the citizens of Mecklenburg County for years to come, so I'm asking you to please vote no for the \$25 million grant.

Senator Malcolm Graham, 100 Beatties Ford Rd., said I'm a special assistant to the president for Community and Government Affairs at Johnson C. Smith University, and it is in that capacity that I stand before you tonight. It often has been said that economic opportunity is part of the promise of the American dream, and that dream becomes a reality for communities when they have the fortitude and the vision to invest in themselves and to see the future before it happens. Charlotte has a history of investing in themselves and planning for its growth and development. An example is the Airport. When it was built, people thought we were crazy to build an airport the size of Charlotte when it was built. Now it's one of the leading airports in the country. When we built the arena and I sat where you sat, people said it was irresponsible to build an arena, and despite we invested in ourselves, and now that arena is a major economic factor for our community and provides jobs and economic opportunities for small businesses to help defray the taxes for our citizens. When we talked about transit, people thought it was a far-fetched dream, and yet we had the courage to invest in ourselves. This decision tonight is about Charlotte's future and the investment in ourselves. As a representative of Johnson C. Smith University, who cares about the development of west Charlotte, I want to thank the Council tonight and especially Councilmember David Howard for leading the effort for the ULI study that talks about Charlotte's future and indicated that a streetcar was a part of that future to accept

this grant. This is yet an incremental step along the way. We will not build ten miles at one time. This will be built one mile, three miles, five miles until we get to our destination, and a destination is about where we want to go to revitalize our corridors, to revitalize west Charlotte, to revitalize the Eastland Mall area, to have a uniform transportation network that talks about bus, streetcar, transit, sidewalks, and an international airport – a comprehensive transportation network. I encourage you tonight to make a bold decision in Charlotte's future; not to make a decision for today, but make a decision for tomorrow. Invest in our community the same way many Council members who sat in those chairs before invested in our community. Let's build a Charlotte that is better tomorrow than it is today. Please accept this grant.

Lawrence Shaheen, 7022 Beverly Springs Dr., said growing up as a child, I remember my parents teaching me this one very important idiom. There are a lot of things in your life that you are going to want right now, but unfortunately you can't always have them right now because there is a difference between what we want and what we need. Councilmembers, there are a lot of individuals who have come up before you today saying there are several things we need. I have identified three things I believe we, as a community, need before we were to approve this grant and spend \$12 million on this trolley. One, we, as a community, need a better technology program for our District Attorney's Office. It must occur. We cannot continue to fight crime on paper at that office. We have to have it. Two, we need to make sure we create and continue to fund more domestic violence programs for those individuals who suffer at the hands of domestic violence and try to continue to educate and make aware the dangers and sufferings that occur to those who are victims of domestic violence, and, third, we need to make sure we try to enact a youth program for those that are at risk to try to make sure that they are turned away from crime because, ladies and gentlemen, unfortunately crime is on the rise in this city. We have already seen a 50% increase in our murder rate and other increases in several other violent crimes. We have to make sure we protect our future, and with all due respect to the Senator, I do believe that by investing money that we do not have we cannot continue to prosper. We have to find a better way, and there are other ways to do so because, ladies and gentlemen, we may want this, and I'm not saying it's not necessary because in the future there are always opportunities for growth, but right now when we are struggling to continue to pay those who we already employ and there are 10% of this city out of work I cannot imagine looking them in the eye and saying for 1.5 miles of trolley we are not going to reinvest in our economy.

Sherrill Hampton, 100 Beatties Ford Rd., said I'm a resident of First Ward as well as an employee with Johnson C. Smith, who works in the community with the neighborhoods both on the west as well as the east side. I frequent the stores and shops along the Elizabeth Street area, and I can attest to what the upcoming streetcar would do for that area. The streetcar and this grant would help us leverage additional funds and spur other development in the area. It provides the opportunities for new jobs and revenue from the purchase of building supplies and material, and it also lessens or mitigates the impact on our environment. We hail ourselves as Charlotte being a great place to live, learn, work, and play. Not all of us have cars, but we are contributing citizens. As we have heard from my colleague before and our neighborhood's residents who are out tonight, we need an investment in our future. Yes, it is tough times, but it is when tough times come that we need to get going, and we need to consider our future. From someone who has come to love Charlotte as a new home, I ask that you vote yes to accepting this grant as we look toward our future. We work with you and we support you and we need the streetcar. Again, please vote yes. Thank you.

Aaron McKeithan, 1332 Plumstead Rd., said I am presently chair of 18 neighborhoods in the Beatties Ford Road corridor, which represents approximately 60,000 to 70,000 people. We are in favor of this. In fact, we sent a letter of support for the \$25 million grant that has been awarded to the City. Now, ladies and gentlemen, there was a time in this city where the horse and buggy was the mode of transportation, and I'm sure there was opposition to that horse and buggy. But we are a growing city; we are a city of the future. Now, are we going to be a horse and buggy city or are we going to be a city of the future? This is where you and all the people and your constituents – not just a segment of this community – but for the whole and total community. This is what the streetcar is all about – not some short-term solution. This is a solution for the future of the city. I implore you to vote yes for this bond. We at the Historic West End Association, the 18 neighborhoods in the Beatties Ford corridor, do support this initiative.

Ron Carter, 100 Beatties Ford Rd., said I stand as the chairperson of the Streetcar Advisory Committee that was tasked by you to look at all of the issues that would impact on a streetcar in t his city. We spent a year looking very carefully at all of the issues, many of the issues raised here. We submitted our recommendations to you with the understanding that we would continue to seize every opportunity that would come our way that would support the overall strategic plan for this city especially as we look at the vision for 2020. One thing that you must not forget – we are developing a new economy in this city that will require workforce housing within a radius of Center City. A streetcar will play an important part in the development of that. So we are not talking about anything that we want. We are talking about the necessary needs that are cogent and coherent for the economic plan of this city. I am aware of the issues that always face us when we try to budget in an intelligent way. As president of Johnson C. Smith University, I face it daily, and I hear the arguments why something should be funded as opposed to why something should not be funded, and those arguments are always loaded one way or the other, but I always accept it as my responsibility to look 20 years down the road and ask what strategic investments would make it possible for the University to continue to live at its growing edge. That's what we must do as an emerging world-class city, to look down the road and ask what are the necessary conditions now in order for us to have a stable future.

Mattie Marshall, 2304 Booker Ave., said I serve as president of Historic Washington Heights, but also a member of the Advisory Committee. I want to say first of all, ain't I a citizen. I'm sick and tired, sick and tired or being sick and tired of just waiting and living on empty promises. The grants that we applied for here in Charlotte-Mecklenburg we know that it will be a benefit and provide that streetcar named Desire but streetcar named connectivity. It's our streetcar named economic development. That's the streetcar we are talking about. Now, streetcars could increase residential development along our corridors by 44% to 73%. Ain't I a citizen? Streetcars could increase retail along our corridors by 44% to 54%. Ain't I a citizen? Local tax revenue could increase by an average of \$7.3 million to \$13.3 million. Ain't I a citizen? Mayor and Council members, I urge you to approve the Federal Transit Administration Urban Circulator Streetcar Project. I want you to remember back when I, along with other members of our community along the West Trade/Beatties Ford Road, stood here and we went through the process that so many wanted to repeal the half-cent sales tax. We stood strong and tall and said, no, that would not happen. Now, you wanted to repeal this tax. Our City Council in February 2002 adopted the Historic Washington Heights Plan, adopted it unanimously, okay, and one of the things we looked at was the streetcar returning back along this historic corridor. One, Historic Washington Heights dating back to 1910, named in honor of Booker T. Washington, is one of the only African-American streetcar suburban that you can find in North Carolina. I would stand here tonight to say, ain't I a citizen? I have concerns when the pollution and the smog is worse than New York and California.

Kim Lever, 12810 Angel Oak Dr., Huntersville, said my office is off of Briar Creek Road. I live in Huntersville and make the commute down Beatties Ford to avoid the 77 traffic all the time. I have a script. I'm going to flub it, but I am also co-chair of the Eastland Area Strategy Team. Louise Woods and I appreciate the opportunity to speak to you tonight on behalf for initiating the grant request that brings over \$25 million to Charlotte. We understand what this will bring to our community, and it is my community because I live and work at Briar Creek. I till bring Economic Development. This grant will begin the work on the streetcar and will connect Central Avenue and Beatties Ford areas – the corridors to the Center City. I see what the transit is like in Huntersville. Those parking areas are filled with the buses. This will get some of the environmental impact off the roads in that the air pollution and the health and quality of life will improve. Our jobs, our unemployment rate, is still stubbornly high. We need new jobs created here in our community now. The work on the streetcar as well as everything that the streetcar will bring to our corridors is important – See, I told you I would flub it. The light rail and streetcar options are key components of our thriving city and will attract new families and businesses here. It will strengthen our communities in the east and west and will bring strength and balanced growth to our city enhancing the quality of life throughout Charlotte-Mecklenburg. I don't know who lives in this area of Briar Creek/Central Avenue. We need it. We definitely need it.

Dwayne Collins, 4412 Oak Ln., said I come before you this evening simply to urge that each one of you would vote in favor of accepting the \$24,990,000 grant from the Federal government to go toward the first leg or construction of the streetcar project from Time Warne Cable Arena

to Presbyterian Hospital. This is the first step for a streetcar line that will eventually run from Beatties Ford Road to Central Avenue. With the advent or arrival of the streetcar, a much needed economic boost will be given to some of Charlotte's most economically needy corridors in areas such as business and housing. Some may say that the streetcar project is being done incrementally or step-by-step, however, in truth many projects throughout Charlotte, including the light rail, have been completed from an incremental format, and the streetcar project is no different. With that being said, I simply urge each and every one of you once again to vote in favor of accepting the streetcar grant from the Federal government.

Claude McDougal said greetings on behalf of the Charlotte-Mecklenburg Black Chamber of Commerce. I would like to first off mention to the Council our mission. The mission of the Charlotte-Mecklenburg Black Chamber of Commerce is to serve as an umbrella agency for the merger of available resources and development of strong coalitions that advocate and promote the creation and growth of African-American business interests. As I recently travelled around the United States, I was recently in Houston this past weekend where a streetcar system was thriving and quite active. Not long ago I was outside of the country in Zurich where I noticed families lined on a Sunday afternoon along the sides of the lake enjoying and partaking in the festivities as a community. Nothing existed but the streetcar system at that point in time. Where we right now in Charlotte have made tremendous strides in developing economically, socially, and our fairness of play in all communities have been part of our trademark to the greatness in which Charlotte tends to move in right now. We at the Charlotte-Mecklenburg Black Chamber of Commerce would like to continue that growth by seeing all communities receive the same type of involvement, the same type of economic stimulus that many of the great areas have benefitted from. If we look right now at the South Boulevard area, we have seen new home developments, we have seen businesses in most economic times still have an opportunity to strive. Even in the most depressed conditions, we are watching that happen along the light rail that was vastly fought against for many, many years. What we are talking about right now is another step in the direction to encourage not prison systems more to be developed or judicial system to process, children who are not working, who are not having access, people who are locked out of jobs. We want to encourage the use of these facilities to bring more business into the center of Charlotte. We want to access the colleges, the universities. Johnson C. Smith has grown to become a pillar in this country – not just in Charlotte but it's known across the country. We want to continue to promote that, and we encourage this particular grant to go through as part of that process and step in the right direction, so we would like to take a position, and we would like to weigh in on that vote for yes for the \$25 million necessary to continue the growth in Charlotte. We ask that you consider this. We ask that you look very deeply and understand that this, too, is a part of growth. It's necessary, and it's time.

Leonard Gresham said I speak as a citizen of Charlotte and have been so since 1988, although I did move to Atlanta in '95 and back four years ago. I must say that this thriving metropolis has grown tremendously. Although we see some opposition from small-minded people who does not want the city to be major.

Mayor Foxx said we have to be respectful of whoever is speaking. I'm sorry ladies and gentlemen.

Mr. Gresham said thank you, Tea Party people. Anyway, the point here are the ones who always seem to have opposition to another community seeking some benefits is very, very profound here. You know, the ones with the signs, the same thing you see at Tea Party rallies and that kind of stuff, and for someone to bring up the whole thing about the Constitution, there wasn't even light rails during the Constitution when they wrote the Constitution, so it's very evident to me that there is an undercurrent pending here, and it's quite evident. I would like to see Charlotte progress, continue to progress, and this is some progression on its own. So, thank you so much, and please vote for the grant of \$25 million.

Councilmember Barnes said I have a couple of questions for staff, perhaps Mr. Manager, I suppose, regarding the operating costs for the proposed streetcar. I have said for quite some time that I was concerned about our ability to fund the operating costs from some determined and designated source. Also concerned about our ability to fund the \$450 to \$600 million in construction from a designated source because we have not yet identified a source. Also I believe there is some word we received regarding funding for the northeast corridor that I believe

the Mayor may have some comments to share, if you have that information. Mr. Manager, did any of my questions make any sense regarding the operating costs and construction?

City Manager Walton said relative to construction the City's share is outlined in your agenda item, if that's what you are talking about -- \$2.5 million reallocation from the remainder of the streetcar account, ED initiatives \$5.5 million, and Smart Growth \$4 million.

Councilmember Barnes said I'm sorry, Mr. Manager, with respect to this 1.5 miles I got that. Have we gotten any additional information regarding the funding for the balance of the line?

City Manager Walton said, no, sir, other than the planning and design the Council has approved for the entire ten miles we haven't gone further than that. On the operating costs, if we started today, the estimate for operation of the streetcar would be due in three and a half years, so we are talking about essentially four fiscal years from now, so we haven't identified that. Our general fund is about \$500 million, and all of our budget is built on Council priorities, so if this is something the Council chooses to proceed with then we have three and a half years to figure out that operating cost. It's similar to another stimulus project that we applied for and received for the 50 police officers that we have to accommodate in 2013, I believe it is.

Councilmember Barnes said, yes, sir, that helps. Thank you.

Councilmember Cooksey said for the sixth time I will vote no to moving forward with the streetcar, and the perspective I'll bring this time because I have talked about the regionalism aspect before. We had a regional plan. In 1998, the City got out of the transit business, and now we are trying to rush back into it to have a competing transit system within our own region. I have talked about supporting the streetcar within the half-cent transit tax the way we had promised, but looking at it from all different perspective. Nine of us around this dais were on the ballot in 2007, and I think it's safe to say that the most surprising aspect of the ballot in 2007 was that the transit tax itself was subject to a repeal petition, and all nine of us that were on the ballot in '07 and I'm sure the three who weren't were all against that repeal, and we were part of the debate to say, no, keep the transit tax because we promise you we have a plan that follows that tax.

Now, opponents who called for the repeal said you can't build this system with the half-cent transit tax. It can't be done, and the response was, no, no, we promise we have a plan, and we will. How do we stick to that promise by abandoning that plan? Opponents said that, no, you would have to use property tax dollars to build out this system, and the response by the vote against repeal sounded, no, no, we promise we have a plan, and we are going to stick within that half-cent transit tax -- vote against repeal. How do we stake that position today? How do we make that promise if we abandon that plan because in 2011 or 2012 there could be another repeal effort. It's still subject to a petition to repeal. So, in essence, the strongest arguments by the opponents of the transit tax in 2007 that we all said, no, no, don't listen to them. Vote against repeal. We promise we have a plan. By this vote tonight, we break that promise and we abandon that plan. How do we defend the tax against a future appeal? I don't know because we are varying away from it.

Now, the argument can be made, well, we didn't realize what would happen with the economy. We didn't realize that the tax wouldn't bring in enough. The way things looked at the time this was the right promise to make. Well, where is the promise in the future we can continue with the streetcar in this piecemeal approach. At present, it's not a competing project with the Northeast Line or the North Line or the Southeast Line, but I remind you in 2007, the transit tax was enough to build everything and now it isn't. So, I'm not going to hold very much faith that this separate transit system that the City of Charlotte is trying to embark upon will never be in competition with future transit that we are trying in this region, and if we break that promise and abandon that plan, again, it's going to be very hard to continue to defend that tax. Again, Mayor, for the sixth time, I will vote no on this, and I hope I never have to vote any way on the streetcar again outside the promise of the half-cent transit tax. Thank you.

Councilmember Turner said one of my questions already Mr. Barnes has moved to that and asked the question with regards to our future operation side of this. When we took this on, I served on the Transportation Committee for five and a half to six years prior to 2009. We had a

lot of discussion and debate over this. I have always and still support mass transit, streetcars, trolley, all the above. The concerns I still have today are still unanswered. How are we going to fund this in the future, how are we going to pay for our unforeseen costs that nobody can give us an answer to at this point, but more importantly, how does this compete with District 3 citizens as well as other citizens throughout this city when it comes to CATS? The routes we have to shorten or take away – I had this conversation with my colleague, Mr. Cannon, and his mother, who is very concerned last year when we were going through terminating routes because of our budget restraints and operational costs. The very people that need the bus system and public transportation I believe will be in some harm's way in the future if we can't come up with a way how to fund both sides of our public transportation.

But more importantly, and I have thought about this and I think a lot of folks have made some excellent points. I have a tremendous amount of respect for the citizens in the west side and throughout this city, and, Dr. Carter, my friend Mr. Graham, you know, I asked this question before this think got this big in closed sessions. Why didn't we start it in the west side? I could constantly hear everybody talk about the economic opportunity that we know, in fact, it will bring, but where it's needed most is on the west side, and we started it in the very opposite direction. So, 1.5 miles will be built in an area where in my personal opinion, and you can do the economic study impact. We have done that, but what where it really needs to be and started in the first place we look the other direction. So now we are going to piecemeal this. I pray and hope that those that come after us will fulfill this obligation because if they don't there is going to be a lot of dissension, there is going to be a lot of disappointed people and citizens that have supported the half-cent tax, but also support this project and are willing to make the sacrifice. I have heard both sides, and I would love to invite any one of you to volunteer to delete my emails that I received from this after this is over with tonight because people have really, really spoken on this matter.

Now, this room does not equally balance and show the response I have had, and I have tried to be fair with all honesty. This is a tough decision tonight, but it's obvious that we believe that this funding of this streetcar is going to bring forth a better future. I just wish we had started it on the west side. Then we could have seen the immediate response if that is true where it's really needed right now and especially in Councilmember Mitchell's district and in the corridors where he has struggled to help improve over the period of time. So, I just hope my colleagues will continue to put as much effort as we have in this in the future to come up with a way to fund this, and our City Manager said here tonight and he has indicated and clearly outlined what we plan to put to it today, but we clearly don't have a way or know exactly how we are going to fund the operation of costs or even build out the rest of it over the period of time. So, I'm going to let my comments stop there without answering your questions that I know many of you are waiting to see how we are going to vote tonight.

Councilmember Carter said it's interesting to see how we line up. As a proponent of the streetcar for 11 years, it is a very important thing to identify service to all of Charlotte, and it is part of all of Charlotte that we see developing on transit lines, transit corridors. In the east side, we have two transit corridors – both of them in the last place on the list. Economic development is needed throughout Charlotte, and we recognize that in our corridor situation. That is where we are looking to develop economically. If you take the streetcar out of the transit program and look at economic development, then I think you have an answer to our citizens it's a very important thing.

Studies across the nation show that there is more economic development along the streetcar because there are more stops. It is more vitally involved with the neighborhood, and where you have a stop you have economic development around that. You have citizens walking to their homes, buying groceries, stopping at the drugstore, stopping at the bank on the way home. They get out of their cars; they get on the streetcar. The streetcar carries twice the number of clients that a bus does. You are into environmental benefits as well as time benefits as well as saving labor, and we can look at environmentally appropriate streetcars. There are lots of different ways to run streetcars – natural gas, hybrids, hydrogen powered. There are lots of different types of streetcars that can be even more beneficial to our environment, and that to me is a most important issue, and we have to develop it equally on both hands – east and west. That to me is the premise. We have a failing mall. We need the help in the east side that the streetcar will bring us.

Some of our citizens spoke to other needs within our community. It is very difficult to separate out our government, who runs what in the city. The County is responsible for funding schools. The School Board allocates the budget. We do not have anything to do with School Board's decision – funding teachers. We do support the schools. We pay for the school resource officers, who are CMPD members. We pay for crossing guards, and we pay for after-school programs. Those are not mandated directives for the City Council. We chose to benefit our community by investing in those issues. We talked about the libraries. They are under the County's jurisdiction and funding. This year we donated to the cause \$1.5 million when requested, but we made sure that is on our ledger. It is a loan in essence, and we can get an investment, an asset from that investment. That is a very important issue for the City Council that the money came forth to our libraries because there was need. Your City Council considered the community and addressed the community needs.

We talked about technological assistance for the justice system. That is a very separate entity. The City Council put aside \$3 million for technological assistance for the judicial system here in our city. The problem was it was not moved forward. We still have a residual of that funding that we can address, and that is a very important issue for us. We have added police officers twice in my tenure – 75 officers once, 50 officers again – and this is an important investment in our city, but we are also looking at programs to deal with youth and how to benefit the youth and keep them on the right path. The Mayor's Youth Program is working. Youngsters have training in this city. Tutoring is being advanced by our mayor. It is important for all of our citizens to be involved and engaged, and that's what we are asking of our citizens.

Yes, we do want responsible government; yes, we do want efficient government; yes, we do want fiscally responsible government; and I feel like I would be derelict if I did not invest in the future. When you invest and get private investment along as we have had \$1.4 billion of private investment along the south corridor. I want that to happen along this other corridor – Beatties Ford/Central Avenue, and that's where you get taxes, that's where you get property taxes that alleviates the burden on our private citizens' residential taxes.

Councilmember Peacock said up until July 8th this Council has essentially tiptoed around this issue, and on July 8th we found out we received the circulator grant, so tonight we are here to decide on whether we are going to accept this grant. So we are circling around two major focus areas for our city, certainly the largest around is transportation but the second and larger and more important issue I believe is where we are budgetarily and where we are from an economy standpoint in this community.

As I mentioned and I will continue to mention that I am pro-transit. I was for transit in 2007. I continue to be for transit and building out our system. I'm in support of the 2030 Transit Plan, but we have these two issues before us, and it does make a difference between this body as to how we are going to go about thinking through this matter. Up until July 8th, everything was just in theory. Essentially the argument before Council was we have got to give this a chance. We have to find how much this will cost. We have got to know what would happen if we would get the money. Now we have the money, and now we have to make a decision on whether we want to spend money now or do we want to wait to work of the plan that was set in 2030 and is on our Charneck Website that we are going to do three things.

First, we are going to build this out to UNCC, and we are going to keep that promise, and we are going to bring it up to Phil Dubois and his students up there and take it from Reid's, which is no longer here, because it couldn't make it through this economy, and take it all the way up there. Second, we are going to service Huntersville, Cornelius, and Davidson, and those people want this desperately. We know under both of those lines we are going to have serious operational savings. There will be environmental impact positives from it, and those are simply the facts of what mass transit has shown us on the line going to Pineville. The ridership numbers are there. We have been lauded across this country for what we have done in the transit system and what we have done with half-cent sales tax, but as Councilmember Cooksey has already articulated, we are essentially breaking a promise right now. We are leapfrogging the stated three priorities. One was UNCC; two, again finish at Cornelius, Davidson, and Huntersville; and number three was the streetcar. It is still a part of the plan to have a streetcar.

The issues on the fiscal front are what disturbed me the most. We received a very thoughtful presentation from Dr. Carter's committee. Dr. Carter's committee got to the very end, and there was one slide – one slide – that said these are your choices, Council. These are your choices. This is how we can fund this ahead of the schedule, and what were the choices? The choices were taxes. The choices were taxes. And, this Council has just simply not addressed that. Councilmember Barnes is referencing it. I felt it from other colleagues. I have heard it from other people asking how could you build something that you know you can't pay for. We just haven't thought through that, so to a certain degree, I'm a little bit apologetic to this Council for reaching all the way up to this line and not really having a serious debate about where we are right now, and I think that's what needs to occur on this Council. I think that is the kind of leadership that needs to come out of this Council is that we need to have an honest discussion about that, so perhaps it will be tonight; perhaps we'll defer this issue. Who knows what we will do, but I think that we cannot go forward in this community without having an honest, open dialogue about how we are going to pay for it. It just doesn't simply make sense.

I want to comment about another part that really concerns me because I am pro-transit, because I do want to see it succeed like we have on the South Line for the light rail. We have a chance for failure. We have a chance for failure as Councilmember Turner just mentioned and as I have referenced earlier as well, too. Our city in the CIP project knew that we could through that improvement on Elizabeth Avenue that it was a lay-up because we had already gone ahead and torn up everything there and we had already made those businesses suffer. We know that Starbucks is out of business, we know the NoFo Café is out of business, and we know the majority of this 1.5 mile corridor is serving government and it's serving CPCC, and there is not a whole lot of development opportunity on that. So my concern about the chance for failure, you all, is what we are hearing in this room tonight, which is east versus west. We start in the middle, and we risk failure. So, how is it going to make it feel when we now don't succeed in the middle, and now who is it going to be – east or west? Who is it going to be, and that is a debate this Council has now said we are in the transit business.

Why we came up with the half-cent sales tax, why we said we wanted to take a regional approach, why we did that is because we wanted to get out of the transit business. Well, now we are back in it. Now we are picking winners and losers here in the City of Charlotte. We are figuring out where we are going to spend this money, and we are going to piecemeal it because a gift is coming to us from the Federal government. It's debt paid by debt. It is going to be debt on you as a property tax owner, and that's the simple point on it.

One other point, one other really, really important point here, and I know we are all feeling this right now. We are going to start this with our novelty trains. We are going to start this with our trolleys, and, folks, I haven't gotten an answer to this, and maybe Mr. Manager has got the answer because I gave him the forewarn to this, but are those trolley cars air-conditioned?

City Manager Walton said yes.

Councilmember Peacock said thank God they are because I was scared they weren't going to be air-conditioned because I know you would never ride a trolley car in this kind of heat. But the point is the vision that we have, the things that were shown in *The Charlotte Observer*, the things that we have on our Web site were not novelty cars. They are what you saw in Portland, Oregon. They are what you saw in all these cities that you mentioned earlier in Europe. They don't use trolley cars. They use a car that is recommended by Siemens. It looks just like the one on the light rail, and it definitely sends a positive economic argument, Nancy, to the east side when they see that, but I'm just not concerned that they are going to want a trolley, and I know that is our long-range plan, but this is where we are starting on this. Finally, I just ask that our Council think through this fiscally, think through this thoroughly. We have not had open debate about how we are going to pay for this, so reject this grant tonight or defer it to a committee, but let's think through it.

Councilmember Howard said Senator Graham actually already talked about some of this, but it just bears repeating. On the first leg of 485, it kind of went from Pineville out to Arrowood, and at the time, people talked about the fact that it went nowhere. Today – I mean there was nothing there. Today there are shopping centers, there are neighborhoods, and what all that equals is new tax revenue. The point is that it starts at one step, or in this situation one section or one leg. At

the Airport back in the late '70s, there was arguably a time equally as bad in a serious recession, we build an airport, and we go to two concourses. Well, today we have expanded A and B. We have added three other ones, and we are looking to add more. We are talking about a community that is growing; not one that is dying.

We just talked about in my committee today the Centers, Corridors, and Wedges Plan that seeks to deal with our growth; that seeks to make our investments where the infrastructure already is to intensify the density of housing along those corridors and to stop sprawl, which has really been the killer of a lot of other cities. Critics say turn down the \$25 million and let the citizens pay the full freight later on. I am telling you that the reality is that rail technology actually costs twenty cents on the dollar to operate. We are investing in our future. A few stories, folks who are talking, politically motivated positions are easy to garner right now until you put where the rubber meets the road.

I want to share something with my colleagues that we just voted on a couple of months ago. It is actually as chair of the Transportation Committee, I'm actually going to read you part of what we voted on. If you skip down to the first highlighted part, it says another cornerstone of integrated transportation and land use is to continue to invest in, implement rapid transit. It goes on to talk about the Blue Line and we exceeded our projections. It goes on to talk about building on the success and moving forward with the Red Line, the Blue Line, and it talks about and says also the cross-town streetcar in partnership with the City. Although the LYNX Blue Line and the LYNX Red Line remain the top priority, and nobody said any different here, economic recession has significantly reduced the revenue anticipated for the implementation of the plan. The result of this is that the 2030 Corridor System Plan adopted in 2006 is no longer financially achievable under the current schedule, and that new funding schedules and options must be explored by the MTC and the CATS staff. That is exactly what they did, and this is what we voted, by the way, where is it at – we voted unanimously to do just that by adopting this plan.

If you will go to the next page for me, goal number three prioritizes our construction to maintain then an efficient transit facility to provide safety, neighborhood livability, promote transportation choices, and meet land use objectives and make the progress on the plan to reach a pavement survey rated at 90 years or 50 years. But if you go down to the second measurement, it says accelerate and implement the 2030 Corridor System Plan, and one of the targets is advanced streetcar preliminary engineering 30%. Again, this is what we said we wanted to do just two months ago. Go to the next page for me. I find this one really interesting because it actually falls underneath expand tax base and revenue section of our goals, and that is based on the fact that we know that the public investment leads to just that. It always has. That's what we talked about with 485, that's what we talked about with the Airport, and that's what we are talking about now. What did we say? Seek financial resources, external grants, and funding partnership necessary to implement the transportation programs and services. Number one measurement, prepare legislative agenda to fund Transportation Action Plan by seeking additional revenue sources, by ensuring that the City receives increased funding for planning, constructing, and operating, and maintaining multimodal transportation facilities and services. If you go down two bullets under that, monitor federal transportation reauthorization legislation and identify opportunities to increase and stir federal transportation funding directly to urban areas. I think we are doing that, and we all voted on this unanimously.

It gets real easy when everybody is down here screaming at you to say something different, but that's what we said two months ago. Let's talk about what Council said its priorities were during our Retreat. We actually were pretty clear on the fact that economic development was number one, public safety was number two. We have gone back and forth on whether transportation or housing should come next, and in the end, we adopted all five of them: economic development, public safety, transportation, environment, and housing. Given what I heard tonight, we are meeting all of those with this project, and we are not talking about just this one leg; we are talking about the full line and starting somewhere. Economic development is pretty clear. Of course, I am just full of stuff tonight. If you will pass that down for me – full of information that is.

This is actually a development study that was done back in '06. Now, Mr. Peacock talked about one that came after this, but it bears saying that when we adopted the 2030 Plan, the streetcar being a part of the plan, this is a study they used to justify it, and I want you to go all the way to

the last two pages. What it talked about was the fact that along Central Avenue – I’m sorry – Beatties Ford Road, the potential development value was \$434 million in new construction while Central Avenue it said that the development potential was \$985 million. So, we meet the economic development criteria. We talk about public safety, but we all know that in an economy going nowhere means exactly that – the economy starts going in the other direction, and that’s what brings on public safety issues. A city that is dormant and not growing is the biggest contributor to that problem by itself. It obviously meets the transportation goals. It takes buses off the road. It gives people other options to get to places, so we are taking care of the environmental, Mr. Peacock. Then we are dealing with housing, and there is no doubt given our policies with the Centers, Corridors, and Wedges Plan that is what we are pushing along this line. Again, we voted on that unanimously.

A couple of more points, Mr. Mayor. What has staff said about this? Well, I went back and I looked at our Retreat Minutes just to see what staff did tell us. What we heard back then, and I asked this question of our Manager. I asked the Manager is it a fact that we have plans that are actually one, two, three, four; is there an order? And, the Manager told us, and I’m going to quote him, “I think it’s safe to say that you can use the 2030 Plan as a point of reference, but it is not much of a guide.” And, that was because of where the economy is going right now.

Let’s talk about what the Feds have told us. The Feds have told us at this point in time and when we did this plan we were under another administration. That administration had different criteria, they had different approaches to this; it was different. What is the current administration telling us? What are they telling us about putting grants out is that they are going in another direction with this. They are being a lot more serious about mass transit being a real way to get around so much so that they paid for half of the south line.

And, I want to put this into perspective. We are talking about if they are paying for half of it, Mr. Mayor, we are talking about our banker essentially, and what our banker is telling us is that rules for loans have changed. The rules of funding have changed. For us to sit here tonight and say we don’t care what you think; we are going to keep our plan regardless is pretty arrogant and silly because what we have got to do is be about building out this line, not sticking to some plan that is not fundable, and staff started telling us about that months ago.

What about former Council members? What did they tell us? Well, I went back and did some more research. I’m not going to pass that out, but what I found is that the investment that was put in while putting the rail lines in down at Central Piedmont, down at the hospital actually happened back in 2007. I went and looked that up. Motion was made by Councilmember Lassiter and seconded by Councilmember Kinsey that we move forward with using funding to put that track down. I would argue that the determination about where we were going to make the investment was already made for us because we need to leverage that or we are going to watch that investment go dormant for many years.

Lastly, we talked a lot about, and this is me kind of being on a soapbox. I talked to you guys a lot about going to Europe last year and what I saw, and what I saw were communities that didn’t necessarily depend on cars to get places. One of my friends that came down, and we talked about that earlier, and that’s what real cities are about. The cities that have been sustained over centuries, y’all – not just a couple of decades – are the communities where they have had options to get around, and they were not solely dependent on just cars. Cars fluctuate. We depend on the Middle East for that. If they decide it should go up, our gas goes up; but if not, this is a source we can do right here in America called electricity. It makes sense to do this, and that’s why I’m excited about voting on this tonight. And, there is one last piece. We all read *The Government* magazine, and this was a piece that was in there just this month. It talked about the fact that streetcars are fast become the way that people are dealing with their growth, and I would like to share this with you. So, thank you, Mr. Mayor, that’s all my comments.

Councilmember Dulin said one of the things that excites us all at Council is when folks come down here with passion, and there are two sides down here and both of you are passionate, but we appreciate your coming down. There are a couple of things. I’m not going to go into great detail. Mr. Howard, well done on your presentation, and, Mr. Peacock, and everybody around the dais, I’m going to be briefer, more to the point. I will say – I really will. I will say though that in ’07 I supported the “do not repeal” effort. When I came on Council, we were already

building the Blue Line to the south, and I told everybody when I was campaigning, listen, I probably wouldn't have started that bad boy had I been in charge at the time, but we were building it, and we needed to build it well, and we needed to do a good job with it, and we are coming through with the natural progression.

We didn't make this stuff up. We had professionals tell us where we needed to go with our half-cent sales tax next, and they said to the University area and in that direction. They said let's take the heavy rail, which is a whole another debate about having the heavy rail train station down in the Gateway area, but they said let's take the heavy rail to Huntersville, Cornelius, and Davidson. Those folks are dying for it, and it's actually shovel ready more so than the Blue Line Extension, but it's second in line, and we will continue to work on it. Another sidebar on that, I have been saying for months and months that every hour, and here we are spending possibly four hours on this subject here tonight; every hour we spend talking about a streetcar is an hour or four hours we are not spending talking about extending that line to the University or extending the heavy line up to the Huntersville, Cornelius, and the Davidson areas, and those elected officials and residents rightfully so are pretty scared by all this because in my opinion we have got the eye off the ball.

Now, we are coming up with our \$12 million. People put out for grants and monies all the time, and it's not our money. It's \$25 million of some little old lady from Iowa's money; it's \$25 million from Florida's money. Somebody April 15th in the last year or two paid their taxes, and it went to Uncle Same, and Uncle Sam is sending it to us or to whoever puts their hand up, and it really isn't right. Now, it turns out the \$12 million is our money; it's not this Council's money, and it's coming from different pots. The City Manager has done a good job of finding the money. It's 2.5 here and 4.5 there, and all of a sudden he comes up with our 12. Well, that money is going to get spent. There can't be an unlimited of \$2.5 million and \$4.5 million there, and we are going to get tapped out. Hell, my family is tapped out. You know, we are all tapped out.

We had presentation earlier tonight from the folks in the Beatties Ford Road corridor and from the great people at Johnson C. Smith. It is one of the jewels in the crown of our city. There are all kinds of ways I am gung-ho about helping Beatties Ford Road. Dr. Carter, I'm sorry, this is not one of them. A couple of things have already been happening with this. We are starting to talk about using the trolley car. That is not we were told we were going to be using when we go to the streetcar. The trolley car, by the way, Ms. Carter, does not hold more people than a bus. It has wicker seats or wooden seats. Now, my question for the CATS folks is the trolley cars that you want to put on this line, are they going to be powered by the little electric generators that were behind the trolley cars? You might come up. I have a question or two. I would like to know how these trolley cars after we build the thing will be powered.

John Muth, CATS, said they will be powered with the overhead catenary lines – similar to the light rail.

Councilmember Dulin said so the wires will now be run though from Presbyterian Hospital to the Transit Center.

Mr. Muth said correct.

Councilmember Dulin said if we get more money and the next line goes through the Square then wires will either have to be strung through our Square – the number one intersection in our community. It's famous. Everybody knows the Square. Trade and Tryon, we are going to run wires through Trade and Tryon and junk that thing up.

Jeb Blackwell, City Engineer, said we have been doing the study on this. We have had a very comprehensive review of technologies on that because we are looking at alternatives that will not use the catenary wire to run in sections on that using super-capacitors or batteries, but we have not made that decision yet. We are still looking at technologies on that. That's part of the 30% study that Council voted to go forward with.

Councilmember Dulin said, thank you, Jeb. But if we build this thing, it's going to have the catenary wires.

bvj

Mr. Blackwell said this section will, yes, sir.

Councilmember Dulin said one and a half miles will have the catenary wires, and then you'll tear those down.

Mr. Blackwell said not necessarily, no, sir.

Councilmember Dulin said I have heard some folks say, well, the new technology has – it's a battery pack that is run in the ground, and it goes and gets juiced up here, and it goes a little bit further and gets juiced up further.

Mr. Blackwell said the options we have looked at don't run a ten-mile section on a charge the way they are being used right now. It will be a section that had catenary. That would charge it up, and then it would run a section without, so you do catenary, if you want, for example, to not have catenary in the uptown – again, we are still reviewing technologies, but the ones we have seen so far they would run for a section under catenary and that would charge the batteries, and then they would run that section without it, so we would anticipate under those views still using the catenary that we install here.

Councilmember Dulin said thank you very much. This is a bad business deal, folks. We are spending all of our money. It's a bad business deal. I'm going to be a no tonight. I would love to be for something one of these days around here, you know. Y'all please. I know where the votes are going to be here. We will have to cautiously move forward. I will be sitting right here, and I will be reading every paragraph and every comma, and I will continue to ask questions. It's got to start somewhere. I said I would be short, so I'm going to go ahead and cut it off there, but those of you who are still thinking about it think about the piggy banks at your own homes and your own kids. Once that stuff is gone it doesn't get back. It is not our dollars, and it's just not right.

Councilmember Mitchell said let me take this opportunity to introduce to some of you all District 2 since there has been reference about West Trade Street and Beatties Ford Road. District 2 is a proud district of the City of Charlotte, and it has thrived on quality of life, great quality of neighborhoods, economic development, and trying to remake an image for a long time. They told us in District 2 that we could not have a commercial facility. We have NorthLake Mall. They told us in District 2 why build a transit hub; nobody is going to ride it. We have Rosa Parks Transit Hub. They told us why are you going to build a police station in an area that will not be successful. We built the Metro Police Station.

Now, some of my colleagues think there is going to be a fight between the east and west about the streetcar. There is no fight. It is going to start in Nancy Carter's district, but it is going to end up home in District 2 with the leadership of Dr. Carter and the Streetcar Committee say loud and clear this is the vision for economic development for District 2. So, Dr. Carter and the citizens of District 2, we know about faith, we know about vision, and your City Councilman is committee, so that's why I'm going to vote yes today for this federal funding for the streetcar.

Mayor Foxx said, Ms. Kinsey, I think it's your district.

Councilmember Kinsey said, well, actually most of the streetcar on the east side goes through my district, District 1, and I have supported it from the very beginning and will continue to do so. Just as a point of clarification. Along Elizabeth Avenue where the rails are already laid, the street was not torn up to lay those rails. The street was torn up for sewer and storm water, and while it was being torn up, I guess Engineering decided to go ahead and put those rails in. They were not put in explicitly for or the street was not torn up explicitly for the rails. It's for some of the businesses along there. We did lose a couple of businesses. One, Starbucks went out of business just because Starbucks was closing various stores. There was one in close proximity, and they closed that one. NoFo on Liz closed after the street was reopened.

I think it was just bad business for a while, but all along Elizabeth Avenue there has been a plan for redevelopment. It was stopped because of the downturn in the economy. So there is a lot of vacant land along there. There is a plan. A developer has the plan. I can see with the event of

the streetcar along that area that area will be developed and generate tax money for our city and county. I guess that's my main comment. I think we have to look toward the future, and we have to be brave and take a stand. I totally agree and appreciate with what Ms. Carter said and my other colleagues. Nancy and I have worked together on this. We will continue to work together, and I encourage my fellow Council members to vote yes.

Mayor Foxx said, ladies and gentlemen, I want to make it very clear that I think all of us have been very respectful of the audience out there tonight, and we are asking the same consideration of you. We have just got to get through this discussion without having a lot of interruptions, so when people are speaking, it's just hard for them to get their points across. We have a couple – I think Mr. Peacock wanted to respond and Mr. Cooksey and also Mr. Howard, and we need to close this out.

Councilmember Peacock said I'll defer to Mr. Cooksey.

Councilmember Cooksey said interesting lessons. I am always wary when a speaker claims it's only his opponent that is playing politics with an issue. We are all politicians; we are all making political cases. I'm not going to separate myself from anyone around this dais. That's what we do. Any attempt to try to elevate above that is going to be subject to what I'm about to do now. It's fascinating to pull a 2006 study on the streetcar that has economic development estimates back when the economy was good.

The study this Council funded unanimously in 2008, which we made very careful to make sure that those consultants took into account the current state of the economy, said that for our roughly – the numbers are still round, but \$500 million for the streetcar. That's kind of the low number that Mr. Barnes referenced at 450 to 600 million – 500 million will get us, according to the latest study – not the old one – about 500 million of economic development in east and west Charlotte. That's 1:1. Now, the south corridor is running about 3:1 – it's over 3:1 in fact. Typically this Council leverages tax dollars when we are talking about economic development. The south corridor came in under \$500 million, and the numbers that get quoted are somewhere in the 1.6 to 1.8 billion in economic development, so 3:1; whereas for the streetcar, heck, we could just take the 500 million and not buy the streetcar and drop that into other investments in east and west Charlotte and get the same bang for the buck because there is no leverage in east and west Charlotte. The consultant said in the line overall the streetcar could produce an additional billion dollars of economic development half of which would be in Center City. That leaves 500 million for east and west to share for a 500 million project. That's not leverage.

Let's talk about the Strategic Focus Area Plan, which, yes, I voted for. I voted for the plan that said that new funding schedules and options must be explored by the Metropolitan Transit Commission and CATS staff – not City Council – because we shouldn't be in the transit business. That's what we created the MTC to do. I voted for a plan, a strategic focus plan, but, yes, mentioned a target of advancing streetcar preliminary engineering to 30% for key elements by December 31, 2010, because this Council had voted for that about four months, five months beforehand. That was a done deal. It is a very thing to vote yes for something that has already been done. I voted for a plan that said accelerate and implement the 2030 Corridor System Plan as conditions allow. I do not believe economic conditions allow us to take the streetcar project out of that plan and do it ourselves. The other targets were advance the key tasks to the LYNX Red Line and complete the final environmental impact statement for the LYNX Blue Line extension. So, again, the focus remains in terms of advancing a project beyond what had already been committed when this plan was adopted on the Red Line and Blue Line extension.

I voted for a focus area plan that, yes, talked about seeking financial resources, external grants, and funding partnerships necessary to implement transportation programs and services with a measurement to prepare a legislative agenda to fund the Transportation Action Plan. Find me a reference to the streetcar in the Transportation Action Plan. The Transportation Action Plan is our City plan for roads, sidewalks, bike lanes, and a committee of 21 that indicated we had \$6 billion of unfunded road needs at the local level. That's what I voted for a focus area plan to deal with – a transportation action plan for roads, sidewalks, and bike lanes.

I heard references to the importance of the streetcar for getting people out of their cars, which is an odd reference for a corridor served by two of the heaviest used bus lines in the City of

Charlotte – three overall: Route 7, Route 9, Route 39. I used to live off of Central Avenue. I would take either Route 9 or Route 39 in – very convenient – didn't have to use my car. I don't need to spend \$12 million locally on the start of a \$500 million project to get people out of their cars in this corridor because we have buses that do that. And, I appreciate Councilmember Kinsey talking about those rails that are in the half-mile stretch of Elizabeth, but, yes, it was a vote, and I believe what was read was to use CATS funding to put those rails in. Absolutely I support using CATS funding for this entire project. The trouble is CATS doesn't have the funding under the current income stream, so we should stick to the project as planned within the revenue stream we can afford. It goes on and on.

We talk about what we adopt unanimously, and I just want to point out that, yeah, there is a reason I voted for this. I have outlined it. I am going with the latest data from an economic development study. I am going with the focus area plan as it's written, and I am voting no for this grant.

Councilmember Peacock said when we are dealing with focus area plans you are dealing with the master over here, so I will let him make that argument.

Councilmember Howard said I hear my colleague, and potatoes/potatoes because when you look at this, when you talk about implementing it and finding new funding sources the CATS staff did come to us, and that's what we are doing. So make distinctions, if you will, between MTC and CATS and all the other things you are talking about. Still the rubber meets the road right here with us. You go on down to each one of those things, and it's convenient that you skipped right over the one that talked about multimodal, but I won't even go there because I'm not going to get into a tit for tat. The point is that it will benefit this community, and it meets every one of our focus areas that we talked about.

We talked about during the Retreat that in this type of environment we knew for Charlotte to grow we would have to take a risk and we need to be bold, and I hear anything but that tonight. The thought that we can only do one thing at a time is preposterous to me. Right now, and I remember going through the Minutes for the Retreat, Mr. Schumacher shared with us that just this summer alone we had \$120 million in projects going on – roads, sewers, sidewalks, you name it. The Airport is expanding. We opened NASCAR, we opened four museums, and many other things that I'm sure if the Manager had time he could tell us. We can do more than one thing at one time. The City is scared that the folks up to the north that we are not paying them attention is not fair, and I want to say to my friends up north that I have been to your meetings. I have been coming up and talking to you, that we have other issues other than just the half-cent sales tax. We know the feds have issues, we know we have issues with leveraging, and we, as a community, need to work with them to figure that out; not scare them.

Just one last thing. The only reason, and when you get a chance, Mr. Cooksey, and go home you look at the Minutes of this, and you go back to my comments. The reason I brought up the marketing study I passed out is that I said the 2030 Plan based the streetcar being a part of it on that is what I said, and I wanted to make sure since we keep throwing up the 2030 Plan like it is the only thing we can do and we should follow it even though things have changed and our banker told us that they want to do it a different way that it is good information to know where we started from. The study that you are talking about was done when the economy was going down, and when we come back up, we'll get somebody else to do a study that will say something different. That's just the way that works. I wanted you to know what the 2030 Plan was based on since that seems to be the Bible to a lot of my friends around the dais tonight. Actually that's all I have to say. I'm definitely voting for it.

Councilmember Cooksey said I just want to be clear in respect to Councilmember Howard's concern there. My reference to the 2030 Plan, yes, I confess I should be speaking more clearly on that. My contention is we build out the transit system with the transit tax. The transit plan has changed once already. It was a 2025 Plan; it then became the 2030 Plan. The MPC is going through another iteration of it. My concern is we build the transit system with the transit tax that the people of this county voted to fund it with. That's what I mean by that, and, yes, the plans will change, the plans will adapt. Every capital project that a government tries to do adapts, but the constant here is a half-cent transit tax to fund our transit system.

Councilmember Howard said, Mr. Manager, if we get \$25 million from the federal government that's \$25 million that MTC now has to do other projects with; is that not correct? That's the capacity they have that they don't have to use on the streetcar in the future.

City Manager Walton said that is \$25 million of the total project cost that doesn't have to be found through the transit tax. I don't think it is accurate to say what you are saying, Mr. Howard, because it was never on the CATS funding list yet – I'm sorry, on the MTC's funding list.

Councilmember Howard said it's part of the 2030 Plan.

City Manager Walton said it's part of the 2030 Plan, yes.

Councilmember Howard said at some point they were going to pay for.

City Manager Walton said yes.

Councilmember Howard said that means that this part they won't have to pay for.

City Manager Walton said yes.

Councilmember Cannon said as a native Charlottean and one who loves this community and the people that reside within it and try my best to represent them across the board regardless of whether they consider themselves to be a "D" or "R" or from the east, west, north, or south side, I try to take it upon myself to ensure that I am bringing about balance to this community. That is what anyone should do serving in any capacity if they are serving in an elected office. When I was invited to, of course, a breakfast – Craig thought he was shaking me up with a little bit of Elvis Presley, but I'm not all shook up, I can assure you. Instead what happened was, of course, we talk about being fiscally responsible. I think Ms. Carter made reference to that. I have to be that way as a businessman; otherwise, I wouldn't have a business. Secondly, I would probably be out on the street if I didn't operate my household the same way, and guess who else would be joining me in that – those of you that are looking at me right now. We all have a fiscally responsible component to us, and a party affiliation doesn't define that in any of you by just being whatever you want to consider yourself to be.

I simply want to say this. From a business perspective, it makes zero sense not to accept this federal investment and instead allow for there to be 100% of the responsibilities on the backs of the taxpayers. They don't deserve to have to cough up \$37 million, and here we have a grand opportunity where the FTA has now said, hey, here's \$25 million of that total amount, and we want to thumb our nose at a gift as such. It makes me wonder who is conservative and who is liberal. We have to find a way to be able to continue to work for the common good of this community.

Now, this can be a major win for the streetcar project with a significant allocation of funds. This investment in our community will create jobs, it will boost economic development and recovery, and it will further continue to help us to reduce the issues of emissions and petroleum. Now, it's my hope that this future potential mode of transportation will provide cleaner, safer, and more efficient ways to get around coupled with helping stabilizing portions of our city through job creation. Someone said earlier that we were picking winners and losers and we shouldn't be doing that. We started that a long time ago when light rail first came up and we started talking about putting it on the east and the west side and then thumbed our noses at it to put it on the south corridor – truth be told.

So, now I recall a time when the half-cent sales tax was up for debate. I didn't hear anyone crying about no streetcar, no streetcar then when the conversations were being held in various places in uptown Charlotte. Why – because they wanted that half-cent sales tax to pass for what we are experiencing along the south rail corridor. So we get into this about picking winners and losers. Again that started some time ago. Some of us may or may not know this but streetcars are indeed making a comeback because citizens across America are recognizing that they can restore economic development, and, of course, they are given choices to move between an opportunity to do something between your home and stop and entertainment is a good place to

be. The streetcar project will not only create construction jobs in the immediate future, but it will aid our recovery by creating communities with a potential to be more prosperous. Other cities have gotten money besides Charlotte – Ft. Worth for urban circulator projects, Dallas for an extension of the McKinney Avenue streetcar, Chicago, St. Louis, and Cincinnati. So, we are not in this by ourselves.

As we talk about from Atlanta to even Seattle, it's been shown time and time again that businesses open along the fixed, permanent streetcar lines because they can count on customers each and every day passing their doors. Now, someone earlier made a comment about this would not in essence create economic development; how could they look at someone in the eye and tell them that this was not going to bring them that opportunity. If you do your homework, you will find in other related cities it has done just that – brought about economic development opportunities, so not to do it would potentially not give us what we are seeking here.

The other thing I want to add is simply this. Pre- and post-construction streetcars are seen as an economic booster to urban areas, and that's why, in my opinion, we should sign off on these federal monies now rather than trying to figure out whether we should take it on at 100% on the taxpayers' backs. Now, Mr. Mayor, not only does the streetcar line help build the city and create jobs, but it makes us more competitive in retaining and attracting businesses and professionals. There are 46 – 46 other cities across the United States that are studying, developing, building, or operating streetcar systems for similar reasons including a little old lady in Florida, Mr. Dulin, because Tampa happens to be one of those cities; Austin happens to be one of those cities; Baltimore, Chicago, Indianapolis, Memphis, and, of course, Washington, DC, New Orleans, and even Sacramento. So I guess the question becomes why should Charlotte and the people that reside within it be less than on the cutting edge of offering different modes of transportation for its citizens and visitors? We ought to be about that program and not allow the program to try to get with us.

Now, I want to close on a couple of things – well, one primarily. Mr. Turner brought it up. I heard Mr. Barnes bring it up. It's a concern of my own as we talk about spending. We have to be conscious of what it is that we are doing relative to spending, and the issue around the \$1.5 million operating cost. It says here that it's assumed that \$1.5 million will come from the general fund. I want to ensure or make sure that what we are doing is, Mr. Peacock, looking at everything across the board. You mentioned there hadn't been any level of discussion. I'm wondering why when this has been on the docket forever and amen. Someone could have started that discussion some time ago it seems to me, but here we are, what, July? So we are seven months, and I would like to make a suggestion, if I might. As of now, one thing we know is to be up front and transparent. This won't be \$35.9 million over budget like something else that we have had to fund – at least it shouldn't be. As long as it shouldn't be and as long as there is leadership here to make sure we are seeing to that program, then that's what it should be about.

I just want to give some history real fast about this. In 2005, the Mayor's Taskforce on Cultural Facilities presented recommendations to the Mayor and Council regarding the development of new cultural facilities. Among the funding options proposed by the taskforce was something that I would like to propose today, which I proposed then. The proposal was a parking surcharge on Center City parking spaces both public and private that typically would fall on the shoulders of those that are visiting our city or transient parkers. The taskforce report estimated that on a quarter per weekday surcharge would generate \$2 million in annual revenue. Now, those are 2004 numbers. Parking economics, rates, and the number of spaces have changed, of course, since 2004. In fact, the number of parking spaces we are talking about today is probably around 47,400 or so. So, any revenue estimates would need to be studied and updated in order for us to pursue that.

The taskforce report was sent to the Council's Economic Development and Planning Committee for review and recommendations. After Council review and approval, the final financing plan used to fund cultural facilities included what was a synthetic tax increment of financing funding and an increase to the rental car and not the parking surcharge. There were two legal issues as I conclude this. There were two legal issues that were presented by staff. One was does the City have the authority to leverage a surcharge. The second was can the City charge a parking surcharge on uptown instead of the entire city. It's been a practice of major municipalities around the country like the cities of Seattle, Baltimore, DC, Los Angeles, New York, Miami,

Chicago, San Francisco, and even the city of Pittsburgh to institute surcharges as such. So this proposed dedicated revenue source keeps core services such as police and fire, roads and transportation, property taxes, and other related infrastructure needs from being tapped.

Now, I am only suggesting and asking, Mr. Mayor, you and this body as we talk about a potential revenue source that hasn't been identified as of yet that we put this on the table for staff to obviously take a look at, review, come back, give us some feedback on, and let us know if this might be something that we would want to consider rather than general funds. Again, it doesn't put it on the back, Mr. Cooksey – you got it. I see you shaking your head. You got it. I just hope everybody else does that is listening to this. So, Mr. Mayor, I can say that also in these other cities they have neighborhood parking taxes. I don't think we want to do that. They also have valet surcharges. We don't want to do that. So, it's my hope that we will plan not just for today, not just for tomorrow, but, of course, the future. My vote tonight, of course, will be a vote for the future, and it will be for approval of this grant.

Mayor Foxx said I think everyone has had a chance to weigh in, and I want to applaud everyone who has come out tonight to speak particularly the citizens on both sides. This issue has been around for a little while. As Mr. Cooksey points out, he has had six votes on it already.

Councilmember Cooksey said this is the sixth.

Mayor Foxx said okay. I want to try to frame it a little bit and then vote. Transit is in my mind not about a particular bus, not about a particular train; it's about a system. The plans that this city has developed over a long period of time including the centers, corridors, and wedges strategy are really contingent upon deploying that system. It's that system along the south corridor line that has led to millions and millions of dollars of investment, vertical investment, that is housing people, providing retail opportunities, and adding revenue to our tax base, and the concern that one has to have in a growing community is that as we go out to the farthest degree of our limits through annexation at some point we run out of space. When we run out of space, you can't build out anymore; you have to start building up. When you start building up in the wrong places, it creates multiple problems from a transportation perspective, from an environment perspective, and so forth. So, within our realm of responsibility, economic development is critical, public safety is critical, but one of the things for this community over the long term is that transit is critical to being able to build the type of community that we not only want for ourselves but what we want for our children, for our grandchildren.

That leads me to the second major thrust of what I have to say. Almost everything that I heard tonight I heard back in 2007, and almost everything I heard in 2007 I heard in 1998. The truth of the matter is that for this community to build out a transit system we are going to have to deploy large amounts of money to build infrastructure on the belief that infrastructure is going to translate into investment. Now, one other thing: We are facing an environment not only here locally but nationally where large public investments are getting harder to do. I have heard a lot of the comments about spending and borrowing, and I get that much more than you probably even give me credit for getting. I get it.

To the extent that let me tell you something that is happening in Washington right now. Right now we are seeking funds to get the Blue Line extended to UNC-Charlotte. You would think that with the amount of time we spent talking about this that there wasn't any effort going on into completing the rest of our transit system, but, in fact, I can tell you that personally I have spent a lot more time on that project than I have spent on this one. What's happening at the federal level right now is that money is being reduced to support new start projects like the northeast corridor. This city is in the midst of planning for that project. It is a \$1.1 billion transportation project, and we have one more leg of planning to do on it, and it will take \$40 million to get it done.

As I understand it, last week the U.S. Senate, the subcommittee that deals with these things, went through a mark-up process, and we were told late last week that we had gotten \$33.7 million of the 40 that we requested. What happened between then and now apparently is that there has been an amendment that has been offered in one of the subcommittees – probably the same one – to reduce the overall spending on transportation, which is then backing down into the spending on certain projects. We are being told now that 33.7 was actually a technical error and that it was actually 3.7, which is going to create a lot of problems for that project.

Now, here's the point I'm trying to make. The environment is changing, and we are going to keep working as hard as we can to get this system built, but I'm going to tell you that every one of these projects – the streetcar, the northeast, the north – is going to have a different life. I'm going to tell you something else, too, that we have learned over the last year or so that our revenue projections are drastically different than what the 2030 Plan called for to the point that the 2030 Plan is going to have to go through some dramatic surgery. I say all of that to say that at the end of the day we still have a good project here. It is a piece of a much larger project that I believe has transformative capacity for our city to make our city what I think all of us want. Whether we agree or disagree with this particular issue, we want to live in a vibrant place, we want to live in a place that is strong, we want to live in a place that is sustainable, we want to live in a place that is connected. In my opinion, when you look at both sides of the argument, and there is room for reasonable people to disagree on this issue, but when you get right down to it, we are trying to build a city that will stand the test of time, that our children and our grandchildren will be proud to live in and will be open to the kinds of opportunities that exist in the 21st Century.

I think the wisdom of this decision will prove itself, but it will prove itself over the long term, and I mean that over the very long term. And, I will end with this point. Someone I know fairly well talks about something called the “cathedral test”, and the cathedral test is way back in the medieval times when they were building these huge cathedrals in many cases those cathedrals took 100 years to build, and you had the person who was laying the first stone who would know that they wouldn't live to see the full cathedral get built, but they did it believing that by putting that stone in place and the next person putting another stone in place and the next person putting another stone in place that a community could be built. I don't think anybody up on this dais – I have not heard one iota of someone playing games with this issue. I think everybody realizes how serious it is on both sides. But for the city that I want to see happen we have to keep deploying our transit system. We have to keep making progress, and by the way, over time something that is running on rail and using electricity is ultimately going to have a better operating business case than something that is running on gas and oil. I firmly believe that. So we are going to have this vote now. We have talked about it quite a bit, but I appreciate everyone's comments, and I appreciate the debate on both sides.

Councilmember Barnes said, Mr. Mayor, I appreciate your leadership on this obviously very important issue. I will confess to you and to everyone in this Chamber right now that my mind was blown by that information regarding what is potentially happening to the funding of the Blue Line Extension. In effect, as I sit here right now, what I'm feeling is that we are seeking funding for one project to move it forward, and at the same time the project that we thought would be moving forward, that we committed to move forward is about to stop. You can't do a lot with \$3 million, and I respect you guys up there – Mr. Muth, Mr. Rogers; I respect you guys – Mr. Walton, but based upon the grant we are seeking to move the light rail line from 7th Street down to 9th Street I know you can't do much with \$3 million. At this point, the Manager has informed me that we are not in a position where we have to accept this grant tonight or make a decision tonight. I need some information regarding what is really happening to the northeast line before I even vote on this. By the way, it's not about not doing the streetcar necessarily. I need to understand the impact of what is happening in Washington on this project, so I think you were about to say something, Mr. Mayor.

Mayor Foxx said I want to make sure you understand the point that I'm making. The point I'm making is that across the country what I understand is that there was something on the order of \$53 million available for planning and design across the country – across the country. We asked for 40, and we are now being told that we got the third highest allocation of all cities and communities across the country. That is a reality that is falling directly from Washington. So, I understand your point, but I don't – I would hesitate to connect the two things because they are not connected. This circulator grant has nothing to do with it.

Councilmember Barnes said let me ask a question. Is there anything to restrict us from using the 5.5 from the ED reserves, the 4 million from Smart Growth on the northeast corner?

City Manager Walton said the 5 million from ED reserves we would have to look back at the bond question. I know it's eligible for street work such as streetcars. I don't know if it would be eligible for the corridor. Smart Growth is cash, so it could be used for any capital.

Councilmember Barnes said this just puts me in a different position.

Mayor Foxx said I'm trying to make sure we do eyes wide open.

Councilmember Turner said I want to make sure I understand because we all knew this going into this that the amount of money that was put up there from the beginning was for the entire United States and not just Charlotte. We knew that there it was a shot in the dark that we would get what we were expecting. My concern now is not how small the pool was then but obviously it seems to me the dynamics have changed drastically that the most important project based on our transportation from the LYNX Blue Line to the light rail line is getting the least amount of funding right now.

Mayor Foxx said, no, and this is an important discussion. I'm glad we are talking about it, but really the change really happened last week from what I understand – late last week. As much as a billion dollars got cut out of the transportation budget on the Senate side; am I correct? So this is not something that happened months and months and months ago. Like right now that got cut out, and it started backing its way into other projects. So it's not a loss of focus at all, and, in fact, I have to say that Senator Burr and Senator Hagan were carrying some serious water for our area, and we thought we had it, but that's what happened.

Councilmember Peacock said, Mr. Mayor, you carry the power of the veto, and this is an opportunity to use the veto to stop spending when we shouldn't be spending money. You haven't used it yet, and I hope you will change your mind here in the next 30 seconds to do just that because what you just made in your testimony should be evidence enough of the changing environment, and, I, like you, am in support of building out a transit system. I, like you, am in support of building out a multimodal form of transportation for everyone in this community. I disagree with you that we are hearing things we heard in 1998. This dais has no one on it that is anti-streetcar. We are anti-City initiated streetcar. We are anti-spend more than we have available currently. The other part of this that is very apparent and what you have just shown evidence to is the federal government's environment is changing, and it's because they are realizing that we are not turning this economy around as quick, so the money is drying up. We are going into debt. Erskine Bowles says we have cancer in this country that we have to get our arms around, otherwise, it's going to spin out of control.

The final point you made was about revenue being down, and that's exactly why these citizens are here at 10:00 tonight to say revenue is down. We are not thriving right now. The commercial markets continue to be shaky. We have countries across this globe that are suffering and continue to suffer, so I just think that is where we are seeing a reaction like we are seeing from a fellow colleague here who is saying I'm a little uncertain. If you are a little uncertain, then don't make the decision. This is not money to piggyback off of Mr. Cannon's argument, but, Mr. Cannon, I respectfully disagree that we spend money because it is there, but you can't pay for it. It's the equivalent of someone saying you have money for a down payment on a house, but you know based off your income and your debt you can't afford it.

Councilmember Cannon said a grant.

Councilmember Peacock said hang on, Mr. Cannon. As I said, I am very respectfully disagreeing with your point about your characterization of what is fiscally responsible. I think your characterization of fiscally responsible is completely different than from what most people would decide on their own households. I'm wanting to come back to making a logical business-oriented decision here as a Council, and, yes, what the people are watching right now is they are watching us deliberate vigorously like we should have earlier, and that's what I was saying is that we have known exactly what the Streetcar Advisory Committee said to us, which is in order to fund this and to carry the promise out to the people that want this on both the east or the west side that we are going to have to do it under the bandwidth of the half-cent sales tax. We know from CATS that we are down by \$350 million currently. It is just simply reality. You can't always get what you want, and you can't always get what you want right now. That's why I

encourage you to use the veto right now, and let's press the pause button. This is not a priority at this moment, and it's not going to crash the vision for a streetcar and a full build-out of the system. It is just going to have to wait.

Councilmember Cannon said the point I was simply trying to make is you have \$37 million that is out there, and we do not need to put 100% of that cost on the backs of the taxpayers. But obviously you believe we need to do that, Mr. Peacock, and, that's fine, I guess, if that's what you want, but that's not what I would agree to. The second thing is in business, as you know and we all know, money can get more expensive at times. If money can get expensive, and sometimes a delay can mean extra added costs, so if you are today for let's say money in terms of what it is right now and you don't take advantage of if it's a good deal now, and if you wait several years in the future to do it, that's really acting a little bit more liberal than conservative largely in part because again there can be an increase in the cost of money; it can get more expensive if you understand it. It's my hope that we will recognize, and by the way, Mayor, I appreciate you bringing this information up because Mr. Barnes, and I support his vision and his leadership to try to bring something to the north. We need to continue to be supportive of that, but I want to make certain that one absolutely does not have anything to do with the other. Do I have that? If that's correct, I would like to continue to move forward with a vote, if we can do that, sir.

Councilmember Barnes said, Mr. Mayor, I want to make a substitute motion to send this matter to the Transportation and Planning Committee for further discussion regarding this separate pool of funds because if the money for the streetcar – and I want to support it – but if that money is coming from Washington and this \$3.7 million is coming from Washington, I would be more comfortable understanding that what you are saying is true, Mr. Cannon and Mr. Mayor, that the two aren't connected. I'm getting this really bad feeling that they are.

Councilmember Turner said I second that motion.

[Substitute motion was made by Councilmember Barnes and seconded by Councilmember]
[Turner to send this matter to the Transportation and Planning Committee.]

Mayor Foxx said this is a motion to send it to Transportation.

Councilmember Peacock said I would like to make a substitute to the substitute.

Councilmember Barnes said you can't.

Councilmember Peacock said we have to vote on that first, Mr. Hagemann? Okay.

Mayor Foxx said, Mr. Manager, do we have a time parameter on this grant?

City Manager Walton said, no, sir, we think we have 30 days from the date we get the formal documents. We have not received them yet, so we probably have at least August 23rd.

Mayor Foxx said, Mr. Barnes, would you be open to, as part of your motion, having the Transportation Committee report back?

Councilmember Barnes said, yes, sir.

Mayor Foxx said before August 23rd?

Councilmember Barnes said, yes, sir.

Councilmember Peacock said my friendly amendment to yours was to have the Economic Development Committee look at it from a cost standpoint and determine where the funding source is and make a decision right now where we are going to fund it in the future. Is that something you can support?

Councilmember Barnes said, no, because that is going to take more time than the issue I'm trying to address.

bvj

Mayor Foxx said other thoughts. The substitute is to defer with Transportation Committee coming back by the 23rd of August, our next meeting, with a recommendation. Mr. Mitchell, are you going to speak?

Councilmember Mitchell said I'll speak after the motion, Mayor.

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

AYES: Councilmembers Barnes, Cooksey, Dulin, Peacock, Turner

NAYS: Councilmembers Burgess, Cannon, Carter, Howard, Kinsey, Mitchell

Mayor Foxx said that fails. We are back to the base motion.

Councilmember Mitchell said let me just make a comment about your leadership you have provided us in the short period of time, and I hope you will not use this opportunity to use your veto. I have never been a fan of the veto power of a mayor, and you have demonstrated in your short period of time about engaging our colleagues to make sure we all do our homework and study. There are different ways you can be a leader in the City of Charlotte, and I think we have a fine mayor who has demonstrated leadership is for education, getting all the information, but working together on tough issues in this community. Mayor, a veto tonight will send the wrong signal to those who voted for you to put you in office. I would advise you, Mayor, to continue to show the leadership you have demonstrated and allow this City Council to vote on key issues, and you will support our decision.

Mayor Foxx said we have a motion and a second on the table, and I think we have kind of laid out all of the issues that are out there.

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

AYES: Councilmembers Burgess, Cannon, Carter, Howard, Kinsey, Mitchell

NAYS: Councilmembers Barnes, Cooksey, Dulin, Peacock, Turner

Mayor Foxx said that passes.

Ordinance No. 4470-X is recorded in Ordinance Book 56 at Page 704

* * * * *

ITEM NO. 15: NEIGHBORHOOD ENERGY AND ENVIRONMENT ASSESSMENT TOOL DEVELOPMENT

[Motion was made by Councilmember Turner and seconded by Councilmember Barnes to]
[approve a contract with the University of North Carolina at Charlotte for \$140,000 to develop]
[a Neighborhood Energy and Environment Assessment Tool and collect baseline environment-]
[tal quality data to be integrated into the City's biannual Quality of Life Report.]

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

AYES: Barnes, Burgess, Cannon, Carter, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner

NAYS: Councilmember Cooksey

* * * * *

ITEM NO. 16: PARKTOWNE TERRACE GREEN ENERGY GRANT

[Motion was made by Councilmember Carter and seconded by Councilmember Howard to]
[provide a grant to the Charlotte Housing Authority in the amount of \$250,000 to provide]
[energy efficiency appliances for the Parktowne Terrace Apartments.]

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

AYES: Barnes, Burgess, Cannon, Carter, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner

NAYS: Councilmember Cooksey

* * * * *

ITEM NO. 17: HABITAT FOR HUMANITY ENERGY GRANT

[Motion was made by Councilmember Barnes and seconded by Councilmember Howard to]
[provide a grant to Habitat for Humanity Charlotte in the amount of \$199,800 to provide]
[residential energy efficiency improvements.]

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

AYES: Barnes, Burgess, Cannon, Carter, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner

NAYS: Councilmember Cooksey

* * * * *

ITEM NO. 18: HABITAT FOR HUMANITY CRITICAL HOME REPAIR PROGRAM I

[Motion was made by Councilmember Mitchell and seconded by Councilmember Howard to]
[provide a grant to Habitat for Humanity Charlotte in the amount of \$257,340 to provide home]
[rehabilitation services to families inside the city limits of Charlotte to assist in satisfying]
[requirements of American Recovery and Reinvestment Act of 2009 (CDBG-R Stimulus]
[Funding.]

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

AYES: Barnes, Burgess, Cannon, Carter, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner

NAYS: Councilmember Cooksey

* * * * *

ITEM NO. 19: HABITAT FOR HUMANITY CRITICAL HOME REPAIR PROGRAM II

[Motion was made by Councilmember Mitchell and seconded by Councilmember Howard to]
[provide a grant to Habitat for Humanity Charlotte in the amount of \$257,340 to provide home]
[rehabilitation services to families inside the city limits of Charlotte to assist in satisfying]
[requirements of American Recovery and Reinvestment Act of 2009 (CDBG-R Stimulus]
[Funding.]

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

AYES: Barnes, Burgess, Cannon, Carter, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner

NAYS: Councilmember Cooksey

* * * * *

ITEM NO. 20: HOUSECHARLOTTE PROGRAM ADMINISTRATION AGREEMENT

Councilmember Carter said I would like to put a motion in effect to recuse Mr. Howard.

[Motion was made by Councilmember Carter, seconded by Councilmember Mitchell, and]
[carried unanimously to recuse Councilmember Howard.]

[Motion was made by Councilmember Carter, seconded by Councilmember Mitchell, and]
[carried unanimously to enter into an agreement with the Charlotte-Mecklenburg Housing]
[Partnership to administer the City's HouseCharlotte Program.]

* * * * *

ITEM NO. 21: BUSINESS INVESTMENT GRANT FOR CITCO FUND SERVICES

[Motion was made by Councilmember Mitchell, seconded by Councilmember Carter, and]
[carried unanimously to approve the City share of a Business Investment Grant to Citco]
[Fund Services for a total estimated amount of \$32,540 over three years (total City/County]
[grant estimated at \$92,051).]

* * * * *

ITEM NO. 23: APPOINTMENTS TO BOARDS AND COMMISSIONS

Business Advisory Committee – The following nominees were considered for one appointment:

1. Wesley Carter, nominated by Councilmember Howard
2. Marc Friedland, nominated by Councilmember Barnes
3. Chaunta Jones-Hunter, nominated by Councilmember Kinsey
4. Ryan Licari, nominated by Councilmember Turner
5. Jason McGrath, nominated by Councilmember Dulin
6. Darrin Rankin, nominated by Councilmembers Burgess, Cannon, Peacock
7. William Strong, nominated by Councilmember Cooksey
8. Angela Williams, nominated by Councilmember Mitchell

Mayor Foxx said I think we agreed to delay the Business Advisory Committee with one not being listed.

Charlotte-Mecklenburg Coalition for Housing – The following nominees were considered for one appointment:

Donor/Philanthropic Community

1. Herb Gray, nominated by Councilmembers Barnes, Cannon, Howard, Kinsey, Mitchell, Turner
2. C. Barton Landess, nominated by Councilmembers Burgess, Carter, Cooksey, Dulin

Results of the first ballot were recorded as follows:

1. Herb Gray, 6 votes – Councilmembers Barnes, Cannon, Howard, Kinsey, Mitchell, Turner
2. C. Barton Landess, 5 votes – Councilmembers Burgess, Carter, Cooksey, Dulin, Peacock

Mr. Gray was appointed.

Charlotte Mecklenburg Public Access Corporation - The following nominees were considered for one appointment:

1. Cassandra Blaine, nominated by Councilmembers Barnes, Carter, Kinsey
2. Sophia Matthews, nominated by Councilmember Burgess
3. Sonny McRae, nominated by Councilmember Peacock
4. Linda Webb, nominated by Councilmembers Cooksey, Howard

Stephanie Kelly, City Clerk, said, Mr. Mayor, you may wish for us to bring this back unless you want a vote. Sophia Matthews was four, and Cassandra Blaine and Linda Webb both with three.

Mayor Foxx said you want to do a revote.

Results of the first ballot were recorded as follows:

1. Cassandra Blaine, 3 votes – Councilmembers Barnes, Carter, Kinsey
2. Sophia Matthews, 4 votes – Councilmembers Burgess, Mitchell, Peacock, Turner
3. Linda Webb, 3 votes – Councilmembers Cooksey, Dulin, Howard

Results of the second ballot were recorded as follows:

1. Cassandra Blaine, 1 vote - Councilmember Kinsey
2. Sophia Matthews, 8 votes – Councilmembers Barnes, Burgess, Cannon, Carter, Dulin, Howard, Mitchell, Turner

Ms. Matthews was appointed.

Domestic Violence Advisory Board – The following nominees were considered for one appointment:

1. LiMia Bowen, nominated by Councilmembers Barnes, Burgess, Howard, Mitchell, Peacock, Turner
2. Lawrence Shaheen, Jr., nominated by Councilmembers Cooksey, Dulin, Kinsey, Peacock, Turner
3. Teresa Quarker Smith, nominated by Councilmember Mitchell
4. Bridgit Taylor, nominated by Councilmember Carter

Results of the first ballot were recorded as follows:

1. LiMia Bowen, 4 votes – Councilmembers Barnes, Howard, Mitchell, Turner
2. Lawrence Shaheen, Jr., 5 votes – Councilmembers Burgess, Cooksey, Dulin, Kinsey, Peacock

Councilmember Cannon said Ms. Bowen looks like she received six votes, and then you have Shaheen has five votes. I'm wondering if Ms. Bowen received six votes on last week why is that being carried over today.

Councilmember Cooksey said those are nominations – not votes.

Councilmember Cannon said typically even still if it's nominations and a person has six votes it has been asked in the past to go ahead and allow that person to serve. Now if there are other politics where you think somebody is going to drop off between now and next week then fine, but beyond that if people are going to stay with their vote and maintain their integrity they will stay with the six people.

Mayor Foxx said we got it.

Councilmember Turner said, Mr. Mayor, there is a correction that needs to be made there. For whatever reason, I showed up as a nominee for a gentleman that is incorrect. I supported Ms. Bowen then, and I support her tonight as well.

Mayor Foxx said let's see what the Clerk says. What did you say again, Madame Clerk?

Ms. Kelly said I said Lawrence Sheehan has five votes and LiMia Bowen four.

Mayor Foxx said let's have another vote on that with those two because they were the top two.

Results of the second ballot were recorded as follows:

1. LiMia Bowen, 7 votes – Councilmembers Barnes, Carter, Howard, Kinsey, Mitchell, Turner

Ms. Bowen was appointed.

Councilmember Cannon said I had a person here, Ms. Willis, who was not successful this time around, but the point is that if we are going to – I just want to understand process. If somebody can help me a little bit with process if somebody gets six votes or five – what that's going to be – that would be great. I know my candidate – I thought she had a breath in here, but when I went back and looked and realized that there were six votes already for somebody I realized that she really didn't have a breath, so just process wise I would like to understand better how we can move this forward without any kind of delay like I just brought about.

Councilmember Cooksey said a tiny bit to address that. First of all, I would be curious to Councilmember Cannon's point about the listing. I see that Councilmembers Peacock and Turner were both listed with Shaheen and Bowen. With one vacancy, each Council member should have had only one nomination, so I wonder if perhaps that was a typo.

Councilmember Turner said I just made that point.

Councilmember Cooksey said and Mr. Turner had made that point also about. A, Mr. Cannon, it could be a typo; but, B, I would assert that a nomination does not always equal a vote.

Councilmember Cannon said I would disagree with that. Six votes is six votes.

Councilmember Cooksey said there have been times I have nominated people because they asked me to nominate them, and then when I saw who the full slate was, I said, oh, there's a better candidate, and I cast my vote elsewhere because all I promised was a nomination.

Mayor Foxx said I think we can have some more discussion off-line on that.

Tree Advisory Committee – The following nominees were considered for one appointment:

1. Jim Cochran, nominated by Councilmembers Barnes, Carter, Mitchell, Peacock, Turner
2. Marjorie Greene, nominated by Councilmember Burgess
3. Oliver Sharman, nominated by Councilmember Kinsey
4. Kerry Watts, nominated by Councilmembers Cooksey, Dulin
5. Fred Dodson, nominated by Councilmember Howard

Results of the first ballot were recorded as follows:

1. Jim Cochran, 8 votes – Councilmembers Barnes, Burgess, Cannon, Carter, Dulin, Mitchell, Peacock, Turner

Mr. Cochran was appointed.

ITEM NO. : MAYOR AND COUNCIL TOPICS

Councilmember Barnes said, Mr. Mayor, I want to announce to the community as a part of the Housing and Neighborhood Development Committee's work we have been hosting housing

bvj

locational policy meetings throughout the city. There is one that will take place on August 4th at 6:30 p.m. at Vance High School. I urge people in northeast Charlotte to show up and share with staff, share with me your thoughts on housing locational policy. Again, August 4th, next Wednesday, at 6:30 p.m. at Vance High School.

Councilmember Carter said as I announced last Council meeting this coming Tuesday, the 26th, from 6:30 to 8:30 at the Hickory Grove Rec Center there will be a similar meeting about housing locational policy. Tomorrow night from 6:30 to 8:30 at the Hickory Grove Recreational Center, and on Tuesday, August 2nd, at National Night Out when all neighborhoods are hopefully planning celebrations, it's the Weed and Seed will be celebrating back to school at Central United Methodist as a beginning of the National Night Out.

Councilmember Kinsey said just wanted to let people know there is a Rock and Run Race on August 7th. This is sponsored by the North End Partners, Lockwood Community, and the Music Factory, and if you want more information, I think it's on the charmeck.org Web page, Neighborhood and Business Services – I think. If you need information, call me.

Councilmember Mitchell said this is actually to staff. Manager Walton, do you mind looking into Section 3 has a program that's tied to any HUD grant or any HUD dollars we received as a Section 3 guidelines to assist small business. I don't know kind of the rules to engage the Section 3 as it relates to HUD dollars. Can you just have a look into that and just give us a memo back about Section 3 and small business.

City Clerk Kelly said Ms. Carter's announcement about Hickory Grove is that Baptist Church rather than the Rec Center?

Councilmember Carter said Hickory Grove Baptist Church – it is. Thank you very much. I'm sorry. It's Hickory Grove Baptist Church then.

* * * * *

CLOSED SESSION

[Motion was made by Councilmember Peacock, seconded by Councilmember Cannon, and]
[carried unanimously to adopt NCGS 143-318.11(a)(4) to go into Closed Session to discuss]
[matters relating to the location of an industry or business in the City of Charlotte including]
[potential economic development incentives that may be offered in negotiations.]

* * * * *

ADJOURNMENT

The meeting was adjourned at 9:19 p.m.

Stephanie C. Kelly, CMC, City Clerk

Length of Meeting: 3 Hours, 43 Minutes

Minutes Completed: August 27, 2010