

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, November 22, 2010, at 5:21 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Pro Tem Patrick Cannon presiding. Council members present were: Michael Barnes, Jason Burgess, Nancy Carter, Warren Cooksey, Andy Dulin, Patsy Kinsey, Edwin Peacock III

ABSENT UNTIL NOTED: Mayor Anthony Foxx, Councilmembers David Howard, James Mitchell, Warren Turner

* * * * *

ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Councilmember Carter said Item 18, Storm Water contracts, has been revised. I am extraordinarily grateful and would be appreciative of a staff statement of those new oversight provisions so it is televised, if someone can do that for us.

Mayor Pro Tem Cannon said, Mr. Kimble, I think you have got a note on that.

Councilmember Carter said the second one is 23. I would be very curious about the timing of this project, the McAlpine Relief Phase 3, the sewer project, to know and to note for our citizens so they will know when that creek area, the park area, will be closed or inaccessible.

Councilmember Cooksey said I wanted to piggyback. I had an 18 question as well. I notice that basically all the firms involved in No. 18 are certified under our Small Business Opportunity Program, and I was hoping for a reminder on how, if at all, we keep track of when an SBE winds up being the prime, and to what extent they keep track of that and is there any kind of goal for that as well because we had established goal 7%, committed goal of 7%, but 100% of the contract is actually going to certified SBEs.

Ron Kimble, Deputy City Manager, said my recollection is they are still required to subcontract and to meet the SBE goal, and so we keep track of what they are subcontracting, but I will have to ask the question about whether we are tracking an SBE as the prime contractor.

Councilmember Cooksey said, in other words, is there anything, and I regret not finding it or remembering it – is there anything in our policy that encourages, advocates, and thus tracks when an SBE that has perhaps previously just been a sub graduates to being a prime as well because that sounds like it's a successful thing to me.

Mr. Kimble said which is what we are trying to encourage.

* * * * *

Mayor Pro Tem Cannon said we have Item No. 2, which is the NASCAR Hall of Fame update. What I would like to do in order to be able to give the Mayor an opportunity to get here is to take another route in that we go to Item No. 3, which is the snow and ice program review. If they are on tap, Ron.

Ron Kimble, Deputy City Manager, said Ken Martin is here to give that report to Council.

Mayor Pro Tem Cannon said so we'll do snow and ice program review and then thereafter we'll look at the NASCAR Hall of Fame.

* * * * *

ITEM NO. 3: SNOW AND ICE PROGRAM REVIEW

bvj

Mr. Kimble said this is your annual update prior to the time that some inclement weather may set in. This is Mr. Ken Martin from Charlotte Department of Transportation to brief the Council on our upcoming year's plan.

Ken Martin, Charlotte Department of Transportation, Street Maintenance, said I wanted to talk to you a little bit about our snow and ice program. We put a lot of work and effort into this plan every year to make sure that we cover the streets for the City of Charlotte to make sure that they are safe. He began a PowerPoint presentation entitled, "Street Snow/Ice Removal Plan Overview," a copy of which is on file in the City Clerk's Office. What we are going to talk about tonight very briefly is the plan elements, some items that are not included in this plan, and also some environmental impacts, and then we'll ask if you have any questions.

One of the things we do when we start our program in the plan elements is employee training. It's real important that we make sure that all employees are trained well and understand our snow plan and understand what they need to do for this plan for covering snow and ice for the City of Charlotte. We have what we call Snow Week, and it comes about the first of November every year, and we talk about snow and ice. We actually put spreaders on all of our equipment, and we have classroom where we talk about policy, we talk about attendance, how important it is for our employees to get here and be here for snow and ice. I can tell you that we have some of the most dedicated employees in street maintenance that you will find anywhere. Many times in snow storms we have actually had employees who have walked to work because they had no other way to get there, so they walked to be there so we can fight snow and ice for the city, so they take this very, very seriously.

Mayor Foxx arrived at 5:32 p.m.

We also talk about safety. Safety is key when you are working around snow and ice as vehicles ice up as the roadways ice up. When you put a spreader on the back of a tandem dump truck and a plow on the front of it, it changes the dynamics of that truck tremendously, so it's real important that we plan and that we train. You can see in one of the bottom slides there those plows and trucks are actually down at the CVOC where we set up cones and have our trucks go through their paces and make sure that everything is working well for them.

We inspect all of the trucks. We inspect the suspension on the trucks. We inspect all of the plugs for the trucks to make sure all the lights are working and make sure all the components of the trucks are working correctly. We collaborate very closely with Equipment Management Division making sure that all of our vehicles are ready to go. We want to take a very proactive approach on this to make sure that the trucks are ready. We don't want to get in the middle of a snow storm or have a snow storm come up and then have to try to fix something, so we try to make sure that all of the plows are working, all of the hydraulics on the truck are working, make sure that all of the spreaders are working correctly, lights, windshield wipers, everything, all of the components on the trucks are working correctly, so that's real important up front to make sure that is working for us.

Councilmember Howard arrived at 5:35 p.m.

A few things about material storage and quantities, in this slide, you will see salt brine and calcium chloride in the left picture. We use salt brine. Salt brine is a 23% salt and water mixture, and that is a very proactive approach or preemptive approach. We put salt brine down on the streets. If you are out and riding around and you see a light colored powder on the streets, then probably salt brine has been applied to those streets, and what happens is the moisture activates the salt and actually keeps the ice from bonding to the pavement. That is what the salt brine does.

The calcium chloride, on the other hand, we use in temperatures very, very cold or very extreme temperatures. When you get down to about 23 degrees, salt is not as effective, so you can add the calcium chloride to the salt. We actually spray that onto the salt as we apply it, and that brings that freeze level down to zero. So if we get into extreme temperatures after a storm when you have an ice pack out there, the calcium chloride helps us a great deal. We don't have to use

that very much for the City of Charlotte, but it's a good thing to have in our toolbox when we need it for a storm.

The salt storage building that you see here is at our NorthPointe facility at 4411 NorthPointe Industrial Boulevard. That salt facility there holds approximately 5,000 tons of salt, and we have got plenty of salt in that building. I also have another building that is down in our southwest district that holds right at 1,000 tons of salt. These are all covered storage areas, and then we have a facility up at our northeast facility at General Commerce that actually will be coming on the docket on December 13th for a new building that we are going to have to build up there, but in the interim, we do have a place identified up at that northeast facility where we can put salt in a covered shed and put about 200 tons, and as we use that salt out, then we can put salt back up in there. The idea is to have the salt strategically located at three different areas throughout the city. It cuts down on mobilizations costs so we can get to the salt and make sure that we can get back out on our routes. We have to replenish our trucks once we are out running our routes, so it's real important that we do that. The temporary storage will only have about 200 tons up at the northeast facility at our General Commerce building.

The next slide here – if you will look in your packets that I gave you, I have actually supplied you with better maps that you can look at. We have a Condition B and C map, and I will tell you what Condition B and C is in just a minute, but you can see it's a very colorful map. That is by design. This map covers all of the maintenance districts within the City of Charlotte. It is an inclusive coverage – north, south, east, and west of the city. The color codes indicate priorities. We have taken a lot of taken a lot of time to go through these maps and prioritize our routes to make sure we are covering major thoroughfares, minor thoroughfares, and collector streets throughout the city.

Depending upon when the storm comes in, we will start in the city. For instance, if the storm came in during the midday or whatever and folks were already downtown in the CBD, then we would work from the CBD (Central Business District) out and move snow out and put materials on those roads so the folks could get out of town very easily. If we were plowing, we would do the same thing. If the snow came in in the middle of the night, then we would bring the trucks towards the outer part of the city, and we would plow back in toward the city or put materials down from the outside toward the inside so we have those streets available for traffic prior to rush hour in the morning, so it's real important that our trucks go out and stay on those routes and take care of those routes throughout the city.

Another plan element we have is collaboration, coordination through different divisions and key business units throughout the city. It's real important that we are talking to one another and that everybody knows what we are doing, that everybody is on the same page. On this slide, you will see that we talk to Police, Fire, Medic, CATS, Solid Waste, Equipment Services, NCDOT. We partner very closely with NCDOT. We share weather information. We talk about what they are doing and what they are covering, and they also ask us the same thing. Also, if we get in a pinch or they get in a pinch for salt, they will call us, and we will share salt with them so we can kind of trade that off, and they always replace whatever salt they get from us. So we are glad to work with them.

We also talk with 311. We want all the calls channeled through 311. That needs to be the clearing house, so we work with 311 to let them know we want those calls to come to them, and then we give them numbers and folks that they can contact in Street Maintenance so we can make sure we are covering everything they need throughout the city. Corporate Communications – we want to make sure they know what is going on also so we can collaborate with them and communicate with them. It's real important that we talk to everybody throughout the city so they know what's happening.

Another plan element that we have in communications is news briefings. We are very proactive in our news briefings. We know the citizens of Charlotte want to know what is going on. They want to know what is happening throughout the city, what streets are possibly blocked, what streets may have icing situations and problems on them, so we take a very proactive approach, and we invite the media to come out for news briefings, and we talk with them to let them know what is going on throughout the city. It's important that the citizens know we are working, and we work 24 hours a day around the clock. We work 12-hour shifts, and when the storm comes

in, we are there from the very beginning of the storm until the last road is cleared, and our employees typically start 7:00 a.m. to 7:00 p.m. and then 7:00 p.m. to 7:00 a.m., but what we do is we will flex those hours. If the storm is coming in at a different time, then we may come in at midnight and we may come in at 2:00 a.m., or if it's coming in just before rush hour, we may want to bring crews in say at 3:00 a.m. in the morning so they can be ready prior to rush hour. We try to really watch the weather and watch to see what is going on so that we know how to kind of work our crews. The Internet – we have our plan posted on the Internet where we can look at it and update it for all of our routes and what is going on with our plan. Also, again, 311. It's real important that we talk with 311 so they know what is going on and we can also elaborate with them.

A few service levels that I will talk to you about and also I gave you another handout that is a plan element key facts – snow and ice plan key facts. That just has a little more comprehensive information on there – on this sheet that I handed out to you – than we have on the slide because I realize this is a very busy slide up here, a lot of information on this slide. One of the things you will see on your key facts that is not on this slide is our salt brine, and our salt brine again is our initial preemptive approach, proactive approach. We have six routes, and we also take care of a lot of different things. You can see, and I won't go through all of this because you have it in front of you, but this tells you the number of bridges we maintain, what is state, what is city. It also tells you the streets that we maintain that are out there. We want to try to do this about 12 hours before the storm. The closer you can get before the storm the better, so this is something that we can ramp up very, very quickly on, and I will say that for each one of these conditions we can ramp up pretty quickly to make sure we have everything ready to go.

Our light storm condition A, and we will use this condition probably more than any throughout the city. If they are calling for freezing rain or calling for light snow or calling for bridges to ice, then we use our condition A here, which is 9 routes throughout the city, and each one of the trucks are strategically located in the street maintenance districts so that they can respond very, very quickly. The special response that you see there are three vehicles that we have that if we get calls that come in from Police Department or from the Fire Department or from Emergency Medical or anyone that says, hey, we need for you to put some salt in this area or a hospital – can you come by and take care of a hospital entrance or something for us – then our special response trucks go to those locations and take care of that. You want to try to keep your trucks on your routes because that's what is important is to make sure you cover those routes, so that is what that is for the special response.

The moderate storm condition B, less than or equal to a half an inch of ice or less than or equal to eight inches of snow, we salt and we use mainly all salt. We don't use much slag or sand anymore. The abrasives are not good for the creeks and the streams, so we want to make sure we are not putting those abrasives out there. If we get into a total icing situation where it's pretty much an ice slick, we will sometimes mix slag with the salt just to get that abrasive out there so we can get some traction. We target 90% clear within 48 hours. It's 32 routes. That 32 routes is a tandem dump truck with a spreader on it. Each one of those trucks can be equipped with a plow that we can actually plow those routes if we have to, and that's why it says we plow as needed. There have been times when we have actually had to plow in some areas of the city that got more snow than others, so we don't always put the plows on, but we can put them on very quickly. Now, if we know we are going to get an accumulation of snow, we will go ahead and put those plows on.

Our condition C is our most severe condition. That is we have greater than half an inch of inch or greater than eight inches of snow. 2004 – you remember that – that was a condition C where we actually had to go out and plow a lot of snow throughout the city, and we are plowing pretty much, and our target is residential 75% navigable within 72 hours. Our first push again, though, is for the major arterials throughout the city to make sure that we plow those, and our goal is to try to plow those curb to curb so we can make sure the traveling public can get to and from where they need to go. Many, many times when we have a severe storm like mother nature helps us out, and if it's three or four days into it then the sun has pretty much melted the residential, and we don't have to go on there, but we do have some hot spots in residential that we are happy to go to if we get calls and we'll go in there and we'll take care of those as well.

Mayor Foxx said, Ken, I think – I don't know if I speak for the rest of Council, but speaking for myself, in the time I have been on this Council, you all have done an outstanding job of managing our roads with snow and ice. I do remember the one season you just talked about, the 2004 season, and we had a bunch of ice, and it was just one of those outlier years where you had lots of challenges, and I think we came close to running out of slag that year, but overall you all have done a great job. I'm not exactly sure other than reminding you all that you are doing a great job doing this presentation, but if we can kind of get to the nub of it in the next couple of minutes, I'd appreciate it.

Mr. Martin said environmental impacts – we do receive frozen precipitation. Our goal is to provide public safety on the streets while seeking to use materials and amounts that have minimal or no impact to the environment so we want to make sure we are looking at the environment. One of the ways we do that is we use a quarter of a ton – 250 pounds – of salt per mile. That is the industry standard. We have added smart controls – upgraded all of the controls on all of our trucks to make sure that they put out 250 pounds or a quarter of a ton per mile. Each one of these controllers are smart controllers, and they work very, very well on all of our trucks, and all of our spreaders have those. We use a lot of salt brine when possible and as a proactive, preemptive approach for anti-icing. Again, salt brine is 23%, salt and water, so all of these things help the environment by diminishing the amount of salt that we actually put out there, and we keep a close watch on that to make sure we are doing everything we can to make sure we are not impacting our environment.

Some things we don't do – property owners are responsible for private and commercial drive entrances. If we are plowing, and the ice is across the driveway, we just can't clean the driveway, so it is up to the property owner to make sure they do that. They are also responsible for sidewalks throughout the city and in neighborhoods except for the Tryon Mall area on North Tryon Street and Trade Street, and Special Services is responsible for clearing those sidewalks in the Tryon Mall area. NCDOT is responsible for interstates, freeways, ramps, major streets, arterials as NC74, I-85, 485, and I-77, and the like, and, of course, we help them if they get in a bind on Brookshire. We have done that many, many times. With that, I would ask if there are any questions.

Councilmember Dulin said you missed the consent portion tonight, Mayor, that I was blank. I know you would have given us a hurrah, but could you go back, please, to the map, and I want to go back to the two salt stations that you have, and then on December 13th you are going to ask us to approve the construction of a new – just go up with your finger and roughly show us where the two stations are now.

Mr. Martin said I'm looking at your B map. The northeast facility is located about right here.

Councilmember Dulin said and the south facility?

Mr. Martin said the southwest facility is right along here.

Councilmember Dulin said where is the new one that you want us to okay on the 13th?

Mr. Martin said it is actually rebuilding the one that we have up here.

Mr. Kimble said then there is one at NorthPointe, too.

Mr. Martin said we have three sites. We have the southwest –

Councilmember Dulin said so we are not adding a site. We are trying to redo one. Thank you.

Councilmember Cooksey said I apologize in advance for this question. I am just obsessive/compulsive about such things. Salt distribution average per storm quarter ton a mile. You said 250 pounds. Is it really 500 pounds quarter ton or is it an eighth of a ton?

Mr. Martin said it's 250 pounds per mile.

Councilmember Cooksey said an eighth of a ton then.

bvj

Mr. Martin said yes.

Councilmember Cooksey said I'm glad it's the lower amount. It sounds cheaper.

Mayor Foxx said literally I wasn't trying to be glib with you. I think you all do a great job, and we are just glad to know you have got a good system here.

Mr. Martin said glad to do it.

Mayor Foxx said that's actually another point, Mr. Kimble, I want to make. I have noticed in a number of our presentations if there is a certain amount of time allocated the presentations are actually going longer, which is eliminating that Council – I know we have got a lot of questions from time to time on issues, so if we can kind of work on maybe a third of the time on presentation and the rest of it allowed for Council discussion.

Mr. Kimble said and we'll always provide the copy of the presentation in front of you, so that should help, too.

* * * * *

ITEM NO. 2: NASCAR HALL OF FAME UPDATE

Mayor Foxx said I know we have got a slew of people here from Derick Close, Chair, CRVA; Vi Lyles, Vice Chair; Tim Newman, Executive Director CRVA (Charlotte Regional Visitors Authority); Winston Kelly, and Paul Brooks. Mr. Kimble, is there anything you want to say in introducing this item?

Ron Kimble, Deputy City Manager, said I think we ought to just walk right into the presentation, Mayor, and save as much time for you and the group as possible. I followed your lead just right from that previous comment.

Derick Close, Chair, CRVA Board, said on behalf of the board we thank you for the opportunity to review a couple of topics this evening. He introduced members of the CRVA board. We have included the history and background of the CRVA in your packets as well as a description of the venues and operations currently in our charge.

Now, specifically regarding the NASCAR Hall of Fame we wanted to catch you all up to speed on our work recently. We have reviewed, as we do monthly, all budget items pertaining to the Hall of Fame. Projections and deficit concerns became more evident this summer. Starting in September, we began analyzing all expense aspects of the Hall of Fame as revenue projections fell short in August and September. We will have full finance committee reviews in three of our December sessions and will recommend any budget revisions necessary in our January session.

At this time, we do not anticipate the need to request financial assistance from the City in FY11. I would now like to ask Tim Newman to discuss how we got to where we are today, our game plan for FY11, and then Winston Kelly and Paul Brooks will discuss prospects for 2011 and beyond.

Tim Newman, Executive Director, CRVA, said to start with the background about the Hall of Fame, we thought it would be important to give a refresher on how the building was financed and the plan that was put in place to wall off any need for any general fund support and support within the 2% hotel/motel tax. It was specifically authorized for the Hall of Fame and any other funding sources that built the building. I do have to say first and foremost we had a \$195 million project that was on time and on budget, and I'm glad Jim Schumacher, and I saw Jeb and I saw Kathleen as well. That project team did a great job and got us a great facility delivered on time, which was critical with the convention calendar that I'll speak about in just a moment.

The financing itself, the \$134.5 million from the 2% tax, and Mohammad Jenetian, who is out of town tonight, specifically wanted me to highlight this article that I think each of you have a copy

bvj

of from *Charlotte Hospitality News* outlining why the industry wanted to tax itself to support the Hall of Fame and why that 2% tax was so readily supported by the hospitality industry, and Robbie was gracious to come tonight and can speak to that as well in detail if anybody would like later in the presentation.

Additionally, we had the Convention Center funds, which is existing hospitality taxes specified by statute to develop tourism assets like the Hall of Fame, and then the two bank loans, one backed by the land created by the I-277 interchange reconfiguration, the other by sponsorships sold by the Hall, both of which are nonrecourse to the City and the CRV, again, very important to reiterate nonrecourse financing to the City and the CRVA. There has also been a wide variety of discussion about the pre-opening expenses. Once we had the building paid for, how were we going to get the operation up and running until we opened our doors. Five million dollars of the \$8 million that ended up being the total pre-opening expense budget was funded by the sponsorship loan that I described previously – also nonrecourse to the City and the CRVA.

As we got into the facility opening, this being the first time we have ever done anything like this, we determined that we needed additional money particularly for marketing the facility. The \$2 million from the Convention Center fund, which was used for the Crown Ballroom and the Hall of Fame Complex, was added to the pre-opening expenses, and this is so important because we now have 35 conventions that have signed contracts. Obviously the NRA was the first, and we all know what that meant to the city, but there are 30 more in the offing – four of them have taken place since the NRA – that are directly attributable to the Hall of Fame complex and the Crown Ballroom that was added as part of the Convention Center complex.

Also, one of the things that was in the data that was provided to you, if you didn't look at any map in there, the one I want to make sure everybody pays close attention to, is what has happened in the hospitality market this year. Leading into the Hall of Fame opening and since the Hall of Fame opening, we are one of the strongest major markets in the country leading the industry in hospitality tax collections, and I don't think it's directly attributable to the Hall of Fame, but I think the Hall of Fame is a major positive causal factor in us leading the nation out of this recession from a hospitality standpoint and having hospitality growth that is envious of the country around us.

We also have a Ticketmaster arrangement for the ticketing services for the Hall of Fame, and they provided \$1 million as part of the agreement with Ticketmaster for the financing of all the pre-opening expenses. We brought Winston Kelly on board to help us run the facility, and I'm going to ask him now to tell you about the details we are now advancing in terms of additional visitor penetration we expect at the Hall of Fame, so I'll ask Winston to come up and take you into where we are now and where we are going.

Winston Kelly, Executive Director, NASCAR Hall of Fame, said once we opened and went through the summer and we started to learn from the data one of the things we did not want to do is a quick, ready, fire, aim to make any kind of knee-jerk reactions, but we also wanted to take advantage of the several months of experience that we did have, so we started with our partners from Wray, Ward – Jennifer Appleby is here with us, the chief creative officer – to work on refining and further developing in September our strategic activities as well as some of the tactical activities, and we want to use these strategies to take advantage of all the many good ideas that people are submitting to us and decide does this fit in with our strategies.

We had over 200 different tactical ideas that we came up with and more that have been submitted, and I want to highlight some of the strategies that we felt like were important. One of the things that we could tell early on is we were penetrating that NASCAR audience, but we weren't getting the word out quite as well about the family fun entertainment we have and the over-50 interactive, so we evolved the brand created messaging and came up with new promotional material, new communications on that, as well as new television commercials that focus on both the NASCAR audience as well as the family fun entertainment.

We also knew that we had visitation from all 50 states. I'll show you a map here in a minute. We have got members – these are annual members – from 44 different states and five countries. Now, that's the good news, but the challenging news is when your audience is so spread out trying to use the finite resources that you have and where do you target those, and we wanted to

have a balance of those resources on local, regional, and national. We also needed to create a sense of urgency, especially locally and regionally. We are very discretionary, especially in an economic downturn, and very postponable. We are open 362 days a year. This Thursday will be the first day that we have been closed since May 11th -- that we have not been open, so we needed to create that sense of urgency. And, a way to do that is to create some additional promotional opportunities, partnerships, and discount offerings, and I'll talk about a few of those in just a minute.

From an attendance and customer data standpoint, in the first six months of operation, we have had over 170,000 people attend. In FY11, we just topped 113,000 over the weekend. Eighty four percent of the people that have come to the Hall of Fame have traveled more than 50 miles, and their average stay over two days with three and a half guests per group and spending twice the average of what folks will normally spend when they come to Charlotte -- over \$190 per person. So, we think that helps support the investment that the hospitality community invested in the NASCAR Hall of Fame.

From a group and event perspective, we have had over 770 different groups with over 34,000 total visitors. That's anything from a tour bus group -- our very first one was from Canada -- to local groups, schools, and companies. We have had over 100 facility rentals. That includes food and beverage as a general rule. It could be something as small as a group of 25 in our Legends Room to a full facility rental. Tim mentioned the NRA. We had the North Carolina Harley Owners group, International Student Council Group very recently. A couple of things that are anecdotal that were very interesting. Sharp Business Solutions hosted one of their business functions, and they had more participation than they had at previous functions because of the venue. We also had a group that brought in 15 prospects -- a very small group -- brought in 15 prospects. The lady called me afterwards and said we got five legitimate leads. We have never had 33% leads from these meetings because we have got the right C level people to come because we weren't in a conference room somewhere in a remote area; we were at the NASCAR Hall of Fame. We have had 75 different days of on-site special promotions with a lot of national promotions from groups like Cirrus Satellite Radio, ESPN, Speed, Fox, and others, nominee and inductee appearances as well as other celebrities, which I'll talk a little bit about, and in an economic downturn, we have nine corporate partners that have presented cash and trade totaling \$6 million, so it's a pretty good deal in this economic time.

This is the map that I mentioned that shows where all of our guests have come from. You can see how broad the concentration is up through the northeast, up through this area, out in the west area. Again, from all 50 states, you can see the darker colors are where higher concentrations are. While we have got a lot in here, you can see a lot as we go all throughout the map, so, again, it supports the fact that the hospitality industry made a good investment in the NASCAR Hall of Fame.

From a customer feedback standpoint, our hospitality partners on the CRVA board reminded us early on we need to do an exceptional job here, and we spent a lot of time focusing on customer service. Tim mentioned the quality of the venue and the great job that folks like Kathleen and Jim and William Haas and Jeb and the team did in delivering such a quality facility. Well, the numbers back that up. On a five-point scale, our guests are rating us almost 4.8 on quality, customer friendliness, the fact that they would recommend and would visit again, and that's one of the things we are most proud of. One of the most common comments that we hear is "Wow, I didn't know there was so much in there" -- all the different interactives, and thanks to y'all for being willing to fund the additional exhibits so we could have those interactives so we weren't just showing pictures of things and we weren't just showing static artifacts.

If you will indulge me, a couple of different pieces of feedback that came in that are very indicative of what we are hearing both either from the surveys we do or on our Web site, one from more of a NASCAR fan from Louisiana. "We just returned from a wonderful visit to the North Carolina. We had the extreme pleasure of visiting the NASCAR Hall of Fame. It is a wonderful facility that pays such a great tribute to so many influential people in the NASCAR world. We have been attending the NASCAR races for the last 15 years and have been waiting for this. You have done a wonderful job and are to be congratulated. We look forward to returning one day to see all that is yet to come. Well done. Thank you." "Shockingly, you don't even have to be remotely interested. I never really cared for NASCAR before and took a trip to

the Hall of Fame just to see what all the fuss was about. Had an absolute blast and left with a membership. Can't wait to go back." That's the type of feedback we are getting.

Continuing with some of the things we have done and we will do. We had our 2011 nominee and inductee events. We had a number of different events – three of them with the folks that are nominated for the 2011 Class. We got incredible national TV exposure thanks to our friends from NASCAR doing the announcement and Speed TV doing national coverage along with ESPN and Foxx and other outlets at the Hall of Fame when we did that announcement. Following it, they were grand marshals at the Bank of American 500. We had them for three different events the Saturday of that week for our broader guests, for our members, and even a private event. We have done race viewing parties where we have had anywhere from 100 to 225 people in our theatre. What's unique about that is if you ever been to a race you can listen to the communication between the driver and crew chief at the race. You can actually do that in our theatre, so we built up quite a following there.

Several of the other promotions are listed. One that I highlight is Educators Day. We had 46 different educators from seven counties and one from Florida that came to learn about what different opportunities we have to include them in the curriculum, and we have already had over 2,500 attendees from various schools, so we are starting to get integrated into that process. Some of the things that we have got coming up to continue with the promotion and awareness of the hall and to drive traffic are five different radio promotional opportunities in a variety of different stations with over 400 radio spots between now and the end of the year, things like "Undeck the Hall" where after the holidays folks can come and take something off of a tree that is NASCAR related. We will have from Santa Claus, a snow machine, bookreading with Sherri Lynch, and showing a variety of different children's themed either movies or television shows like the "Grinch that Stole Christmas" or "Polar Express". We are working on a NASCAR industry off-season promotion because the NASCAR industry has been incredibly supportive. Many of them are on the road, so December is the time that they can come and enjoy the Hall of Fame. We're a part of the Charlotte Bowl Championship series, a part of the extra point pass, and working with Retha Brim and Anthony Lindsey on opportunities with the CIAA, so a lot of things coming up, and that's just through the end of this year, and even more to come next year. With that, we'll turn it over to my good friend, Paul Brooks, from NASCAR.

Paul Brooks, Vice President, NASCAR, said as a citizen of Charlotte, I celebrate that one of our fellow citizens has once again won the NASCAR Sprint Cup Series championship with Jimmie Johnson and Rick Hendrick, so today is a great day for Charlotte, probably the equivalent of the Panthers winning the Super Bowl, so to Charlotte, that's a big deal. I will be short Mayor, I promise. We do want to thank you for your partnership and the commitment you have made to NASCAR and our fans in building what is truly a world class facility in the NASCAR Hall of Fame.

When we began this competitive process, it was really the vision and foresight of this city and City Council and the planning that they put forward in the management team that really convinced us that Charlotte was the place to have the NASCAR Hall of Fame. NASCAR specifically cited sustainability as one of the key determining factors critical to us in our decision, and Charlotte, without question, put forth a plan that was comprehensive. It had the right management team in place, it made the contingencies for difficult times that we are seeing today, but we knew long term we had created the right partnership with the City of Charlotte.

This city promised NASCAR fans that the Hall of Fame would be crown jewel of the Queen City, and you built that. You have built the crown jewel that we are very proud of, and as NASCAR and our fans worldwide will be proud of for quite some time. Because of the NASCAR Hall of Fame, NASCAR itself invested \$45 million in state-of-the-art studios and facility here at NASCAR Plaza connected to the NASCAR Hall of Fame. That would not have happened without the NASCAR Hall of Fame being here. We also relocated and hired new employees, and today there are over 250 NASCAR and NASCAR Media Group employees located at the Hall of Fame.

NASCAR invested at a time when many would have said a world-class production studio could have been built a lot less expensive in other areas of this city or adjoining counties, and it could have, but our commitment to this project, our commitment to this city was that we were going to

invest, we were going to be a partner, and we are proud of the partnership and what we have brought to the partnership as we have opened the Hall of Fame into this very day. NASCAR has provided over \$5 million in commercial media, both domestically and internationally, to support the Hall of Fame, drive awareness to our city and to this region. That is not some soft media number that is hard to target; that is actual dedicated commercial inventory running for the NASCAR Hall of Fame.

I guess one of my frustrations as your partner is the NASCAR Hall of Fame story has really not been told – the success of what this Hall of Fame has had to the impact of this city far beyond attendance numbers: jobs, tourism, investment in the community, a new tax base, innovative public/private partnerships. You just heard about conventions that have been built here and placed here and booked here because of the NASCAR Hall of Fame. We are proud of how the NASCAR Hall of Fame is delivering for this city. The Crown Ballroom without question one of the key elements in the NASCAR Hall of Fame project is something that our city can be very proud of and is working today.

To date NASCAR has made numerous material changes in our agreement with the City, and we have been happy to make those changes. Sure, some of have been tough; some have been challenging, but we knew this was a new, innovative partnership that had never been done, and so we have been a partner in that, and we will continue to be a partner. We will continue to invest in this project our own money, our own resources, and I think it's critical to hear this that NASCAR will not make any money from this project until it is successful for our city. We have committed to that, and that is how we will move forward with this project.

So, in closing, I would just say that certainly from NASCAR's standpoint this is a project that we are very proud of worldwide. It's a project that any sports league can be envious of. We are proud the City of Charlotte is our partner, and it's our commitment to continue to be a great partner to this community.

Mr. Close said, Mayor, the CRVA board will have our budget review sessions and strategic planning sessions by early next month, and we will report back on a monthly basis. Financials for October will be much improved from September, and we look forward to keeping you updated – Ron and company – as we go through that process, which obviously needs some readjustment as we look at the expense and revenue base from lower attendance than originally projections. Questions or comments to our staff?

Councilmember Turner arrived at 6:07 p.m.

Councilmember Howard said I just want to go back to what my friend from NASCAR said. Maybe Tim wants to chime in, too. NASCAR won't make any money until the center is profitable? Was that part of the original agreement?

Mr. Close said thank you for that question. That was not part of the original agreement. NASCAR has agreed to defer over the first five years \$5 million in royalties, and we are deferring those, and we will not take any money out of this project until it is successful for this city.

Councilmember Peacock said my first question, Mr. Mayor, is for Wray, Ward and Lassiter, Ms. Appleby. Is she here still? Jennifer, explain your relationship with the NASCAR Hall of Fame – your firm's relationship – and then, secondly, my question is about the marketing strategy. Specifically I want to know what we have done in this first year, and, more importantly, what are we going to be doing differently to market this?

Jennifer Appleby, President, Wray Ward, said to answer your question the first year was really kind of all about getting the word out. We were focusing on core NASCAR fans, so the marketing mix was a little bit differently, and then to echo Winston's comments, year two we really felt now is the time since the facility was opened to really reach out and make sure that we were communicating the message that this is a high octane, fun place for lots of other folks – not only NASCAR fans, so we are adjusting. We are segmenting our messaging so we have clear creative that appeals to folks locally and regionally, and then we have also messaging that

appeals to the NASCAR fans. Whatever reason you want to go to the Hall, we are telling that message, so the creative and then also the media is being targeted that way.

Councilmember Peacock said what's the ideal scenario for you?

Ms. Appleby said the ideal scenario is increased attendance. I think our team is doing everything in our power to make sure we are making very strategic and efficient recommendations. You saw the map. The good news is we have got fans all over, but with a limited budget, we are trying to be as smart as we can with how we allocate those dollars nationally, regionally, and locally, and it's tough to spread out dollars to reach all of those targets.

Mr. Kelly said if I could add one more thing. I failed to come out a couple of our very key staff members that are here and are part of the sales and marketing effort – Laurie Wilkes, who just joined us today, came from Richmond as vice president of marketing and prior to that had several senior leaderships relative to Charlotte Motor Speedway; and Kimberly Meisters, our external relations manager, who has been very involved both on the marketing side as we have been in a transition in that leadership as well as external relations and public relations.

Councilmember Peacock said this question is for Mr. Close. Mr. Close, what attendance numbers is the board expecting conservatively? I mean if we were to come here a year from now – have you all set any expectations as a board?

Mr. Close said we are working through those numbers over the next couple of weeks. We think 350,000 attendees is about where we need to be for break even, and we have to look at expense reduction until we get there and figure out all the things that we went through as far as producing better revenue going forward, but 350,000 give or take is about where we think we have got to get to in a hurry as soon as we can. Winston, can you add to that?

Mr. Kelly said the expenses have a lot of variables in it, and one of the things that we'll be looking to do in December working with the CRVA board is where do you allocate those expenses. There are some arguments for spending more dollars nationally; there are some arguments for spending more dollars regionally and locally, and where you reach that balance, so there is a lot of movement in the expenses. There are some expenses that if you don't have attendance come down probably not as much as you would anticipate. We have cut back on the number of part-time staff that we had on the floor. We have learned over the past several months where guests need assistance. They need assistance in more locations than what our exhibit designers would have projected, but there are areas we don't need as many people, so we are modeling different areas between 250 and 350, but there are a lot of things we have got to analyze with the board on where we should target the expenses. There is not a black and white, this number reaches this break even, just like probably every business that you all are in.

Councilmember Dulin said a couple of questions. The first one will be for Tim. The 30 events that are booked and ready to come to us you said all of those are going to the Crown Ballroom. Great, it's a big room; we have got to fill it up. Is that siphoning off business that we are not able to book in the Convention Center and what we would call the – it's still new to me, but the older Convention Center? Do you have some of those co-booked at the same time?

Mr. Newman said the ones that I mentioned are additive directly attributable to the Crown Ballroom and Hall of Fame being here. Generally speaking if there is any available space in the building at the same time those events are here, which is minimal, as a general rule if the Crown Ballroom is in play, it's a major citywide convention. Our team has the capability to book and has booked business at some of those same times when the meeting space or all the exhibit space is not in use at the center.

Councilmember Dulin said Thursday is a holiday for families, and I get this, you know. People want to be home, but there are 100,000 people going to be in downtown Charlotte for the parade on Thursday, and it would make sense to me to funnel those folks into that Hall of Fame on Thursday and make that part of the tradition of Thanksgiving in Charlotte. Let that parade march right through the front doors. March them in there, and then it's clearly too late to be open tomorrow or Thursday. You got to make it so that Friday, the day after Thanksgiving, is the day when people take their families to the Hall of Fame, you guys. You can't miss this opportunity.

Mr. Newman said all I'll say is amen to your suggestion. I don't think it's logistically possible for us to open this Thursday, but this is the kind of input, and we are all in this together. I welcome that suggestion. I welcome any of you all, all of you – if you want – come to these budget sessions that our chair has talked about. Come do this work at the table with us. That is a great suggestion, and that is the kind of suggestion we will take under advisement and see if we can make an effective change about that going forward. That's a great idea.

Councilmember Dulin said I hope that is not the first time that thing has come up.

Mr. Kelly said that is the first time we have heard about Thanksgiving, the day. The day after Thanksgiving being Black Friday, the focus there is on the folks who are not going to go shopping, and that partnership is very strategically focused on WRFX. The research that we got from talking to other facilities is they didn't have a lot of business on those types of holidays. The day after -- the day after Christmas, the day after Thanksgiving – was the day they had. Does that mean I'm not supportive – I'll try anything.

Councilmember Dulin said they don't have 45,000 or 50,000 at a parade that day either. You can just herd them in there.

Councilmember Barnes said I had a question about the sponsorships and whether the number of sponsorships sold is in line with projections.

Mr. Kelly said it is actually slightly ahead of what was budgeted for FY11.

Councilmember Barnes said also there are a few things I want to talk about. I appreciate the board being here – all you guys taking the time to come. One of the things that is challenging for us as elected officials is that the general public expects us to be on top of all of our assets, and all of the people who are in this room work for us and expect that we will be on the ball when it comes to the operations of all of our facilities. It is difficult for us to be able to articulate to the public what is going on and why if we are not hearing from you all on a more consistent basis. You may know that some of the questions I raised with the Manager, Mr. Walton, concern all of our assets – The Hall of Fame, the Bojangles Coliseum, Ovens, and the Convention Center, and in the back piece with the Arena.

What I want to know is where we can improve and how. I mean a lot of the presentations have been very positive, which is what we would expect, but there are clearly some areas that need improvement. We have had some disagreements about this number, but I have the document that originally projected 800,000 people going through the facility the first year, was revised to 400,000, and now it's being further revised to 350. It's hard for us to know how to gauge the success of a facility if we are able to rearticulate the success or the failure of it in positive terms all the time.

What I'm trying to get at is I need to understand what in reality is happening there and what we can do to improve it. I have heard folks say it's really not important the number of people that go through the doors – well, he's out of here now, but to Mr. Dulin's issue – but that we are actually bringing people to Charlotte to stay in our hotels, to eat in our restaurants. I'm kind of going around this the long way, but I want to get a real-world sort of explanation regarding where the challenges really are and what we can do to improve.

Mr. Newman said I think the key point and where the money comes from that funds what we do on your behalf is growth in hospitality taxes, and that's where the rubber meets the road because as we put heads in beds and fans in seats, and that's always a simple way to tell anybody what the CRVA is all about. We put heads in beds and fans in seats. When we do that and you see the double digit increases that are taking places in hospitality taxes, you can go to your district and each of you can go everywhere throughout the city and say we are achieving success such that we will have the resources to meet the needs both on a capital and operating basis for the facilities that the CRVA is responsible for. I think it was Mr. Jenetian I know said to you it actually would be better from my perspective if they lose more money. That's not the way I see it, but that's a community view because as Mr. Gaskins can point out as we come each year and part of our process is here's what the hospitality taxes look like as we go into our budget process,

and y'all sign off on that budget allocation each June before our fiscal year starts. We are going to have a very healthy, we hope, increase in the hospitality taxes that will allow us to address any of the issues that we have operationally.

So the bigger picture is there. In terms of the specifics, and we felt like tonight needed to be focused on the Hall of Fame because that seems to be where the greatest interest is, but the greatest import is that overall picture. We provided all of the data that I hope you looked at in the addendum we sent out. We have a great plan in place for Ovens and Bojangles. We are seeing some really good booking trends there. We have a strong, robust convention calendar as I mentioned in my earlier remarks. The Arena, I think that the Bobcats are very happy with the relationship. We do a real good job of driving costs there. Our marketing aspect with Visit Charlotte, our booking trends continue to be very high, so if you look at that overall performance picture and then roll it up in the bottom line, as I see it, of growing the hospitality tax base that's where I think we are succeeding, and we look for continued input from you all so you can tell the story in the community.

Councilmember Barnes said if someone walks up to me on the street and says why is it that the attendance numbers are so much lower than anticipated, what would you suggest I say or that any of us would say, and what would you say?

Mr. Newman said I will tell you what I say because we all – you either say the same thing at all times or you don't. The economy is what it is. We were in a public competition when those numbers that have been discussed so greatly were being put out there. This is the first time we have ever done anything like this, but we have a financial model that is very sound and is immune to the operations of the facility in terms of paying off the debt. The CRVA staff has said repeatedly, stands before you tonight and says again, we are not going to make an ask of the general fund of the City of Charlotte in this fiscal year or as long as I'm engaged in this role in any fiscal year because we have a very well thought out structure that the hospitality taxes are there legally designed to help us manage these assets so that the economy is what it is, the performance is what it is now. We have the management flexibility and a sound financial model on how the building is paid for to be able to manage through this cycle and make it successful long term, and it is being a success for the long term if you look at what is happening on hotel room nights here in the city. I know because I am getting calls from some of y'all that have friends coming in for the ACC Football Championship, and there's nowhere to stay. We have all these events and things on the books. That's what we want to have with those heads in beds and fans in seats.

Councilmember Barnes said do you think from a practical perspective perspective that the cost of entry there is something we should review? Twenty bucks to get in is high and then \$5 to get in the simulator.

Mr. Kelly said we have looked at it. Actually in looking at the research from other venues and others who had been in the entertainment industry for what is in there, there was more interest in it being higher. Tim and I pushed for it to be under \$20. The data would suggest when you look at everything that is in there and the length of stay, the data would suggest otherwise. That is one of the reasons we have looked at those promotional discounts is there is that perception you are talking about, but if you look at what guests are telling us on the value of the experience it's actually quite good, so that's where we have got to get that message out.

Now, how much you pay for something is always going to be relative, but in looking at the data when we went in and like the idea that Andy had, we are not opposed to looking at any change. We just feel like we need to go through a full cycle, and for the most part, it would be an annual cycle. We don't know what February is going to bring with the start of the race season. We don't know what April is going to bring with spring break. We quite honestly were pleasantly surprised with the number of people that came from Charlotte's dirt track race in November that so many came over for that, and the Speedway has been a great partner as well, so it's definitely something we can look at. Again, we have tried to take more of a strategic look at that.

Councilmember Barnes said, Mr. Kelly, did we reach out to the Charlotte community itself, for example, give 1,000 tickets to high school students or middle school students or something to

come? Are we bringing our kids into that facility to create the next generation of NASCAR fans?

Mr. Kelly said we have got a charity program where charities write in and they can get tickets. We have not just given out tickets, but we have got a very robust discount program. We had the Freedom School group there with over 1,400 folks, I believe, in June, if memory serves me correct.

Councilmember Barnes said something specifically with CMS, though. Nothing?

Mr. Kelly said we have actually got an education program and have reached out through CMS. That was the Educators Day that I mentioned, and children can come in for \$9.95. For them to come in, we have had over 2,500 that are a part of school groups that have come in. What is important to them is less a field trip than tied to the curriculum. So we have tied a number of different things in the Hall – whether it's about geography, history, math and science, and there are several others that we are looking to add. Someone gave me an idea this weekend that I had not thought about at the race track. So we have had that partnership, and with us opening and developing that program at the timeframe we did, it's going to take us through this school year to get integrated into the school system so they can plan that.

Councilmember Barnes said I hope you can appreciate this. We are outside looking in, so when you hear ideas like Mr. Dulin's idea or what I'm about to say, I hope you can appreciate it. The reason I mention that is that I think it's important that people who live here, especially young folks, have an opportunity to be a part of something like that that we are paying for by way of the hotel/motel tax and to offer either free tickets or extremely discounted tickets to CMS to bring some of those kids through that facility would be a good experience for a number of them. Now, final thing –

Mr. Kelly said can I just say that I appreciate the idea and Andy's idea, and we want them to keep coming. One of the things we are working on is a sneak peak. One of the concerns and one of the – we got all kinds of feedback from different groups. Other similar facilities said don't do any discounts, don't give anything away your first year. That was the advice. We didn't take that advice. Should we be more generous with that? I think that's something that we ought to look at, but we didn't want folks to come in for free and never come back. That was the thought process, so we are looking at doing a sneak peak. We did have with Halloween kids that came. The kids got in free if they were dressed up, so to bring their parents. So there is creative programs like that. If you have ideas and certainly working with the School System, agree 100%

Councilmember Barnes said what may happen is you will have 1,000 kids come through, they have a great time, and next thing you know, mom and dad are coming with them, so you have 3,000 new customers. That's the idea.

Mr. Kelly said, Kimberly, have I missed one of the programs with kids that I'm not thinking about?

Kimberly said back to school week we did a whole week worth of donated school supplies. Classroom Central – the kids got in at a discount and (inaudible – not near a microphone) where we gave several hundred, if not thousands, of free tickets to CMS for kids to come in.

Mr. Kelly said thank you. I had forgotten about that.

Councilmember Barnes said way back when – in fact, Mr. Kimble was the person doing the speaking that night. We talked about the ballroom and the size of that ballroom. It's a phenomenal ballroom, and I asked the question about whether NASCAR would bring the yearend award ceremony to Charlotte so we can show off that fantastic ballroom, and the response at that time was maybe, we hope so. Now that I have gotten here, I know you are not Brian France. I'm not putting you on the spot, but I hope it's something you all would seriously consider because when we made that investment, one of the things that a number of us had hoped is that NASCAR would help to continue to put Charlotte on the forefront of the national scene in a number of respects but particularly as the home of motorsports in this country, and to have that ceremony in Charlotte would be fantastic. I realize that Vegas has the casinos and New York has

the things it has, but we have a lot going on here especially that facility, so I hope you all will consider doing that in the near future so we can feel like we have invested well.

Paul Brooks, Vice President, NASCAR, said you did put me on the spot, but that's okay. I'm happy to report that either five or six of our banquets – NASCAR has 12 divisions across the country – have moved to the Crown Ballroom and to this community. No decisions have been made about the future, about where the banquets may be, but I can say early on within our first year more than half of what we do has been moved here from other communities and other cities, and that was part of our commitment, and we will stick by that.

Councilmember Cannon said regarding your marketing I would imagine that you do some sort of analysis relative to tracking people. Do you all track the number of people that may be coming that might be local and those that might be from the region, per se?

Mr. Kelly said yes. We have got several different ways that we do it, but, yes.

Councilmember Cannon said does that lead you then to your marketing efforts of let's say in these next few weeks advertising on radio stations, the 400 or so, just for local or regional people to attend?

Mr. Kelly said what is suggested is that we needed to have a three-tier approach – a local, a regional, and a national. Let me start with the national. The national focus will continue to be more on the NASCAR fan through venues like SPEED TV, speedtv.com, nascar.com, and some of those partners. Then the regional part we selected FOX Sports South and working on a partnership there that also includes the Bobcats as well because that gets a lot of sports enthusiasts and people that an interest in the entertainment industry, and then when we look locally, we are going to do the radio stations that we talked about that will target different throughout the holiday. For the Black Friday, we are targeting more of the male audience because they are less likely to go shopping the day after, and then we are targeting the female audience a lot through December because they make more of the decisions of where families go for family fun entertainment. Then we will look also in December at doing some television marketing more on a local basis and same thing on through the rest of the fiscal year. So we needed the three-tier approach and to try to spread the dollars out. We chose not to go regionally to like the Raleigh's and the Greensboro's.

Councilmember Cannon said what's your marketing budget?

Mr. Kelly said what is in the marketing budget before we make any kind of revision is right at \$3 million. What we are looking at spending is somewhere between \$1.5 and \$1.75 million just on the marketing side alone.

Councilmember Cannon said do you think \$3 million is enough?

Mr. Kelly said I think if you ask anybody trying to promote a venue there never would be enough that would be large enough.

Councilmember Cannon said absolutely. What do you think?

Mr. Kelly said you have got to balance with what your resource is, and if you don't have the income coming in, you have to make a sound business decision, and those are the discussions that we are going to have with the CRVA board to see how much we should invest on the short term versus the long term. I don't think there is one number that is the right number.

Councilmember Cannon said, CRVA, have you looked at – you obviously know what the price point is to get into the Hall of Fame. Is that an appropriate price point in your opinion for the market to afford?

Mr. Newman said it's interesting. The customer feedback that we look at very closely price has not been an object that folks cite. It's been more awareness. What folks said to me was, okay, I knew all these conventions were coming and all these race fans were coming. I was afraid to come over the summer, and now that they are starting to come and experience it, we have gotten

very positive response. I think we are getting some good ideas about some specific targeted discount programs or perhaps some additional free tickets that we might want to look at, but that has not been something we have been hearing a lot firsthand, and I you all are hearing it, I am certainly interested in it and what you think we ought to do pricing wise.

Councilmember Cannon said I know there are some other questions, and, Mayor, I know we have got to get downstairs to conduct the meeting, so I will round out with this although I have a lot more questions to ask. Council members around the dais have made some comments about being on the outside and looking in, and then beyond just several questions across the board have been asked through the day. It's through entities like the Arts and Science Council, the Blumenthal Performing Arts, Center City Partners, etc. – I could go on and name a few others – where there are members of this body that serve maybe in an ex officio capacity. Mr. Mayor, with that said, I'm wondering – and Council – if that's something that we need to consider or should consider in that we have a member of this body to serve in an ex officio capacity where there is another set of eyes there that can come back and do what members of this body already engage in, per se.

In addition to that, I would like to get some feedback relative from you, Mr. Newman, or the appropriate person, Mr. Close, your opinions with regard to that. Certainly the one thing we are not trying to do is to have, I guess, big brother on the squad, per se, but the way we look at it here, I believe, is that, Tim, you and Winston and others, you are the players. CRVA, you happen to be the coaches. Folks around this table might serve in the way of what they would consider to be the ownership, and if there are changes that ought to be made somewhere along the way, somebody should be looking at some other ideas. So I just put that out there for thought. I put it out there for consideration because we do, I believe in my opinion, need to have another set of eyes at the table – somebody from this body – just as we do in other places, but any feedback is welcome.

Mr. Newman said I think that the statement I made earlier right now I would welcome all of you being at any of our meetings, and if we want to look at any type of structural difference going forward we are certainly willing to have that conversation, but I think at this stage of the game we have gotten great ideas tonight, and we welcome any and all of you to be there at any of our meetings.

Mr. Close said, Ron, I will see you three times in the next three weeks, I think. If there's any other method of transparency we can come up with, please let us know, but between the board books we do every month and what we have contacted on y'all lately I think there is plenty more opportunities, but let's just continue to have Ron weigh in when you can.

Mayor Foxx said this is an important topic, so let's just take another minute or two.

Councilmember Kinsey said in the interest of time I will just make a statement. You don't have to answer it. I will tell you that when I visited for the first time it far exceeded my expectations. I think it's great, and I'm not a huge race fan, but I love it, so I have been telling all my friends who happen to be grandmothers, like I. A couple of them mentioned to me that they didn't feel like there was anything for the younger child. One of them has – I think he's a seven year old, and he is a huge race fan. I just pass that along for future information. You don't have to respond.

Councilmember Howard said I will run through mine quickly as well. Winston, you mentioned a while ago that some of – I guess you mean best practices from other halls said not to give anything away for the first year. I would love to know if there is another bullet set of things that you heard from other halls of fame that you are using as your guiding principles and operating just so we know how to compare what the basketball folks and the baseball folks and what other folks have said in their hall of fame.

The surveys look great. It looks like we are near perfect when you are surveying people that have come, but I'm wondering from my friend with NASCAR is it possible to actually survey people who haven't come yet and find out what is stopping them from attending. I think you have not heard that the price point is too high to the people that came because the people who haven't come yet haven't come for maybe that reason, and you should go out and talk to them

and find out because I have heard it, and I have heard it quite a few times that the price point is too high. So I think it would be smart to go back and talk to the people who haven't come as well as talk to the people that have been there.

I have said this to you, Tim, when we talked a couple of days ago. I think Charlotte is in a different spot than where we were just a couple of years ago with all of the arts facilities opening up. We are getting to the point now where downtown can be a destination – just not for people to come there for conventions, but for people who just come here just to come to those facilities. I am wondering if you have started a relationship with the Arts and Science Council to start looking at how we package all of it – the arts, Discovery Place, the shopping that we are starting to see with EpiCentre, and even going out and providing the package deal, if you will, to take you out to Concord Mills and SouthPark because what you are starting to do is that total family experience in downtown. I mean Discovery is what you do with the little kids. Shopping is for the mother. NASCAR is starting to be kind of a full package.

And, I will end with this one. This is more for you, Ron. I know a couple of years ago we started talking about the Brevard Plan to close the gap between the Arena and the Hall of Fame, which I think has a lot of genius to it. When I went over to the 2020 announcement, the meeting the other night, I parked down at Second Street at AME Zion Publishing House, and I just noticed obviously a family that had just left NASCAR. They had on their hats and everything. But you just kind of notice at about 7:00 or 8:00 at night they didn't have any place else to go. So that total experience about what do you do and NASCAR is something we have answer because as we get people coming into downtown they are probably not used to our streets and otherwise. The closer we can bring other activities to them probably the easier it will be for them to navigate our downtown because there is not a lot going on. So the Brevard Plan to me should be something we should relook at and figure out how we jumpstart that.

Mr. Newman said on your pass idea – all the attractions – we have started conversations. We wanted everybody to get open first, and now everybody is open, and we plan to announce something very soon about that, so, thank you, that is something we are working on.

Councilmember Barnes said, briefly, if I might. To the Mayor Pro Tem's point about having an ex officio member of this body on the CRVA board, one I'm not interested; but, two, the reason I think it is a valuable idea and something we should pursue is that with respect to the Blumenthal, Charlotte Center City Partners, University City Partners, we have invested either by allowing a tax to be created or in this case the fact that CRVA oversees, manages our asset. We have a direct reason to have someone from this body on that board, and I think it's a good idea and hope we can move forward with it in the near future.

Councilmember Cannon said I heard Mr. Close make a comment, and I thought you were saying in relation to my interest in that that we ought to weigh in where we can get in.

Mr. Close said we welcome all participation. I think there is plenty of opportunity for you all to participate. We meet monthly. Tim has three committee meetings over the next three weeks, and, Ron, if you can come up with other avenues to be more participatory, we would be glad to hear them.

Councilmember Cannon said I will stand by the one I suggested.

Mr. Close said does that answer your question?

Councilmember Cannon said, yeah, it does. I will stand exactly where I stated that I was prior and that we would consider something where a Council person can be engaged.

Mayor Foxx said we can have further dialogue on that suggestion and the other suggestions here. Let me just say that this is a spot that reminds me a lot of the Whitewater Center – a building that is heavily dependent on turnstiles to support itself. Even though you do have the hotel/motel tax, I assume we have projections in the numbers for a reason that we wanted to use self-supported operating revenue to move this forward. I think we'll get there. I have a lot of confidence that we will get there, but honestly I think we need to consider what lessons have been learned here and whether there are lessons about projections, whether there are lessons about modeling,

whether there are lessons about deal structure. What I would be interested in knowing from the CRVA is going back through the retroscope where are some areas where we could have improved this process, and that's something I would like to know at the next opportunity we come together.

The second thing I want to mention is that what is here is highly conceptual. I understand that there is some working through that has to happen and that you all are going to do that, and we can expect you to share details of what you plan to do to right size the operating budget to adjust to the reality we are living in, but at least I am, and I think I speak for several of us up here. I am very anxious to see what that looks like, and I don't have enough detail here to see that picture yet. I see the concept, but I would like to see more detail. A lot of other things have been said, and we will continue discussing it, but what I want to know from you all and particularly the CRVA is what lessons have been learned out of this process.

* * * * *

The meeting was recessed at 6:45 p.m. for the Council to go to the Council Chamber.

* * * * *

BUSINESS MEETING

Councilmember Mitchell arrived at 6:48 p.m.

The Council reconvened for the regularly scheduled Business Meeting at 6:51 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding.

* * * * *

INVOCATION AND PLEDGE

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

* * * * *

CITIZENS' FORUM

CHARLOTTE ZOOLOGICAL PARK

Robert Mussen, 4111-G Rose Lake Dr., said I'm the president and chairman of the Charlotte Zoological Park. We are a group that organized two years ago. The reason we organized was to bring a world class zoo to Charlotte. I'm here with our board members up here, and the purpose of us being here tonight is to introduce ourselves to you so you know who we are, so when your constituents call you and say, hey, we are bringing a zoo to Charlotte you will know what it's all about. I said we organized two years ago. Since that time, we have received our 501(c)(3) status, we have registered with the Secretary of State as a charitable organization that can solicit donations. We are also registered with AZA – I am as an individual but not the zoo. We are also registered on an on-line site that tracks nonprofits for their credibility and the money that is going to the organization and so forth, so we have been working on bringing our credibility together. As you may or may not know, Charlotte is one of the largest metropolitan areas that does not have a zoo. We hired an architectural firm two years ago to come up with a conceptual master plan. In addition to that, they gave us some advice on the Charlotte-metropolitan area as far as the ability to bring a zoo here and its ability to survive and prosper. The conclusion that came back is that Charlotte would be a million plus visitor zoo. That's paid visitors. Typically when you have a zoo in a metropolitan area people are going to visit it more than once. What the

million plus visitors means is that we would be successful financially. Now, what we are doing is we are going out and we are soliciting no money from you locally. What we are looking for is public support. We are also going to be heading up fundraising campaigns looking for donations from foundations and also we are going to be pursuing money at the federal level. It's a \$300 million project. We do have a Web site called chazoo.org, which was emailed to you folks to take a look at, and I encourage you to look at it again. We are going to be pursuing this project next year, and you are going to see a lot of information on us, and we want you to know who we are, and we ask for your support, but, again, no money.

* * * * *

SOUL OF THE COMMUNITY

Susan Patterson, 217 S. Tryon St., said it's my pleasure to be with you tonight to just give you a quick glimpse of some provocative new data that the Knight Foundation has funded in partnership with the Gallup organization. It's called the Soul of the Community data. This is a three-year project where we have looked across 26 communities. These are communities that are in the Knight Foundation family, and they are the places where the Knight brothers once owned newspapers, and Gallup is looking at what attaches residents to the place that they call home. So what does attachment mean? It is really about that emotional connection to place. What makes you passionate and loyal for this place that you call home, and I know that you all are because you are providing great service to our community. What we have found across the 26 communities across the three years of the survey are three things that tend to really attach people to place. These are social offerings, those places where people can come together and get to know each other; aesthetics, the beauty of the place, places like parks and recreation and Carolina Thread Trail, and I want to say thank you now for the recent tree ordinance passage because clearly our tree canopy is one of the things that really matters to good people who live here. Then openness – how welcoming this community is to all different kinds of people – seniors, young families with children, young folks just out of college, those young professionals, the talented ones that we want to attract and keep in our community, and that is what this is about. It's the residents' perception of their place and what matters to them. So the question you might have is, well, so what? The so what is that Gallup is hypothesizing, and there is early correlation that suggests that those communities where the residents are more connected and engaged in their community are showing a stronger economic growth. So for the future these things we might want to pay a little bit more attention to. It doesn't mean that we don't care about basic needs. Certainly people needs their basic needs met, but as we think about the way we want to help our community grow and thrive, there may be other things to consider, and we also, of course, want to be a friendly community. So, what does this suggest to you? All the things you are juggling, maybe there are some additional things to think about. This might have economic development ideas, and you can learn more in the packet I left behind and at the Web site.

* * * * *

PRESENTING AN HONOR DAY 11/11/11 RE: VIOLENCE AND CANCER

Dentis Shaw, 8007 Shadow Oaks Dr., said I'm back again and on time this time. Just wanted to come basically to share with you all a vision and a message that I have been given and you all see these colorful bands in front of you, and, Councilmember Burgess, I wanted in particular address to you. I knew your mom well and was very touched by her desire when we were talking about this traffic light mess that we were doing, but we have since come up with an idea that talks about a message concerning a band, a simple band. We know about the Lance Armstrong band, but I have been given a task of placing these bands in our school systems nationwide, and I come simply tonight to honor you all as Mayor, as City Council by giving you a band. I left a couple of extras for Mr. Turner, who helped me before with this, and, Councilmember Cannon, I know you well, I am just honored to be able to do this. We have already gotten the go to march in Raleigh. We will be doing 111-city march against violence and cancer here in Charlotte as well as abroad. We are working on getting 111,000 of these bands to take to New York to give to the firemen and police officers and people there to say that we still love you, we still care about you, and we are still hurting also as you are obviously hurting about what happened on 9/11. So I'm here to basically say it's a vision that says we, as a community,

need to put honor back in our school systems, we need to put honor back into the hearts and minds of people, and that's what this vision is all about. It's about doing just that, and we know that all of us here basically are ones that love God. He is first, and we have to put ourselves in a position where we honor ourselves – parents and guardians where young people have gotten away from a special person, for instance, Mr. Burgess, your mom; my wife, who died of breast cancer, and my son now having cancer in his knee at 19 years of age and family and friends. I'm hoping the community will get involved, churches, and people involved with this vision. I'm very passionate about this, and I'm looking forward to working with the City and this state as well as the nation with the message and the vision.

* * * * *

LETTER OF RECOMMENDATION FOR JOB WITH THE CITY

Rodney Wilson, 2432 Pruitt St., Apt. 8. said my situation here is – I'm going to try to be quick as I possibly can. It's a bit of a dilemma for me. I am seeking a letter of recommendation to become a full-time Charlotte City employee. Fifteen years ago – what is hindering me right now at this point in time is I have two 15-year-old misdemeanor charges. Now, 15 years ago I was a totally different person; 15 years later I have greatly improved myself. What hinders me is these charges. I have been with the company a year. I am a City temp. Since being more or less a City employee, I have been there a year now. I have been given a route. I am on a permanent truck, and my direct two supervisors approached me -- because I am one of the better guys – in the building, and I was told if there was a possibility that I could get these misdemeanors expunged we'll give you the job. What I did was I consulted three lawyers. There is nothing they can do for me. So, I was told to be creative by a personal friend of mine, and I came here. I'm just trying to get a letter of recommendation because I will be given a job if people help me out because what I'm doing is I'm doing a job no one else wants to do. I help keep Charlotte clean. My attire, you got to forgive me, is because I got off work, and I started at 6:30 this morning, and I came directly here. I'm just getting off work. So, I do this every day. It's leaf season. I'm a busy guy. I work hard. I want my job. I have earned it. Can I get a letter of recommendation?

Mayor Foxx said this is the first time I have ever seen this. You definitely get points for creativity. Mr. Kimble, can you enlighten us on whether this issue is a hindrance to this gentleman?

Ron Kimble, Deputy City Manager, said I will be glad to check with our Human Resources Department and with our legal staff and look through the issues regarding past misdemeanors, how they are held, how long they are there, what kind of rules and regulations there are regarding that and report back to Council.

Mayor Foxx said would you let us know?

Mr. Kimble said sure.

Mayor Foxx said you interview very well.

Councilmember Dulin said, Mr. Mayor, let me just take this opportunity with this gentleman here. He said it's leaf season, he works hard, he's proud of his job. I have never met – I don't doubt that one bit, sir. I have never met anybody that rides a garbage truck that works for us, picks up special pick-ups for us, and in heavy leaf season does the work a lot of us don't do. I pick up my own leaves, but a lot of us don't want to do it, and I have never met one of our employees that when I have said thank you for what you are doing hasn't said something to the effect of me going, well, thank you very much. We love our job. I don't know what is going to happen with your being creative and coming down here, but hats off to you, sir, and thank you for getting out there and picking those leaves up every day.

Mr. Wilson said thank you.

* * * * *

CITY CODE

Patsy White, 4120 Carlyle Dr., said I'm here to vent tonight. I know the Mayor, Mr. Turner, Patrick Cannon, and a few more of you. I'm an activist here in Charlotte, but what I am here to vent about tonight about is something personal. I wish I was here tonight to really get down about what is going on in our schools, but like I said, it's personal. I have the Webster dictionary with me because I would like to read something about – well, I'll just say it – the word "dilapidated". The word "dilapidated" in Webster is in ruin or falling apart. What happened to me is a code enforcer came to my house and I had called down here several weeks ago to speak, but I decided not to come to speak because I thought we had cleared the matter up. But as it turned out, the matter was not cleared up, and I just cannot believe that a single parent working hard and has been a homeowner for like 15 years that a code enforcer would continue to send notes to my house saying a nuisance law in effect with maybe a person calling in saying that you have cars on the side of your house or something in your backyard. When I first moved to my house in the Westerly Hills area, it was like a forest next to my house where the City had not cleaned up from a creek that is right adjacent to my house, and the neighbors said the bamboo trees and even on my front porch would be a raccoon, and the neighbor said that she had called several years to tell the City to clean it up, but they just ignored her, but yet still they ignore me in the sense that they say I'm the nuisance with things in my yard like cars that are not running or anything that is on my back porch. But to make a long story short is they came to my house a week ago, went on my back porch, and removed items from my back porch, which infuriated me because I don't have any livestock on my back porch, I don't have any washing machines or dryers, appliances, I don't have anything that is dilapidated, and they said they used a code called the code of dilapidation. Webster said dilapidation is in ruin. I can invite all of you to come to my back porch. There is nothing in ruin. The names that I want to throw out to you are Travis Mumbulo. He's the enforcer. His supervisor is Jerry Green, and a Mr. Abernethy, who thought it was funny when I called to complain because what he said was didn't you say you was going to City Council. Yes, I did, and I will continue to come down here every week until I hire a lawyer because what I want to say is like the pet –

Mayor Foxx said thank you. Will you look into that, Mr. Kimble?

Ron Kimble, Deputy City Manager, said, yes, we can, Mayor.

* * * * *

EDUCATION

John White, 8101 Renee Dr., said I retired here in Charlotte from Columbus, Ohio. My background – I'm retired from government, retired under Governor's staff, had control of about \$17 million for the state. I know a little something about government and how it operates. I just want to say as succinctly as I can I did talk to the County Commissioners at length, will be meeting with them hopefully, and hopefully you will meet with them regarding the situation in the school system. The school system is intolerable. You have a runaway School Board that has unfairly convicted minority students. Now, I understand the division of labor, as I told the Commission – I told the division of labor is very important. You have a City Council, you have the County Commissioners, you have the School Board, and all those entities are elected offices, but I want to remind you that there is a law higher than that because what has happened here is economically not sound, it's sociologically not correct, and it's sinful and morally wrong. The area I'm going to concentrate on just briefly is the area of moral authority to change the situation we have around here. The moral authority goes above the law that we have. That is why those who profess Jesus Christ know that we have a moral authority. The moral authority transcends. For example, the women up there right now 100 years ago couldn't even vote, but because of moral authority they can now vote. Members who came along in the Civil Rights era when I came along, '64, we could have sit in the back of the bus, but the moral authority said you don't have to sit on the back of the bus. We have the voting rights act that allows many of you on Council to sit where you are sitting right now. There are some major things that are happening. I will not allow you to sit off the hook and not take the situation on. This affects our children; it affects your standing in this community. There are forces everywhere who will bring this to bear. As I told the Commissioners, you need to reign in the School Board, sit down with them

privately, get them additional information. This whole situation you are going to save about \$3.6 million, and you are going to upset 25,000 students. You have students clashing with each other. How are you going to go out and sell the national convention to come here when you are going to have confusion in the streets? We have people already lined up to get in the street, but that doesn't have to happen. I requires you to get involved from a moral standpoint to bring this thing to a favorable solution before it gets too far. I want to tell you this. There are some pastors I am meeting that are getting together now. We don't have to involve them in the process if the elected officers take their responsibility because if this thing comes down bad it's going to come down on all of us, and we don't need that in the City of Charlotte. I could go on, but I'm not going to.

* * * * *

ILLEGITIMACY IN THE CITY OF CHARLOTTE

Martin Davis, 2424 H Selwyn Ave., said in 1997 some suburban white parents in south Charlotte applied to have their children admitted to a magnet school – I believe it was Old Providence Elementary. They were denied admission because of their race. They sued Charlotte-Mecklenburg School System in the Federal court system, and the Federal Court determined that they had been discriminated against based on their race, that Charlotte had a unitary school system, and the Court instructed the Charlotte-Mecklenburg School System not to discriminate against students in the future based on their race. At that time, the School Board as well as the City Council and the County Commission was dominated by the ruling class elite that has always controlled Charlotte, and in retaliation for the Federal Court's ruling, they did quite a few things. This was touched on by Tara Servatius in her current article in *Creative Loafing*. Over the years in response to the Federal Court ruling, the school system built 17 schools between 2001 and 2005 – 14 of them were in the inner city. They spent a billion dollars building schools in the inner city. The vast majority of growth in Mecklenburg County at that time was in south Charlotte. They neglected to build schools in that area of the community because they wanted to force parents in south Charlotte to send their kids to these half-empty urban schools that they had built, and they thought that these parents would submit to that, and actually what happened is a lot of them moved to Union and York County in South Carolina or they put their kids in private school. Now, when the court handed down that ruling in 1999, 58% of the students in the Charlotte-Mecklenburg System were Caucasian. Twelve years later, 11 years later, 33% of the students in the school system are Caucasian. For the minority students in the Charlotte-Mecklenburg System, resources were allocated based on their income levels. For instance, at Thomasboro Elementary School, 96% of the students are considered poor by the School System, and each one of those students is receiving on average \$10,393 a year in funds. At the Community House School, which is 16% poor, \$4,000.14 are being spent per child. So to say that resources have not been spent on poor or African-American children in the inner city is just not true. Mr. Mayor, I think the main problem that we have got in this community is a lack of trust between the races, and I don't think anybody would disagree with that. You have chosen to take your kids out of the public school and put them in a private school as have several other members of the Council because you want to get the best education you possibly can. As the gentleman alluded to that spoke before me, there is a lot of unrest in our community racially right now, and I think you and Mr. Cannon and Mr. Barnes and Mr. Mitchell and Mr. Howard are uniquely situated to address this issue and tell the people of this community that Charlotte is not a racist place.

* * * * *

EXTRA MONEY FOR THE SCHOOLS

Kevin Jackson, 3141 West Blvd., said tonight I come to speak about the school district and our children from the closing of the schools, and I wanted to mention to you, Council and the Mayor, that I was laid off the beginning of this year, and I decided to use some of my time between looking for a job to volunteer at a middle school over at Wilson Middle School. I worked with a class, a teacher, that has all boys class, and so far this year I spent 44 hours in that class, and a lot of the kids are minority, I think as the gentleman just said, and few of them are Latino and a few are white. But I don't see any problem with the kids in the class of being racist or whatever. I see a lot of love in those classes, but my problem here and one of the reasons I have come is

because that school was going to be closed down this year, and I'm afraid that some of the young men that are in that class may not make it, and I'm a little concerned because we have so much crime in the City of Charlotte, and most of it is because of our young people quitting school. I think that should be a problem and the concern of all of us in this city. When I look those young men in the eyes, I can see a few of them, and it hurts my heart. I'm kind of glad that I'm not working at this moment because I have seen that I have been an influence in that class, and I wish we had more mentors and men that would take time out and help our young people in the city. I'm very disappointed that we closed some of those schools in the inner city, and I know that is not one of your concerns – a different body – but I'm asking you as leaders in this we have to mend a city. Our School Board has been like a mugger, has cut and has killed in this city, and you have to be like a physician and come back and open the cut and mend back again. So we have to mend this city. When someone comes out of town and looking for a school, the question they ask is how are the schools here in Mecklenburg County, how are the schools in Charlotte? So that's a very important issue that we have – crime in schools, and I think we have to educate and try to educate all of our children regardless of which side of the road they come from or what part of town they are in. We all should love this town. This is a great town, and I don't think there is much hate among the races. I just believe that we need to sit down and talk. Thank you so much.

* * * * *

AWARDS AND RECOGNITIONS

PROCLAMATION FOR HOMELESS AWARENESS MONTH

Mayor Foxx recognized the Homeless Services Network and Homeless Helping Homeless organizations and Mayor Pro Tem Cannon read a proclamation to recognize November as Homeless Awareness Month in the City of Charlotte and Mecklenburg County.

* * * * *

Mayor Foxx said I think, Mr. Cooksey, you have noticed some people in the audience who have joined us tonight. Would you recognize them, please?

Councilmember Cooksey said, yes, Mayor, a long and warm spot in my heart because we are joined tonight by the Youth Civics 101 group sponsored by Kids Voting. If they could stand up, and let's acknowledge them for being here. They are here to learn more about City government, and this is the field trip portion of their lesson plan where they are watching us in our natural habitat. Good to see you all here and hope you learn something from us.

Mayor Foxx said we had another proclamation we were going to do tonight honoring someone we all hold in very high esteem, Bishop George Battle. I understand he has got the flu and is home sick, so, Bishop Battle, we look forward to seeing you soon down here to accept the proclamation, so we'll continue forward.

* * * * *

CONSENT AGENDA

[Motion was made by Councilmember Barnes, seconded by Councilmember Carter, and]
[carried unanimously to recuse Councilmember Dulin from Item No. 25, concerning a City]
[vehicle washing services contract.]

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of]
[Item Nos. 31-K, 31-L, and 31-Q for speakers; Item Nos. 18 and 23 for discussion; and]
[Item No. 31-O, which was settled.]

The following items were approved:

17. Low bid, one-year contract to Larry's Auto Electric Service on a unit cost basis for an estimated annual amount of \$98,005, and authorize the City Manager to approve up to two, one-year renewals. The estimated amount for three years is \$294,015.

Summary of Bids

Larry's Auto & electric	\$98,005.00
American Auto & Truck	\$106,685.00
Covington Power Services	\$115,214.47
Muncie Transit Supply	\$147,377.50

19. Low bid contract of \$2,995,331.91 by Sanders Utility Construction Co., Inc. for the construction of the Cabarrus County section of the McKee Creek Sanitary Sewer Outfall, and contract approve a contract in the amount of \$692,100 with Woolpert North Carolina, PLLC to provide construction administration services for the Cabarrus County section of the McKee Creek Sanitary Sewer Outfall.

Summary of Bids

Sanders Utility Construction Co., Inc.	\$2,995,331.91
Dellinger, Inc.	\$3,420,719.40
John D. Stephens	\$3,422,114.52
Gary's Grading and Pipeline	\$3,709,178.24
State Utility Contractor, Inc.	\$3,748,158.96
Strack, Inc.	\$4,134,306.56
Rockdale Pipeline, Inc.	\$4,411,395.33
Triangle Grading and Paving, Inc.	\$4,486,882.72
Buckeye Construction Co., Inc.	\$4,647,101.81
BC&D Associates	\$4,685,190.00
Haren Construction Co., Inc.	\$4,783,231.81
Moorhead Construction, Inc.	\$5,399,266.11

20. Contract for \$394,100 with Kemp Construction, Inc. for the repair of three filters at Mallard Creek Water Reclamation Facility.

Summary of Bids

Kemp Construction Inc.	\$394,100
Crowder Construction	\$479,000

21. Contract with Black & Veatch in the amount of \$1,498,934 for owner's representative professional services associated with the McAlpine Creek Wastewater Treatment Plant Effluent Filter Expansion Project.

22. Environmental Protection Agency grant funding for the construction of the Sardis Water Booster Station project in the amount of \$970,000, and Budget Ordinance No. 4551-X appropriating \$970,000 in grant funds.

The ordinance is recorded in Ordinance Book 56 at Page 891.

24. Purchase of Fire Department supplies as authorized by the sole source exemption of G.S. 143-129(e)(6), contracts with the following companies for the purchase of miscellaneous supplies in the combined estimated annual amount of \$1,000,000 for the term of three years subject to available funds: Municipal Emergency Services (MES) – Carolinas, Newton's Fire & Safety Equipment, Inc., Phoenix Rescue Equipment, Inc., and authorize the City Manager to approve up to two additional one-year renewal options with possible price adjustments as stipulated in the contract not to exceed an average of 5% for all items combined in any 12-month period.

25. Service contracts for vehicle washing services with the following two companies for an initial term of three years at the following estimated annual expenditures: Autobell Car Wash - \$180,000/year, Diamond Finish Car Wash - \$20,000/year, and authorize the City

Manager to approve up to two additional one-year renewal options as authorized by the contract.

26. Contract amendment #4 providing a six-month extension to the City's contract with the Humane Society of Charlotte in an amount not to exceed \$90,000.
27. Authorize the purchase of a 390-foot radio tower, peripheral equipment, and authorization to use associated radio frequencies from the Town of Mint Hill in the amount of \$350,000.
28. Purchase of security, information, and event management (SIEM) device as authorized by the previously bid or piggybacking exemption of G.S. 143-129(g), and contract with LogRhythm, Inc. for the purchase of LogRhythm LRX2 Series Event Manager in the amount of \$219,336.12.
29. Payment of \$561,073.23 in full and final settlement of a Workers' Compensation claim for Utilities employee, Carroll Brown.
- 30-A. Ordinance No. 4558-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3025 Sloan Drive (Neighborhood Statistical Area 112 – Toddville Road Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 892.

- 30-B. Ordinance No. 4559-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1002 East 10th Street (Neighborhood Statistical Area 54 – Elizabeth Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 893.

- 30-C. Ordinance No. 4560-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1300 Fairmont Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 894.

- 30-D. Ordinance No. 4561-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1209 Parkwood Avenue (Neighborhood Statistical Area 46 – Villa Heights Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 895.

- 30-E. Ordinance No. 4562-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3052 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 896.

- 30-F. Ordinance No. 4563-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3110-1, 2, 3, 4, 5, 6 Southwest Boulevard (Neighborhood Statistical Area 22 – Oakview Terrace Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 897.

- 30-G. Ordinance No. 4564-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3300 Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 898.

- 30-H. Ordinance No. 4565-X authorizing the use of In Rem Remedy to demolish and remove the structure at 913 Van Every Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 899.

- 31-A. Acquisition of 86,124 square feet in fee simple at 1110 Auten Road from Mildred G. Self for \$113,000 for Franklin Wastewater Treatment Plant Reservoir.
- 31-B. Acquisition of 4,563 square feet in storm drainage easement plus 383 square feet in temporary construction easement at 2911 Eastway Drive for \$26,425 for Central/Medford Storm Drainage Improvement, Parcel #10.
- 31-C. Acquisition of 1,712 square feet in fee simple plus 191 square feet in storm drainage easement plus 322 square feet in utility easement plus 850 square feet in temporary construction easement at 6236 Freedom Drive from Michael Poarch and wife, Catherine M. Ryan for \$11,550 for Freedom Drive Intersection Project, Parcel #246.
- 31-D. Acquisition of 4,293 square feet in fee simple plus 1,796 square feet in existing right-of-way plus 220 square feet in storm drainage easement plus 2,386 square feet in utility easement plus 1,617 square feet in temporary construction easement at 6228 Freedom Drive from Chrysalis NC Enterprises, LLC for \$11,050 for Freedom Drive Intersection Project, Parcel #247.
- 31-E. Acquisition of 5,116 square feet in fee simple plus 2,422 square feet in existing right-of-way plus 1,794 square feet in storm drainage easement plus 2,434 square feet in sidewalk and utility easement plus 22 square feet in utilities easement plus 17,375 square feet in slope easement plus 3,394 square feet in temporary construction easement at 4401 Freedom Drive from J.C. Taylor a/k/a James C. Taylor for \$31,025 for Freedom Drive Widening, Parcel #444.
- 31-F. Acquisition of 2,856 square feet in fee simple plus 1,458 square feet in existing right-of-way plus 375 square feet in utility easement plus 4,060 square feet in temporary construction easement at 6025 Freedom Drive from Bobby Ray Aderhold, Jr. for \$11,000 for Freedom Drive Intersection Project, Parcel #495.
- 31-G. Acquisition of 1,538 square feet in fee simple plus 2,990 square feet in temporary construction easement at 5300 Five Knolls Drive from Joseph David Ransom for \$47,625 for Rea Road Widening/Improvements, Parcel #50.
- 31-H. Acquisition of 1,081 square feet in fee simple plus 4,107 square feet in temporary construction easement at 5222 Rea Road from Ronald S. Drobonick and wife, Lena Delores Drobonick, for \$22,337 for Rea Road Widening/Improvements, Parcel #53.
- 31-I. Acquisition of 897 square feet in fee simple plus 1,340 square feet in temporary construction easement at 5200 Rea Road from Ronald S. Drobonick and wife, Lena Delores Drobonick, for \$2,663 for Rea Road Widening/Improvements, Parcel #54.
- 31-J. Acquisition of 684 square feet in fee simple plus 32 square feet in utility easement plus 1,870 square feet in temporary construction easement at 4995 Rea Road from Kiran K. Vuppu and wife, Neelkamal Shaikh for \$15,775 for Rea Road Widening/Improvements, Parcel #106.
- 31-M. Resolution of condemnation of 31 square feet in utility easement plus 16 square feet in combined TCE and Utility plus 1,533 square feet in temporary construction easement at 1100 Blueberry Road from Zac B. Dean and wife, Jennifer M. Dean, and any other parties of interest for \$675 for Providence Road Sidewalk II (Folger Drive to Blueberry Lane), Parcel #8.

The resolution is recorded in Resolution Book 42 at Page 793.

31-N. Resolution of condemnation of 805 square feet in fee simple plus 2,064 square feet in storm drainage easement plus 44 square feet in utility easement plus 2,222 square feet in temporary construction easement at 5301 Stallworth Drive from Phillip T. Liao and wife, Lynn P. Liao, and any other parties of interest for \$48,500 for Rea Road Widening/Improvements, Parcel #35.

The resolution is recorded in Resolution Book 42 at Page 794.

31-P. Resolution of condemnation of 4,162 square feet in temporary construction easement at 8101 Greencastle Drive from Oussama Faouzi Kablaoul n/k/a Osama Fawzi Kablawi and wife, Hoda Quissami Kablawi, and any other parties of interest for \$7,625 for Shillington Storm Water Capital Improvements Project, Parcel #36.

The resolution is recorded in Resolution Book 42 at Page 795.

32. Titles, motions, and votes reflected in the Clerk's record as the Minutes of the August 23, 2010 Business Meeting; September 7, 2010, Workshop; September 13, 2010, Business Meeting; and September 20, 2010 Zoning Meeting.

* * * * *

ITEM NO. 18: STORM WATER MAINTENANCE CONTRACTS FY2011-A AND FY2011-B

Councilmember Carter said we had an incident in the east side where management of a storm water project had some problems, and 42 trees were taken down erroneously. The City has worked very diligently to look at the process and to bring it forward, and there are some good folks here to tell us what they are doing, and I'm truly grateful to Jennifer and Julie. Thank you very much.

Julie Burch, Assistant City Manager, said, Councilmember Carter, I would like to ask Jennifer Smith from Engineering and Property Management to talk to you a little bit about how we have improved the procedures and coordination with our contractors.

Jennifer Smith, Engineering and Property Management, said first I would like to say that Charlotte Storm Water Services is committed to preserving trees and the tree canopy. It is an unfortunate situation, and we have gone back to look at our procedures and have put in a more formal documented process where in fact staff, the contractor, and the consultant, if needed, will actually walk the site before any trees or any activities are actually done, review what trees should be removed, verify that those trees actually do need to be taken down based on the means and methods the contractor is planning. If any additional trees can be saved, go ahead and mark those to be saved, and then when everybody is comfortable with what trees need to come out and what trees need to be saved, written approval will be given to the contractor before they begin work.

Councilmember Carter said thank you so very much for that attention, and we hope also that the root system of the larger trees will be respected as well. That's a nice recovery and bodes well for the future.

Councilmember Cooksey said can I get my answer now or will we do it later?

Ron Kimble, Deputy City Manager, said we'll get it now, if you would like.

Ms. Burch said, Councilmember Cooksey, I believe you asked three different questions. One was you asked whether we track when SBEs are awarded projects as primes, and the short answer is yes. You asked if we set goals for those, and we do not do that; we do not set goals for SBEs being awarded as prime contractors. But then you also asked if we tracked SBEs who graduate, that is, move up from small business so to speak. The answer to that is yes. We do that through our annual affidavit process where we ask small businesses to report on such things

as gross sales, and through that and other indicators, we are able to track that. Actually about 60 SBEs have done that in the last seven years.

[Motion was made by Councilmember Cooksey, seconded by Councilmember Carter, and]
[carried unanimously to A) award the low bid contract for \$768,619.50 to Bullseye Con-]
[struction, Inc. for storm water maintenance construction FY2011-A; B) authorize the City]
[Manager to execute up to three renewals of the Bullseye contract for \$768,619.50 each,]
[C) award the low bid contract for \$758,425 to Onsite Development, LLC for storm water]
[maintenance construction FY2011-B, and D) authorize the City Manager to execute up to]
[three renewals of the Onsite Development contract for \$758,425 each.]

Summary of Bids

Contract FY2011-A

Bullseye Construction, Inc.	\$768,619.50
OnSite Development	\$774,925.00
Dallas 1 Construction	\$860,750.00
Showalter Construction Company	\$938,055.33
Blythe Development Company	\$953,650.00
United Construction, Inc.	\$1,199,630.00

Summary of Bids

Contract FY2011-B

OnSite Development, LLC	\$758,425.00
Dallas 1 Construction, LLC	\$832,950.00
Showalter Construction Co., Inc.	\$938,055.53
Blythe Development Co.	\$947,000.00
United Construction, Inc.	\$1,199,630.00

ITEM NO. 23: McAPLINE RELIEF PHASE 3 AND IRVINS CREEK SEWER PROJECTS CONSULTANT CONTRACT

Councilmember Carter said I was asking about the timing of the McAlpine Relief Phase 3 and Irvins Creek Sewer Projects.

Julie Burch, Assistant City Manager, said the schedule for the McAlpine Relief Project is as follows: We anticipate starting in late 2011. The project will take about 18 months, and we don't know yet the exact impact on McAlpine Creek Greenway Park. We are working closely with Parks and Recreation on it, and once we have more details in terms of exactly when and how, we will be developing a communications plan with Mecklenburg County Parks and Recreation.

Councilmember Carter said that's between Colony and Independence; correct?

Ms. Burch said yes.

[Motion was made by Councilmember Cannon, seconded by Councilmember Howard, and]
[carried unanimously to approve a professional services contract with McKim and Creed in]
[the amount of \$2,100,000 for construction administration services for the McAlpine Relief]
[Sewer Phase 3 projects and design and construction administration for the Irvins Creek]
[parallel sewer line.]

ITEM NO. 31-K: CONDEMNATION AT 6324 HAZELTON DRIVE

Paul Butler, 6324 Hazelton Dr., said if you have looked at the review that you have we find ourselves in a bit of a predicament. We were fully cooperative with the City when it came to the

bvj

easement rights of our property on Hazelton Drive. Only when they went to write us a settlement check did we find there was a problem with our title. The title is now with Fidelity National Claims Department, which we hope that very soon will be cleared, but what this does is it alleviates \$2,000 from the counter-offer that we provided the City, which they accepted. So, I don't know what your authority is, but we would like to request that either we wait until Fidelity National has cleared the title or to approve the original counter-offered amount.

Ron Kimble, Deputy City Manager, said I think I would like to ask Mr. Hagemann first to explain the reason why we are recommending this action tonight.

Bob Hagemann, Senior Deputy City Attorney, said it's my understanding that at the end of negotiation when we did the title search we discovered that there is a question on the title, and to go forward with just a settlement would leave that cloud with the City of Charlotte. By moving to condemnation, we can use the court system to clear up the title issue hopefully with the cooperation of their title insurance company, but condemning is what we need to do to be able to get possession of property to move the project forward. Now, I do understand that we are proposing to you tonight to approve the deposit of the appraised amount, which is slightly less than we had offered them in negotiation. We have conferred with real estate, and through the condemnation process, we would continue to negotiate and in all likelihood put back on the table the offer to settle the condemnation for the same price we offered them through negotiation. But your practice is to approve condemnation and the original deposit consistent with the real estate appraisal.

Councilmember Dulin said, Mr. Hagemann, this might be for Storm Water folks, too. How long will it take us to wrap this up?

Mr. Kimble said it's my understanding that the project needs to happen quickly, and that because we don't know how long it will take that going to the condemnation action is the way to get the property in the hands so we can take the project forward at this time.

Councilmember Dulin said fill us in again, folks, about the timing of this thing, and we are \$2,000 apart from where we offered and from where you would like it to be. Did it drop the \$2,000 when we found the title problem?

Mr. Butler said the amount they are still willing to pay is the appraised value, and the City did hire an appraiser that came out and toured our property. We were not privy to that information, however, we were encouraged to counteroffer, which we did. Our counteroffer of \$2,000 over the first appraisal, and it was accepted by the City.

Councilmember Dulin said they accepted the counteroffer. When the title problem popped up, the number popped down?

Mr. Butler said, no, they said that in order to get clear title they would have to condemn our property. That was the only way to get the title free and clear.

Councilmember Dulin said is it your hope – we are not able tonight to say, fine, we'll take the higher number, but what would you like to see this body do tonight?

Mr. Butler said I don't want you to consider postponing the project on our behalf, however, to leave it on the table as you stated was never communicated to us. If at some point in time through the clear title that \$2,000 is back on the table then that is all we are asking for you to hear.

Councilmember Dulin said these folks are people that I serve in District 6 in south Charlotte, and I don't know y'all personally, but I know the project and I know your street and I know how much work we have done over there. But I don't know what we can do to help you tonight. Mr. Hagemann, have you got any suggestions on that or someone else on Council?

Mayor Foxx said sounds to me like staff is recommending going forward and that it is likely that number will come back up after we take our action tonight.

Councilmember Dulin said, yeah, trust us with the government.

Councilmember Cannon said, thank you, Mr. Mayor, and that's my question. If what the city attorney suggests will be that in all likelihood this is going to be back on the table, why not have the Council tonight just go ahead and put that \$2,000 back in there and let's move forward. That's an option; is it not?

Mr. Hagemann said certainly that is an option, Mr. Cannon. The staff precedent whenever we bring a condemnation to you is to put before you the appraised value, but as you have heard discuss so often, that does not preclude additional discussion and compensation to resolve the disagreement. When I checked with Real Estate today, they said they would through that discussion post-Council approval entertain resolving it under the exact same monetary terms that they were prepared to resolve it earlier. What we have to work through is the title issue, and that would be handled through the court process with the title insurance company. Short answer is if you want to authorize the condemnation for the precise dollar amount that staff had previously proposed to accept, we can do that. We are going to do that anyway.

Councilmember Cannon said if you are going to do it anyway, and you said it publicly, and we know where you work, we are going to assume on a gentleman's handshake here and gentlewoman, ladies of the dais, that you will move in that vein to help these folks out, okay.

Councilmember Dulin said thank you. That gets us to where we are. I was not going to be comfortable pushing it further than that just because we can't set that precedent up here, but as long as we really are going to try to help you all. Good luck with it.

Councilmember Barnes said just a quick question. Mr. Hagemann, I see normally that we list under remarks that the compensation was established by an independent, certified appraisal review. Was that done with K, with the subject property?

Mr. Hagemann said I'll have to defer to Real Estate.

Councilmember Barnes said, so, the \$7,950 was as a result of an independent appraisal?

Unidentified Speaker said yes.

Mayor Foxx said we are ready to vote.

[Motion was made by Councilmember Cannon, seconded by Councilmember Barnes, and]
[carried unanimously to approve a resolution of condemnation for 705 square feet in storm]
[drainage easement plus 745 square feet in utility easement plus 1,106 square feet in tempor-]
[ary construction easement at 6324 Hazelton Drive from Paul Kevin Butler and wife, Angela]
[L. Butler a/k/a Angela D. Butler and the Unknown Heirs of Elizabeth S. Dellinger and any]
[other parties of interest for \$9,950 for Eastburn Storm Water Capital Improvement Project,]
[Parcel #46.]

The resolution is recorded in Resolution Book 42 at Page 791.

ITEM NO. 31-L: CONDEMNATION AT 815 CONDON STREET

[There being no speakers either for or against motion was made by Councilmember Howard,]
[seconded by Councilmember Cannon, and carried unanimously to approve a resolution of]
[condemnation of 808 square feet in sidewalk and utility easement plus 1,186 square feet in]
[temporary construction easement at 815 Condon Street from Gerald Oren Johnson, Robert]
[C. Johnson, Tina Karon Simmons, and Cathy Frontis, and any other parties of interest for]
[\$825 for McCrorey Heights Neighborhood Improvements Project, Parcel #64.]

The resolution is recorded in Resolution Book 42 at Page 792.

* * * * *

ITEM NO. 31-Q: PROPERTY LOCATED AT 8305 BAR HARBOR LANE

Uri Krause, 8305 Bar Harbor Ln., said the first time I am appearing in front of nice people, and it's about our property that project storm going to start to work. They were looking to do his job for five years, and I met all the survey people for the past five years. Every year they postponed it. Three months ago a lady appeared to me, and she handed to me some document, and she asked me to sign it, and she said people are going to come through your backyard for two years to do some work for this project. I was very happy that finally the city is going to do the job about this creek that from ten feet it became 25 and 40 feet wider. Then I look on this contract, and it said it will be two years. They can go inside, they can do, but the most important things that was bothering me the city or the contractor that would come to do the job won't take any responsibility for any damage they are going to do on the temporary land they are going to take over during this work, and I asked her how come if there is going to be any damage done to my property taking trees that cost me a lot of money of my savings when I bought this house five years ago to put that they are not going to replace them or to do. She said that is the way it works; take it or leave it. Suddenly I see there is compensation when in the beginning she didn't mention. I believe even that she is working for the City, but this lady apparently she is not working for the City, and she was talking on behalf of the City, and she just casual said just sign the paper, everything will be fine. I am not coming here asking for more money for more than the appraisal they decide, which it's a lot lower from what any I made the checks, but I would like if any damage would be done to the property when the City or the contractor that the City is going to require them to come to do that they will be responsible to replace it and to take care of it, and if the project, the work they are going to do, is going to make more damage to the creek and to my property for them to be responsible to pay for those damages. Nobody is willing to take this responsibility. If I would hit a pole in the city, I would have to pay for it. I'm expecting somebody that is coming to my backyard and would disturb me for two years in my backyard, and the City is going to pay \$5,000, which I don't care. This is not the most important. The key is if somebody is going to do damage in the property in the space that they are going to take it as a temporary they would need to fix it and repair. They are going to take 20 trees. I know they won't be able to replace 120 feet high trees of 25 years, but they would need to put all the trees, all the bushes, all the sprinklers that I'm expecting them if they are going to break it to fix it. Nobody is willing to sign on it.

Mayor Foxx said Mr. Hagemann or Mr. Kimble.

Ron Kimble, Deputy City Manager, said I would simply ask Real Estate what our normal practice and protocol is when we go out to purchase these kinds of easements and property, so Jennifer Smith from Storm Water will address the Council.

Jennifer Smith, Engineering Storm Water, said our general practice is within temporary construction easements or actually storm drainage easements that we acquire that we repair that area; that we seed it, that we grade it so that it drains. In the actual storm drainage easement where we are doing any channel improvements, we have a design for that the consultant put together to minimize any future problems, and the whole reason we are out there is to take care of some existing problems. So it is our intent that we would repair any damage caused in that temporary easement or that storm drainage easement.

Councilmember Kinsey said, Ms. Smith, does that include replanting trees and bushes?

Ms. Smith said in some cases that's typically negotiated with the property owner on what trees need to come down that are within an existing easement, or if they are not within existing easement, how many we replace. If it's a big forested area, we can't always replace tree for tree, or if there are larger trees, 40-inch tree or something, we can't actually put another 40-inch tree back.

Councilmember Cooksey said my question is basically what language is it that the citizen is looking for in the agreement that we are not willing to agree to even though from your description it sounds like we try to get done what he is looking to do anyway? How do we

reconcile this disconnect that is currently existing between – again, we are seeing what our practice is and what a citizen is seeing our actual documentation say.

Laura Rushing, Real Estate Division, said that language is actually in our agreement that we will fix the property to at least the way it is now or better especially in the temporary easement.

Mayor Foxx said what are we arguing about then?

Mr. Krause said I have the contract here. It's written in black and white from them. They are going to repair outside of the temporary easement. Inside of the temporary easement, they are not responsible for any damage they are going to make.

Mayor Foxx said is our staff reading the same document the same way, or are we inconsistent? I'm sorry, Mr. Krause, I'm asking the staff person here.

Ms. Rushing said if I may look at what he is reading from.

Mayor Foxx said sure.

Mr. Krause said any damage that may occur outside the easement. I ask it be written inside. It is not written inside. There is not the word inside the temporary easement.

Ms. Rushing said that is probably the case. It depends on what is actually going into the permanent easement itself. It may not allow any bushes or trees or buildings to be placed back in it, so anything outside the permanent easement we will fix.

Councilmember Howard said in this case what he is saying is outside the easement is his property, so are you saying on his property you won't try to bring it back to some standard?

Ms. Rushing said, oh, yes, we will.

Councilmember Howard said I'm not sure what we are talking about.

Mayor Foxx said are we legally obligated under the contract with him to restore the property? I'm hearing two different – he seems to be saying that the contract does not say that we are legally obligated to restore. You seem to be saying that it is.

Ms. Rushing said it says that we are outside of the permanent easement. Inside of the permanent easement, it depends on what actually is going in there.

Mayor Foxx said does the document describe what conditions you are talking about?

Mr. Krause said on the document it is written in the temporary easement. It is a temporary place they are going to come and do some work. After two years, they are going to leave this temporary easement. It will come back to our property. They are not liable for any damages that they are going to do inside of this temporary easement. They are not required to do anything, and they don't have any damages. Once I sign this document –

Mayor Foxx said, okay, I think we have got it.

Jeb Blackwell, Engineering and Property Management, said I just looked at the markings on the trees. The trees are shown with tree protection. They are intended to be protected. Normally we are able to protect those and presumably here we will, but Doug has indicated that we don't have an issue with agreeing to restore those trees if those are damaged, and I have also asked Doug if we deferred this tonight and changed the contract if there would be any problem, if that would delay the project. As long as we get on the next meeting, we are still good. These are the last two acquisitions on this project. Perhaps we should defer, make a change to the contract.

Mayor Foxx said that's the best idea I have heard all night.

[Motion was made by Councilmember Barnes, seconded by Councilmember Cooksey, and]

bvj

[carried unanimously to defer this item.]

ITEM NO. 8: PUBLIC COMMENT ON PLAZA-CENTRAL PEDSCAPE PLAN AMENDMENT

The scheduled public hearing was held on the subject item.

Michelle Jones, Planning, said I'm the project manager for the Plaza-Central plan amendment. Tonight we'll just give you an overview of the plan amendment, some introduction and background to the Plaza-Central Pedscape Plan itself, proposed plan amendment language, the history of our public input process, and then our next steps through the adoption process.

The proposed plan amendment to Plaza-Central was submitted by a property owner back in February of this year. The request is to reduce the distance required between bars and nightclubs to residential properties from 400 feet to 225 feet. Currently property owners must go through individual rezoning to request this reduction, which can be very costly to the property owner. Staff feels that a holistic approach to the amendment would be more consistent with the plan vision of creating a vibrant mixed use and walkable district in the Plaza-Central Pedscape Plan.

Some background on the plan itself – the Plaza-Central Pedscape Plan was adopted in 2003. It provides guidance for land use and public investment in the Plaza-Central Pedscape District along with enhancements to the pedestrian environment. Roughly the Plaza-Central Pedscape Plan encompasses the area from Interstate 277 to right past Nandina and is bordered by Independence Boulevard as well.

The PED zoning overlays the existing zoning district. It does provide design standards but does not change the land use or zoning for the area. The zoning ordinance allows for this reduction from residential to bars and nightclubs through an approved streetscape plan approved by City Council. With this amendment, the property owner still must comply with all other ordinances including the noise ordinance, State ordinances like ABC laws, etc., as well as the underlying zoning for the property. That will not change.

We have done this one time before with our West Morehead Pedscape Plan, and the distance was reduced to 100 feet in that plan. This is a map of the area. As you can see from the map, the red areas show the properties that would not be allowed to have bars or nightclubs within them while the white areas show where you would be permitted to have bars and nightclubs. If you look closely, the main business district for Plaza-Midwood would be the area where these would be focused, and there is protection to the neighborhoods by those adjoining red properties. Additionally, if you will look at the inset map, the underlying zoning does not change, so property zoned office or residential would still not be permitted to have bars or nightclubs with this amendment.

The proposed language would read as such: As authorized in the Pedestrian Overlay District section of the zoning ordinance, nightclubs, bars, and lounges shall be allowed as a principle use provided they are located in an underlying zoning district that permits these uses and located at least 225 feet from a residential district, and then we list all those residential districts.

We held public meetings in July and September and notified property owners that were within the pedscape plan area as well as within 400 feet outside of that boundary including neighborhood leaders, and it was posted on the neighborhood Web sites as well. We had public comment with Planning Committee back in October. We did have one resident speak in favor of the amendment and no opposition. Last week Planning Committee voted unanimously to recommend amending the pedscape plan amendment. We went to Transportation and Planning Committee back in October, and the amendment was forwarded to City Council for public comment tonight. Moving forward, we will go back to Transportation and Planning Committee in December, and then we'll be back to Council to request an action on the plan amendment in January 2011. I'll take any questions if there are any.

Councilmember Kinsey said I want to make sure I read my material correctly. This will apply only to – well, I call it Central Avenue.

Ms. Jones said, yes, it will apply only to the Plaza-Central Pedscape Plan itself, which was that area along Central Avenue from I-277 to right past Nandina.

Councilmember Dulin said this amendment moves the establishments further away from housing or closer – from 400 to 225.

Ms. Jones said from 400 to 225, so they will be 125 feet closer. But if you will look at the map that you have in your packet, those red properties are the ones where they would still not be permitted, and those are the ones that are adjacent to the residential neighborhoods.

Councilmember Dulin said, okay, so what's the point? I mean if they are already there –

Ms. Jones said it does allow a few more properties to have bars and nightclubs. It is expanding that district just a little bit.

Councilmember Carter said the noise ordinance will be respected and enforced.

Ms. Jones said it will be to the fullest extent.

Allison Speaks, 501 Oak Grove Rd., said I first want to thank everyone who has been involved in this long process, and I have been a shopkeeper on Central Avenue for over a decade, and we are asking for this amendment to supplement the income for our business to survive, and I really appreciate your consideration, and thank you for your time.

Meredith Sloan, 2122 Crescent Ave., said I have been involved in the community of Plaza-Midwood for the last four years since moving to the area, and I just wanted to express that I'm in favor of the ped plan amendment because I believe it would better the neighborhood to have more nightlife in the business district. I feel it would give the residents additional reason and opportunities to enjoy the community. I think it would be a positive thing.

Julie Bohm, 3020 N. Alexander St. #2, said, first, let me just thank you, Mayor Foxx, everybody on the Council, Michelle Jones and everybody at Planning, who have really been holding our hand through this and being so helpful with us when we were first setting out to find a way to keep existing businesses alive when so many of our neighbors are starting to go out of business for lack of traditional ways of turning a profit in these difficult times. I think really the biggest point I wanted to show is kind of what you asked is what is the point if it affects so little. I find the fact that it affects so little of the neighborhood is actually our biggest asset in that because when we first approached it we really looked at variances, we looked at rezoning, we wanted to find a way to just allow us to stay in business without trying to change the neighborhood. We love the neighborhood. We think the City has done a wonderful job in creating a wonderful little village center there, but the City did make a statement that they didn't want to piecemeal the neighborhood; they wanted us to be uniform, so we went out to a lot of our neighbors and saw what they thought and got a lot of feedback from them. One of the concerns was that we would be changing a lot of the neighborhood, but it's really not. It's mostly a small square that is located that is designated to be the village square and the entertainment center of that neighborhood. We do already service the neighborhood, and I hate to call us a nightclub because we are really a theatre and a retail establishment, but according to City terms we would be a nightclub, but really we are not trying to change the whole area. We are just trying to help ourselves and maybe a few of the other businesses that are currently doing alternative – trying to keep their businesses going alternatively to stay in business. That's about it.

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

ITEM NO. 12: CITY CONTRIBUTION TO GRAMEEN AMERICA BANK

bvj

Mayor Foxx said, Council, we have Item 9 that has to do with housing locational policy. We have quite a few speakers there. I would like because I see people in the room who are probably waiting on Item 12 that we might be able to move that forward. There are a lot waiting on nine for sure, but I think we might be able to dispose of Item 12 quickly and then be able to move to Item 9. Is there any objection with going to 12? I'm going to recognize Councilmember Mitchell, the chair of the Economic Development Committee to introduce this item.

Councilmember Mitchell said this is about approving an Economic Development Committee for a City contribution to Grameen America Bank. The recommendation is Options 1 and 2, which will allocate up to \$230,000 from the City Business Corridor to fund this great initiative in our community; and, B, would be to contribute our funds only after Grameen Bank has raised \$2.3 million in loan pool, the goal is a total of \$2.5. Action B would be to authorize the City Manager to execute a contract with Grameen America Bank for a one-year time grant up to \$230,000. Mayor, I know there was some discussion among some of my Council members that they would like to have a presentation, like to see the PowerPoint presentation during this time, but I will yield to you, Mayor and Council members, to you all's pleasure.

Mayor Foxx said is there a wish for a presentation on this?

Councilmember Barnes said I don't know if there needs to be a presentation. It's a rather novel idea. I wanted to get some feedback regarding the source of funding. I don't recall that when we initially discussed the business corridors and providing funding for them that we obviously envisioned this type of use, so I want to know if there are other funding options within our available resources so we keep our business corridor money intact yet try to address this need as well.

Mayor Foxx said is there a staff person who can respond?

Ron Kimble, Deputy City Manager, said I'll attempt and I'll ask Dennis Marstall and Pat Mumford to fill in with me. The committee discussed two potential sources of revenue, one of which was the revolving loan fund on the City's side of the ledger and/or the Business Corridor Revitalization Fund. The revolving loan funds that the City has are HUD original funds. We have a balance in the revolving loan fund, but upon our visit with HUD last week, several staff members found out that you would have to track that money if we were to provide those loans as the funding for Grameen Bank. Then we would have to track those funds as to their principle and interest comingled with the other funds that Grameen Bank would be raising and offering for loans as well, and then those funds ultimately would have to be paid back both principle and interest at a later time to the revolving loan fund. So it would have to be deemed a loan. Grameen Bank would have to track the principle amount and the interest amount in a comingled fashion, and it would be very difficult to track, and those funds eventually would have to be paid back.

The other choice for the committee was to look at this as being more of a grant from the Business Corridor Revitalization Fund. I believe it was for five years for these funds, the \$200,000 in monies granted to Grameen along with the \$30,000 – up to \$30,000 based upon the number of loans they made for business privilege license fee defrayal. So the committee had that lengthy discussion over about two meetings and felt comfortable, I believe, on a unanimous vote to bring forward the recommendation of it being a grant to Grameen rather than a loan where they had to track the principle balance and the interest.

Councilmember Barnes said I imagine at some point there will be a major announcement regarding Grameen Bank that would be useful for some of our viewers to hear about the opportunities this will present. So, could you give us a brief word or two on that, Mr. Marstall?

Dennis Marstall, Economic Development Office, Neighborhood and Business Services, said not sure if you want the presentation we can do or just a couple bullets to highlight some of the unique partnership opportunities that are being provided here from Grameen. First, know about the partnership. There are some local folks in the community who are working with Grameen here in Charlotte. He recognized some members in the audience. They have brought this request to the City, and really they wanted to highlight that Grameen America is a branch of Grameen

Bank, which is founded in Bangladesh. They offer micro-loans, so this program is a micro-loan program. We are really talking about \$1,500 loans where the first loan is the maximum amount. It can be lower than that, and really the target audience is those who are in poverty classification who make around \$12,000, \$15,000, maybe on up to \$20,000 a year. Really to address some of your policy focus as to how can we create economic activity, promote entrepreneurship, and kind of spur some capital that doesn't seem to be flowing through the market right now.

So, the overall goal is, as your action item says, to create a loan pool of \$2.3 million, and the City would contribute its request \$200,000 to make a \$2.5 million loan pool and start extending those really kind of through our business corridor areas where we have the pockets of census tracts for poverty. Interesting for this proposal is that we would be the fifth city, the eighth branch in the U.S., to have this program in the U.S. Of the most recent success has been Omaha, Nebraska, and in their first 15 months of operation, they have extended 615 loans totaling \$1.1 million. So everywhere where Grameen has been – they first came into the U.S. market in 2008. Everywhere they have been, they have been able to generate significant interest in this small loan category.

Two unique components of this is that these are loans that have to be paid off either in six-month or 12-month increments on a weekly basis. There has to be a weekly payback from the borrowers. Also, a unique model for Grameen is they have to create a five-member pool to help support that entrepreneur who gets a loan, so when they are accountable to the business planning, accountable to making sure they are paying back the money, and then even given the target audience, there is a savings component. Part of the Grameen model is that every loan participant has to set aside at least \$2 a week into a savings fund, so it helps them generate some savings for future investment.

Councilmember Barnes said will they have a physical presence?

Mr. Marstall said, yes, one of the requirements from the committee recommendation is that Grameen would look to open up maybe a 500- to a 1,000-square foot facility. Stipulation that you can include in your action tonight would be in our business corridor geography. Again, that's where the target audience seems to trend near but also for the City's investment. How can we create economic activity in those business corridors?

Councilmember Barnes said I tell you again having not seen a full presentation or have as much information on this as the committee members have one of the things I like about it is something that I frequently talk about and that is helping people to help themselves. So folks will have an opportunity to start a business, to create economic opportunity, to create value in their communities. Within the geography of the business corridor, I hope means along one of the business corridors; is that right, Mr. Chair?

Councilmember Mitchell said, yes, that's right, Councilmember Barnes.

Councilmember Barnes said can we incorporate that into the motion?

Councilmember Mitchell said, yes, accept a friendly amendment to make sure it's located in a business corridor. If I can, Mayor, let me thank the committee because this was an interesting opportunity that came before us, and we spent, as Ron Kimble said, two meetings, so thank you, Andy, Mayor Pro Tem, Jason, and Patsy for your hard work because, Mayor, you said earlier it's about creating jobs, jobs, jobs for our community, and I think this is just one tool we can use now.

Councilmember Cooksey said could I get a clarification about this amendment that just slipped in about the geography – where these –

Councilmember Barnes said wasn't slipping in.

Councilmember Cooksey said for the office? All right, thanks.

Councilmember Dulin said the office was a big part of our discussion, and the folks that made the presentation to the committee the other day were agreeable to making a commitment to us

that the office will go on one of the corridors. We talked about Beatties Ford Road, but we didn't tie them down. We trust them to put it where the people are, their customer base are, and where these businesses that will be open more than likely will be, so this is good stuff, and I want to make sure we said that was part of the motion.

Councilmember Mitchell said one last thing. Also, Grameen has made the same ask to the County as well for support of \$200,000 and some space. We have already reached out to Johnson C. Smith University. Smith has a women entrepreneur program that has 35 women who have their own business, so we have reached out to them, and we are going to make a presentation about this program to the Johnson C. Smith Women Entrepreneur Program.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Barnes, and]
[carried unanimously to A) approve the Economic Development Committee recommendation]
[to: 1) Allocate up to \$230,000 from the City's Business Corridor Fund to Grameen]
[America Bank with \$200,000 allocated to help establish a micro-loan pool for low income]
[entrepreneurs and up to \$30,000 allocated to help defray the cost of City business privilege]
[licenses, 2) Contribute the funds only after Grameen Bank raises the first \$2.3 million for]
[the loan pool, and B) authorize the City Manager to execute a contract with Grameen]
[America Bank for a one-time grant up to \$230,000, and C) approve committee recommenda-]
[tion that Grameen will open their facility within the business corridor.]

* * * * *

ITEM NO. 9: PUBLIC HEARING ON HOUSING LOCATIONAL POLICY

The scheduled public hearing was held on the subject item.

Mayor Foxx said I'd like to introduce Patsy Kinsey, the chair of the Housing and Neighborhood Development Committee (HAND) to introduce this item.

Councilmember Kinsey said as our agenda indicates we are going to have a public hearing tonight. We had a presentation earlier to Council, and because of some of the recommendations from Council, some from private citizens, and some I'm sure were here tonight, we are expecting this to go back to the committee for further study and further discussion and probably won't come back to Council until after the first of the year. I think it may even take two meetings. I personally think the locational policy is important, but I think we have to get it right. So we need to do some more talking about it. I look forward to hearing tonight, and also want to thank my committee. A lot of us have been working on it – well, a lot of the others have been working on it longer than I have, but Mr. Mitchell is the vice chair; Mr. Cannon, Mr. Barnes, and Mr. Cooksey. We'll consider it very carefully and probably come back to you after the first of the year.

Mayor Foxx said we have had a series of presentations on this. I think we have done one of them in this room, so there has been some opportunity for people to see it, so now we'll have some reactions to what folks have seen, and I'd like to start by going through the roster of speakers here.

Mike Rizer, 301 S. College St., said this body and the County Commission appointed the Charlotte-Mecklenburg Coalition for Housing to implement the ten-year plan to prevent homelessness, and I have the privilege of chairing that board, and tonight is our first opportunity to actually speak publicly. Before I make my brief remarks, I just wanted to thank you publicly – both the Mayor and you, Council, but also County Chairwoman Jennifer Roberts and the County Commission for really realizing that if we are going to get at affordable housing it really has to be a joint City and County effort, and I know it's not always easy to join together on these issues, but affordable housing is something we have got to get every conceivable resource around to really make our mark. I just wanted to say thank you for that. Our coalition has just begun our work, and we'll certainly be back to report to you on a regular basis and keep you appraised. The policy at hand tonight goes to the three main focus areas of the ten-year plan. One is to move families and individuals out of homelessness. The second is to connect those who are chronically homeless to needed services through outreach and engagement, and the third

is to promote housing stability for families and individuals who are just on the cusp who are really in fragile situations to keep them from being homeless. Last week we were briefed by the City staff on the policy, and the coalition, as you might guess, is a very diverse group with an odd range of backgrounds and expertise, but we were able to agree on five points that we wanted to bring to your attention tonight. Before I tell you those five, I also want to say to you that we realize the complexity of this issue, and we appreciate all the dynamics that come into this and that you have got to consider as you debate and ultimately decide on this. So, first, we just want to say on the record that we really aspire for a community where we don't need a locational policy anymore. Obviously by implication having a policy can send a negative message, and we hope someday we don't need a policy. Secondly, and while it's been said lots of times and you all have heard it, it certainly bears repeating that it's really important that any policy supports putting affordable housing in neighborhoods that are close to jobs, that are close to transportation, that are close to schools, and that are livable and walkable, and you certainly know that, but we felt it was important to repeat that.

Mayor Foxx said I'm sorry, Mr. Rizer, it's time.

Councilmember Cannon said, Mr. Rizer, can I just ask you, if you don't mind, concluding your points because I know you are about through.

Mr. Rizer said a couple more. The 5% ratio is very important. It's a connection between subsidized and overall, and we are fine with that, but we would ask you to revisit it from time to time. The last point I would like to make is that we think there is an unintended consequence in the proposal that would limit the ability for developers both private and public to develop rehab units and convert them, and we have talked to City staff about that, and we have asked the committee to go back and take a look at that, and staff was open to that. So thank you for being open to our comments tonight.

Councilmember Kinsey said maybe we should let everybody know they have three minutes. I don't think we did that at the outset.

Mayor Foxx said, yes, you do have three minutes each.

Angie Ford, 945 N. College St., said I'm a member of the leadership team of Homeless Helping Homeless. We are a ministry at the Urban Ministry Center. HHH consists of people who are currently, formerly, or potentially homeless, so we have a deep and vested interest in all matters pertaining to affordable housing in this city. We are grateful for all of the work that you have done so far and for giving us this opportunity to speak to you. We are very encouraged that the voters of Charlotte approved the housing bonds. They voted to spend \$15 million on assisted housing. That means that you have done the first part of your duty. By proclaiming homeless awareness month now for several years, you have made people aware there is a problem in our city, but money alone will not allow us to start housing people. We need to implement the ten-year plan that you have set as a priority. We need to be able to locate that housing, and we are concerned about some of the proposed revisions to the locational housing policy. We applaud the use of the Quality of Life Study. It enables decisions based on facts and on research rather than on fear. The proposal to limit construction of additional assisted housing to stable neighborhoods is consistent with research, but some of the other proposed restrictions show no such basis -- for example, the half mile proximity restriction. We have been unable to locate any research or factual data to support that, and in a city the size of Charlotte, this restriction would preclude locating assisted housing in a number of otherwise ideal locations in neighborhoods identified as stable, so we ask you to reconsider that restriction. We ask you to take into consideration the desperate need in our city for assisted housing. I was one of the volunteers who participated in that vulnerability study you heard about earlier that the Urban Ministry Center conducted in February of this year -- the one that identified 388 people as being in danger of dying on our streets if we did not take action. You just saw the video presentation. I was also one of the volunteers who helped to make that presentation, and I wonder how long will next year's video presentation need to be. I'm going to have to try to find music that's long enough to fill a presentation to show you all the people who have died on our streets because we have not taken appropriate action. Other cities like Denver and Boston have used the data gathered in their vulnerability studies to make their housing policies more realistic and more compassionate, and I urge you to do the same.

Nancy Pierce, 1637 Flynnwood Dr., said my family and I have lived a half a block off Central Avenue in the vicinity of Briar Creek and Eastway for 26 years, and within a half mile we have a couple hundred units of subsidized housing, and I wouldn't live anywhere else in the city. I have actually thrown away my prepared notes because I have become aware in the last hour or two that there is a lot of confusion about the meaning of the proposed policy, and people who otherwise have high verbal comprehension are interpreting this policy in different ways. The prior speaker said something about the half mile rule as it would be applied in stable neighborhoods or neighborhoods with less than 5% of subsidized housing, but the way I read it in those neighborhoods the half-mile rule would not apply. I think it's just a difference – I think the verbiage needs a lot of work. Let me say what I was going to say a little bit and tell you what I'm asking for. I believe the policy is good as proposed. It does encourage an equitable distribution of subsidized housing throughout the city. It is a first step though. The City must take a second step in creating tools, incentive based or mandatory inclusionary housing, expediting permitting, density bonuses, expediting zoning, whatever it takes for locating subsidized housing in areas with higher land costs, but this policy is the first step, and it's a good first step. However, what I think needs to happen, and I'm glad to hear the vote isn't going to happen on December 11th because I think what does need to happen is we need to have a gathering with the people here that are speaking and that are highly concerned about this policy and like me, some of us have been involved with this for 12 years or so. My first involvement with the locational policy was in 1998. We need to clarify exactly what the proposal says without talking about whether we think it's right or wrong or whether there should be a 24-unit minimum or whether there should be a half mile or whether Section 8 should be involved, any of this. We just need to know what it says and then let's argue the facts.

Mary Klenz, 7404 Sherwood Forest, said I am chair of the Mixed Income Housing Coalition, and I was here tonight to speak in support of this proposed changes to the locational policy. We think it is an important first step to developing the inclusionary housing policies that provide opportunities for people of varied incomes to live throughout Charlotte. Given our understanding of the policy, this is how we support it. We think the more comprehensive measures of current conditions lead to better informed decisions. The guidelines for rehab and conversion are essential and providing some flexibility in the one-half mile rule eliminates a rigid barrier to developing affordable housing and focusing on development in areas with less than 5% assisted housing underscores your commitment to providing options in under-served areas. We thank you all for taking the lead in this. Throughout the day, throughout the city, we depend on people with a broad range of income levels – healthcare and daycare workers, school employees, public safety employees, and others who provide needed professional services. However, because of exclusionary housing patterns many cannot afford to live near work thereby placing a strain on both workers and their prospective employers. We are segregated by economics. This segregation didn't simply happen by chance. History and research show that over time public policy played a significant part in the development of a housing pattern. Public policy helped us get where we are today, and with your courageous leadership, public policy can help us get where we want to be. The proposed changes are one step, however, more work is needed. By working together, public, private, and nonprofits can better leverage available resources. City, County, and Schools must work together to everybody's benefit. Incentives are needed to encourage development of multi-price point housing throughout. Adequate funding for the Housing Trust Fund is essential. Based on our research over the last three years, the Coalition is convinced that inclusionary housing policies are necessary. Mandatory policies yield the greatest results of affordable housing, ensuring providers of a level playing field. When rules are clearer and providers are assured that they apply to everyone, they can make profitable decisions that also benefit the community. Proactive policies such as what you are considering and being discussed tonight are all part and parcel of creating the decisive action needed for more inclusive, healthy, and vibrant community. Thank you again for your leadership.

Louise Wood, 1327 Cedarwood Ln., said I am a member of Mixed Income Housing Coalition and other housing and education advocate groups, and I do support the comments that were made tonight by Mary Klenz. As a former School Board member, I would like to share with you a few other ideas that I think might help to get us where we need to go in terms of housing. First, I want to thank you for your work on this policy. It's taken a lot of hard work, and you have come up with good guidelines for showing where we do not have housing available for many people where they work. This is really your charge to find a way to create assisted housing options in

these areas. As a former School Board member, we had similar problems. We had areas where we needed to build schools, and the land costs more in many cases. Can you imagine what would have happened in Ballantyne, for example, if we had said, hum, we need a school for the Ballantyne community, but we'll build it ten miles away where we can get the cheapest land, and, parents, by the way, you can drive your children to that school. That's exactly the situation we are putting families in who must work in areas of the city where we have no housing options available for them. Many cases they don't even have cars which they can drive and makes it very difficult. They need to be able to live where they work. Your challenge is how to fulfill this obligation to these families. To this end, I encourage you – Mary made several suggestions that a couple of other ideas. One is Planning Liaison needs to be meeting monthly. Mr. Burgess, your mother was a very strong supporter of Planning Liaison. Until you can get representatives from City Council and County Commission and School Board and planning groups to come together and talk to each other, nothing is going to happen. There are many opportunities there. I also encourage you to charge the Joint Youth Task Force with making housing placement a priority, using government-owned land including excess school land, which is available, could be available. Finally, I encourage you to involve nonprofits and high quality developers of housing in this process, and finally I encourage you to reinstate joint meetings of the City Council, County Commission, and the School Board, which happened in the past at least every other month. I understand the City Council has called for that. You need to push and make it happen. It does make a difference when you are talking.

Mayor Foxx said thank you very much, and there may be some news along the lines of what you have just asked us to do coming forward, so thank you for sharing that.

Keith Wilson, 1821 Dove Cottage Dr., said Ken Schorr is the next speaker, and since we are both representing the Homeless Service Network, we thought my remarks would be briefer if I let Ken go first, so with your permission, we'll follow that path.

Mayor Foxx said brevity is good. We love it.

Kenneth Schorr, 1431 Elizabeth Ave., said I'm an attorney with Legal Services of Southern Piedmont but speaking on behalf of the Homeless Services Network. I first want to thank the Council for placing \$15 million in affordable housing bonds on the ballot at the last election, which was the right thing to do in this difficult time to help people in our community who can't afford housing find it. I also want to thank the 97,000 voters who joined you to pass those bonds. I'm going to depart from my prepared remarks a little like a prior speaker. I also was very confused by the language of the proposal and how the half mile applies or doesn't apply to different situations. This policy involves a very careful balance between making it possible for subsidized housing, for affordable housing, to be developed and at the same time promoting its distribution throughout the community, and that balance is critical here. At the Homeless Services Network, we are very concerned that the balance is not right, and in an attempt to spread it throughout the community, which we think is very important, in support what we have done is draft a policy that will actually make it very difficult to build. Our community needs 24,000 units of housing. We have a study that we just received at the Council that says that. Under the 5% limit, the number that the City staff provided, was about 6,000 units would be possible to be built as new units. That is subject to finding land, zoning requirements, a variety of other things, so it isn't clear that it really in practical terms would be possible to even build that many new units, and that's why we are concerned that this policy the way it is written in a sincere effort to distribute low income housing, which we think is a good goal, will make it too difficult to develop any contemporary, subsidized, multifamily housing. It is small scale, mixed income. It's well built, and it's well maintained. It's not a detriment to neighborhoods and is often far superior to privately owned unsubsidized low rent housing. Fact-based research consistently tells us that this quality of subsidized housing does not harm stable neighborhoods or decrease property values, and we should not make policy as if it does. Limiting new construction to stable neighborhoods is all that is really needed, and additional limitations are not based on facts, and we ask that they not be put in the policy.

Mr. Wilson said I'm representing the Homeless Service Network as well, but I'm also the volunteer board chair for A Way Home and a volunteer board chair for The Workforce Initiative for Supportive Housing, and I'm also on the support council of Charlotte Emergency Housing, so I have been working with this issue for about ten years, and I'm glad to see the tremendous

progress that is being made over the last several years, and thankfully, Mayor, with your leadership as well and that of Jennifer Roberts. I also am excited by the passage of the affordable housing bonds that I think is critical. I think also with Mike Rizer here earlier talking about the coalition, the marriage of the Housing Trust Fund leadership with the service leadership is really the right answer. We are marrying things that are needed to help solve this problem in the community. With respect to this relocation policy that has been drafted, thank you for the time and effort to do that, and I'm here to really talk more about the conversion of market related housing into affordable housing. I believe right now if you look at the City of Charlotte and the Charlotte-Mecklenburg Consortium five-year consolidated plan at above \$500 in rent to about \$800 in rent we have probably between 25,000 and 30,000 available apartments here in the City of Charlotte. The affordable housing need is beneath that, so I believe the conversion in a thoughtful way of certain apartment complexes into more subsidized housing will be a solution that makes sense, so I'm here to advocate and I'm glad that is in the proposal, and I'm here to advocate that continues. I will also add that it helps stabilize the neighborhoods in which these vacant apartments exist, and I would also add that there is some flexibility in there so that if you are converting less than 24 units there is no issue at all. If you are converting more than 24 units, there is this issue on the 5% cap. We would suggest that may be increased to maybe 15% and allow some more conversion to occur. So we are here to advocate that be a consideration. There are two good examples now in the community. Hampton Crest is a very good success story about taking an existing complex and make it into an affordable housing complex for those in need, so that's a good success story. On a different scale, WISH, the Workforce Initiative for Supportive Housing, is really not as influenced by this, but it takes advantage of those vacant apartments in that it provides rental subsidy with social services and case management to people in need to help them break the cycle of homelessness, so that is the most scalable initiative here in Charlotte to address our issue around homelessness. So we are very thankful that program is off its feet. It has 150 people in it, and it can be scaled well up beyond that, and this is a good policy I think to consider as an example of a success story as you look at this locational policy. So, again, I thank you guys for all the work that you have done. I agree some more work needs to be done on the wordsmithing, but we really applaud the direction it is headed in, so thank you very much.

Patricia Garrett, Charlotte Housing Partnership, 4601 Charlotte Park Dr., said I really want to thank the committee that worked on this so long. This is not the easiest thing to understand, and everybody was coming from different directions, so I think you did a really good job. In fact, we are in support of the policy, but we would like to make a few adjustments. First of all, let me say the Quality of Life Study is a really good way of determining where you locate your affordable housing, and we are pleased with that and hope that will continue. But we still have a tremendous need, but a long with that tremendous need is how do we provide the housing for the folks who need it at the same time we don't concentrate poverty. That's the whole thing; that's what we are all working towards. We think that the way to do that is by increasing the 5% threshold to 15%. We think that will give us more opportunities. As a previous speaker said, the 5% very much limits the amount of land that is even available if it was all zoned properly and we could get through all of the other processes, so we need additional land. At the same time, we believe we don't really need the half-mile restriction, but if it needs to remain that it should be for those areas that are restricted by the 15%. Thank you for all your work.

Aaron McKeithan, Historic West End Neighborhood Association, 1332 Plumstead Rd., said the association appreciates the opportunity to provide comments and recommendation in regards to the proposed housing locational policy. The Historic West End Neighborhood Association is an informal collaborative gathering of 15-plus neighborhoods in the Beatties Ford Road corridor that calls the corridor home. We meet on a monthly basis and share information on areas of interest that affect the quality of life for our families and our neighbors. The represented neighborhoods are home to approximately 72,000-plus men, women, and children. We are not opposed to subsidized or assisted housing development. We believe that every citizen has the right to safe, decent, sanitary, and affordable housing whether through renting or home ownership, nevertheless, we believe in the fair and equitable distribution of such housing. We do not want to see our great city re-segregated to the effect of ill begotten policy. Neither do we want neighborhoods as identified as challenged or transition by the City's own Quality of Life Study to bear the burden of additional subsidized or assisted units. Statistics released by the City show that the historic west end has the second highest concentration of subsidized or assisted units. The east side has the distinction of being the quadrant of the city that has the most

subsidized or assisted units. We ask that you remember that schools and communities are interdependent systems; they are linked. An impact on one affects the other. The proposed policy should take this into account given the recent school closing and should not make matters worse. We respectfully implore you to consider the following recommendations: No new subsidized housing or assisted units should be developed within the next three years in the historic west end or the east side unless it is for seniors and the physically disabled and then only on a limited basis. Whenever subsidized or assisted units are developed in neighborhoods that are identified as challenged or transition, the appropriate resources should be given to aid those neighborhoods, and we do not mean just sidewalks, curbs, and gutters. A comprehensive improvement plan should be developed – You do have this in your package.

Mayor Foxx said we do have it, and thank you very much. We appreciate the thought that has been given to this by the Historic West End Neighborhood Association.

Cherrill Hampton, 100 Beatties Ford Rd., said I thank you for the opportunity to come before you again, and I always feel that we need to speak up and also support our neighborhoods. So I bring you greetings from Johnson C. Smith University. We stand before you tonight to support the Historic West End, the east side, West Boulevard communities, and all other areas across Charlotte that have over 12% or more subsidized or assisted housing units. The neighborhoods listed in the Quality of Life Study as challenged or transitioning are bearing the burden of having a disproportionate share of the subsidized or assisted housing developments. This practice must cease if we are to be the best city we can be and if we are truly serious about assisting challenged and transitioning neighborhoods to become stable communities. Schools and communities, as my colleague from the Historic West End just said, are invariably linked. The City of Charlotte's current housing locational policy combined with the recent school closings, new student assignments, and revised school boundaries will have a varying impact on neighborhood and community sustainability. The combined impact of these policies could potentially deter challenged or transitioning neighborhoods from achieving improvement and ultimately becoming sustainable. JCSU supports the Historic West End's request for a moratorium on the development of subsidized or assisted units and other changes; i.e., the rehab and conversion. I think you will see in their letter, Mayor and Council members, they are concerned about conversions, and, of course, the number of units again in areas that are already impacted disproportionately. Charlotte is a great place to live, work, learn, and play. Let's keep it that way and enhance inclusion and diversity.

Dr. Steve Shoemaker, 519 Merwick St., said I'm grateful for your public service and for the hard work you have done already on this policy. My church, Myers Park Baptist Church, is this week providing a home for the Women's Shelter so they can have a Thanksgiving home place. I am involved with other Myers Park clergy to join our churches in providing some affordable housing in the Myers Park area. I come to speak for this locational policy on behalf of other clergy in town – the Mecklenburg Ministries clergy, many, many clergy, who have expressed support for some change in this policy. This policy opens up housing for people who earn \$40,000 or less. We used to speak of the working poor. We might speak today of the working many of us in this category. We must not increase the concentration of poverty, which you have seen on our maps, as a crescent of poverty stretching from the west north over the uptown to the east -- a concentration of poverty that affects everything in our city from schools to business – everything. This policy will help stop greater concentration of poverty in the crescent of poverty and will help disburse affordable housing in a healthier and more equitable way in our community. I repeat research has demonstrated that affordable housing built in stable neighborhoods does not adversely affect property values. I ask that we base our decisions not on fear but on our dearest hopes for the common good of the Queen City. FDR famously said during World War II, "We have nothing to fear but fear itself." Fear itself can become our enemy and paralyze decision making. It can be like an autoimmune disease that turns the body against itself. Public policy alone cannot solve the problems we face in our housing crisis. It is what the philosophers call a necessary but insufficient cause, but it is a necessary component to the health and well-being of our community we love. I would personally advocate that we increase the cap beyond 5%. As I understand the math that does not get us where we need to go, but above all, I hope we will consider the moral calculus of good locational policy and move forward. None of this is easy or popular. When I helped write a letter by Myers Park clergy about locational policy last summer, I received a fan letter that had a Xeroxed copy of the letter

with a sticky note that said, "What a crock." Can I say "crock" on TV here? But such policy is a step forward in public morality. My church would love to have that kind of buzzer. I thank you.

Mayor Foxx said occasionally those of us at the dais would like to have that buzzer on each other, so it works both ways.

Charles Woodyard, CHA President/CEO, 1301 South Blvd., said just my luck to follow a Southern pastor, but I'll try my best. Thank you for the opportunity tonight to speak on behalf of the housing locational policy. I want to recognize the diligent and hard work that the HAND Committee and City staff and City Council has put into this. It is a gargantuan and complex task. As you know, the Charlotte Housing Authority provides affordable housing solutions in Charlotte, which are quality built, mixed income properties such as First Ward and the Park at Oaklawn. This has become our model for all of our property designs. With that said, I want to share our observations concerning the housing locational policy tonight. A housing locational policy has been in place for several years and serves a specific role in determining the location of affordable housing while deconcentrating poverty. We view the proposed policy as a first step in a new, larger comprehensive housing strategy. While we agree with the overall aim of the new policy, there are some key points we would like to have considered due to some unforeseen consequences that may become an issue if this version of the policy is implemented. First of all, the 5% cap for subsidized housing in the NSAs in our opinion needs to be increased to help us provide housing. We know there is a greater need for affordable housing in our community, which was presented in the UNC-Charlotte study of the affordable housing market in Charlotte. As currently written, the 5% threshold will not meet that need. We would like to see this increased to 15% in all NSAs, which would address the affordable housing needs as we see them. The conversion of properties is capped at 24 units in the proposed policy. It makes sense to have a housing provider, such as CHA, convert larger, distressed market rate properties to our current standards. An example of that is Hampton Crest. We would like to designate I'd say up to between 30% and 50% of the converted and well managed units as affordable. This would make the project feasible for us from an economic and social point of view. In the current version of the plan, physically disabled and elderly are exempt. As a legal matter, all disabled, that is mental and physically disabled families, need to be considered as defined by HUD's Fair Housing Act. We believe the homeless population as well should be factored into the equation. In the current version of the plan, homeless projects would be difficult to implement. The number one barrier to the success of affordable housing residents is transportation. So the quarter mile limit near existing transit sites should expand to at least half a mile.

Maureen Gilewski, 7418 Linda Lake Dr., said I am a long-time resident of Charlotte. I have lived in Charlotte for 43 years, and 32 of those 43 years have been in east Charlotte in the same house. I have seen lots of changes in Charlotte in those years, and I would just like to take the opportunity to first of all say thank you for putting all this work into this policy. The HAND Committee, Neighborhood Development spent countless hours. I know I have attended a number of meetings, and I'm pleased to say I see some positive changes coming about with this policy. I could definitely support a limit on the affordable housing within the NSA. I could support the no exemption for the conversions. I also like the idea that we are looking at all of Section 8 instead of just the Section 8 within affordable housing, and the notification process in place for the neighborhoods I think is important. I just want to share with you some information about quality of life. I know we all are talking about it tonight, but in my NSA, which is Hickory Grove, we have a medium need for social dimension, physical, and economic. Probably kind of a surprising thing to most people would be that we have a low need for crime dimension. From the quality of life taken per se, social well-being of a neighborhood is dependent upon many interconnected issues. Neighborhoods with a desirable quality of life are economically and socially diverse. My neighborhood is one of those. The second is a healthy population with a mix of older and younger residents. I'm sorry to say that the residents in my neighborhood are becoming older and older. Third, served by a strong public school and residents involved in their community. We don't have the public schools in our community, but we have got the involvement. So kind of a low score out of those three. So I think what I have seen over time is definitely the development patterns within the city has had a very big impact on how housing certainly has developed and how our schools are developed. If you look at some of those maps that have been presented with this whole look at the locational policy, you can see that division of the schools and the whole issue that has just recently come up with the schools that are being closed. I would hope that not only are we looking at the quality of life within an NSA but that

we also look at the bigger picture of the quality of life within a community, so it's those combined NSAs that make up that community that needs to be really looked at.

Brian Flanagan, 2101 Rexford Rd., said I'm with RBC Tax Credit Equity Group here in Charlotte. We are an investor in low income housing tax credits, and since 2005 we have invested \$155 million in 1,000 units here in Charlotte. As an investor, I do want to thank the City for its dedication to affordable housing. I appreciate and understand the issues around concentrating affordable housing. We look at each and every one of our investments the same way. Those are our concerns in concentration. We look to our market analysts to provide capture rates to make sure that we have income qualified residents within a primary market, and we also look to competing affordable and market rate complexes within that community for our capture rate analysis. A few things I think are in a step in the in the right direction. I like the approach of aligning the locational policy with the Quality of Life Study to determine location of affordable housing. I also like allowing the rehabs and conversions in approved neighborhoods. I am concerned with layering on the 5% threshold as well as the half mile radius into the Quality of Life index. I feel like this will move in the opposite direction of what your goal is. Tax credits are the main tool in financing affordable housing, and North Carolina Housing Finance Agency is the allocating agency. It's a very competitive process, and I urge you to get this issue, keep talking about it, get resolved as applications are due in January so there is little time to stall on moving forward. Applications by NCHF are scored based on neighborhoods surrounding land uses, site suitability, and market. Mecklenburg County applications compete with applications from other metro areas across the state including Buncombe, Cumberland, Durham, Forsythe, Guilford, and Wake Counties. In 2010, Charlotte had a number of applications that scored very highly but fell through and was actually very lucky to receive one allocation of tax credits here in town. I feel like if we limit the opportunities we will limit the units that can be built in Charlotte and could lose affordable housing units to other cities like Raleigh, Asheville, Durham, Winston-Salem, Greensboro, and Fayetteville.

Councilmember Mitchell said you made reference to the housing financing agency and if we don't have our locational policy in place it will have a negative impact on those who pursue tax credits. What is the deadline?

Mr. Flanagan said the pre-applications are due in January, and I think awards are due – full applications are due in May, so you would have to – when the state goes through their pre-applications, they do their site scores. Then when you decide to move forward with a full application, you would need to have everything buttoned up – letters of support – for either the neighborhood or for the subsidy dollars. I don't know the date exactly for the full applications, but it's coming upon quickly for next year, 2011, allocations.

Collin Brown, 214 N. Tryon St., said I'm a land use attorney with the law firm of KL Gates. I'm also a member of the Affordable Charlotte Cabinet. Just a couple of quick comments tonight. Certainly I understand the concerns of concentrations of affordable housing areas and echo some of the concerns expressed by my friends and colleague representing the Historic West End Association. I think the locational housing policy you are considering is appropriate. I think it reflects the legislature's intent and the law last year adopted to prevent discrimination against affordable housing where they recognize in some situations there should be protections for areas that have very high concentrations of affordable housing. However, as you have heard me say before, I think there are a lot of obstacles already to affordable housing in Charlotte. We have a lot of regulatory obstacles where there are areas we can develop that are already problematic for new development, and I do share concerns that some of the other speakers have mentioned with a 5% cap in areas that are not challenged. I think 5% may be a little too much and might be another regulatory barrier in the way of good affordable housing where we have private sector who wants to step forward to provide those units.

Mayor Foxx said, Mr. Howard, you said you wanted to acknowledge somebody.

Councilmember Howard said, Mayor, a couple of months ago we implemented a process to appoint a new committee. Mr. Rizer talked about it earlier, and, Mike, I know you have a couple of your committee members in the audience, and I thought it would be appropriate since they stayed around to recognize them if they just stand up. We are getting serious about doing something about this already. Thank you all for coming out and taking this on.

Councilmember Kinsey said I failed to recognize the two people who have really worked with us very diligently on this, and, of course, Pat Mumford but mainly Pam Lopez. Thank you.

Councilmember Peacock said I wonder if Pam could come to the microphone. I have some questions for her. My questions for Pam are coming from Tab 2 in your attachments. Pam, thanks a lot for answering these questions so detailed, and I appreciate the pictures of some of these recently subsidized multifamily developments. We have heard four speakers now talk about this 5%. You answered in your second question there, I believe, can you spell out the formula, and you spell out the formula. I believe last time at the Council's Dinner Meeting you expressed how the group came up with that. What is your reaction to this request to move it from 5% to 15 that came from Mr. Woodyard, who is clearly a professional; Ms. Garrett, and a few other citizens as well, too? What is your reaction to that?

Pam Lopez, Neighborhood and Business Services, said I think that we should go back to the committee and look at that. Again, the 5% was derived on units that we know are on the ground today so we feel that we can get that data real time, and that's the amount of subsidized units that we know exist today divided by the total number of housing units in the city.

Councilmember Peacock said my next question comes from the document that was given to us here on the dais from the Historic West End Neighborhood Association. I believe this was Mr. McKeithan, who had this. What caught my attention was in their third paragraph. We do not want to see our great city re-segregated due to the effects of ill-begotten policy, neither do we want neighborhoods as identified as challenged or transitioning by the City's own Quality of Life Study to bear the burden of additional subsidized housing or assisted units. You answered some questions that sort of speaks to for me, which was what about what are the metrics for the Quality of Life Study. It had me asking some more questions, which in the years we have been tracking the Neighborhood Quality of Life Study, how many neighborhoods have gone from challenged to stable, and this is a follow-up, of course, but I'm curious as to how many have gone from challenged to transitioning. What type of fluidity are we having there of things moving through it, and then what is its correlation with this potential locational policy? I'm trying to understand the correlation between housing policy and actually moving people into a more stable situation, which stability clearly equals obviously a safe area from a public safety standpoint and clearly a roof over their head.

My next point, Mr. Mayor, I wanted to point out just because you had answered here what other cities are doing regarding housing locational policy – cities that have it or don't have it. Chapel Hill does not have one. Durham, yes; and you have a pretty detailed explanation. I haven't fully read that. Greensboro, no; Raleigh, no. Tell us a little bit for the viewing audience about Durham and give us a quick summary there and why you found out the other cities didn't have a locational policy because we did hear that from one speaker which was advocating really for no locational policy that we hoped we wouldn't have to have one, but we are obviously proposing one right now.

Ms. Lopez said, again, Durham, they have a pretty extensive housing locational policy, and we did summarize that for you in your notes. Basically, just for the viewing audience, it's a multi-step process that they use where they also work with their planning department. I can't say that I understand the in's and out's of their policy, but basically they have a 40% cap for their subsidized housing, so like I said it's very detailed. I don't know all of the in's and out's of it, but they do have a locational policy. They divide the city into three areas that they look at to decide where subsidized housing can be located. We are happy to do more research and have a more explicit explanation of that for you, if you would like.

Councilmember Peacock said I appreciate that, and that's what I was looking for is to have a little bit more background as to what other communities are doing in North Carolina. I was a little surprised by some of the communities here that do not have a locational policy. Perhaps they don't have a housing need as great as what is being expressed to us, but I would like to make the point that I think everybody on this dais certainly wants to see people have affordable housing across spectrums within our community, but to Councilmember Cooksey's point about no locational policy and the unintended consequences from it, we have to get back to what we are trying to solve here which is we have people that need housing, we have people that are

homeless, we have a convergence of all types of services that are needed. How does this locational policy help further that cause? Why is our city going to get this right more so than these other cities that don't have one, so that's really where I guess obviously not being a member of the HAND Committee I don't know the answers to all of this and I don't know how thoroughly it was debated or if it was, Ms. Kinsey. I'm sure you all can speak to it, but I think we need to continue to have dialogue on this because we are trying to get it right, and that is to do at this time right now.

I appreciate you showing some examples here because what we try to get at when I know that Councilmember Mitchell when we had talked earlier in the summer about we were going to take this on the road, and we see a list of all the different people that have attended. You talked about unique visits – I think that's what it was called. These weren't repeat customers -- maybe a lot of the people here, but people that were actually coming new. I am surprised to see some names on here. I'm pleased to see that staff was tracking this. It shows us that there really is true interest in it from there. We see in these pictures here this is not what the community knows about what affordable housing is. They just don't see these pictures, so whenever we bring this to a vote, I would like for staff to be able to make some examples like this. I saw this when I went with then not Councilmember David Howard, but I went on a tour with him to see what Pat Garrett's product was like, and I got a chance to really come closer to what they are doing in this area. I just don't think this is being communicated in the message here. I think this is what our feeling is as a Council that we want to see more of this, so we want to do this and do this the right way, and somehow this is going to answer it, but statistically in the numbers that I'm seeing here are not showing me we are really solving the problem here, so that's why I think that's why Mr. Woodyard and Ms. Garrett are bringing some good points up from 5% to 15. Is it 5 to 15? Why 20? Did you just say that Durham has 40?

Ms. Lopez said they do, and, again, I would –

Councilmember Peacock said 40 to 45 is huge.

Ms. Lopez said I would just caution us to remember that Durham is a different city, but to Mr. Woodyard's and to Ms. Garrett's points, we do want to take this back to the committee. We want to look at the 5%. We want to also look at the notion of conversion, so we appreciate everybody's comments, and we do want to discuss those issues in committee again.

Councilmember Peacock said, thank you, Ms. Lopez. You have done a lot of work, and I look forward to your continued follow-up. Thank you for the detailed answers here.

Mayor Foxx said if there are no other comments, I will just say this in closing that this is a very, very, very complex issue as everyone has said, and I think everyone understands. I want to applaud the committee – Ms. Kinsey and others – for taking this on. Frankly, I think how we deal with this issue is going to determine in part – not completely but in part – the extent to which we become a 21st Century city versus a 20th Century city. In the 20th Century, we kind of had the luxury of living in silos and operating in silos as a community. What this question about locational policy causes us to do is to try to figure out how do we create sustainability. If you look at a map in our city of where the concentrations of poverty are, that's also where the concentration of high poverty schools are; that's also where concentrations of other challenges that impact our community are. It doesn't mean that poverty is per se negative. What it means is that just like in the housing context in the middle 1990s when we said 100% public housing isn't the direction we want to go. We want to go toward a mixed-income model because that's more sustainable. It's the same principle. It's just applied in a different way.

I don't know where we are going to ultimately land in terms of the policy. I think the committee has got some more work to do on it, but I do feel pretty strongly that in addition to some of the points that have been made I think we also at least at a minimum need to start wrestling with the private sector side of this equation. By that, what I mean is the policy that is under discussion right now is just dealing with the publicly subsidized portion of the housing issue, and a number of speakers have alluded to it. Because there has been so much progress made on that piece of it it may go first as sort of a first step as others have said, but I think we have got to chew gum and walk straight

We have to keep working on parallel paths, so I'm recommending as part of what we are doing that we go ahead and start studying the incentive-based inclusionary zoning models that were discussed in the Housing Charlotte 2007 community discussions, and what that means is that while we can theoretically say we would like to see more publicly subsidized housing in some of our stable areas you have still got to find a way for the market to find those opportunities. Right now you have a math problem. The math problem is that dirt is cheaper in lower income areas of our city, and, therefore, more of the affordable housing tends to find its way into those areas. There may be ways the Housing Trust Fund can help fill some of those gaps, but it may also be that an incentive base model gives the market an opportunity to help us find those opportunities as well.

I asked a question of our attorney last week about whether the Housing Charlotte 2007 recommendations would require state legislative approval, and the memo we got back suggests that one of the recommendations around density bonuses they recommend we go forward with state legislative approval to do that piece of it, but I think the other recommendations would not require it. So as part of the discussions that go forward, and I have asked this of the Council and I have also opened that discussion with staff, is that we go ahead and reduce the Housing 2007 recommendations to some form that can be considered either on a parallel path or in sequence following the process we are currently under. Frankly, I would like to settle in my own mind some of this so I could have something that I could recommend to the Council, but even if not, I think getting to where the consensus was in that process gives us a starting point for dealing with the private sector opportunities.

Final point is because we do know that legislative approval would be required for at least the density bonus side of that and given that we haven't had that discussion as a Council I would recommend in our state legislative package that we at least give ourselves a placeholder. Doesn't mean we are committing to anything, but it does give us the opportunity to come back later if we do reach a consensus on that point and move forward. With that, is there a motion to close the public hearing?

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

Councilmember Howard said, Mr. Mayor, can you put that in the form of a motion and send it to the HAND Committee?

Mayor Foxx said without objection we will just do it.

* * * * *

ITEM NO. 11: 2011 STATE LEGISLATIVE AGENDA

Mayor Foxx said Nancy Carter, our chair of Government Affairs.

Councilmember Carter said a lot of appreciation is due to Dana Fenton, our lobbyist; to Ron Kimble, who helped as the deputy city manager; to our Vice Chair Warren Turner; to Mayor Pro Tem Patrick Cannon; and Councilmember Andy Dulin, who formed the committee. Thank you all for your work on this. We have themes through our legislation, if I might present them as a warm-up as Mr. Fenton is going to the dais to present. We are protecting our citizens. We are looking at access of names on email lists that we gather, we are looking at defining sites as crimes happen as regular occurrences and not the sole occurrences, we are looking at deleting the right-of-way issue, the quick taking, so that we can discuss it further and make sure that our citizens are well engaged with our city. We are also protecting and enhancing our city with business license protection, how we raise our money. We are looking at design and build as a way to save money for our citizens, and we are naming ourselves an energy center as many others have, but we really are.

Dana Fenton said I would just say the legislative agenda that is before you tonight was presented two weeks ago at the Dinner Briefing. It does have three broad categories. There are five City initiatives, two preservation of authority items, and three legislative opportunities. The

initiatives include again the design-build authorization, but it requires notification to the City of offers of right-of-way dedication that would be withdrawn. Three is to strengthen nuisance abatement laws. Four is to protect the email privacy of citizens who provide their email addresses for City services, and what is to help Charlotte emerge as an energy center for both the county and the world.

The two preservation of authority items are to protect the ability of the Council to levy the business privilege license tax and to annex territory into city limits. The legislative opportunities do include three items that will be very difficult to achieve next year due to the legislative environment and the financial situation, but they are important issues to the City and they would position the City to advocate them if the legislative environment is right. They include additional funding for the criminal justice system and the ability of local court administrators to manage those funds. The second is to support additional resources for the North Carolina Mobility Fund. The third is to seek new long-term revenue sources for roads and transit. Mayor and Council, in two weeks on the 13th of December, you have a breakfast with the legislative delegation for Mecklenburg County, and that begins at 7:45 a.m. Be glad to stand for any questions the Council may have.

Ron Kimble, Deputy City Manager, said, Mayor, I just want to make sure. You had made a comment on the earlier item. So, we have to decide where you want to place this on the state legislative agenda. There may be one other one in that 2000 Housing Locational Policy. It's an expansion of a tax credit program that we need to look at to see if that would require, so maybe you just need to label these as 2007 housing policy initiatives and decide where you want to place it in the agenda.

Mayor Foxx said I think right now we just need to put it – I don't know in the sequence of where it would belong. Y'all will probably help us figure that out, but I think we need to have maybe a section of items where we have placeholders.

Councilmember Howard said I was going to do this at the end of the meeting, so I will abbreviate. First of all, at the MTC Retreat last week, CATS staff did an absolutely fabulous job with bringing some really creative ideas forward, and I would hope at some point in the future we actually get that same presentation that you guys got because it was great work, and I commend Ms. Flowers and her staff for being creative. But part of that recommendation had to do with some items that we need the state to help us implement, and, Dana, I just wanted to make sure that we have added that to it since recommendations from CATS was just last week – that we actually took the time to add the items required into our legislative agenda for this year.

Mr. Fenton said, yes, the items are included in the legislative agenda including the design-build authorization, the North Carolina Mobility Fund, and the new long-term revenue sources for transit. In addition, there were three MTC items that are in our legislative watch list we are working on administratively with the North Carolina Department of Transportation. We placed it in the watch list because to suggest the possibility of legislative action while working with the department doesn't seem like the right thing to do. Those include seeking the full funding grant agreement for the Blue Line extension, additional resources for the Red Line commuter rail, and also additional resources to help pay for rail operating expenses from the State Maintenance Assistance Program. There are also three federal legislative items that will be presented to you in two more weeks.

Councilmember Howard said just to round this out I wanted to commend you on getting Sec. LaHood. The whole day was just very informative and eye-opening starting with setting the stage with the national conversation and then going all the way through the day, so I'm really excited about the direction we are going with mass transit. Thank you all for your leadership.

Councilmember Cooksey said a couple of things. I do appreciate seeing the roads issue addressed on the opportunities for additional funding. In the spirit of delightful compromise, I will go along. Personally I don't think that we need to be pursuing additional funds for transit because we have a fixed source for them until we figure out a fixed source for local roads, but in the spirit of compromise, I will go along with seeking out opportunities for either as presented here.

With regard to issues of placeholders or what not, I don't know that we really need to do that procedurally. We can amend this at any time. The placeholder language doesn't really give staff any kind of direction on what to actually lobby for until we clarify it, and once we clarify it, we can simply append it to the agenda without having to say, oh, we didn't say this was going to be done. We are under much more control of this than the General Assembly is of their bill consideration process, which is where the placeholder concept I think comes from. I'm fine with supporting it as is, and then once the HAND Committee looks at the other issues, we can, if we so choose, and have that consensus come back to the Council to amend something previously adopted and thus not create any kind of ambiguity about what does this mean if we just put 2007 idea in the agenda.

Mr. Fenton said, Mr. Mayor, I might suggest that the 2007 Housing Locational Policy items be included in the legislative watch list or perhaps the legislative opportunities. Either one, I think, would do the trick.

Mayor Foxx said it accomplishes the same thing; that's fine. It's there for us to refer back to in the future if we get that far along. I have no problem with that. One other watch item not necessarily for inclusion at this point, but I wanted to flag it for the Council. There is the possibility that we may be asked at some point to weigh in on issues involving education at the state level, and I'm not suggesting anything at this point in time, but I wanted to at least let you know that might be coming – not necessarily items that are on the CMS legislative agenda but some other issues. More to come there, and I'm intentionally cryptic on that. Let's have a vote on this legislative package with the one change on the watch list or the opportunities list, and, Mr. Cooksey, if that's objectionable to you, you can express it.

Councilmember Cooksey said which is it?

Mr. Fenton said I think I intended to suggest the legislative watch list.

Mayor Foxx said very well.

Councilmember Cooksey said what's being watched for?

Mayor Foxx said our recommendation on that. This is our list.

Councilmember Cooksey said I know. I want to know what the list is.

Mayor Foxx said it's evolving. It often evolves.

Councilmember Cooksey said what are we watching for?

Mayor Foxx said our own recommendation on that issue.

Councilmember Peacock said I think Mr. Cooksey is asking are you adding from our last discussion on locational policy and inclusionary zoning. Is that being added?

Mayor Foxx said we are adding an item reflective of the Housing 2007 recommendations on incentive based inclusionary zoning a placeholder. It is not an item yet because the committee hasn't worked through it yet, but it at least gives it a place for there to be at least some top line conversation with legislators individually as we have conversations as well as a group, if we wish.

Councilmember Peacock said, Mr. Fenton, when it's on a watch list, does that sort of mean that it's in your bullpen? It could get pulled out at any time from your mouth to one legislator?

Mr. Fenton said I would say that the legislative watch list is exactly that. It's emerging issues. They haven't fully percolated yet, and that might be the perfect place for this issue.

Councilmember Cooksey said are they emerging issues that haven't percolated with the General Assembly or with this Council?

Mr. Fenton said it could be both.

Councilmember Cooksey said I don't see any other example of an issue that hasn't percolated with the Council on here. These are all pretty well defined, and as we have said, we can add to it at any time. My concern is creating basically a title of item with no background and history, no discussed current need, no discussed impact, not addressed and adopted that doesn't provide any guidance from this Council as a body as to what it is that we are seeking to watch.

Mayor Foxx said I can tell you exactly where the expression of need is. It's in the Housing 2007 report.

Councilmember Cooksey said do we happen to have that handy so we know what the language is that we are approving?

Mayor Foxx said it's on line.

Councilmember Cooksey said could we adopt that at a later date?

Mayor Foxx said you can do whatever you wish. This is only a placeholder. So, I'm calling the item to a vote. All in favor as amended, please raise your hand.

Councilmember Cooksey said point of order, Mr. Mayor. What was the vote on the amendment?

Mayor Foxx said it was a friendly amendment to the motion.

Councilmember Cooksey said just curious on that.

Councilmember Mitchell said, again, I don't think this precludes us from continuing to have the dialogue and discussion on this subject matter because members of the HAND Committee we touched on a little bit about conditional inclusionary zoning. We didn't get into a lot of detail about it, but we had asked staff to be able to bring us some more information about that, so, of course, there are three types of inclusionary zoning. Again, for something just to be sitting there as a placeholder is just what it is. I think at the end of the day, to the Mayor's point, the body here can come back and make the appropriate decision about moving forward in that direction or not because I know I have some questions with regard to some of the items that have been made mention of, but it still again doesn't prohibit us from changing direction.

Councilmember Cooksey said, for the record, who made the motion for the adoption of agenda and who did the second?

Mayor Foxx said I think Ms. Carter.

Councilmember Cooksey said I was checking on who was on there. Thank you.

[Motion was made by Councilmember Carter and seconded by Councilmember Mitchell to]
[approve the Government Affairs Committee's recommendation to approve the 2011 State]
[Legislative Agenda with the friendly amendment to add the 2007 Housing Locational Policy]
[recommendations on incentive based inclusionary zoning to the Legislative Watch List.]

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

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

NAYS: Councilmember Cooksey

Mayor Foxx said seven. That passes. Really, it's just a placeholder. We are not making law here.

ITEM NO. 13: GANG OF ONE GRANT

[Motion was made by Councilmember Barnes and seconded by Councilmember Cannon to]
[accept a grant from the North Carolina Department of Juvenile Justice and Delinquency]
[Prevention in the amount of \$851,977 for the Gang of One Program, and adopt Budget]
[Ordinance No. 4506-X appropriating \$851,977 in grant funds.]

Councilmember Cannon said this is to accept a grant from the North Carolina Department of Juvenile Justice and Delinquency Prevention in the amount of \$851,977 for the Gang of One Program. In this, just for public information, these funds will be used to support the gang reentry and intervention team initiatives, and, again, this is something that is really needed. The folks are doing a great job. Fran Cook and Ruth Story, thank you so much. Our chief of police is here this evening also. Chief, thank you for your leadership with this item as well, but I just wanted to make sure the general public understood exactly what these funds were going to be used for.

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

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

NAYS: Councilmember Cooksey

Mayor Foxx said that's 10-1.

The ordinance is recorded in Ordinance Book 56 at Page 900.

ITEM NO. 14: 2010 GENERAL OBLIGATION BOND REFERENDUM CERTIFICATION

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey,]
[and carried unanimously to adopt a resolution certifying and declaring the results for]
[the November 2, 2010, Special Bond Referendum.]

	Yes	No
Street Bonds	109,414	61,756
Neighborhood Improvement Bonds	106,885	64,050
Housing Bonds	97,227	13,239

The resolution is recorded in Resolution Book 42 at Pages 796-804.

ITEM NO. 15: CO-LOCATED COMMUNICATIONS CENTER

[Motion was made by Councilmember Barnes and seconded by Councilmember Kinsey to]
[A) approve the purchase of approximately seven acres of land in an amount not to exceed]
[\$3,850,000 for a co-located communications center adjacent to the new Fire Department]
[Headquarters facility with funding from a one-time special designation of 911 surcharge]
[fund balance, B) Authorize the City Manager to negotiate and execute the Purchase and]
[Sale Agreement with: Carpops LLC and Ponderosa Holdings, LLC at 1315 N. Graham]
[Street (Parcel A) and HGIA, LLC at 1419 N. Graham Street (Parcel B), and C) Authorize]
[the City Manager to negotiate and execute a contract in an amount not to exceed \$150,000]
[for an architectural programming study for the communications facility.]

Councilmember Cooksey said I know we are heading down the short rows here, but this is such a big deal we shouldn't let it go without acknowledging what a wonderful, big deal this is, so I am enthusiastically voting aye for it.

Councilmember Barnes said, Mayor, to be clear, this item is to purchase seven acres of land near our new Fire Department Headquarters to co-locate all of the 911 call services as well as potentially 311 and other services, so it will be a great opportunity to further redevelop a business corridor and add value, change the appearance of the area. It will be along Graham Street near Dalton Avenue, so it's a good thing.

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

* * * * *

ITEM NO. 16: MAYOR AND COUNCIL TOPICS

Councilmember Barnes said I wanted to ask Council's indulgence in referring an item to perhaps the Restructuring Government Committee. After our presentation tonight from CRVA, one thing that became apparent to me and somewhat disturbingly so is that there are partners of the City who pay their leadership more than we pay our City Manager, for example. To take it a step further, we have a situation where you have folks who oversee what are under-performing assets who make less than the City Manager, and you have a situation where we have a multi-billion asset in the Airport, and the manager there makes less than some of these other folks. So, I think we should begin to review those relationships especially where we set taxing authority and so forth to determine whether we are being adequately served when those situations arise, and I would like the Restructuring Government Committee to review that situation and perhaps provide us with some recommendations if recommendations are appropriate.

Mayor Foxx said is that a motion?

Councilmember Barnes said, yes, sir.

Councilmember Cooksey said do I understand that motion to basically cover all financial partners of the City?

Councilmember Barnes said, yes, sir.

[Motion was made by Councilmember Barnes and seconded by Councilmember Cannon to]
[refer to the Restructuring Government Committee an item to review the compensation packets]
[of top leadership of partners where we have either financial contributions or by way of taxing]
[authority allow them to function in order to determine if their top leadership have higher]
[compensation packets than our city manager.]

Councilmember Dulin said Mr. Cooksey's clarification of all financial partners of the City that's a big basket of financial partners and more than I think the motion meant and more than I am willing to support sending to committee because the committee doesn't have time to work on that, and, gosh knows, our staff doesn't have time to just start doing that. I don't support that motion in its entirety, sir.

Councilmember Barnes said might I further refine my motion, Mr. Mayor?

Mayor Foxx said sure.

Councilmember Barnes said and amend the motion to indicate that those financial partners whose top leadership make more money than our city manager would be included in that analysis.

Mayor Foxx said any further discussion on this item?

Councilmember Barnes said whose total compensation package is greater than the city manager.

bvj

Mayor Foxx said I would like to have an investigation into the salaries of the City Council. It's way too high.

Councilmember Dulin said I need to clarify that a little bit more before I know whether I need to support it or not support it. Mr. Barnes, can I ask you a question?

Councilmember Barnes said, yes, sir.

Councilmember Dulin said I clearly heard you say more than what the city manager makes. Do we to – I mean I don't want to go out on a witch hunt on this, and I really am concerned about our staff's time, so can we define that. We had a presentation from the CRVA tonight, so if you want to go look at Ronnie Bryant, you want to go look at – I mean there are a bunch of those situations here. Ronnie Bryant doesn't have anything to do with the CRVA, but you have just lumped him in there.

Councilmember Barnes said I believe though – Mr. Kimble can correct me if I'm wrong – but I believe a third of the CRVA budget comes from the City.

Ron Kimble, Deputy City Manager, said I know we make an annual contribution to the CRP budget. The Charlotte Regional Partnership I don't know what percentage that is of their total, but we do make an annual contribution.

Councilmember Barnes said I'm willing to further refine the motion, if necessary, and name specific groups. I'm trying to be more tactful. If you want to start naming groups, I'll name individual people.

Councilmember Dulin said if there is going to be a motion and we are going to send it to committee I would like it to be as specific as possible.

Mayor Foxx said I think Mr. Turner wants to say something and then Mr. Kimble.

Councilmember Turner said my concern, and I hear what Councilmember Barnes is saying here, but the concern I have and the question I think he just presented to assistant city manager what percentage of finances do we give to these different organizations, and, of course, he has not named them all, but he surely said he could, and I don't think that's necessary, but I just hold to the one that we have before us, the CRVA. The concern I have is they have a board that manages that and sets those salaries. We are not the only body that provides them income, so it leaves me with a little concern. If we are going to make the comparison to the city manager, which we are the board, governing body, for the City of Charlotte, and we determine what those salaries are going to be. I don't think I will be comfortable comparing those two, but I will be very interested to hear what is it that we are trying to accomplish before we vote on that, Mr. Barnes.

Councilmember Barnes said may I respond to that?

Mayor Foxx said yes.

Councilmember Barnes said I appreciate Councilmember Turner's question. The issue is in part that this body is held accountable by the general public for the activities of these boards that we appoint, and we are responsible for what they do indirectly even though, you are correct, we do not have direct authority over CRVA functions or CRP functions or Center City Partner functions. We set up either taxing authority that allows them to function or by way of our activities taxes have been passed that allow them to function as they do, and the boards that we appoint have decided to authorize compensation structures that I don't necessarily believe -- and we'll see if the committee gets this issue – don't necessarily believe are fitting with the current state of affairs in our community. I think it's worth exploring both the position that a lot of these boards have taken with respect to compensation and the fact that as we are being held accountable by the general public for the activities of those boards whether we should become more involved. As you all remember earlier tonight, we talked about having an ex officio member of the CRVA board be one of us, one of the Council members, so I think we have to

become as involved and informed as possible with these groups that we have some significant relationships with in order to determine whether or not they are functioning in the public interest.

Councilmember Dulin said I'm sorry, but this is big stuff. This would be something interesting to find out because we do have members on this body that sit on boards that have compensation packages that are higher than the city manager's. I don't know where they are on those compensation discussions, but we have City Council members that sit on those boards already. We might have one on the CRVA. I don't have any idea.

Councilmember Barnes said we don't apparently.

Councilmember Dulin said but we have them all over town on these others, so let's get those folks out here, too, and find out what's going on.

Councilmember Barnes said, Mr. Mayor, my motion was intended to address those partners where we have either financial contributions or by way of taxing authority allow them to function – not to delve into the minutia that may exist with respect to the functioning of every nonprofit entity in this community.

Councilmember Howard said this question is for my colleague, Mr. Barnes. I guess I'm trying to make sure. I think I understand the spirit of your question. I want to make sure I understand what we do with it when we get it, and I want to go back. If you could repeat your motion so I make sure I'm clear on what you are asking because it occurs to me that we also would have to look at not just how it compares to Curt's salary but how it compares to like positions in other cities of our size. So if there is a CVRA in another city, I mean that's the pool that these people come from. They come from –

Councilmember Barnes said, Mr. Howard, my intention was not to create a situation where we were asking the committee to undertake a market survey or market study of the leadership of these groups. We know what we pay Mr. Walton. We have seen surveys conducted with respect to the pay of similarly situated city managers, so we know what that number is. In my opinion, it is worth taking a look at at least the top four of our partners whose compensation packages fall within the category I'm talking about to determine whether or not there is some action we should take with respect to either the taxing authority itself, further direction to those boards, or addressing the board itself. We appoint those boards, and we should be accountable for them.

Mayor Foxx said we have a friendly amendment from Mr. Peacock.

Councilmember Peacock said, Mr. Barnes, I had a friendly amendment. I'm not certain if you recall or not, but inside the Restructuring Government Committee's agenda right now is the subject of executive compensation for our city manager, and I would make a friendly amendment to include what you are referring to, which I would categorize as oversight capacity of this board to look into those in which we support. Clearly the comparables we saw of those financial partners, which included CRVA, the Arts and Science Council, those different partners of ours out there, were made in the comparison discussion of what we decided as a board here to compensate our city manager and our city attorney, and those were referenced, cross-referenced. I think it should just be added to the existing agenda item, which I will let Mr. Cooksey speak as to where they are. I think they have only met once, if I recall.

Councilmember Barnes said unless the chair objects I don't have any objection to that friendly addition.

Mayor Foxx said friendly amendment. Mr. Kimble, you want to add something, and then let's wrap it up.

Mr. Kimble said I really hesitate to jump in, but staff has to serve the Restructuring Government Committee, so I hear what the concern is. There are for each of these organizations that you would be talking about and bringing to the committee, there are different checks and balances in the system as it relates to each one of those organizations. The CRVA, for instance, is a chartered organization approved by the State Legislature that sets up the organizational structure them to you, and they give you, as a board, the approval rights over all 13 members of the CRVA

board. There is, I think, inherent and intent in the legislation, somewhat of a firewall, to have that check and balance be your appointing all 13 members of that CRVA board, and you are tasking them with the responsibility of administering the functions in the hospitality and tourism industry.

I understand the concern that you have. I just want to kind of walk through a little bit what you want to happen at the committee and how that is going to be discussed and what kind of recommendations might be coming forth and how you would handle those recommendations in regard to that one in its organizational structure, and there are different organizational structures as it relates to Charlotte Center City Partners because you indeed appoint the members. They bring forward a slate of officers, and you approve that slate of officers, and, again, they get municipal service district tax money, and that is property tax money, and that is public dollars, and there is a contract between the City of Charlotte and Charlotte Center City Partners for administering that tax.

I understand the concern. I understand, I think, the intent. I just think it's going to be really difficult to kind of refer that to Restructuring Government and figure out what kind of recommendations you might come forth back to the full Council from Restructuring Government, so I'm kind of trying to think through in my mind how that works at the committee level, and I know I jumped into it a whole lot more than I should, but I just wanted to make those comments.

Councilmember Barnes said one of the things that I would ask of you, Manager Kimble, is that you give us your recommendations as to how the committee can address the concerns I have raised. In other words, it's not good enough for me to sit here and say, oh, there is no way we can articulate how to address the problem and leave. There are a number of people on this body and out in the community who share my concerns, and they want us to explore it in some fashion. So I have to ask you to help me articulate.

Mr. Kimble said I wish I had a little more time to think about it because it just came up at this moment.

Councilmember Barnes said would there be any problem with it going to the committee and with further advice from staff as to how we might address the issues?

Mayor Foxx said I think it's up to us.

Councilmember Cooksey said in light of the complexity of the motion being offered I move this Council defer consideration of it to the next business meeting so we can get something in writing to clarify what the direction to the committee chair is actually going to be.

[Motion was made by Councilmember Cooksey and seconded by Councilmember Turner to]
[defer this matter to the next business meeting.]

Mayor Foxx said we have two motions, an amendment. So, we have a vote on the amendment to defer, and then if that succeeds, we go home; if it fails, we have further discussions on the base motion.

Councilmember Barnes said we are deferring because we don't want to take a moment or two to think through what is a very simple motion?

Mayor Foxx said it's up to the Council.

Councilmember Cooksey said, Mr. Barnes, as I think I evidenced by asking for some clarification, I am all in favor of providing the study. I would much rather do it at a high level policy part outside of a budget process rather than get into the weeds once say a board appointment comes up and we start micromanaging at that level. However, I don't think it is a simple motion. I think the fact that we are still talking about it means it's not a simple motion and we would be much better served to give it some thought and to adopt something in writing as a good motion really ought to be presented to clarify what the charge to the committee actually is.

bvj

Councilmember Barnes said would you suggest that it come to my committee, to the Budget Committee, because we can take care of it.

Councilmember Cooksey said I would suggest at this point I am not going to vote for any motion on this subject that is not in writing that I understand what it says.

Councilmember Cannon said I would simply say I think precedent has been set over decades – beyond decades, beyond decades – well, maybe not beyond decades, beyond decades, but at least beyond a decade where we have had items to go before committee because we haven't had committees that long, but we have had them long enough where you don't get all the sausage made right here. You, in turn, basically just make a basic referral, same thing we did with the City Manager and the City Attorney's review – the executive conversation piece that you brought up, I believe. We didn't know at this dais how to hammer all this out, but we knew once we got into committee that would be the start of the process, and that will be a way in which we can engage the staff to help engage us so that we can come up with an absolute something that might make sense or something that doesn't make sense. Either way that's where the sausage is made – in committee – and, of course, not here. Talking about the micro is kind of a little bit farfetched to be discussing. In dealing with the macros, you send it to committee and working it out in some kind of way to see if something is there I think is the way to go.

Bob Hagemann, Senior Deputy City Attorney, said as I listen to the debate, I think I need to bring forward a point. Mr. Barnes' proposal was not on the agenda tonight, and you all have more experience with this than I do, but I think the general rule is informality in bringing up the topic to refer to committee without objection, but as I think about it, I think your rules require adding his proposal – Mr. Barnes' proposal – to the agenda, and under your rules that takes unanimous consent of the Council. Council can add it to a future agenda by simple majority.

Mayor Foxx said let me review this because we are under Mayor and Council topics. In past practice, has that been an opportunity to raise motions to refer items to committee?

Councilmember Barnes said repeatedly – for the last five years.

Mr. Hagemann said I think, and I don't sit with you very often, but my understanding is that does happen. I don't know whether or not there has been opposition to doing it, and without the opposition, it's unanimous consent, but I'm hearing opposition.

Councilmember Cannon said there has been opposition before.

Mayor Foxx said given what you have just said I'm going to allow this item to be voted on, and we will have a vote on the motion to defer, and if that item fails, then we will have a vote on the base motion. I do think that Mr. Kimble has raised some good points about be careful what you ask for essentially and be ready for the so what. Once you go into all of this, what are you going to actually do? Having said that because it's come up, and I do recall that we have often had these kinds of referrals come up in this portion of the meeting, so I'm going to allow the vote.

Councilmember Cooksey said our rules state that while the Mayor can put an item on the agenda that agenda then is made public and is published.

Mayor Foxx said I'm not saying I'm putting it on the agenda.

Councilmember Cooksey said beg your pardon.

Mayor Foxx said I'm not putting it on the agenda.

Councilmember Cooksey said so it's not up for a vote at this point?

Mayor Foxx said I'm saying that I think there is a question in my mind as to whether under Mayor and Council topics a Council member can ask for a referral of an item to a committee. We have done it often, and as I understand Mr. Hagemann's point, there is a question as to

whether it's on the agenda. I'm ruling that because it's under Mayor and Council topics that it is on the agenda. Now, a vote on the motion to defer to the next business meeting.

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

AYES: Councilmembers Burgess, Carter, Cooksey, Dulin, Kinsey, Turner

NAYS: Councilmembers Barnes, Cannon, Howard, Mitchell, Peacock

Mayor Foxx said six. Okay, that carries. So, it will be deferred until the next business meeting. Now that we have dealt with that, what's next?

Councilmember Peacock said I was going to get a point of clarification. I was talking with Ms. Kinsey as we were debating that on Item No. 9. The HAND Committee is going to be dealing with the issues that were brought up from the public hearing. A date has not been set for the vote on locational policy, and you all will be – staff will be reporting back to us as it relates to that.

Councilmember Kinsey said, yes, that's correct.

Councilmember Peacock said my other question was for Deputy City Manager. Does that mean we will reopen the public hearing again?

Mr. Kimble said on the locational policy we closed the public hearing tonight.

Mr. Hagemann said we did close the public hearing, yes.

Councilmember Peacock said but now that we would be making edits to it would it reopen the public hearing?

Mr. Hagemann said that is Council's prerogative. Technically there is no statutory requirement that policy even be subjected to a public hearing. It's not a zoning action.

Councilmember Peacock said today in the Environmental Committee meeting today at 3:45 we began the discussion as all of us will be on our focus area plans, and the word "Council Retreat" came up, which I know typically and traditionally has been a mayor appoints a committee, and we do two or three meetings, and it ultimately ends up getting right here, and what I was going to recommend under Mayor and Council topics, and I will go ahead and make the motion –

Mayor Foxx said, no, you can't.

Councilmember Peacock said we can put this on the next agenda, but my discussion would be to not form a committee but simply I was going to put out because it has to be in town that we talk about it here on the dais, and we come up with the topics, which we know they are generally the five focus areas, but we can talk about location, and that's really what the primary purpose of that committee has been. I felt like it has been two or three unnecessary meetings and took a lot of staff time, but I was going to propose UNCC, Johnson and Wales, CPCC, Duke Mansion, and Whitehead Manor be the locations for consideration for this Council. I'm wanting to put it on the next agenda. We can start talking about it now, and we can talk through it through the following meetings and not have a committee meeting on this and not form a committee.

Mayor Foxx said can I take that under advisement?

Councilmember Peacock said you can. I just wanted to put it out there as an idea because we were talking about it. The second piece I was going to bring up. Last week I had a Town Hall meeting, which was well attended by many people who are concerned about the environment and our focus area there. One of the subjects that came up, and it has been brought up really since 2007 has been the subject of a citizens advisory committee for the environment. If you all will remember at our last Council meeting, we had the Citizens Parole Advisory Committee that is now gone since 1994. I'm not suggesting that it has an enormous amount of freed-up staff at this point, but I wondered if we could refer to Restructuring Government the subject of finding out whether it could be feasible to have a staff-supported Environmental Citizens Advisory

Committee. I certainly know it would be well populated, and it would be sought after as we have many of our other popular committees. I would just like to find out and make a motion to refer that to the Restructuring –

Councilmember Barnes said I object. I don't fully understand it. I need a report from staff, so I object. How silly does that sound?

Councilmember Peacock said that's one objection. I'm not looking for your comments. I'm looking for everybody else's.

Mayor Foxx said come on, y'all.

Councilmember Peacock said so it's a referral to the Restructuring Government Committee.

Mayor Foxx said without objection on that let's go ahead and do that.

Councilmember Howard said when you guys are discussing it will you figure out how that differs from the Charlotte Beautiful, the Tree Advisory Committee. I mean we have a number of committees that already look at different pieces of the environment, so some thought on how it would be different from those ones we already have in place, Mr. Cooksey.

* * * * *

ADJOURNMENT

The meeting was adjourned 10:12 p.m.

Ashleigh Martin, Deputy City Clerk

Length of Meeting: 4 Hours, 45 Minutes
Minutes Completed: December 14, 2010