

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, March 28, 2011, at 5:17 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Present were Councilmembers Michael Barnes, Jason Burgess, Patrick Cannon, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, Edwin Peacock III

ABSENT UNTIL NOTED: Councilmembers Nancy Carter, James Mitchell, Warren Turner

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Mayor Foxx said tell us what you would like to have pulled tonight.

Councilmember Dulin said no pulled items tonight.

Councilmember Barnes said I had a question regarding Items 22, 31, and 40. Item 22 is a \$740,00 contract for preliminary construction elements work at the Airport parking deck, and the reason this one grabbed my attention is that the SBE goal was 10%, the commitment was 54%, which is outstanding, and I wanted to hear more from staff about how they were able to get the time to make that commitment. With respect to Item 31, it is a \$35 million contract for the Blue Line Extension, a preliminary engineering contract. There the DBE goal was 10%, and the commitment was 10%. I wanted to know whether there is an opportunity to increase that commitment. Item No. 40 is a grant to our Fire Department for \$2.1 million for the regional assistance effort. The question I have is whether we would be paid before the work is done in Gaston County, I believe.

Curt Walton, City Manager, said so the timing of the grant.

Councilmember Barnes said, yes, sir.

Councilmember Carter arrived at 5:20 p.m.

Councilmember Carter said there are three. No. 33 and 35 are to me at least the need of some extra communication to see whether we have conflicting impetus. If we are controlling the lights in one way, do we get out of sequence with the computer control on those streets, and I don't know the answer to that. In other words, is this practical or are they related – 33 and 35? Then the regional assistance to firefighters grant acceptance.

City Manager Walton said which number is that?

Councilmember Carter said that's No. 40. Is that threatened by any legislation that is currently either in the federal halls or the state halls. No. 42, when we work with Cabarrus County, do we have something of a ledger as we do with Mecklenburg County when we invest in other entities? I would be interested to see if we keep an accounting of what we invest in others.

City Manager Walton said we are the regional grant recipient, a much larger county, so we would know where money has gone, but we don't keep a ledger as to the swaps.

Councilmember Carter said so it's not money we would see going to our own entity that we are sharing with others. It's simply a portioning out.

City Manager Walton said, yes, this is what we receive and then distribute out.

Councilmember Dulin said on this point, Mr. Mayor, and I see Jeff Dulin standing over there. How did we end up with – I still have trouble with the pronunciation – of Remoteq providing the robot?

Jon Hannan, Chief, Charlotte Fire Department, said that's the standard bomb robot.

Councilmember Dulin said there are other companies. IRobot, oddly enough, has one called PacBot, and Quintec has the Italian. We picked this one because we have bought them before. Is that something we had to bid out?

Chief Hannan said we are buying the same model we currently have already so they are compatible.

Councilmember Dulin said this is important stuff. So the Cabarrus County folks will be operating the same one we have got.

Chief Hannan said yes.

Councilmember Turner arrived at 5:31 p.m.

Councilmember Dulin said these robots have about a ten-year life span. How old are ours?

Chief Hannan said one of them is about two years old and one of them is about four years old.

Councilmember Dulin said, for the record, I didn't pull that though.

Mayor Foxx said you were just talking about something that was pulled. No problem.

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ITEM NO. 2: CLOSED SESSION

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

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

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

NAYS: Councilmember Dulin

The meeting was recessed to go into Closed Session at 5:24 p.m.

The meeting was reconvened at 5:36 p.m.

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Deputy Clerk Martin said a quick service announcement. Item 14 was revised as indicated in the Friday packet, but I do have copies here should anyone need them.

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ITEM NO. 3: AIRPORT TAXIS OPERATING AGREEMENTS UPDATE

Curt Walton, City Manager, said on your agenda tonight is consideration of the Airport Taxi Operating agreement, and we wanted to give you an update to that. Jerry presented the plan in February. There have been a few changes to the plan, so we wanted to give you that update before you consider that later on the agenda tonight.

Jerry Orr, Director, Aviation, said we previously discussed with you the need to improve the Airport's taxi system, most recently at the February 14th Dinner Briefing -- that was Valentine's Day -- our plans on just how to improve it. Last month I talked about the overall plan, which
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includes the actions the Airport is taking to improve our piece of the puzzle. Tonight I am going to focus on how the new system should work.

The easiest way to accomplish the goal would be to issue an operating permit to one taxi company. That's the easiest for us to administer. It's the most effective and efficiency to get the most consistency, uniform system, uniform service, uniform appearance, uniform technology. It would also give us the greatest degree of both control and flexibility. However we understand that a competitive environment would give drivers more options in selecting which company they want to work with.

We also understand that sharing the business among more than one company would be beneficial to the City. We think we can still be successful using a maximum of three companies. We currently have 12 companies and 144 taxis that are permitted at the Airport. We see a real continuum in the quality provided to our customers. Some taxis are clean, some are not; some have technology, some don't; some provide excellent service, some don't. We need to change that. Our customers should be able to expect first-class service every time.

We talked to everyone throughout the process of designing improvements. Many of the drivers have complained that they are working too much, sometimes 16 hours a day. That is because there are too many taxis sitting at the Airport competing for too few fares. Taxis don't make money sitting in the lot waiting to be dispatched. They make money with a customer in the back seat. Right now taxis wait about an hour and a half on average between dispatches. Our analysis showed that we have too many taxis most of the time; not enough taxis some of the time. That's why we need a more efficient system.

Councilmember Mitchell arrived at 5:38 p.m.

The new system will keep the drivers driving. Driving means making money. We currently issue 144 permits. The data shows that most of the time we only need a fraction of the 144 to serve our customers, but at peak times we need more than the 144. The best way to resolve this is to allow the number of taxis we actually need to work at a given time. While the number of full-time permits will decrease, the overall number of permits will not. Fewer drivers at a given time slot will mean more fares for those drivers. Scheduling the permits will mean that they will be able to handle more fares in less time. In this way, we will match customer demand with taxi supply, and the drivers working will make more fares in less time. We think a better rested, better paid worker will ultimately equal a happier worker, and intuitively we know that a happier worker should make for a happier customer, and that will lead to a better image for the city.

The new system will also increase the standards of service. The new operating agreements will give these companies the right to serve the Airport's on-demand customers in exchange for meeting Airport standards, which are higher than the PVH standards. Using the PVH as baseline, the Airport agreements will provide for improvements such as better technology, a driver dress code, and newer cars. Council has asked about the three and three requirement. Newer cars not only look and feel better to the customer; they often have better safety features. Taxis don't last longer than about three years of use. We observed this ourselves, but our observation was confirmed by the Charlotte Taxi Drivers Association. They weren't arguing in support of it, but in a letter sent to Council last fall you will remember they stated we all know that any car put on the road as a taxi can only last about three or four years. The three and three requirement takes all those factors into account. You can see that the requirement simply means that a car is no more than three years old when it starts service and can stay in service for three years. The taxi could be six years old by the time it is retired from the Airport.

You have heard complaints from some of the owner-operators who currently serve the Airport and would prefer to see no changes in the system that has been in place since 1989. Council has expressed concern about the effect of the age requirement on independent owner-operators; can they afford the newer vehicles? We believe they can, and here is why. The increased wages and fewer hours required in the new system should offset the expense of a newer vehicle. The taxi companies tell us they have a waiting list of drivers who want to come to the Airport with newer vehicles, and it's not just the larger, older companies telling this. City Cab is 100% owner, operator owned company. It's owned by the drivers, some of whom currently serve the Airport, and they propose to have all brand new taxis in their Airport fleet.

So we have talked about what the improved taxi system will look like. Let's turn to who we are recommending to help us make these improvements happen. As you know in August 2010, we issued an RFP. Nine companies submitted proposals by the October due date. Each proposing taxi company had already gotten a company operating certificate from the PVH unit, and, therefore, met the initial eligibility requirements to submit proposals. I appointed a selection committee made up of four people. We had individuals from the Airport Advisory Committee, CMPD, and the Convention and Visitors Bureau, and myself from the Airport. We analyzed the proposals according to the selection criteria and decided to interview the five companies who had submitted the best proposals. After the interviews, we agreed on the three we would recommend.

The original Council action at the February 14th meeting was pulled by staff due to questions and concerns of Council members regarding one of the companies recommended. With further research, the City Manager ultimately determined that it was not in the City's or the public's best interest to issue an operating permit to Kashmari Enterprises and recommends the selection committee's first alternative, City Cab. The recommendation now stands that we issue operating agreements to three companies.

City Cab is a new shareholder owned company, formed and owned by drivers themselves. It is a concept that City Cab had the wherewithal to put together. Their focus is on cooperative management and providing a superior level of service. Crown Cab is an established, well respected local company. Crown has financial strength and active management. Yellow Cab is a brand name. It is a nationally recognized company that sets the standard in customer service and technology. Later tonight we will ask you to approve operating agreements with these companies. We believe that if you select them we will have the best cars, the best service, and the best drivers to show the best face of the city.

Councilmember Cannon said, Mr. Orr, thank you for your presentation. I have a few questions about City Cab. This is a newly formed company, correct?

Mr. Orr said yes.

Councilmember Cannon said or limited liability corporation, I guess. How many drivers do they have?

Mr. Orr said they had about 30 at the time of the interview. Their representation is they could acquire 105.

Councilmember Cannon said how would you rate their financial stability?

Mr. Orr said while they have limited financial ability they are a consortium of owner-operators, and each owner-operator is vested in the company.

Councilmember Cannon said but their limited financial ability right now along with being newly formed you are very confident in them being able to perform up to the standards you would expect?

Mr. Orr said absolutely.

Councilmember Cannon said technology – where do they stand in the world of technology, the kinds of things you are asking for in the RFP?

Mr. Orr said they were cognizant of technology and its importance and were eager to get on with it. We anticipate that the Airport will provide the technology so that it will be the same and consistent among all the cabs.

Councilmember Cannon said active management – how active is their management?

Mr. Orr said each owner-operator is vested in that management, so they are all there all the time. It is not absentee ownership.

Councilmember Cannon said did I understand you to say, City Cab, would have new cabs?

Mr. Orr said in their presentation they said they would be able to acquire new cabs.

Councilmember Cannon said be able to acquire new cabs effective May 1, 2011, to adhere to this RFP?

Mr. Orr said at that time, yes, that was a couple of months ago. All three of the companies we have selected have represented they could put all new cabs on the road.

Councilmember Cannon said effective May 1, 2011.

Mr. Orr said yes.

Councilmember Cannon said for the Airport, okay.

Mr. Orr said with our current schedule that is going to slip some.

Councilmember Cannon said I don't have your PowerPoint here, and I guess I can go to charmeck.org to get it or staff can give me a copy. That would be great to have. I don't think I have it, but you made mention of the three-plus story on the age of the cabs.

Mr. Orr said yes.

Councilmember Cannon said I would ask the Mayor and Council to consider something a little bit different in the way of the age requirements. That we look into considering something around, oh, five to six years, the federal government acknowledges the ability for rolling stock to be somewhere around six years before depreciation sets in. Mind you, I understand exactly what the aviation director is asking for relative to a lesser number of years touting the issue of the quality of the cab. It would be my thought though that any one of these owner-operators who wants to maintain the business should they acquire it through this RFP would continue to keep their cabs up to par knowing and understanding this is exactly what we are looking for – that those cabs are operating fluently and efficiently, they are clean on the inside as well as the outside, and it just concerns me, though, that relative to the economics, to the economy of it all, when you go and trade cabs out over three years – let's say when 2014 hits that fleet will basically be on the road for three years and then they will have to swap out for another fleet that is new to be on tap. I think that's a little bit too short in its timeframe and would ask Council again to consider somewhere around five to six years.

Mind you, on another issue, Mayor and Council, you know under the issue of PVH we are looking at number of years from ten down to something. My thought is that if we look at something around – let's just say the number is five, and it's a 2008 model today. That model essentially would have life through 2013. Six years is 2014. So instead of a three, three, we are shooting for a straight number, so those that would be on tap today that might have a 2008 model they would still be able to utilize that vehicle going through 2013, or if it's six year, 2014. But then thereafter, here's the follow-up. They would still have instead of three years, which is the ask before us, they have actually the five or the six years. I put that out there for food for thought for the Council to consider as we get ready to make the decision later on tonight about where we go relative to the age requirement because I do believe we should not be putting duress on any company and/or corporation.

Mind you, they, the companies, may or may not say anything largely in part because, one, they want the opportunity, so if you are looking for the opportunity, surely you are not going to go to the people that are trying to give you the opportunity to say that you have some issues with this. Anyway, I put this out there again just for your consideration.

Councilmember Burgess said I would like to ask a question about what Mayor Pro Tem was asking. Are you suggesting that instead of looking at three plus three we just take 2011 and subtract six years or five years or whatever that is going to be and say 2011 minus six, so 2005, so anything after that you can't use that model year in the Airport. Is that what you are saying?

Councilmember Cannon said really I'm looking at – I wouldn't say minus from '11 down to '05. I was suggesting that the models are '08. Jerry, do you know right now the minimum? The fleet numbers happen to be in terms of the number of years? Were you starting at a base of eight?

Mr. Orr said, no, our proposed rule is a car can be no older than three years old when it enters the fleet, and you can use it for three years. A taxicab used constantly for three years is pretty worn out. Raleigh-Durham requires new vehicles when they enter the fleet period.

Councilmember Cannon said just the crux of what I was actually getting at would be really end of the day. By the time the cab gets to a life of six years or let's say a life of five years, the cab would be traded out or cabs, I should say, would be traded out for a new fleet that would in turn be on the road or doing business at the Airport five, four, six years. Right now as it's being proposed it's three years they can turn that around, and it seems to me that window is really, really short and we should be mindful of that. Does that help?

Councilmember Burgess said I think so.

Councilmember Barnes said two issues I want to some extent compare and contrast from what I'm hearing from Mr. Orr and Mr. Cannon. I would like to on the issue of five years or so develop a better appreciation for what Mr. Orr is saying regarding the fact that these taxis are frequently used up, for lack of a better term, after three years. The goal, I have been saying this all along, is to provide stellar service at the Airport, and only 151 or so spots. People are not precluded from doing business in other parts of the city. We are just talking about what we consider to be a special group of spots at the Airport.

So help me understand the age of a vehicle on May 1, '11, or July 1, '11. Would it be that the vehicle could be a '06 and be cycled out next year? In other words, if it's five years old or six years old on May 1 of this year, would they have to get a new vehicle next year? At what point would they have to get new one? I don't understand.

Councilmember Cannon said I would say in order to comply with the proper age of making sure that, one, the cab doesn't run all the way down to nothing, yes, that would be the case. They would essentially have only a year if they are abutting up against six years. That will, in turn, I think get to ultimately what the Airport wants to drive at and helps us as well to produce a quality product if it's somewhere around five years or maybe even six. Does that answer your question? I mean it would be that if the model is what you said --

Councilmember Barnes said say it was an '06.

Councilmember Cannon said then by '12, you follow me, if it's an '06, by '12 it would be –

Councilmember Barnes said do you know, Mr. Cannon, how the industry might feel about having to have a new vehicle beginning next year?

Councilmember Cannon said not right off. I can tell you that the industry does understand and has no problem with reducing the number of years from where we are now on the PVH issue from ten years down to somewhere around six or five, but to answer your other question, I don't know the answer to that.

Councilmember Barnes said what you were suggesting is that the vehicle could be as old as an '08 on May 1, 2011, and have to be replaced in 2014.

Mr. Orr said, yes, and the vehicle they replace it with can be three years old when it enters the fleet.

Councilmember Barnes said so it does not have to be brand new.

Mr. Orr said does not have to be brand new. It must be less than three years old when it enters service, and it can stay in service for three years.

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Councilmember Carter said you mentioned the RDU time. They have to be new when they are purchased. What is the rollover time?

Mr. Orr said I believe it's five years.

Councilmember Carter it's five years in Raleigh-Durham, gentlemen. That's an important issue. I am concerned about this policy. I'm concerned about the service that we give people who come to Charlotte. I know that taxicab drivers can take people from their homes to the Airport. That is not prescribed.

Mr. Orr said that's right. Any taxi and driver that are licensed by Charlotte under PVH can take people to the Airport.

Councilmember Carter said I know you have the capacity to up the number of permits; is that what I understood?

Mr. Orr said, yes, ma'am.

Councilmember Carter said you do not have the capacity to reduce the number of permits. That comes in a year; is that correct?

Mr. Orr said we could, but we don't anticipate that and certainly not in less than a year. Remember, the way it's structured it's 105 full-time permits. That's 45 hours a week, and the rest of the permits are part-time, which will be somewhere around 20 to 25 hours.

Councilmember Carter said I think a lot of thought of effort has gone into this, and I understand passion on both sides. When we talk about this at a vote time, I would very much like to see the policy reviewed in a year to see if it is appropriate on all sides, and I think that could get to some of the Council issues as well as some of the Airport issues as well some of the service issues, but I'm very grateful for all the service that has been done.

Councilmember Howard said I want to mess with another nuance that is kind of a part of what Mayor Pro Tem was talking about earlier. Whether it's three years or five years, six years, I'm still open to talking about that part. The part that I wanted to hone in on, Jerry, is something that I talked to you about some months ago, and that is the amount of time that anybody that is operating the Airport now has to buy a new car from the very beginning. So, if they are operating out there now and they are part of one of these three companies, how long does an operator that has a car older than three years have to purchase a car? Is it the first day of the new agreement? How long do they have to purchase a new vehicle regardless of what the age is? If they are operating out there now, they work for one of the services, how long do they have?

Mr. Orr said if their car is three years or younger they can continue to use that car for three more years. If that car is older than three years, they would need a car that is somewhere between new and three years old.

Councilmember Howard said day one.

Mr. Orr said day one or shortly thereafter. That is going to be 120 days from whenever and if this gets approved.

Councilmember Howard said if I was asking for anything that would be the part I would ask for a little more leeway on. Because this is kind of our process and they are involved in our process, I would like to consider giving them a little more time if they have operated. I would hate for them to lose a spot to someone who had a newer car. That's what I'm getting at. They have already been operating at the Airport. I hate for them to lose that spot because they needed more time to get a new car. Now, I'm not saying indefinitely. Maybe 120 days is enough, but I would hate for them to lose a spot to somebody else because they had a newer car. Any response to that? I would be open to something as much as six months to give them time because financing is not one of those things you can just turn around on a dime depending on where you are, and I would hate for something that is there to lose that spot. That's what I'm honing in on.

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Mr. Orr said each of these companies have represented that they can provide the whole 105 new cars.

Councilmember Howard said I'm a little sensitive to somebody that is there already. That is my part.

Mr. Orr said something that is working for a company at the Airport now if that company is not one of the three companies selected then they would be out anyway.

Councilmember Howard said I get that part. It's the ones that would work for one of these.

Councilmember Dulin said I have some questions about the new company, City Cab, and somebody mentioned May 1 as to when they are going to need to be ramped up. Are they going to have to have the 105 drivers?

Mr. Orr said, no, sir. We offered them 15 permits, so they would only need 15 drivers for the Airport. They don't have to take all of those. One of the other two companies would be more than happy to take more permits. Actually they have 120 days from whenever if you all approve this contract.

Councilmember Dulin said it's impossible to ramp it up that fast. May 1 is tomorrow basically, you know.

Mr. Orr said sometimes we do things tomorrow.

Councilmember Dulin said the other two, how much ramp up do they need and are they ready to go?

Mr. Orr said they tell me they are ready to go, but they have 120 days in the contract.

Councilmember Dulin said we have had some stress over all this, and we are talking about the PVH Committee, and we are rolling back to that. I think there is some leadership voids over there at the PVH. I need to say that publicly. That's my opinion; not Council's opinion, sir. But we have to make sure this thing works and it works well and it works right. We have talked many times about how this is an opportunity to make a good first impression with visitors and business people and families that come here, and I'm more than willing to do my secret shoppers on these folks, and I will let you know when I'm back and not before I go. It's important to us all, every single person in this room – not just the elected – that this work well, and we have stumbled out of the block, and I want to make sure we don't stumble any more.

Councilmember Barnes said, Mr. Orr, I had a question for you regarding the types of vehicles that the three companies have promised to use. What kinds of vehicles are they going to be using?

Mr. Orr said it wasn't very long ago that in New York they required all Crown Vic vehicles. They are going to stop making the Crown Vic sometime real soon. New York has just started accepting vans and several other types of vehicles. We anticipate there will be a limited number of vehicles, but certainly vans and Crown Vics and those types of vehicles.

Councilmember Barnes said so we haven't put any requirement on them in terms of the types –

Mr. Orr said we have not put a requirement on them in terms of the types of vehicles. If it's a sedan, it needs to be a four door. If it's a van, it's a van.

Councilmember Barnes said a minivan, I suppose.

Mr. Orr said vans like the one you see there, yes.

Councilmember Barnes said the second question concerns the vehicle branding. One of the issues – I believe Councilmember Dulin raised this issue of Company A being called in a

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Company A vehicle with the name of Company B showing up. Are they all going to have either City Cab or Yellow Cab or the other one on them?

Mr. Orr said where we really started with picking one color like New York does. I used to think those were all Yellow Cabs, but actually they are just yellow cabs, and they are operated by a number of different companies. We got a lot of feedback from the companies about wanting to maintain their identity because these same companies will be operating even more cabs on the street, so we kind of compromised on that, and we thought we would start off with a detail that we would provide that would clearly identify the cabs that are in one of these three liveries as an Airport cab, which means it has our seal of approval and we stand behind the service and the cab.

Councilmember Barnes said so are you saying they can be different colors?

Mr. Orr said they can be these three different colors, yes.

Councilmember Barnes said to be clear what I'm asking you is whether Yellow Cab would have cars that look all the same, the other two each of their cars look all the same.

Mr. Orr said, yes, all of the other cabs' cars will look just like that.

Councilmember Barnes said and the same with City.

Mr. Orr said the same for City and the same for Crown.

Councilmember Barnes said and there will be special decaling that we will apply to the vehicles.

Mr. Orr said that's right.

Councilmember Barnes said in terms of us guaranteeing service or having our backing, what do you mean by that?

Mr. Orr said I mean that the Airport is really, really stepping up our investment in technology and our staffing of the starter system and the scheduling system, and with our decal on it and our name on it, it's an Airport cab; and if there is any problem, they can come to us.

Councilmember Turner said, Mr. Orr, in regards to what you just said by putting our City logo on it and our stamp of approval, does that mean you are going to do the background check of these individuals as well?

Mr. Orr said, yes, sir, we are going to do a background check of every driver just like we do for other employees that work the front curb.

Councilmember Turner said what kind of ID would they have?

Mr. Orr said they will have an ID that looks just like mine, which I don't have.

Councilmember Turner said they would be required to display that ID somewhere in the vehicle where when people get in there they can see it?

Mr. Orr said they will have to wear their ID when they are at the Airport just like I do. Then they will have a card in the cab. It has their picture, their number, and how to call if you have any problems or comments.

Councilmember Turner said my other question, and I took part in establishing this policy some time ago. I think we went over some of this. I know that a six-year – I guess my question would be now is let's say for instance someone comes in with a three-year old car and they invest in that car by keeping it modern, as modern as possible, and you still find that car a safe car, clean car, quite capable of continuing beyond the six-year period. But simply because we have a policy in place that it cannot, that car would be eliminated; is that what you are telling me?

Mr. Orr said, yes, sir, that's correct.

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Councilmember Turner said is that the argument we continue to hear – is it the cost they are dealing with, the paint – other than selecting these three companies we have chosen – or is it the cost of operating as well?

Mr. Orr said I don't know what you have heard, but I don't think it's so much the cost of operating. Everybody wants to serve the Airport, and it's a limited market. What we are trying to do is structure a marketplace where we match the demand and the capacity so that when you do serve the Airport you can make a living at it. When you can make a living at it, you can afford the best car.

Councilmember Turner said I want to get some clarification to make sure I understand what you are saying. You are saying we are going to provide them the new equipment technology – what technology provides. Does that mean we are going to be monitoring the dispatching?

Mr. Orr said, yes, sir. We are doing the dispatching.

Councilmember Turner said say that again, sir.

Mr. Orr said we will be doing the dispatching.

Councilmember Turner said by “we” you –

Mr. Orr said the Airport.

Councilmember Kinsey said, Mr. Orr, these three companies you are recommending will they be serving other parts of the city as well or will they be just at the Airport?

Mr. Orr said that, of course, is their choice, but they will be servicing other parts of the city.

Councilmember Kinsey said the reason I ask that is it would make sense that they would rotate the cars.

Mr. Orr said, yes, ma'am, of course it does.

Councilmember Kinsey said I think maybe I have made my point. The newer cars will be at the Airport. They can use the other cars in other areas of the city.

Mr. Orr said the car that ages out at the Airport depending on what the rules are at PVH down the road could still serve the rest of the city.

Mayor Foxx said any further discussion. We have this item on our agenda for a decision tonight, so we can have discussion later.

Councilmember Cooksey said either Mr. Orr or Mr. Walton. The types of contract terms we generally see are five-year terms to one-year renewals before a matter comes back before Council. The write-up talks about these may be renewed annually until when? Will there be another round of negotiation for cab companies rather than just these three to apply for Airport service or are we talking about renewing with these three companies so long as they want to be renewed for perpetuity?

Mr. Orr said we are talking about a one-year contract that we would have the ability to renew if their service has been good, and that's what we want to do at that point in time.

Councilmember Cooksey said so if these three companies that are listed in the RCA tonight continue to provide good service these are the only three companies that will provide good service at the Airport for potentially ever.

Mr. Walton said potentially. It doesn't preclude doing this same thing with another RFP in three years, five years, ten years.

Councilmember Cooksey said it doesn't preclude it, but it doesn't set it either.

Councilmember Cannon said, Jerry, can I get some clarity on something, please, on the vehicles again, the three plus three. You gave example if a 2008 vehicle received an Airport in 2011 that it would be eligible to retain that permit through the end of 2013.

Mr. Orr said actually 2014.

Councilmember Cannon said according to what's in here it says 2013.

Mr. Orr said three years.

Councilmember Cannon said what happens after 2014?

Mr. Orr said after 2014 the company or the owner-operator could put that vehicle into service in the rest of the city if the PVH at that time permitted that. That vehicle would be through at the Airport. He would need to get a new car to replace it or he could get a car that is up to three years old.

Councilmember Cannon said a new car to replace it or a used car that is under three years old.

Mr. Orr said right, three years or under.

Councilmember Cannon said so no matter how you cut it it is still going to be six years going forward?

Mr. Orr said yes. But if you buy a new car, you get three years with it.

Councilmember Cannon said you will get three years with a new car, and let's say it's 2017. After three years when 2020 rolls around, then what with that car?

Mr. Orr said I can't think that far ahead, but if you bought a new car in 2017, you could leave it in service until 2020 and then it could go into service in the rest of the city if the PVH rules at that time permitted it, but it would be through at the Airport.

Councilmember Cannon said that's the point. When it gets to 2017, Mr. Cooksey –

Councilmember Cooksey said so the cab driver enters service at the Airport with a brand new car in 2017. That car is out for Airport service in 2020. At 2020, that cab driver once again, assuming these rules stay in place, has to replace that car with one that is three years old or less.

Mr. Orr said that's correct.

Councilmember Cooksey said so the 2017 car would have to be replaced by nothing later than a 2018 car – as long as it hasn't been used at the Airport.

Councilmember Burgess said I think Warren knows the answer to this question. If the Council felt like it was appropriate for the Airport to have a car that was five years older or less to be part of this ordinance would we have to put this back out for bid and go through the whole process again?

City Manager Walton said no.

Councilmember Cannon said the answer to that is no. Anything more on this issue? If there is nothing else, then I think, Mr. Walton, we will report back to you on the consent items that were pulled.

City Manager Walton said Julie Burch will do that.

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ITEM NO. 4: ANSWERS TO MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Julie Burch, Assistant City Manager, said Item 22 I believe Councilmember Barnes raised a question about the SBE goal of 54% -- how we achieved that, how we got that high. Half of the work of this contract is building and the other half is site work. Shelco is primarily a building contractor, so in this case, it was pretty easy for them to subcontract all the site work out, and that was with SiteWorks, Inc. That is how we got 54%.

Councilmember Barnes said so SiteWorks is the SBE here.

Ms. Burch said, yes, that's correct. Then Item 31, Councilmember Barnes –

Councilmember Mitchell said one second, Julie, and, Councilmember Barnes, thank you for pulling it, but for the first time since I have been here since 1999 we have never had an SBE participation almost 90% over the goal, and I think some recognition needs to be given to Shelco because this is amazing. They exceeded the 54.05, and I don't know if it's because they got the message or Shelco believes in supporting the SBE, but I think this is a great accomplishment, so I need to thank staff for all their hard work and accomplishments.

Ms. Burch said Item 31 on the Lynx Blue Line extension preliminary engineering contract Councilmember Barnes also had a question about that. In that case, noting that the DBE is at 10% established as well as committed. This is an existing design contract. We already have a contract with STV/Whitehead Associates. This is simply adding on to that contract so we are not adding any other firms or subcontractors to it. It's basically just continuing with the design work they had already started.

Councilmember Barnes said the goal on the south corridor was also ten for their work?

Ms. Burch said I am not able to answer that question. I don't know if we have anybody in the room right now. It doesn't look like it. It doesn't look like Carolyn is here or Danny, but we can answer that question downstairs if you would like.

Councilmember Barnes said I haven't seen the contract, so I don't know. It strikes me though because of the size of it the commitment could be higher. I would like to understand – obviously I'm supporting 31, but I want to know whether we can do more to integrate SBEs and some of them are coming in now, the CATS folks, to help us out.

Ms. Burch said John Muth might be able to answer that question.

Councilmember Barnes said the question concerns Item 31 and the \$35 million preliminary engineering contract. The SBE goal is 10%, the commitment is 10%, and the question is whether we can actually have them achieve a higher goal.

John Muth, Charlotte Area Transit System, said I don't know if we can require. We can certainly talk to them. The original contract already kind of specified the types of services to be provided in there, so while the percentage maybe stays at 10% this amendment will result in additional funds and additional opportunities for those services for those firms.

Councilmember Barnes said I recognize, for example, that with CMU some of that work is so specialized it's hard to find an SBE. I get that, and if that's the case here, I understand that. I would just like to know.

Ms. Burch said the next item for which there was a question – actually it was Items 33 and 35 -- Councilmember Carter asked, first of all, if those were related, and the short answer, Nancy, is not really. They are not really related. The first item related to the travel data collection. That is basically traffic counts and counting turning movements, so that will count those movements at different intersections, and then indeed if we need to change timing of traffic signals then Item 35 relates to the cabling and the fiber optic work related to those signals that would help transmit the new changes to the signals.

Then Item 40, the regional assistance to firefighters grant acceptance, Councilmember Barnes raised the question about the timing of the grant reimbursement, and we will have the Gaston County money matched in hand before we would proceed with spending the rest of that grant. Then Councilmember Carter asked if there was any legislation either at the federal or state level threatening the assistance to firefighter grants, and we do not know of any. I believe everything else was answered a little while ago in the session.

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The meeting was recessed at 6:24 p.m. for the Council to move to the Council Meeting Chamber.

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BUSINESS MEETING

The Council reconvened for the regularly scheduled Business Meeting at 6:35p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding.

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INVOCATION AND PLEDGE

Mayor Foxx gave the Invocation and Cub Scout Pack 7 from Calvary Church led the Council in the Pledge of Allegiance to the Flag.

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CITIZENS' FORUM

REALTOR'S CARE DAY

Laurie Knudsen, 1201 Greenwood Cliff Dr., said I'm the president of the Charlotte Regional Realtor Association. Thank you for allowing me to speak about Realtors Care Day. This year the Charlotte Regional Realtor Association's Housing Opportunity Foundation will host Realtor's Care Day on Friday, April 8th, at home sites throughout Mecklenburg and Iredell counties. The Housing Opportunity Foundation is the charitable arm of the Realtor Association. It promotes homeownership and creates housing opportunities. Realtor's Care Day is a community wide initiative that assists homeowners with critical repairs as well as adaptive and safety modifications. Each year more than 600 realtor volunteers offer assistance. Since 2009, the project has assisted a total of 64 families with an estimated financial impact of more than \$300,000. This year realtors will work at 23 different home sites. The owners were selected with the help of our partners – the City of Charlotte's Neighborhood and Business Services Department; Charlotte, Matthews, Iredell Counties, and our town's Habitats for Humanity; the Davidson Housing Coalition Hammers Program; and Love in the Name of Christ. They have identified families in 11 zip codes throughout Charlotte. This includes partnering with the leaders of the Reid Park community. She invited the Council members to attend.

PROPOSED CHANGES TO THE NOISE ORDINANCE

Mike Deeb, 2221 Shenandoah Ave., said he lives in the Plaza-Midwood area in the Chantilly neighborhood. I'm a professional musician and work very hard at my craft. I am the manager, booking agent, LLC owner, and promoter of my music. I'm speaking to give you a perspective from a professional musician who works extensively with businesses, restaurants, and bars to provide outdoor entertainment to their customers and communities. I implore you to please help us create a noise ordinance that is both respectful to our neighbors but also permits professional

musicians to continue to perform their craft outdoors. Many businesses in our community rely heavily on the revenue created on their outdoor patios. We must write a noise ordinance that allows our arts community to continue to grow and provide entertainment, jobs, and tax revenue for our city.

Councilmember Cannon said just as a reminder I want to make sure that as we continue to discuss this issue that you are invited to attend the next Community Safety meeting on this item, which is scheduled for April 20th at 12:00 noon here at the Charlotte-Mecklenburg Government Center.

HMS HOST AND THE AIRPORT'S "FEED AMERICA" PROGRAM

Patrick Banducci, 5501 Josh Birmingham Pwky., said I'm senior vice president with HMS Host. We're the prime food and beverage operator at Charlotte-Douglas International Airport. Host and its many local small business partners have been part of the Charlotte Airport community since 1986 and together we employ over 1,400 people in the city, many of whom have been with us for all 25 years. For all of them and on behalf of HMS Host, I would like to thank the City for entrusting us with the opportunity to serve the Airport as it has grown into one of the country's finest and largest airports, and I would like to thank Jerry Orr personally for being a great partner with whom to work. Jerry's visions not only help the City of Charlotte. It has allowed Host and its many local small business partners to grow and prosper. One of the benefits of that growth and prosperity is we have been able to give a lot back to our local community. Tonight I'm here to mention our latest charitable effort. On March 1st of this year, we started our partnership with Feeding American Charlotte. Feeding American, in conjunction with the Second Harvest Food Bank of Metrolina, has seen surplus food donations from growers, manufacturers, supermarkets, and restaurateurs like us and our local partners and distributes it to the hungry through a network of charitable organizations here in the Charlotte area. We are working with Feeding American to donate an average of 200 pounds of food per day to the Jackson Park Ministries, the Second Harvest Metrolina Partner Agency operating a food pantry in west Charlotte. Each afternoon, six days a week, the food pantry truck stops by our commissary at the Airport and picks up the food that would otherwise go unsold or wasted. We donate everything from salads, sandwiches, yogurt parfaits, fruit trays, and oatmeal to Feeding America Jackson Park Ministries. They take the donations, combine it with others, and serve 250 families a week. He introduced the local general manager, who administers the program, Larry Jenkins, and J.D. Fuller, director of operations for Feeding America in Charlotte.

Mayor Foxx said thank you for that initiative.

NEIGHBORHOODS

Nancy Pierce, 1637 Flynnwood Dr., said she is a resident of Charlotte and wanted to tell Council about a conversation she had. She said I ran into a woman who had moved to Charlotte. Her husband had taken a job at UNC-Charlotte. They spent many years previously in Atlanta, and I asked her what is it about Charlotte that is different? She said the thing about Charlotte that is so great is that people have not given up on their neighborhoods. Later she was in the building at a stakeholders meeting, and someone said the reason they did not want to engage neighborhoods is because doing so brought all the crazies out of the cracks. I'm here to tell you there is a very fine line between a neighborhood crazy and a committed, passionate, and informed neighborhood leader; I have been both. It's in that forum where neighbors get experience, engaged, and get energized to have hope for their neighborhoods. I moved to Charlotte from Minneapolis in 1979 at the age of 25 to take a good job. I got to Charlotte, and, quite frankly, I hated it. Where the mixed-use, mixed-income, multi-ethnic neighborhoods with funky old historic homes? There was a river but there was no access. Where were the bike trails, where were the sidewalks, where were the people, where were the nature preserves, where were the swimming beaches, where was the outdoor music scene, where did all the young people go? I hated it, but life and work kept me here, and at some point I made the decision to love Charlotte, and I mean that in a very active verb sense of the word "love" – the way you love a child, not because they are wonderful but in order that they might become wonderful. I have been on numerous stakeholder groups, advisory councils, and committees than I can count. The

trick is to get your mind to a place where you can get to the common good feeds back to an improved individual good. We need to see beyond our back yards. Our older son, who is now 25 years old, went away to college, came back to Charlotte, and will not live anywhere else. He loves Charlotte for what it is now, but I also hope that someday he sees an injustice, a threat to his neighborhood –

Mayor Foxx said thank you for your comments. I think those are important for us to hear.

INVITATION TO COUNCIL TO ATTEND NEIGHBORHOOD EVENT

Maureen Gilewski, 7518 Linda Lake Dr., said she is a resident of Grove Park neighborhood in east Charlotte and a member of the Grove Park-Ravenwood Garden Club. She invited the Council to attend the Grove Park and Ravenwood 2011 Spring Garden Tour on Sunday, April 17th, from 1:00 to 5:00 for a free, self-guided tour of seven private gardens.

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AWARDS AND RECOGNITION

CHARLOTTE-MECKLENBURG POLICE DEPARTMENT RECOGNITION

Mayor Foxx recognized William McNear for his unselfish heroism in putting himself in harm's way to render aid to Charlotte-Mecklenburg Police Officer Keith Trietley on December 30, 2010, when Officer Trietley was trapped in a vehicle that was on fire after a very serious automobile accident.

McCROREY YMCA SENIOR AFRICAN DRUM TROUP

Mayor Foxx recognized McCrorey YMCA Senior African Drum Troup as they paid tribute to City Council with their music. They were three-time gold medal winners in Raleigh, NC, State Senior Games and have won both gold and silver medals from the Charlotte-Mecklenburg Senior Games competition.

WEST CHARLOTTE MEN'S VARSITY BASKETBALL TEAM

Mayor Foxx recognized the West Charlotte Men's Varsity Basketball team as the 2010-2011 State 4-A champions.

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CONSENT AGENDA

[Motion was made by Councilmember Dulin, seconded by Councilmember Mitchell, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of]
[Item Nos. 33, 35, 53-E, 53-L, and 53-P, which have been settled, and Item No. 53-T, which]
[was pulled for a speaker.]

The following items were approved:

22. Low bid contract of \$740,000 with Shelco, Inc. for preliminary construction elements related to the Hourly/Rental Car Parking Deck.
23. Low bid contract in the amount of \$1,402,897.50 with Hi-Way Paving, Inc. for the construction of asphalt shoulders on Runway 5/23 for deicing truck pads.

Summary of Bids

Hi-way Paving, Inc.	\$1,402,897.50
Blythe Development Co.	\$1,574,608.00
Blythe Construction, Inc.	\$1,593,900.00
Rea Contracting LLC	\$1,874,035.00

24. Low bid contract amounts for providing various wastewater and water treatment polymers for an initial two-year term, and authorize the City Manager to renew the agreements for three additional one-year terms with price adjustments as stipulated in the contract.

Summary of Bids

<u>Manufacturer</u>	<u>Annual Amount</u>	<u>Facility</u>
Polydyne, Inc.	\$700,000	McAlpine Creek WWT
Ashland, Inc.	\$300,000	Mallard Creek WWT And Franklin WT
BASF Corp.	\$200,000	Irwin Creek WWT

25. Low bid contract in the amount of \$187,720.92 to Red Clay Industries for FY2011 road humps.

Summary of Bids

Red Clay Industries	\$187,720.92
Carolina Cajun Concrete	\$201,126.45
Oliver Paving Company, Inc.	\$201,815.25
ECON International Corp.	\$234,986.85
W.M. Warr & Son, Inc.	\$265,886.25
Turner Asphalt	\$278,645.85

26. Low bid contract in the amount of \$104,167.80 to W.M. Warr and Son, LLC for the Providence Road Sidewalk Project from Folger Drive to Blueberry Lane.

Summary of Bids

W.M. Warr & Son, Inc.	\$104,167.80
Blythe Development Company	\$126,171.65
Siteworks, LLC	\$138,239.45
Carolina Cajun Concrete	\$146,809.30
ECON International Corp.	\$147,373.60

27. Low bid contract to MV Momentum Construction for the construction of a mezzanine at the Light Rail Vehicle Maintenance Facility for \$217,400.

28. Contract amendment #1 for \$985,000 with Bridgestone Firestone North American Tire, LLC to provide bus tire leasing services.

29. Three-year contract for environmental services to Hart & Hickman, PC in the amount of \$125,000; three-year contract for environmental services to WPC Terracon Consultants, Inc. in the amount of \$125,000; and authorize the City Manager to execute up to two, one-year renewals to each contract.

30. Purchase of eight replacement fleet vehicles at a total cost of \$206,574 as authorized by the state contract exception of G.S. 143-129(e)(9).

31. Authorize the City Manager to execute preliminary engineering contracts for the Blue Line extension with STV/Ralph Whitehead Associates in an amount up to \$35,000,000, an increase of \$5,000,000.

32. Contract amendment for an amount not to exceed \$150,000 with EidoServe, Inc. for development of mobile phone device applications for various citizen services; reallocate FY2011 approved funding of \$153,000 for ongoing per-minute caller charges to professional development services for CATS-Special Transportation Services interactive

voice response (IVR) system; and authorize the City Manager to negotiate and approve per-minute or fixed rate charges for IVR applications based on best overall value for the City.

33. Contract with Miovision Technologies for the purchase of video hardware and video processing services in an amount not to exceed \$350,000 over three years, purchase of data collection equipment as authorized by the sole source purchasing exemption of G.S. 143-129(e)(6), and authorize the City Manager to extend the contract for two additional one-year terms not to exceed \$100,000 each year as authorized by the contract.
34. Authorize the City Manager to approve a contract with ETC Institute for the Metrolina Household Travel Survey for a term of 15 months for an amount not to exceed \$725,000.
35. Professional services contracts to Dyer, Riddle, Mills and Precourt, Inc. and CBW Communications Engineers for the design and construction administration of fiber optic cable routes and traffic signal interconnection for a total amount of \$1,500,000.
36. Authorize the Transportation Key Business Executive to reimburse an amount not to exceed \$107,608.03 to DavidLand, LLC for public roadway improvements on Steele Creek Road.
37. Resolution authorizing the Charlotte-Mecklenburg Police Department to apply for \$10,000 in grant funds from the Governor's Highway Safety Program.

The resolution is recorded in Resolution Book 42 at Pages 877-878.

38. Ordinance No. 4628-X appropriating \$580,348 in police assets forfeiture funds.

The ordinance is recorded in Ordinance Book 57 at Page 35.

39. Twenty four one-year vehicle leases from Wilmar, Inc. at a total cost of \$106,020.
40. Accept the 2010 Regional Assistance to Firefighters Grant award; adopt Budget Ordinance No. 4629-X appropriating \$2,100,000 in funding; authorize the City Manager to sign a Memorandum of Understanding with the City of Gastonia related to the regional communications grant; purchase of communications equipment as authorized by the sole source exception G.S. 143-129(e)(6); and contract with Motorola for the purchase of communications equipment in an estimated amount of \$2,100,000.

The ordinance is recorded in Ordinance Book 57 at Page 36.

41. Purchase of a robot for hazardous material responses as authorized by the sole source exception G.S. 143-129(e)(6), and contract with QinetiQ for the purchase of a hazardous materials robot in an estimated amount of \$190,000.
42. Purchase of a robot for explosive ordinance disposal responses as authorized by the sole source exception G.S. 143-129(e)(6), and contract with Remoteq for the purchase of an explosive ordinance disposal robot for the Cabarrus County Bomb Squad in an estimated amount of \$171,000.
43. Amendment #1 for additional engineering design services with Stantec Consulting Ltd. for \$195,000 related to the 2009 annexation and acquisition of Carolina Water Services and Aqua NC water and sewer systems.
44. Resolution authorizing the Utilities Key Business Executive to execute a Municipal Agreement with the NC Department of Transportation in the estimated amount of \$840,668.82, and authorize the City Manager to approve the final pay request for the actual cost of the utility construction.

The resolution is recorded in Resolution Book 42 at Page 879.

45. Five-year reimbursable sewer contract with Liberty Healthcare Properties of North Carolina, LLC in the estimated amount of \$2,663,664.
46. Contract Amendment #2 for \$496,760 with Hazen and Sawyer, P.C. for professional services for the raw water reservoir improvements at the Walter M. Franklin Water Treatment Plant.
47. Purchase and installation of water meter equipment from Itron by the sole source exception authorized by NC G.S. 143-129-(e)(6) in the not-to-exceed amount of \$,959,468.44, and purchase of ADE water meter registers from Badger by the sole source exception authorized by NC G.S. 143-129(e)(6) in the not-to-exceed amount of \$75,000.
48. Contract with Dewberry & Davis, Inc. In the amount of \$500,000 for engineering services for various water quality improvement projects, and authorize the City Manager to renew the contract twice for engineering services up to \$500,000 each renewal.
49. Contract with W.K. Dickson & Co., Inc. for \$1,000,000 for engineering services for various storm drainage improvement projects, and authorize the City Manager to renew the contract once for engineering services up to \$1,000,000.
50. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$22,142.69, and resolution authorizing the refund of business privilege license payments made in the amount of \$211.24.

The property taxes refund resolution is recorded in Resolution Book 42 at Pages 880-881. The business privilege license refund is recorded in Resolution Book 42 at Pages 882-883.

51. Resolution of intent to abandon a residual portion of Brookside Lane, and set a public hearing for April 25, 2011.

The resolution is recorded in Resolution Book 42 at Page 884.

- 52-A. Ordinance No. 4630-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2312 Sanders Avenue (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 37.

- 52-B. Ordinance No. 4631-X authorizing the use of In Rem Remedy to demolish and remove the structure at 237 S. Crigler Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 38.

- 52-C. Ordinance No. 4632-X authorizing the use of In Rem Remedy to demolish and remove the structure at 829 Pennsylvania Ave. (Neighborhood Statistical Area 22 – Oakview Terrace Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 39.

- 52-D. Ordinance No. 4633-X authorizing the use of In Rem Remedy to demolish and remove the structure at 19511 Youngblood Road West (Neighborhood Statistical Area 105 – Pleasant Hills Road Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 40.

- 53-A. Acquisition of 1,440 square feet in storm drainage easement plus 288 square feet in sidewalk and utility easement plus 18 square feet in utility easement plus 1,511 square feet in temporary construction easement at 2840 Eastway Drive from San Investments, LLC for \$25,300 for Central/Medford Storm Drainage Improvement, Parcel #15.

53-B. Acquisition of 4,680 square feet in fee simple plus 2,028 square feet in existing right-of-way plus 2,116 square feet in temporary construction easement at 522 Gum Branch Road from Darryl D. Bryant and wife, Carol Jones Bryant, for \$10,000 for Coulwood/GumBranch/KenBerry Sidewalk Projects, Parcel #29.

53-C. Acquisition of 15,303 square feet in storm drainage easement plus 4,332 square feet in temporary construction easement at 435 Gum Branch Road from Paul F. Henderson and wife, Doris B. Henderson, for \$12,000 for Coulwood/GumBranch/KentBerry Sidewalk Projects, Parcel #84.

53-D. Acquisition of 764.2 square feet in sanitary sewer easement plus 1,207.88 square feet in temporary construction easement at 2404 Kenmore Avenue from Wilburn Reid Watson, Jr. and wife, Diana Watson, for \$12,000 for North Dotger Avenue Proposed 10" Sanitary Sewer Relocation, Parcel #4.

53-F. Resolution of condemnation of 371 square feet in fee simple plus 159 square feet in storm drainage easement plus 589 square feet in temporary construction easement at 511 Gum Branch Road from McClure Real Estate & Investments, Inc. and any other parties of interest for \$75 for Coulwood/GumBranch/KentBerry Sidewalk Projects, Parcel #9.

The resolution is recorded in Resolution Book 42 at Page 885.

53-G. Resolution of condemnation of 414 square feet in sidewalk and utility easement plus 568 square feet in temporary construction easement at 8300 McClure Circle from McClure Real Estate & Investments, Inc. and any other parties of interest for \$1,725 for Coulwood/GumBranch/KentBerry Sidewalk Projects, Parcel #78.

The resolution is recorded in Resolution Book 42 at Page 886.

53-H. Resolution of condemnation of 10,036 square feet in storm drainage easement plus 1,857 square feet in temporary construction easement at 1524 and 1530 Hawthorne Lane from Reech, LLC and any other parties of interest for \$21,300 for Louise Avenue Capital Improvement Project, Parcel #25 and #26.

The resolution is recorded in Resolution Book 42 at Page 887.

53-I. Resolution of condemnation of 33,499 square feet in sanitary sewer easement plus 28,285 square feet in temporary construction easement at 7500 Reedy Creek Road from Bradfield Farms Homeowners Association, Inc. and any other parties of interest for \$10,725 for McKee Creek Interceptor-Mecklenburg County, Parcel #2.

The resolution is recorded in Resolution Book 42 at Page 888.

53-J. Resolution of condemnation of 127,614 square feet in sanitary sewer easement plus 106,460 square feet in temporary construction easement at Reedy Creek Road, Schooner Bay Lane, Jardin Lane, Hanging Ivy Drive, and 4733 Camp Stewart Road from Bradfield Farms Homeowners Association, Inc. and any other parties of interest for \$27,925 for McKee Creek Interceptor-Mecklenburg County, Parcel Nos. 3, 4, 5, 6, 7, 8, 9, and 10.

The resolution is recorded in Resolution Book 42 at Page 889.

53-K. Resolution of condemnation of 1,485 square feet in temporary construction easement at 4911 Murrayhill Road from Eric Stephen Thompson and Cathy A. Thompson and any other parties of interest for \$1,850 for Murrayhill Road Sidewalk, Parcel #14.

The resolution is recorded in Resolution Book 42 at Page 890.

53-M. Resolution of condemnation of 1,544 square feet in temporary construction easement at 5051 Murrayhill Road from Wanda J. Wollerman and any other parties of interest for \$2,175 for Murrayhill Road Sidewalk, Parcel #24.

The resolution is recorded in Resolution Book 42 at Page 891.

- 53-N. Resolution of condemnation of 1,107 square feet in temporary construction easement at 5101 Murrayhill Road from Kristen Chantal Oberoll and spouse, Gregory Robert Sheaffer, and any other parties of interest for \$1,250 for Murrayhill Road Sidewalk, Parcel #26.

The resolution is recorded in Resolution Book 42 at Page 892.

- 53-O. Resolution of condemnation of 157 square feet in sidewalk and utility easement plus 1,163 square feet in temporary construction easement at 5111 Murrayhill Road from Patricia B. Thomopoulos and any other parties of interest for \$1,525 for Murrayhill Road Sidewalk, Parcel #28.

The resolution is recorded in Resolution Book 42 at Page 893.

- 53-Q. Resolution of condemnation of 1,598 square feet in temporary construction easement at 5229 Murrayhill Road from Robert Foley and any other parties of interest for \$1,925 for Murrayhill Road Sidewalk, Parcel #43.

The resolution is recorded in Resolution Book 42 at Page 894.

- 53-R. Resolution of condemnation of 1,870 square feet in temporary construction easement at 5345 Murrayhill Road from Debra Sue Harkey Shultman and spouse, Simon Leroy Shultman, and any other parties of interest for \$2,000 for Murrayhill Road Sidewalk, Parcel #54.

The resolution is recorded in Resolution Book 42 at Page 895.

- 53-S. Resolution of condemnation of 3,379 square feet in temporary construction easement at 5401 Murrayhill Road from Jon Patrick Miller and any other parties of interest for \$2,675 for Murrayhill Road Sidewalk, Parcel #77.

The resolution is recorded in Resolution Book 42 at Page 896.

- 53-U. Resolution of condemnation of 50,286 square feet in sanitary sewer easement at 14125 South Bridge Circle from Lake South Point Real Estate, LLC and any other parties of interest for \$17,325 for Steele Creek Pump Station Replacement, Parcel #3.

The resolution is recorded in Resolution Book 42 at Page 898.

54. Titles, motions, and votes reflected in the Clerk's record as the Minutes of the December 13, 2010, Business Meeting; December 20, 2010, Zoning Meeting; January 3, 2011, Workshop; January 18, 2011, Zoning Meeting; and January 24, 2011, Business Meeting.

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ITEM NO. 53-T: IN REM REMEDY AT 5225 WEDGEWOOD DRIVE

Benjamin H. Vandiver, 5225 Wedgewood Dr., said he is a homeowner in Madison Park. He thanked Council's ongoing initiatives of making our city a better place to live and our neighborhoods safer. But by mandating the installation of the sidewalk project through our relatively small existing front yards on Wedgewood and Murrayhill, it is my opinion that Council is not only wasting taxpayer money on frivolous items but you truly have not studied exactly what the body is enforcing into a neighborhood that has been functioning wonderfully for decades. While Justin Williams of Professional Property Services has done an outstanding job of communicating with me as an individual homeowner on the timing and processes associated with this project the same cannot be said for our city, its representatives, CDOT, or our own Madison Park Neighborhood Homeowners board. I have never once received any direct

mailings, email, or phone messages in regards to the status of this project from its inception or any associated update meetings. As I alluded to earlier, the cost associated with this project and the disruption it will create are completely unnecessary and fiscally irresponsible. The design of the project will drastically affect the properties through which it is slated to intrude upon. Our front yards are lacking in depth for a project of this scope. The need is completely unjustified. As I am a frequent runner and dog walker through our neighborhood, I have never felt unsafe as it regards to traffic patterns or flow. Wedgewood is a winding road with multiple stop signs already in place. Traffic concerns of pedestrians are minimal. As far as Pinewood Elementary and student safety are concerned, on numerous occasions I have sat at the ingress/egress points of the school and have only once seen a small, little girl on foot coming to or leaving from the school grounds. As a matter of fact, I believe we were told in an earlier meeting with Pinewood's principal, Ms. Sexton, that approximately 80% of the school's children are bused in from other areas of town; again, no need for a neighborhood sidewalk. I ask you, Council, why is this necessary, and if you truly believe that it is, although I doubt we can agree, who in the world came up with the design. Why is it necessary in a quiet, established residential neighborhood to insist upon five-foot planting strips? If a sidewalk must be installed, I believe my neighbors are intelligent to understand the importance of us using driveways for our own cars and for those of our guests. I would also like to believe that a pedestrian would have the common sense to walk around a trash receptacle, yard waste, or recycling bins that may be infringing on or partially blocking a sidewalk. By designing this sidewalk to encroach ten feet into my front yard, you are seizing not only a third of my front yard, not to mention putting pedestrians and animals that much closer to our front doors. There are plenty of other examples throughout this city where planting strips and sidewalks do not infringe ten feet into already small front yards. When this neighborhood was designed, the streets and houses were laid out to coexist with one another to allow for functionality, traffic flow, and peacefulness of being in one's house, to intermingle. The planners of the sidewalk project are disrupting that peaceful coexistence that was so appealing when I first moved to Madison Park. In closing, this is an unnecessary, trying expense. Please reconsider.

Councilmember Cannon said whose district is this in, Mr. Mayor?

Mayor Foxx said I think it's in Mr. Dulin's.

Councilmember Dulin said I move to approve the item.

[Motion was made by Councilmember Dulin, seconded by Councilmember Cannon, and]
[carried unanimously to approve a resolution of condemnation of 2,027 square feet in]
[temporary construction easement at 5225 Wedgewood Drive from Benjamin H. Vandiver]
[and any other parties of interest for \$2,500 for Murrayhill Road Sidewalk, Parcel #80.]

The resolution is recorded in Resolution Book 42 at Page 897.

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ITEM NO. 9: PUBLIC HEARING ON WRIGHT AVENUE STREET IMPROVEMENT SPECIAL ASSESSMENT

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and]
[carried unanimously to hold a public hearing on the preliminary assessment roll for the]
[special assessment to construct an unopened, one-block portion of Wright Avenue, extending]
[to the south from Lomax Avenue, and adopt a resolution confirming the assessment roll and]
[directing staff to levy the assessments as published.]

The resolution is recorded in Resolution Book 42 at Pages 875-876.

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ITEM NO. 10: PUBLIC COMMENT ON INDEPENDENCE BOULEVARD AREA PLAN

Councilmember Mitchell said, first, I would like to thank all the citizens who have participated in this process really since 2008 particularly in consideration the 2030 Transit Corridor System Plan as well as the growth along the Independence business corridor. I'm going to yield at this particular time to two outstanding district representatives who share Independence – Patsy Kinsey and Nancy Carter – for comment.

Councilmember Kinsey said I'm going to defer to Nancy because she has the greater part of the boulevard. I have just a small part, and it's finished. Nancy, it's all yours.

Councilmember Carter said there is major concern in the area about whether we move forward with this public hearing to close it or to keep it open tonight, and I think this is a very distinct reaction to what has happened recently. In the recent past, the governor and mayor – thanks to both of them – asked our NCDOT, CDOT, Planning, Economic Development, our staffs, to come together and discuss the future of Independence. By this discussion, we saved the option for transit in the center. It was a very important decision because they lengthened three bridges that cross Independence, and it was a crucial decision for the east side, so thank you, Mayor, and thank you staff for working so very hard on this issue.

Other than that, there is a focus on business in this corridor orienting business to the neighborhoods, which is where it should be because business serves our communities, and this is an important recognition of the perpendicular streets to Independence as well as the access to businesses that do exist on Independence. There has been a lot of debate, a lot of positioning. Each lot between Briar Creek and Conference Drive has been considered individually and targeted for what our neighbors and our staff come together as decision points where they should go in their destiny.

Not only that, transit and the destination of Independence has been discussed. We also had proposals by the Urban Land Institute, which are independent of this area plan and not impinging on what has been proposed by this area plan, so what is going to happen is we are going to look forward to the ULI study. It has been presented to the MTC, to the Planning Commission, it will be discussed here at Council, there will be a district meeting on April 28th, 6:30 to 8:30 at Charlotte East Business Park, and everyone is invited. Please come and discuss this. We will also discuss the locational housing policy there.

So there has been a lot of discussion about this. Since the neighborhood leaders and residents have emailed several of us here on Council, particularly me, I think it's a wise decision to leave open this public hearing, and I would request my colleagues to please consider this. It does not delay the process if we decide that this is a reasonable suggestion for the east side. It pushes the plan to a consideration by Economic Development, our committee, on the 28th of April and leaves open a decision point of May 9th. I am extremely grateful to the 500 area residents who participated in this study, to the advisory group of 197, to those devotees who held on and made their comments and were really very reasonable in what they were suggesting and looking to the future for one of the most important corridors, the only street that carries more business and traffic to the center of our city than any other interstate. So we have a way of moving citizens, a way of developing business, a way of serving our neighborhoods with business, and a way of identification for the east side as well as for Charlotte. This is a gateway to our city that is very important. So, again, our thanks to staff. Alysia, you all have been absolutely stunning, patient, professional in what you have done for us. Mr. Mayor, thank you for your guidance. Mr. Mitchell, thank you and your committee for all you have done for us.

Mayor Foxx said is there a sense of Council – do you want a presentation?

Curt Walton, City Manager, said I think Ms. Carter did a great job.

Councilmember Barnes said I would like to hear the speakers.

Mayor Foxx said let's go straight to the speakers.

Ed Garber, 1401 Tarrington Ave., said I don't necessarily not support the land use plan on Independence Boulevard, but I think it should be postponed for a decision based on the ULI plan. In my opinion, these overlap. The ULI was critical of the five to six proposed transit stations in the nodes on Independence Boulevard and said it wouldn't work, and they suggested having three. ULI has not completed their analysis of Independence Boulevard, and we have been working on this for over two years. When ULI had an opinion, everything became a rush to push this thing through. The transitional setback is the key piece to help move things forward where Independence Boulevard has already been widened. I have faced a lot of opposition from people on the Council in trying to remove that obstacle to development, but we need ULI involved. Taking away just staff's view or Council's view of what should be in the land use plan – I think having fresh eyes and somebody who is from outside look at it helps take away some of the issues I have found with the transitional setback. Please wait until the ULI study is complete and that we look at the land use plan then and do a side-by-side analysis.

Eugenia Allen, 7440 E. Independence Blvd., said I am the general manager of a car dealership where Wallace Road meets Independence. The original plan for the stations in our area, first, the cloverleaf at WT Harris, a later plan moved it to where you see the Village Lake Station. My concern is I really think the WT Harris is a much better location for a number of reasons. She was told the reason for the switch was purely financial, that the Hendrick dealership properties at WT Harris were too expensive. You can't see on the map the huge grade down into the watershed. You see the lines indicating the floodplain. I have a huge environmental concern with the station being down at Village Lake Drive, McAlpine Park, McAlpine Creek. No, we don't have a riverfront, but we do have McAlpine Creek; we do have almost 4,000 miles of creeks in Charlotte-Mecklenburg, and they are very important to protect, and this is literally a little oasis in east Charlotte. Also, school buses are there. WT Harris is a major area, and that is where the interchange needs to be.

Carolyn Millen, 1121 Westchester Blvd., said she is the president of Eastway Park/Sheffield Neighborhood Association and is voicing the neighborhood's approval of the plan. We are aware of the negative impact along Independence Boulevard. I have served as a member of the Independence Boulevard Area Advisory Group since the start. We are all aware of the negative impact of the last 12 to 15 years on both neighborhoods and businesses along Independence Boulevard, particularly from Briar Creek to Albemarle Road, which includes our neighborhood. This negative impact was caused from decisions or mistakes made or not made along this stretch. After the last couple of years, the citizens' and staff's hard work, time, and energy that this is a plan if put into action will finally give both businesses and neighborhoods the positive opportunity to begin creating and building towards their futures. Independence Boulevard is going to become a freeway on a local front and as a regional corridor and make it the most positive for businesses and neighborhoods to create and recreate themselves backing Independence versus fronting it. Hearing the information tonight as far as continuing public hearings, I am not really opposed to that. All I'm asking is that if we move forward and proceeding and hearing more of the study that we move forward with ideas moving forward; not looking at everything that happened in the past because to us the past isn't moving us forward. Learn from the mistakes that were made, get new ideas, think out of the box, but let's move forward. I want to thank the City staff because I have been in all these meetings, and you all have been more than patient, understanding, and so accessible to anyone that needed you.

Darrell Bonapart, 5707 Justin's Forest Dr., said I am the chairman of the Economic Development Committee for the Charlotte East Community Partners and speaking on behalf of businesses and communities along the stretch of Independence Boulevard that we are discussing. I have heard from the Planning Commission about what is going forward, but I want to stick to my guns on some issues that I want to get some clarity on. I made a comparison regarding what is taking place on Independence Boulevard. We have this barrier that I'm sure many of you heard over and over again in the middle of Independence Boulevard that the majority of every day of the week there is nothing traveling up that wall that is in the middle of Independence Boulevard that is supposed to be for a bus way. Years ago it was supposed to be for carpooling, and then it changed to what we have now and then all the excitement about possible transit being the light rail, which went to the wayside, and we still have that which is to go the rest of the way up Independence Boulevard. If we are not going to get light rail, what purpose is that wall serving? There is not a high ridership of buses within those lanes, and it seems to be kind of useless. I talked about Harris Boulevard and gave that comparison from The Plaza up to North

Tryon Street. It's 55 miles per hour and you have turning lanes. Communities have been built or being built, businesses open, and people can turn. Independence Boulevard is going to be 55 miles an hour. Am I missing something here as to why businesses have to be cut off? You didn't do it on Harris Boulevard; why is it happening on Independence Boulevard? Why does it have to happen at the detriment of so many jobs that can be saved when Charlotte can do what it is known for, and that is thinking outside the box, being very unique, which you have all done over the years you have been in leadership? Why can't we continue that and not destroy so many businesses.

Chris Bakis, 6510 Idlebrook Dr., said March 3rd was the first hearing in almost two years of the citizens' advisory group for the Independence Boulevard Area Plan. At the meeting, Brian Horton of CDOT announced for the first time that our purpose was to discuss the land use plan only and the issue of the widening of Independence Boulevard to expressway had nothing to do with what we were doing. I also heard for the first time at one of their presentations that the whole purpose of their doing this is basically the purpose of the Independence Boulevard Area Plan has nothing to do with transit. All three of those things from the start of the advisory group on Independence Boulevard have been all related as one issue. Now we hear there are three different issues. As long as Independence Boulevard has no promissory action of a premium transit plan, premium line of rapid transit, then this next leg of the widening of Independence Boulevard from Albemarle Road to Conference Drive will mirror exactly Briar Creek to Albemarle Road. All those jobs, all that land will be closed. How many thousands of jobs are on that stretch of road from Albemarle Road to Conference Drive, and they will be gone if this plan passes, if the State is allowed to come in and take over and widen that to expressway while the City sits back and allows it to happen. The City wants that to happen because they want people to get downtown quick because that's where all the life is. The State wants that to happen because there is long distance travel for other jobs somewhere else that they want trucks to have quick access to. I heard for the first time this weekend from a source that is very involved with this process that since last year, since the Transportation 2035 Plan has been made, there has been a change that Independence Boulevard is no longer a rapid transit corridor. Is that true? I don't know, but this person is involved in this process and told me that. All of a sudden we are not even a rapid transit corridor anymore. This has to change. We are not going to sit back and allow ourselves to be exploited. That was the premiere business corridor in the entire city and all of east Charlotte needed that economic engine. Since it has failed, since people drive by now instead of pulling in to do business, all of east Charlotte is suffering because of the loss of that economic engine. Please do not close the public hearing. Let the public speak.

Louise Woods, 1327 Cedarwood Ln., said I have been a resident of east Charlotte for over 40 years, a member of the Independence Area Plan Advisory Committee, and co-chair of Eastland Area Strategies Team (EAST). Our community has been the incubator of some of Charlotte's most successful businesses including Family Dollar Stores and Harris Teeter. We have seen increased blight on Independence Boulevard beyond our control because of the State's development of a high speed roadway which has negatively impacted many of our businesses. We are witnessing more businesses closing. We are appreciative of the City of Charlotte's efforts to bring businesses and residents together to create a new vision of Independence and our surrounding area. We believe a viable vision and plan is essential to recreating the vitality that we envision. Ms. Carter's idea about keeping public hearing open until the decision is made is certainly consistent with my comments. We urge the following actions: 1) City Council pass and support a policy guide and plan that will become the framework for future growth and development; 2) enact land use and zoning decisions which are necessary to support the plan; 3) any future decisions made regarding transit strongly consider the impact on proposed transit-oriented development in this plan since this plan was created with the assumption of transit-oriented development along Independence; and, 4) the City take every action to spur development in the area now that will accommodate the present businesses that must leave Independence but are vital to our community's health, and, furthermore, take action to attract new venues such as a North Carolina farmers' market to bring new vitality to this corridor.

Walter Fields, 1919 South Blvd., said I'm not here to tell you what to or not to adopt. I think keeping the hearing open is a good thing if you want some more information. I have been reading and writing and working with plans for almost 38 years and have been working with this plan for over four years. My files go back to 2007 when Robert Charles Lesser did the first economic study for Independence Boulevard, and that was updated in 2008 and things have been

rolling along, and that's part of what I want to remind you about because I think these are important issues in terms of adopting any plan. What are the assumptions that went into the development of that plan? I'm going to read to you from the economic report that Robert Charles Lesser did. Remember this is written in 2007 and updated in 2008. One of the assumptions was that in the future the economy and real estate markets will grow at a stable and moderate rate. I'm inclined to believe we are now in a different environment in terms of the global economy, the state's economy, Charlotte's economy, and certainly Independence Boulevard's economy. We assume that economic employment and household growth will occur more or less in accordance with current expectations along with other forecasts of trans and demographic and economic patterns. I would suggest to you that maybe before this plan is adopted a review of those assumptions might need to be undertaken and take another look at the economic analysis which is underpinned by those assumptions. I made a presentation to the Planning Committee on May 25th of last year about this plan, and I have my same notes here. I heard it said that one of the reasons we need to adopt this plan now is to lift the veil of uncertainty of property owners along Independence Boulevard. I would suggest to you that this plan creates a significant amount of uncertainty in itself. There are policies that talk about daylighting streams and opening up greenways and doing all these things, which taken on their face sounds great. Who would object to more parks and open space unless you happen to own property between Woodland and Norland on the north side of Independence Boulevard where the lots are only 100 or so feet deep and the plan would obliterate those lots. Keep the hearing open, and I will come back with the rest of the comments.

Councilmember Mitchell said I just want to thank the citizens for input and thanks to Councilmember Carter for making a motion to leave the public hearing be open. I think the committee totally supports that, so I would like to grant her wish of keeping the public hearing open. The public hearing will stay open until April 28th, and the decision will be on May 9th.

Mayor Foxx said do we need to take action or –

City Manager Walton said if I could just ask one question, Mayor. April 28th was the committee date?

Councilmember Mitchell said yes.

City Manager Walton said so continue the public hearing to the meeting right before?

Councilmember Mitchell said to the April 11th City Council meeting.

Mayor Foxx said without objection we'll do that.

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ITEM NO. 11: CITY MANAGER'S REPORT

Mayor Foxx said, Mr. City Manager, we have got an environment progress report.

Curt Walton, City Manager, said we do have an update on our environmental initiatives, which we are prepared to. Given the agenda that is still ahead of us, if you would like for us to move that to April 11th, we will be glad to do that.

Mayor Foxx said I think we ought to just go ahead.

Julie Burch, Assistant City Manager, said in an effort to enhance our communications to you and to the citizens who may be viewing this broadcast tonight I want to share with you a progress report in the area of the environment. I want to call your attention also to the agenda, Attachment 3, which is another copy of the handout that we prepared for you summarizing our

most recent environmental accomplishments. We provided that to you in time for the National League of Cities conference held recently in DC, so I will give you another copy of that as well.

Just a quick reminder, this is the current tag line, current summary, of the focus area plan adopted by Council last year – Charlotte becoming a national leader in environmental initiatives to preserve natural resources while balancing growth with sound fiscal policy. These are the five initiatives around that – land use and growth and development, lead and support efforts in air quality, natural ecosystems and habitat protection, lead by example, and collaboration with local and regional and public and private entities.

These are the key drivers for our environmental focus area plan. In particular, Council's work in this area has been critical to what we are doing and the related policies that you have passed as a result, various partnerships that we have with the Chamber and other business entities, industry, education. Collaboration is key within our organization as well as with these other organizations, and finally leveraging resources to get the outcomes that you desire and we would like to have.

Certainly part of the framework for all of this is what we have accomplished in the area of land use and transportation – the centers, corridors, and wedges growth framework, the Urban Street Design Guidelines, all of those emphasizing compatible and complimentary land uses and alternative modes of transportation whether it's by automobile, by bus, by light rail, biking and walking, all of those encouraging less car dependent travel and thus improving our air quality by reducing vehicle miles traveled. I wanted to particularly point out that 100% of your rezoning decisions to date have been consistent with adopted area plans, and that is a specific target in this year's environment focus area plan.

The Environment Committee in fact just this afternoon had more conversation around the subject of the tree investment strategy and tree canopy goal. Charlotte has been named Tree City USA for the 31 years running, and the Council also revised the tree ordinance earlier this year to require more tree save and preservation on commercial sites. The Council also approved in this past year \$1.4 million for tree trimming and removal as well as \$700,000 a year for tree planting, and that will result in 2,000 trees being planted throughout the city and public right-of-way in the current year.

In terms of waste reduction, single stream recycling was implemented in July of last year. That has resulted in a 25% increase in materials recycled. That is about 22,000 tons in the first six months of implementation. We feel that has been extremely successful. As you know, residents have had to adapt to new containers, a wider range of materials to be recycled, and a new every other week schedule to make all of that happen, but we feel it has been very successful. This is also a place where we have had a partnership in the form of the relationship we have with Coca-Cola that you approved last year, and that, too, has helped promote increased recycling.

In the area of leading by example in waste reduction, City employees have increased their participation and the number of City facilities that recycle has doubled in the last year, and I believe you are aware of efforts in recycling at Charlotte-Douglas International Airport, and there are also plans afoot for developing an on-site airport recycling center as well. Speaking of leading by example, the Council approved the sustainable facilities policy in September of 2009. We'll be coming back to you over the next few weeks with the first year evaluation report on how that policy has been implemented for City facilities. I also note on this slide that the Utilities' Environmental Services Lab Facility has been certified gold by LEED and also the building we are in this evening, the Government Center, has been designated an Energy Star facility for the past two years.

We are testing technology in a couple of places through solar energy. The CDOT street maintenance facility as well as Airport operations, and I note at the bottom of this slide what we call the solar tree at the CMG parking deck will also be implemented. That will be with the help of a state energy grant.

Greenhouse gas emissions – back in 2007, the Council passed a resolution in support of reducing greenhouse emissions, and one of the steps in that was to complete a greenhouse gas inventory for City facilities. That was done and also confirmed by an outside consultant last year, and we

are now at work developing a greenhouse gas emissions reduction plan, and we are doing that with the help of several Duke University graduate students, so we will be coming back to you over the next few months with the outcome of that.

City fleet and purchasing policies – Over the past year, the City Manager has approved two administrative policies in this area. In the matter of fleet, that policy simply states that the City will purchase or lease the most energy efficient vehicles that meet operational needs. That policy also codifies certain operational practices for our employees such as anti-idling and appropriate times for refueling particularly during high ozone season. In terms of purchasing, that policy encourages and promotes the purchase of environmentally preferable goods and supplies. In the area of office supplies, that policies actually dictates that key businesses must purchase certain green office supplies because we have found a reliable source for those and feel like those products are equivalent to other types of choices.

I'm going to very quickly just list through the energy efficiency and conservation grant projects. You will recall that the Department of Energy awarded to us a \$6.7 million grant that was awarded in April 2010. We have made significant progress. I'm just going to quickly go through this list. You will generally know what they are. Of course, you have been briefed upon these projects in depth in the last year or so. Going down this list, the development of the energy strategy. That was the strategy that was developed with a lot of public input in public forums before you adopted it prior to submitting the grant application. We have also completed a number of City building energy audits. We have hired a full-time energy and sustainability manager to oversee grant implementation. The public education and outreach campaign was launched. That was the very familiar Power 2 Charlotte, and then finally already completed we have constructed the Beal/Wendover bicycle connection, and that is now up and operational.

I also wanted to point out that through the implementation of these grants and through a state energy grant we have several interns and fellows assisting us with these various projects, and they are from UNCC, Johnson C. Smith, Davidson, and Queens, and so those students and graduate students are getting on-the-job experience through this grant opportunity.

These projects are coming along. The Neighborhood Energy Challenge, which we have seven neighborhoods who are developing very specific energy conservation plans, electric vehicle charging stations. In terms of public facilities, we are on track for implementing seven of those, and as part of that, we hope to acquire anywhere between three and five Nissan electric vehicles sometime this fall, again, all of this being funded by the energy conservation grant.

Center City recycling – We already have 15 containers uptown. We are on track for adding another 20 more, so we are excited about that. That, too, is a partnership with Charlotte Center City Partners, who have been doing a lot of the promotion of that. Energy efficient computing has to do with the computers in this facility and making those energy efficient. Residential energy efficiency improvements -- We have about \$600,000 in grant money that will help make homes more efficient in terms of their energy consumption, vehicular wayfinding, energy efficient lighting in the Government Center and also the same for the CATS I-485 parking deck. These are coming along, too, fall and winter in terms of retrofitting these facilities for greater energy efficiency. The commercial building retrofits all point out that is worth about \$1.2 million, and we will have ten commercial buildings who will be able to take advantage of that money.

Quick summary on public education and outreach – we have been building quite a foundation in that regard with a lot of kudos to our Corporate Communications staff and in particular the input from you and members of the Environment Committee in terms of how we are trying to improve how we are reaching out to citizens particularly the launch of the Power 2 Charlotte campaign, again, being funded by that federal grant and that is getting a lot of coverage and giving us a lot of resource and ways for people to interact with the City on what we can do to improve the environment.

Brief mention of other partnerships that are under way as part of the Envision Charlotte initiative launched by Charlotte Center City Partners and others. A piece of that is called Smart Energy Now. The City will be participating in that through this building as well as Old City Hall, and this is an effort to reduce energy use in up to 65 uptown buildings, and that will be assisted

through a smart grid and technology that I believe Cisco Systems will be contributing to this, and the aim is to reduce energy consumption uptown by 20% in the next five years.

The eco partnership is a multiple party partnership with the State and also China and an energy company in China, and that will be an information sharing forum where we will be exchanging information about what we are doing and particularly with the Neighborhood Energy Challenge that will primarily be through phone calls and emails, that kind of thing. There is no City funding commitment to that whatsoever, but we are working with those other partners to share the information that we are learning through our Neighborhood Energy Challenge. This is what we are continuing to do to build on this environmental future in terms of becoming a more sustainable community, to again emphasize collaboration and partnership and leveraging resources, leading by example, and finally, informing citizens about what they can do and how they can get involved.

The next step related to the environment has to do with the proposed Environment Focus Area Plan that has been through the Environment Committee and also was presented to the Council at your recent retreat. The focus area plans will be presented to you on April 11th. One of the notable things I want to point out about the new Environment Focus Area Plan is that it includes a new initiative related to the growth of the clean energy industry including alternative energy, and the second bullet on this slide is the new tag line summary that the committee is recommending as part of that focus area plan, and the major change being there adding the phrase “and energy sustainability in terms of becoming a national leader. That concludes my presentation tonight.

Mayor Foxx said, Ms. Burch, first of all, I know that presentation speaks to an awful lot of work that has gone into this, and I want to thank you and Rob Phocus as well as the Environment Committee and all the other folks in the building who have been helping us out with that stuff. It’s incredibly important, but it’s also some very, very good work done.

Ms. Burch said indeed it’s a team effort, Mayor.

Councilmember Cooksey said I have to do a quick correction with this slide. One hundred percent of rezoning decisions are not consistent with adopted plans. They are consistent with adopted plans or staff recommendations. We just passed at least one last week that wasn’t consistent with adopted land use plan but it was consistent with staff recommendation. That metric changed a couple of years ago from purely adopted land use plans to the plan or staff recommendation. Just had to mention that since it was a 100% figure cited.

Ms. Burch said thank you for that, and actually that figure reflected through December, so it would not have reflected the most recent activity.

Councilmember Cooksey said fair point, but even then the metric is not land use plans. It’s land use plans or staff recommendation.

Councilmember Carter said, Ms. Burch, Mr. Phocus, you all are outstanding leaders for our city, and Environmental Cabinet, the staff that you have pulled together who have committed themselves to this activity, breaking down silos and taking the environmental concern and sustainability across the board in this city is just amazing. We have partners in this city that you all have reached out to. I am so excited about the Web sites and what will be available there. I believe that this summary sheet will also be on that Web site. This is what we handed out at the National League of Cities meeting advertising what Charlotte is doing. There are 24 points of real energy and sustainability here, and we’ll be taking this to interface with Chinese business leaders to promote business in Charlotte. This is a valuable document. Thank you for the document, thank you for your work, and let’s inspire everyone around us.

Councilmember Peacock said, Ms. Burch, I think it goes without saying. You have done a phenomenal job as well as the rest of the team. We are just extremely appreciative here on the Environmental Committee. We have been working together for three years, and this is a lot of work you have accomplished. You all should be commended. Thank you so much.

Councilmember Foxx said I know you couldn't do it without city manager, so, Curt, thank you as well.

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ITEM NO. 12: AIRPORT TAXI OPERATING AGREEMENTS

Mayor Foxx said we had a presentation from our Airport director, Jerry Orr, during the Dinner Meeting, and we have many, many speakers, so I'm going to say before we start that we are aware of how hotly debated this issue is, and I'm going to ask everyone in the audience to just respect the people who are speaking and also to respect the time limits that we have on speakers, and we'll hear all the range of opinions, and the Council will make a decision tonight.

Monroe Whiteside, 228 E. Worthington Ave., said I am an attorney here in Charlotte. I represent King Cab, and I'm speaking generally on behalf of those who believe this entire process has been unfairly applied. Four days ago I received a letter signed by Mr. Orr stating that King Cab would no longer be recommended for an Airport contract. The letter stated that the City Manager had made the determination in the best interests of the City and the public and that City Cab would be recommended instead of King Cab. My question is – is it not in the best interest of the City and the public for the process to be fair. First, the process has not been fair because the rules keep changing. King Cab cooperated 100% with the RFP requirements. We answered questions of the selection committee and its attorneys, and we provided every document that was asked of us only to be told four days ago that we were no longer in consideration. This was not because of anything in the RFP or King Cab's history at the Airport, but it was because of two of the five owners' criminal history. Now, if King Cab's owners' criminal history is a problem then the other owners with criminal histories should also be stricken. You are applying an arbitrary standard to King Cab that is imposed on no other company, and this arbitrary standard was never before mentioned as a condition of getting the contract with the Airport. If the requirements for proposing an RFP include not having a criminal record then so be it, but to insert that condition after the recommendation has been made is both arbitrary and capricious. I have found two other owners of companies that have criminal records, and they have not been eliminated – only King Cab. Secondly, the process is flawed because of inattention to detail. City Cab lists 35 owners, but I couldn't find criminal records of 14 of those owners – not because they didn't have records but because the people could not be found on any database in the United States. There are no addresses and no phone numbers for 14 of these supposed owners. One such individual is listed as an officer of City Cab, the treasurer, and he is not listed on any national database whatsoever. Also, City Cab is the least experienced company in Charlotte having been incorporated only 14 months. Finally, the RFP submitted by City Cab clearly says they have no taxis available – none – that can comply with the mandate of Mr. Orr, and yet the City Council is being asked to award a contract to a taxi company without any taxis. That's like Fed Ex having no trucks or Bojangle's having no chicken. What happens if City Cab can't buy the cabs they have promised? What happens then? Are we going to have to come back to the RFP process, or is it just going to be distributed according to some unknown formula. The entire RFP process should be scrapped.

Judy Hamby, 10515 Streatham Ln., said I am a former City employee, however, now I am a private citizen, and I speak for no one but myself. Between late last week and Saturday morning, I almost got whiplash. That's how fast these changes have come. I have direct experience with the City's ground transportation system at the Airport for 14 years, and I have worked with all the existing companies. I worked with Kashmary Enterprises for 12 years. I can see why Mr. Orr recommended them. If you took the felon issue out of the mix, that company would have certainly met all the criteria. They were a good solid company and one of the most responsible towards the Airport contract that I had at all; in fact, one of the very most responsible. I am very ashamed of this city that I worked for for so many years. I am tired of the Orr and Kashmary bashing. This whole process is an embarrassment to the city. I feel we should take a step back and scrap what is on the table. Take a different approach, put out another proposal, even if we have to bring outside consulting firm with no ties to the city or state.

Nasif Majeed, 5401 Rupert Ln., said this whole plan should not be executed tonight. This is financially destructive to the livelihoods of the operators and counterproductive to our free enterprise system of business. This system places drivers at the mercy of the owners similar to a sharecropping or a tenant farming type agreement. A new and revised system in which the individual pays one fee for permitting will further benefit the City and at the same time the taxi drivers from the unnecessary burden of the middle man. The Taxicab Association is urging you to delay the vote because 50+ jobs are at stake. A delay by stakeholders will allow drivers to get a permit without obligation. We need to have this dialogue before we make this decision. You will violate the taxicab time and service policy. This service needs to be changed from three to five years. Let's not be hasty and put together a proposal beneficial to both the City and the drivers.

Ravi Patel, 5924 Old Wheel House Rd., said I am the CEO of City Hotels. We own and operate 12 hotels in greater Charlotte area. Taxicab and driver have become a very important part of the hospitality industry as well as our city. We have made a tremendous amount of investment to make Charlotte a great destination. Cab companies and drivers now need to do their part to improve the whole taxicab system in Charlotte in order to do more business and make better living for them. You want as positive an impression as it can be. After 9/11, most people who travel airlines when people come out of the Airport they are exhausted. They are looking for the hospitality industry to provide better services. The quality of the fleet is not consistent. The changes proposed for the Airport address these issues. The DNC is coming in 2012 and people are coming to look at us as we prepare for it. We take pride in making visitors happy so they return and bring more business. It is frustrating to us to hear from our guests complaining about taxicabs and to know we are not able to do nothing about it. You can help us in this issue.

Frank Hinson, 4009 Hargrove Ave., said I am operations director of Charlotte Checker Cab Company. Much has been made in recent weeks regarding the proposed changes at the Airport. There are many misconceptions and misstatements. We have heard the changes are for improved service at the Airport or we want the best drivers and the best cars. The changes proposed are to give an unfair business advantage to corporate partners of an uptown booster organization and nothing more. No company has resisted the demands of the Airport Authority except for the one stipulation that would exclude us from business at the Airport. It's cynical to suggest the three companies chosen will improve any aspect of Airport service. Not only were they not vetted properly, but the selection committee never used the statistics that the Airport has at their disposal, namely, the trip logs and records of missed rotations. Checker Cab has consistently high scores in this category, and one of the companies chosen has performed poorly for years. This company has frequent turnover in their drivers at the Airport. Still overall performance by the taxi drivers has been good, and the system now is working. My own company has given consistently good service to the Airport. We were first to present the card swipe systems in the passenger compartment. I encourage all Council members to look again and make decisions based on merit. Was the selection committee chosen by their merits, and was there even one member with any level of expertise in ground transportation? Did Council provide them with clear guidelines in writing? Have any of you accepted campaign contributions or are affiliated in any way with uptown booster organizations like HTA, CRVA, CAHA, or CCCP? Is so, there is a clear conflict of interest in casting a vote to install HTA's corporate partners to the Airport. These conflicts will be revealed whether in the courts or in the court of public opinion. When a city reverts to nepotism and the pay-to-play mentality, Charlotte is poorly served. Ask yourself -- is service at the Airport a plum for HTA to dole out to their corporate partners? Please be careful what you decide.

Mohammad Moustafa (Universal Cab), 2517 Rozzelles Ferry Rd., said I am the owner of Universal Cab Company. With the Democratic National Convention coming in 2012, our city will be under the very large microscope. The eyes of the world will be on Charlotte, and the stakes could not be higher for our city and our Airport, and we greet a lot of the dignity. Unfortunately, the process of the selection of the taxi service at the Airport has been flawed from the beginning. It is an embarrassment to the City of Charlotte if you approve this contract tonight. The flawed process when the selection committee was handed back by the aviation

director and included a director of the Hospitality and Tourism Alliance. The flawed process continued with selection when the selection committee picked the wrong taxicab companies to serve the Airport. One of the companies was convicted felon in the beginning and two were 5,000 corporate sponsors for the HTA. Now the City Manager replaced King Cab by the City Cab, and City Cab has not been in business for more than seven months. It only has 23 cars that are 2006 and older by the record of the taxicab inspector. Who might they be able to serve the Airport? This company has never served the Airport before. They did not have any technology in their car, not even credit card machine. It is a shame they are coming to the Airport. My company, Universal Cab Company and the Checker Cab Company were approached by HTA that we needed to be a corporate sponsor in order to be at the Airport. We did not become corporate sponsor; we were denied contract at the Airport. The Airport provided us with proposals from three companies selected and compared them to my company.

Councilmember Cannon said, Mr. Mayor, as Mr. Duale comes, Mr. Moustafa apparently had written comments. I would like to see if we can get a copy of his written comments so we can get everything you may have. Do you have a copy for us?

Mayor Foxx said we have got it.

Abdi Duale, 6818 Chiestain Dr., said I'm just an average citizen. We are caught between the Airport and the owners – right in the middle. We are suffering, and you have solution in your hands. I give you hand-outs for the problems and how easily it can be fixed. We know this business very well. We know what is going on; just hear us. Now, this thing has been rushed. . It came out Friday afternoon. Now you are about to make a vote. One hundred forty four drivers will lose their jobs. Stand up. All the attorneys here – most of them are for the companies. Remember, you guys are for us. I'm very emotional because I see the people are suffering, so please note you might do a moment of silence before you take a vote of yes of this because they are going to be out of work. These drivers on average have been working at the Airport five years, ten years, some of them 20 years. They should not be kicked out and bring new drivers from who knows where. Isn't that a security risk? They are willing to buy new cars, if that's what you want. They are willing to buy credit card machines if that's what you want. They are willing to do whatever it takes to please the Airport. Why is the Airport not listening to them? When it rains, they work. When it snows, they work. I took the City Manager along with the County Manager about four or five years ago at 1:00 midnight. It was a snow, and their flights were delayed. They were coming back from Philadelphia. That's true reality. That's how we work. If it snows, we work. We always cover the Airport. Now, the same drivers are going to be replaced. All I ask, whatever you decide, the decision you make, include the drivers. The PVH has already taken this into consideration. They give you recommendation. The Community Safety Committee is already working on it. This is coming in three months. Why are you putting the horse before the wagon? What is the rush? Friday there was a decision; tonight you are going to vote that is going to affect about 2,000 to 3,000 people and their families. Please, we beg you. Take a look at the details in those sheets.

Gregory Hunt, 1018 East Blvd., Suite 2, said I am an attorney and represent Mohammad Moustafa and Universal Cab. Universal Cab, like many others in Charlotte, has concerns about Charlotte-Douglas's RFP. Universal Cab believes and requests that the City Council should reject the RFP and maintain the status quo as it relates to the number of taxi cab companies that service the Airport. Specifically I offer three reasons why the Council should vote against the RFP. First, the RFP process lacks transparency. It is flawed and leaves too many questions unanswered to move forward with it at this time. Second, the RFP unduly interferes with the Charlotte taxicab market and hinders job growth in Charlotte, NC. Finally, the RFP, if implemented, weakens consumer confidence. The RFP selection process lacks transparency to such a degree that it raises questions about fairness, due process, and whether the best taxicab companies were selected to service the Airport. Universal Cab submitted an application and proposal for consideration to service the Airport. Universal believes that its qualifications warrant a spot in this process to service the Airport. Unfortunately, Universal was not selected. On or about January 28, 2011, through its attorney, Universal Cab contacted the Airport and requested the records of the RFP process. The Airport partially complied with Universal's request. An analysis of the provided documents revealed that Universal Cab has superior

qualifications over the selected cab companies in most of the meaningful areas that the selection committee used, which are maintenance, technology, years of doing business. Now included in the Airport's document production were any recordings, transcripts made by the panel members during the presentation process. Indeed, in an email dated 2/11/11, the Airport stated, and I quote, "Actually there are no other materials responsive to your request." Included in that email it goes on to say that there is no public record of the selection process and any notes that may have been taken are not public record. Certainly fundamental fairness and due process requires that all of the record be open to public debate. I will end it here. This kills jobs. These men will be out of work. The companies that were selected use a dispatch that is not here.

Jeff Davis, 101 W. Friendly Ave., Greensboro, said I am an attorney and also represent Universal Cab. I will be making reference to my letter, which I have already provided to members of Council. To quote William Shakespeare, "There is something rotten in the State of Denmark." If the goal of this selection process was for a transparent, above-board, and fair process with the best companies awarded an operating agreement then this process was at best flawed, and we urge you to instruct the Airport director to start this process over. This process was flawed, and the appearance of impropriety surfaced at the very beginning when Airport director finalized the selection committee, which included the CEO of the Charlotte Regional Visitors Authority, who is also a board member of the Hospitality Tourism Alliance. As you heard from my client tonight and it's documented in the February 11, 2011, WCNC News story, attached to my letter as Exhibit 1, the HTA approached at least two cab companies and told them that if you pay to play, that is make a corporate partner donation of \$5,000, you won't have any trouble at the Airport. The two companies referenced did not pay to play, and they weren't awarded contracts. Two companies who are corporate partner sponsors at the \$5,000 level are being proposed for contracts tonight. Is this a mere coincidence? We think not. During the presentations of the proposal to the Airport selection committee, the HTA board member in question engaged in what amounts to a character assassination when he began asking my client questions about his personal taxes – unbased, unfounded allegations that simply aren't true. We believe that this was a smear campaign to influence the selection committee. Further evidence of the selection committee's flawed process was the recommendation of King Cab, whose owners are convicted felons. After learning about this, the Airport director continued to lead you down the garden path and continued to advocate for them to be selected. This body had the wisdom to stop that process and say no. Now you are being asked to sub in City Cab, who has less than seven months of operational experience. That's like handing the keys to the company van to your baby infant and saying, "Go get them tiger; drive us to the Airport." Ladies and gentlemen, this selection committee was flawed, and there is the appearance of impropriety. The president's nominating convention is coming to this city. There will not be a bigger stage or a bigger microscope for the City of Charlotte, and as was stated by Councilmember Dulin in the Dinner Briefing, this is very important. It is important that you get this right. Why put this on the agenda for Friday for a vote on Monday. Slow down. Stop this process. Stop this train. It hasn't left the station yet. You can still get this right.

Chad Moustafa, Universal Cab, said I am the son of Mohammed Moustafa, owner of Universal Cab Company. I have been employed at Universal Cab Company as a shop technician. Universal has been in existence for 19+ years operating 77+ cabs all dated 2006 to 2011. Universal Cab offers state-of-the art GPS and credit card equipment. We stand behind our logo, "Customers, you come first." We are PCI compliant and are being denied a contract at the Airport due to we are not part of the pay-to-play deal of the HTA or uptown boosters. The Aviation directors have been influenced all along by HTA and uptown boosters. I would advise you if you have any contact or connection with a member of the HTA or any way influenced by the City Manager, please do not vote for this contract. The Airport director has approved three cab companies to take over the business without having any knowledge or background of any of these three companies. For example, City Cab – only in business for seven months without any knowledge, background, or experience of the city, has a total of 23 cabs, only putting into use half due to the others not being operable. This company has no technology and can only serve the downtown area due to no cabs able to serve their surrounding areas, and to top it off, this cab company is nonexistent to most Charlotteans. Last but not least, Crown Cab is noted for having served the DSS, which they have served for over 20 years. How can you rule with these companies with this contract at the Airport. I ask you to stop the boat today on this contract and

start all over with a new process, which is unbiased and unbending supplying us with a new process. Approving this contract today will cause Charlotte taxpayers big grief.

Mayur Khandlwal, 315 Arlington Ave., Apt. 1103, said I am vice president of Crown Cab. I am speaking to offer insight into our organization, and allay concerns of hardships which may be borne by our city's drivers. We are ideal because of our people, culture of longtime investment in planning for the distant future, and experience. We were established in 1997. Our experience is unparalleled. Crown Cab has been under the same management longer than any other cab company provider in the city. Our early adoption of technology and global exposure gives us a good sense of where we stand in our development and where we want to go. Two things that have been raised by Charlotte City Council members – fees and displacement. A few words on these. Today Crown Cab's fleet is exclusively franchised and not owned by Crown Cab. Only three of our owner-operator drivers have left in the past five years and they left the taxi industry altogether. Our goal in setting prices will be to encourage stability for the best drivers available and not to maximize the short-term profits. The second concern is of displaced drivers. We are transitioning from 144 full-time drivers to a mix of 154 full-time and part-time drivers, and that increase of 12 drivers. We have been asking drivers with whom we have had positive experiences in the past and who are interested in driving at the Airport to come see us. We extend an invitation again – drivers, come see us. I hope you understand more about our vision for this opportunity. We are humbled by being asked to provide the taxi service at the Airport, and we will do everything we can to make the city glow. We want to make our city look better.

Sidique Koroma, Charlotte Checker Cab, 3476 Battle Forest Dr., Apt. L, said we feel the whole process of assigning this contract to these three cab companies wrong. We should stop it for two reasons. They were selected by an unqualified body. We, the cab companies, have sued the City to this effect. Though Mr. Orr tried very hard to throw the case out of court, the case is still pending. While the case is pending, it is wrong for you to vote on it. The improvement Mr. Orr is referring to at the Airport will not improve the cab service. We have 144 drivers currently working. He wants to reduce that number to 105. We are out in the field every day. That will cause long line of executives to attend meetings. He is trying to provide a part-time standby backup. That doesn't do the job. Selection of King Cab for the contract later on that has to be replaced so this body that did the selection was not qualified enough to do the job, otherwise they would have done proper criminal background before making the selection. Mr. Orr is putting emphasis on the year of the car. That is not the end product. The end product of cab operation is picking up a passenger on time and drop that passenger at their destination on time. If he is going to replace some of us who have driven for the Airport for 20 years and replace us ---

Henry Bendu, Charlotte Checker Cab, 4116 Cedar Hill Dr., said it is important that I stand here to clear the air about City Cab and the drivers' situation. A colleague of ours, who was the vice president of our organization, resigned for ill health. When he left instead of him taking a back seat, he started working for City Cab. They have only been in existence for seven months. This colleague came here on the City floor on the 7th of March and distributed papers stating that we belong to City Cab. I want to make it clear that we have no affiliation, no dealings with City Cab. It is our concern. City Cab is comprised of only 30-35 people. We are fighting for 144 drivers. This RFP process, if it goes on, a lot of people will be out of jobs. These companies chosen will not hire us. They started firing people already.

Abdirizak Abdikarim, 5800 Trotters Ridge Rd., said I don't represent any company here. I do not drive for the Airport. I am here to share my opinion as a private company that processes credit cards for drivers here in Charlotte. We have been following the Airport taxi issue closely. We are not active in this debate. This is not because we don't have a dog in this fight. To the contrary, we do. If these companies are awarded the Airport taxicab business, we anticipate they will deny the drivers the opportunity to choose who they process their credit card business with, and it's affecting our bottom line. So why have we stayed out of this debate? Because it was clear the deck was stacked from the beginning, and the train had left the station even before the proposal was made public. It is due to the tireless effort of these drivers that we are even here tonight. We would like to submit its objection to this proposal on the grounds that it will render

at least 100 drivers unemployed. This will cost the City dearly. It is unfair to kill businesses so the friends of the Airport and the City Managers can have this lucrative Airport business for themselves. It does nothing to improve the image of Charlotte as a destination. We would like the City to invite an outside private company to manage taxicabs at the Airport. The company should not own any taxicabs, and its sole goal shall be to enforce City by-laws and keep the standards required by the Airport. All taxis at the Airport should have the same colors and logos and ownership with individual drivers. The City, the Airport, the customers, and the drivers will all deal with one office. This is a no-brainer. This is the solution. We offer it to you. We think this will satisfy the concerns of most people here tonight. A private owned company for profit of course will need revenue to operate and a profit to make. Drivers currently pay anywhere from \$200 to \$500 per week to the companies under whose name they operate. A percentage of this money can be paid to the new company, and the drivers, we think, will not object to this because they will most likely pay less than they currently pay.

William Dobbins, 7910 Waterford Ridge Dr., said we are asking everyone to respect each other. Everyone has already mentioned the facts I wanted to bring to you today. I want to add some things to that. You have a tough job to do. This process has gone on over two years. I have been associated with it for at least two and a half. The decision that you make tonight affects everyone here as well as around the city, so I would ask for your careful consideration. Mayor Foxx, I know you do still have veto power here. I would suggest you might want to consider doing that tonight especially with the facts that have been presented to you as far as it being appropriate in terms of what is going to happen at the end. There is a lot of litigation going on. There is a union supporting us. There are a lot of different things happening to try to protect these jobs. The primary reason I'm here is because I know it's wrong to fire 144 people, and I know everyone sitting at this table in front of me now also knows that, so, please, don't do this. I would like to mention is we are waiting for the ordinance to be completed. There is a reason for that to be completed, and it needs to be done before you make a decision as it impacts everything that happens at the Airport. This ordinance doesn't take but a few more days. They tell me maybe 60 to 90 days, so why would you go ahead and do something that would directly reflect on what the City actually operates under. I know you have been taking notes, and I know there is a lot of discussion necessary here, but the point is at this time I believe a lot of people have already made their minds up. You have to realize your decision here is a political decision. It will not go away with whatever happens here tonight, and it's extremely important that you take time and consider all these people here and the fact that you are making a decision that will impact this entire city. We voted for you people because we know you will make the right choice, and I'm suggesting you don't abandon that situation or consider it very lightly. This process has been very tenuous, and I'm sure everyone concerned agrees with that. Please hold everything up for a few days. These men deserve that much.

James Galvin, 6801 McDowell St., said I am counsel on behalf of the Independent Taxicab Owners and Operators Association. That's who you have been hearing tonight. I have known many of them for five or six years, and I know them to be some of the hardest working, most earnest, intelligent, and frankly one of the most disenfranchised populations here in Charlotte. I am counsel for a lawsuit right now that is filed against the City of Charlotte and the Airport. The issue of that lawsuit is that there has been an impermissible delegation of the legislative authority. The Airport was sent out there, do your job, get us an RFP, and the RFP came back with a bunch of rules in it, and rules that specifically said if any of these rules are at odds with the City ordinance, these rules prevail. That is the crux of the lawsuit and many of the important ideas have been brought up regarding that. There is a PVH ordinance that I know is set to be amended. That is the ordinance that you guys control and have a say in, and it's going to be amended, I believe, this summer. One of the points that has been brought to the attention of the Council by the PVH board is there is this corporate affiliation that is required for these guys that own their cars in order for them to be able to pick up at the Airport. Let's look at that. Let's consider taking that out. That is very significant, and it opens a floodgate of great options toward the end of providing excellent cab service in Charlotte. So I would request that the Council wait for the court. The lawsuit that was filed the City made a motion to dismiss. That motion was denied a week ago today. Let the court weigh in on this. But also let yourselves weigh in. The City needs y'all's involvement, and it has the perfect way – the PVH ordinance. Speak into it. Give the Airport the adequate guidance that it needs to prevent something like

what has occurred from reoccurring. The City needs you, these drivers need you, and the Airport needs you, so I would ask you to closely consider your review and has been said put the cart behind the horse. Let's look at that ordinance and give the Airport the adequate guiding standards that give these guys their best fighting chance and gives the City its best cab service.

Amber Harrison, 945 W. Hill St., said I am the author submitted for the Airport RFP. I come here not to slander other companies but rather to discuss City Cab itself. I would like to applaud and recognize the taxicab drivers of this city. They are some of the most hardworking individuals, and they deserve to have their rights respected. Also to be recognized is the Airport and the efforts they have made to represent all the drivers and recognize their rights as well as to City Council and your continued efforts in this situation. Speaking no longer as a retained counsel but as a citizen concerned and as a citizen who is very familiar with this situation. It is a situation very close to my heart. It is clear that something needs to be done to protect these rights, and it saddens me to see that these parties cannot come together because we do have a company – City Cab. It's a fleet of experienced professional drivers, a fleet with excellent customer service and customer service oriented drivers, the ability to dispatch 24/7, has members who are financially and institutionally capable to satisfy all the RFP requirements that I have promised. This is a company focused on environmental protection, a company of community service oriented drivers, a company who abides by City ordinance. Finally, City Cab is not a company who represents all Airport drivers, but it's owned by drivers, and it's a company who will look out for drivers' rights. We ask that you allow City Cab to continue and to be accepted as an Airport provider, and I ask you to look at what else can be done to help the plight of the taxicab drivers of Charlotte.

Mayor Foxx said thank you all for your presentations tonight. I'm going to turn this back over to the City Council for discussion.

Councilmember Mitchell said I guess the first question I have is the City Manager or City Attorney can give us an update on the lawsuit that was made reference.

DeWitt McCarley, City Attorney, said we did file a motion to dismiss. The court did not grant that, but I am still confident that we will win that lawsuit.

Mayor Foxx said does the staff want to respond to some of this, or do you want to respond on an as-needed basis from the Council?

Curt Walton, City Manager, said if you have questions, we'll be glad to.

[Motion was made by Councilmember Barnes and seconded by Councilmember Kinsey to]
[authorize the Airport Director to execute agreements with Taxi USA, LLC d/b/a Yellow]
[Cab, Crown Cab, Inc., and City Cab, LLC for Airport taxi service effective May 1, 2011,]
[and request that the Community Safety Committee present its recommendations with respect]
[to Chapter 22 of the City Code, the Passenger Vehicle for Hire Ordinance, to Council by]
[July 31, 2011.]

Councilmember Turner said this has been a very long and tedious process for us. I know I have been involved in it for at least now two and a half years, and now to be at the end of the road and to hear the concern that I have heard for the last four months leaves me with even more concern about this. I, being the district representative for District 3 where the wonderful Airport of ours resides, and Mr. Orr, who is our director, I think is doing a great job for the City of Charlotte and the citizens here. I say that because I am concerned about the process, and I think there have been some excellent points made tonight, but I think what is more important is that I don't want anyone to leave here or any citizen out there in the general public that believes that we have taken part in any kind of a cover-up or any kind of due process that did not give you, meaning you, the citizens, that work there and that have raised these concerns to us their right to believe they were treated fairly.

I am concerned whether or not we should go forward with this. My suggestion tonight is going to be that we even consider starting over with this article because I believe this. If we did nothing wrong and the fairness is there, the outcome will be the same. If there is something there

that we need to look at, then I think we at least affording the opportunity that we can find where there may be a wrong. I personally will not sit here tonight and take part in something that now I have some questions about and give it a vote to move forward, so my vote and recommendation is going to be that we consider putting this back out for RFP.

Councilmember Howard said it's kind of a question for my colleague. I would love to know, Mr. Turner – help me understand what you are saying – to start over for the sake of just saying if the process comes out the same or are there questions the staff can go back and actually help us with? If we consider that we give staff a lot of clear direction on what our concerns are so we can have those corrected, or if there are questions that we can have answered tonight we do so.

Councilmember Turner said, thank you, because we have received – at least I have – a tremendous amount of concerns not only from the lawyers but as well from individuals and I have gotten emails from people that don't drive a cab but have a concern whether or not the process was fair. What we should be more concerned about is whether or not that process was fair, and that is not to say anyone intentionally has done anything wrong. But my point tonight is there are a lot of questions about this process, and I am not going to name some of these folks that have been named because some of them have not had the right to defend themselves. They are not here, and I will make some of those phone calls because I want to know what they think and want to know whether or not any of those things took place.

But the fact of the matter is because they are not here I'm not going to support it tonight, and I think that we should because again, Mr. Howard, the outcome will be the same if the process was fair. I don't believe you should take that lightly. I believe there are too many questions right now that tell us that we should look at this, and we owe it to the citizens, we owe it to the City of Charlotte to make sure that we do that. This is no disrespect to Mr. Orr. It is not to say that he has something wrong. It's simply to say that I'm not comfortable with it, and I'm the one who is going to have to make that vote tonight. I have one vote, and my vote is no, and I'm going to make the recommendation that we consider putting the RFP back out.

Councilmember Dulin said if you put that in the form of a motion I will second it.

Councilmember Turner said it will come as a substitution motion now; is that correct, Mr. Mayor?

Mayor Foxx said, yes, sir.

Councilmember Turner said I would like to make a substitute motion that we put the RFP back out for bid.

Councilmember Dulin said may I make a friendly amendment.

Mayor Foxx said are you seconding it?

Councilmember Dulin said I second that.

[Motion was made by Councilmember Turner and seconded by Councilmember Dulin to]
[put the RFP back out for bid.]

Councilmember Dulin said I can bring my point up after we are done.

Councilmember Howard said I think it's only fair to see if the City Manager or Mr. Orr would like to respond to what is starting over, what it does to your timelines, what it does to anything; is there is a reply at all.

City Manager Walton said, Mr. Howard, this started in 2008, so it would not be a quick process. This is obviously a very competitive industry, and my intuition tells me whoever, whether it's one, two, three, or five is recommended, we will be in the same position at the end of another RFP process.

Councilmember Dulin said we might just very well be in the same position, guys, but we need to be there without the questions that most of us have in our heads tonight. We had big questions about the first round. We have some questions about the new player, so to speak, and we are the ones that have to go out in front of neighbors, in front of communities, in front of neighborhoods, in front of scout troops and girl scout troops and Cub scout troops and explain to kids and neighbors and parents what we are doing in the process. I am not comfortable talking about this process to a group of neighbors at a Tuesday or a Thursday neighborhood meeting right now, and I would be more comfortable being able to tell those folks that I didn't know what I needed to know before I voted, so I voted to hold off a little bit. Then we can come back with full knowledge.

It doesn't have to take another three years. It can take three months or six months and get it done. The goal is to have superior customer service at the Airport for moms and dads and business people and travelers and tourists that come to our city, and their first impression is going to be that cab they get in, and we want them clean and we want them efficient and we want them to go where they are supposed to go as cheap as possible for our customers.

Councilmember Mitchell said it has been made several references to the Passenger Vehicle for Hire ordinance that maybe we should wait until after the committee reviews that. Could someone explain to me the relationships between this ordinance and the Passenger Vehicle for Hire? What is the relationship?

City Manager Walton said the Passenger Vehicle for Hire is the larger city-wide ordinance that deals specifically with the Airport.

Councilmember Peacock said things just don't feel right tonight. This does not feel like the process that we are going through is fair. It doesn't feel like that. I know that the process and what we have been through since 2008 most likely has been and perhaps the result will be exactly the same as the Manager has said, so I'm going to support the action to go back to an RFP process. But, Mr. City Attorney, we hear from different audiences, and one that I remember that spoke equally as vocal but it was much more compressed, the process felt as though it was extremely transparent was the way we dealt with our towing situation several years ago. I know it involved the Privatization Advisory Committee. Could you give me perhaps a contrast of why that process – maybe it went smoothly. I know there were winners and I know there were losers, but as a Council member, as a board member, I don't remember feeling so much dissidence from the citizens as I have felt throughout this process.

I have remained largely silent on this subject. I have met with no one in that industry. I have remained, I have waited, I have waited, I have read, but I feel like right now I'm getting ready to make a decision, if I were to agree to the Manager's action here, that I'm not making a decision in the interest of the people that are here. They feel as though they haven't been heard. Why is that?

Mr. McCarley said those two processes have two things in common. The first is that neither one of them is required by law. They are both above and beyond anything you are required to do. The second thing they have in common is they were both extremely acrimonious. You might not remember. We had three lawsuits come out of the towing issues. It was just as tough at the staff level and at the Council level as this one has been. Mr. Walton?

City Manager Walton said I agree.

Councilmember Peacock said we are having charges in transparency here, Mac. We are having questions about how this has been handled. I just don't remember that.

Mr. McCarley said every one of those charges was made about that process in those lawsuits.

Councilmember Barnes said I actually am not wedded to moving forward tonight. I am willing to defer if people want to do that. I just wanted to make that point. What I would ask though is for the benefit of our staff that people who support a new RFP provide some indication as to what difference in the process we would ask staff to take, otherwise, we are going to spend three more years doing the same thing and having the same think that Mr. McCarley indicated with

those previous ordinances happen again with this one, so I think it would be fair to them to say we would like to see A, B, and C. I have no idea what that is. Being a member of this committee, I was comfortable moving forward tonight, but if people want to defer it and reissue the RFP, that's fine with me. I think we should provide some direction to staff.

Councilmember Cannon said let me, one, thank each and every one of you for coming down this evening – those of you viewing and those of you who spoke. I really appreciate expressing your support and either your level of non-support for this issue. Earlier in the Dinner Meeting, I began to ask some questions about one of the three companies that has been recommended to this body, pretty much around the same questions that came today – length of time they have been in business, along with some other things – and I listened to some of the speakers very intently, and I heard Mr. Whiteside make a comment relative to a company not having – well, I guess no cabs, and then I heard another speaker make reference to the cab – this would have been Mr. Mustafa made reference to their being only 23 cabs that the company has.

So it begs to ask the question who knows what? What is accurate and what is not accurate? That also begs to ask the question for us as a body what is the true number, and I was largely asking those questions early on because I don't know enough about, quite honestly, any of the companies that have been a part of the process, and it would seem to me that we need to know more. I don't know how much more we can get in a process as such like this, Mr. Orr, but I remember us being here once before and we had three companies that were coming before us, and we later found through the process that there were some things that I guess either some people knew and moved forward with that recommendation or didn't know and still moved forward with that recommendation.

We have several issues I think to tackle. One, I think is dealing with the PVH board – if not the board then the director of that board. That is something I need to say publicly, and it needs to take place. The other thing is I asked a question relative to the number of years on the age requirements that a vehicle should operate. It has been suggested those numbers be three years before you turn it around and then a new fleet would have to come in. I would recommend that it has to be at least five years. Why? Because we wouldn't want to have any undue hardship placed on any company. That's one. Two, if we are really going to be supportive of small businesses and create better opportunities for those companies, we want to make sure we are not limiting those companies to having an opportunity in the future if indeed we are being supportive of small businesses. It is my hope that we will move forward in some vein or another.

Mr. Barnes asked the question about giving staff some level of direction, but I will say on that five years if Council and Mayor are still – not still but okay with this that no vehicle can be in service if the car is more than five years old. That will at least help us to allow companies to continue to be in business a little bit longer, to have a fleet rather than just to have at some point in the future to have cars in the market for only three years only to have to turn that fleet right back around and only be eligible for another three years and then do the same thing through repeat cycle.

If the federal rolling stock happens to be six years before depreciation, we ought to be paying some level of attention to that. Granted I understand we want to make sure we have cabs that are clean inside and out, and I'm trusting you in the industry that you are going to be about that program, but that's something I hope we will look at going forward. I do agree, and I think the attorney asked the question, Mr. Hunt, I believe, made the statement or someone did about fairness and due process, and I will have to agree with someone else that made the comment that what is going to be fair in the end to someone is not going to be fair to somebody else. What is going to be due process in terms of someone else's eyes is not going to be due process in terms of someone else's eyes.

What am I saying? At the end of the day, some people are going to be pleased and some are not; however, I believe we still need to make sure we are going through a process that allows each and every one of you to feel as if, one, you have been heard and the City has done everything in which it needs to do to make sure we are vetting the RFP that is coming from the Airport. I don't know today that we have done that. It is with that said that I will be supportive of the deferral, but I would like to have some level of a time limit, Councilmember Turner, if at all possible as we talk about this process.

The City Manager made mention of this beginning in '08. This is 2011. I wonder are we going to be back here with this issue in 2014? If so, say so; if not and there are some pointed things that we need to be having some level of discussions about, let's do that, otherwise, Councilmember Turner, if there is no response to that what I would suggest is that we get a response from staff about what a new process might look like and so forth and so on because I also heard issues about levels of confidence that people feel are conflicts.

That is going to lead me to ask a simple question right now to the City Attorney, which is by way of those persons that have been serving on the selection committee have we deemed anyone to have a conflict of interest serving to select or make the recommendation of these parties or entities that have been represented? Mr. McCarley, that can be for you, or that can be for the Airport's attorney.

Mr. McCarley said we have not.

Councilmember Cannon said you have not what?

Mr. McCarley said we have not declared anybody to have a conflict.

Councilmember Cannon said so all that has been suggested we see as being a non-issue legally?

Mr. McCarley said correct.

Councilmember Cannon said, Mr. Mayor, there still is just a lot to be sought through, so at this stage, I will go ahead and yield the floor and expect some level of an answer from someone with regard to this process – how we move forward with it – because otherwise we are voting in the blind, if you will, and these folks deserve to know where we are going to end up at the end of the day.

Councilmember Howard said actually given the comments of my colleagues I kind of know where this vote is going, and I sat here and wondered if I should even talk, but I think I want to stand and tell you where I am on it. It's interesting because I have been on Council for about a year and six months, and we have actually heard from this same group of gentlemen six or seven times probably interestingly enough before the RFP was put out. One of those times was when you guys came down here and you praised Mr. Orr and his running of the Airport, and I'm going to start there because I think he has done a great job of making our airport what it is today. It's the seventh biggest in the country, and all we have asked him to do is to run the best airport possible. That's what our charge is to him, and some months ago before the RFP you guys agreed with that.

I also have a lot of compassion for the fact that there will be some people out of work. My colleagues know that. I actually sent a memo out, an email out to you guys months ago making some suggestions about some things we can do because I accepted some things a while ago. I accept the fact that the Airport director is right. We probably have too many cab drivers. I accept the fact that if we had less more people would make more money. I accept the fact that I have been in cities where I didn't have cash and I needed a credit card, and it was hard to get a taxi to get me where I needed to go. I accept the fact that he is trying to make this a better process for the people that come to Charlotte and do so because of his years of hard work, and I don't think he has a reason to pull us in the wrong reason. I also accept the fact that our City Manager has done a fine job and wouldn't lead us wrong either. But I also have compassion for what you guys are saying.

I also accept the fact that some people will be out of work whether we vote tonight or if we wait and vote six months from now that is not going to change because there is only so many companies that can be allotted so that we get to the goals that the Manager and the Airport director are trying to get to. For me, the reason why I won't support the amendment is because I think we are just putting off what is inevitable. I do support us trying to figure out what we can do. In the email I sent around to my colleagues, I suggested some things like a job fair at the Airport with other vendors. I suggested things like making sure the cab drivers that are displaced

were teamed up with CPCC about other training. I mean the economy has been that way. A lot of people have had to be retrained, and I just think we are putting this off.

That's why I asked the question, and I still have not heard to my satisfaction what are we asking them to do different so that this will not be the same because I have got a feeling that we are going to have people in this Chamber one way or the other when that time comes. What I haven't heard is anybody question the fitness of any of the companies that were chosen. I heard something about seven months for one company, but nobody argued that the guys that run that company were not veterans; nobody argued that.

We have heard a lot about being part of this group and being part of that group, and what I'm sitting here tonight colleagues is dependent on the fact that of all the people that I have heard that were part of this process I trust them, and until I have a reason not to trust them that's where I am going to stand tonight. It would have been real easy to sit here and vote where the tide was going, but I wanted you to honestly know how I feel about this, and I would like, Mr. Manager, if you could, just a second to tell me if there is anything we can do because either now or later there will be people displaced. Is there anything we can do with that?

City Manager Walton said, Mr. Howard, we will be glad to connect those who are displaced with any resources in the community, whether it's Central Piedmont or through one of the City's programs or the County's programs. We will be glad to try to make those connections whenever possible.

Councilmember Howard said, again, I would like to hear some things about what we would require different. If not, I think we are putting off the inevitable. We'll be right back here in six months.

Councilmember Kinsey said thank you, Mr. Howard. I'm sort of where you are on that, and I appreciate your comments. In my former life, I messed with RFPs and proposals, and I know they can be turned around very quickly. However, I think Mr. Howard is exactly right. I think we are going to have to go through this entire process all over again. We have heard from these gentlemen many times. We have correspondence, and I don't know if we go through the process again if it's going to make a big difference, but it will take time that maybe we don't need to spend on it. For that reason, I'm going to support the original motion, but I do have concern, as Mr. Howard said, about those who might not be working anymore at the Airport and have to find something else. I am concerned about that and hope we can help in that respect.

Councilmember Carter said I'm wondering if there are two factors that may change the playing field, and not serving on the committee, and I do apologize for not keeping more closely in contact even though I am not a member, is the impact of the lawsuit and the decision even though we have confidence that the City will prevail. Would that be a change factor? Number two, with the passage of the PVH and the decision about those restrictions, would that passage have impact on what we deal with tonight? Those two questions are crucial to me.

Mr. McCarley said I don't think the lawsuit makes any difference to the decision you make. First of all, it challenges issues in the FRP. Those are not an illegally required process. The legal action that matters is the decision made by this Council – not anything that has happened to this point. So I don't think the lawsuit matters. The second piece of my advice to you is always you should make the policy decision that you think is best for the City. We will defend you in whatever lawsuits that come out of it, and I believe we have a very good and defensible position for whatever decision you make tonight. You should make the decision that you feel is best for the City without regard to the lawsuit.

Councilmember Carter said the PVH decision?

City Manager Walton said that was discussed last summer when this issue in the RFP first came to Council, and it could go either way. It could have gone either way and it still could. You could do the citywide larger ordinance. I think the decision at the time was to break it into two pieces because it makes it in more adjustable bites. The PVH ordinance is very, very large for the city, and so it could be either way. In my opinion, you went about it in the correct way in separating the two.

Councilmember Carter said if they are linked, and I sense in what you are saying they are linked to some degree having a proposal on the table for this issue would it make some sense to make a decision on that larger issue to reflect on the decision tonight? I am in true anxiety about this decision. I want it to be the right one for all of the city. I want the service to be excellent, I want people to have work, and it seems like I'm meeting cross currents here that are just untenable at this point. If there is a reflection that we can gain wisdom by the consideration and the proposal of the restrictions that the PVH will present us, I want that wisdom. In your advice, is this a crucial decision for us to reflect on the decision that we could make tonight?

City Manager Walton said it truly could go either way depending on your policy. My recommendation is to continue to divide the two.

Councilmember Burgess said my biggest issue is we have a deadline of the DNC coming, and if this does get delayed tonight, I just want to make sure that we get all the kinks worked out before then.

Councilmember Cooksey said I thought Mr. Barnes set an excellent provision for the proposal for delay about what would change, and I haven't heard much about what would change about the RFP or about the process of like if there were a deferral. So at this point, I don't plan on voting to support a deferral. With regard to the chronology of this contractual arrangement versus the PVH, the way I view it is the PVH is a baseline standard for the City as a whole, and our vision for customer service at the Airport is somewhere between baseline for the City as a whole and a higher standard – not a lower standard. I also further don't think the direction that changes to the PVH ordinance would go would be towards dramatically higher standards than what we are looking for now at the Airport.

I don't have a chronological problem with doing this RFP first and then the larger PVH ordinance because as the Manager said it is a rather large ordinance. There are many more moving parts to it than just this particular aspect of service. Our goal is always here in this regulatory aspect of what we do to focus on the customer. Our concern, first and foremost, is with the customer here. That's why we are in the business of this regulation. Didn't use to be that way. The City didn't use to regulate taxis or passenger vehicles for hire to this level, but the concerns about customer service were foremost. Because this RFP addresses issues of customer service at the Airport, because there are currently 12 companies working there now, and I don't think that any process we approve is going to reduce or is going to keep it at 12. It is going to reduce that number as has been said better and more eloquently. We are going to have people complaining about this process because companies will lose business from it at any rate. So, again, until I hear something specific about what the deferral changes, I am not going to vote for it, and I will vote for the proposal before us.

Councilmember Cannon said question for Mr. Orr. Jerry, do we know if City Cab has proper technology? Do we know if the thought is that new cabs will be coming through the owner-operators as well when this RFP or I should say when this agreement becomes effective?

Mr. Orr said did you say City Cab?

Councilmember Cannon said City Cab in the first piece relative to a question about technology. Then the second part would be all of the entities recommended in terms of what kind of fleet they will be coming in with in terms of new cabs or old cabs or what have you.

Mr. Orr said we intend for all the technology to be the same in each cab -- each cab that serves the Airport – so that if a customer walks out the front door it's the same experience regardless of which of the three companies he gets into. We will ensure that happens.

Councilmember Cannon said you said you intended for it to happen.

Mr. Orr said yes.

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Councilmember Cannon said intentions sometimes don't work out to be what we might want them to be because this is an intention. I'm just trying to get my arms around if that is actually going to be the case.

Mr. Orr said that will be the case.

Councilmember Cannon said if you find it is not the case –

Mr. Orr said it will be the case.

Councilmember Cannon said if you find that it is not the case will any of the companies recommended be eliminated from the opportunity?

Mr. Orr said the company would have to refuse to use the technology that we provide. If that is the case, they wouldn't meet the standard; they would be disqualified.

Councilmember Cannon said how many days after the effective date, which would be May 1st, would you be giving the companies to ramp up, if you will?

Mr. Orr said 120 days.

Councilmember Cannon said the other question relative to what you may expect in terms of the rolling stock coming in. Do we anticipate these cabs to be new?

Mr. Orr said I think you will see a large portion of the fleet being new cars or fairly close to it.

Councilmember Cannon said was that something that came out in the way of a discussion when the RFP was being conducted?

Mr. Orr said, yes, sir. Each of the three companies we recommended indicated the ability to provide all new cars.

Councilmember Cannon said can you say that was true for the other companies that were represented also?

Mr. Orr said, no, they did not.

Councilmember Cannon said, again, I'm okay with the level of deferral, but I have to understand exactly where we are going, and I say again that we shouldn't be making a decision in the dark on a deferral if we don't know exactly where we are going at the end of the day, so I'm still holding that out there, and I want to ask the maker of the main motion if he would accept that no vehicle can be in service if the car is more than five years old, and, of course, then thereafter no other vehicle can be five years old on a continuum.

Mayor Foxx said you are asking Mr. Barnes?

Councilmember Cannon said I'm asking Mr. Barnes, yes, sir, the maker of the motion.

Councilmember Barnes said if I might respond. The answer to that question would be yes. May I add something else, Mr. Mayor? One of the things that strikes me is that since I have been on this Council we have entrusted Mr. Orr with spending over a billion dollars – that \$300 million runway. We were all in DC two weeks ago begging the Feds to help us with a new air traffic control tower, which we anticipate they are going to do. He has led the efforts to get the new parking decks built, the new ones that are already there, the business valet, a number of improvements at the Airport. All of a sudden tonight, we have a lot of issues, and I understand what these men are saying. I have said that all along. What I also believe though is we have said we want there to be clean, mechanically operable cabs at that Airport. There are 151 maximum spots. On any given day it's 105, I believe.

Mr. Orr said yes.

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Councilmember Barnes said we are not trying to put anybody out of work. The fact of the matter is that most of the cab drivers in Charlotte aren't at the Airport, and as I said earlier, I would be happy to defer the action if I heard some compelling reason to do so, namely, direction to staff that would provide them with some indication as to what it is that we expect them to do. I haven't heard that, so I am actually back to my original motion with Mr. Cannon's friendly amendment.

Councilmember Cannon said, again, if there is no clear directive then I'm probably going to end up on the other side, but I need to find if there is a clear directive and what that means. The other thing is this. I would hope to a point being made relative to those workers being displaced that any of the entities that may prevail will find an opportunity within its organization to consider experienced drivers. Now, I can't tell you what to do obviously, but I heard a speaker come down and allude to that. That's the only reason I make that point. So I hope the intention is indeed genuine there.

The last thing is with regard to the PVH ordinance that is before the Community Safety Committee right now. They are for the most part – it's a fork in the road. PVH is going left. This before us tonight, this RFP, is going right. But for maybe the age limit of the vehicles, there is not a whole lot that the PVH ordinance is going to have an impact on relative to the RFP if you really look at it. I mean that's the reality, and the more you come to those meetings and look at how we are going to be dealing with that issue the more you will begin to see that is really the case. So, I just wanted to make that point, and, again, would ask, Mr. Mayor, for some clear directive.

Mayor Foxx said let me be very clear that the state of play – the underlying motion is Mr. Barnes' motion, which was seconded, to approve the action, and there is a substitute that is pending. My understanding of the substitute is that it is not a deferral substitute. It is a substitute to restart the RFP process, so I want to make sure we are clear on what the state of play is.

Councilmember Howard said I think I need some direction from either one of the attorneys at the end, Mr. Cooksey or -- Where would be the proper place if I wanted to add something that was a provision that in six months there would be a review of the three companies picked to make sure they are compliant with all the things that Mr. Cannon and everybody else has talked about making sure they have the cabs in place, make sure they have technology in place, and if that is already in the contract, correct me, to make sure that we come back and we check; and, if at that point in six months they are not compliant completely, including the five years and all that other stuff we are talking about, that at that point we can go back and out pick another company then.

Further, and I didn't say this to you, Curt, maybe not go three years but go 18 months with some review that says we can stop at that point with somebody if we are finding this process not to work. Is that properly as a substitute to the substitute?

Mr. McCarley said a couple of quick suggestions for you. First, the agreements that you are offering by this motion are for one year. Second, they require that the people meet the requirements, and if they don't, Mr. Orr will yank their certificates. They won't be operating. I think where you are going to end up is that anybody who is still operating at the Airport will be doing it because they have met all the requirements. Mr. Orr?

Mr. Orr said that's absolutely correct.

Councilmember Howard said help me with the one year. This says three-year agreement. What are you saying the difference is?

Mr. Orr said I think it says a one-year agreement.

Mr. McCarley said I'm looking at Assistant City Attorney Leila Lahbabi for a head nod one way or the other.

Ms. Lahbabi said they are one-year agreements.

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Councilmember Howard said this is my problem with one year without reviewing where they are, and I guess I need to understand Jerry's enforcement. In one year, we are right ready for DNC, and we have little room to make corrections. Six months gives us an opportunity to see exactly where everybody is, and I think what I am saying, Jerry, if you have that right – I would like to almost make sure that we are putting it in so it's clear we are saying that in six months if it's not right let's go with another company whichever company is not meeting the exact letter of the law.

Mr. Orr said there are plenty of teeth in the contract that if this doesn't start off right, if it starts heading south to make corrections immediately.

Councilmember Howard said will my colleagues be open to putting six months on this to see? What's the proper way to handle that – substitute? I don't mind it going down.

Mr. McCarley said the easiest way is if Mr. Barnes will accept it in his motion. If not, we'll come up with an amendment for you.

Councilmember Howard said we still have to go through Mr. Turner's motion though. That's what I'm concerned about. We don't even get to Mr. Barnes if Mr. Turner's passes.

Mr. McCarley said you could still amend Mr. Barnes' motion, if you wanted to. I think I see a head nod.

Councilmember Barnes said I want to know if you would, please, Mr. Howard, articulate your request, your suggestion.

Councilmember Howard said I'm suggesting, sir, that in six months we do a formal review, and I know Mr. Orr has this right along the way, but something that is very formal that says in six months if one of these companies has not met technology and every other letter in the agreement that Mr. Orr can go back out for another company immediately.

Councilmember Barnes said wouldn't they be in breach anyway, Mr. McCarley?

Mr. McCarley said, yes, sir, they would.

Councilmember Barnes said and subject to revocation of their privileges?

Mr. McCarley said, yes, sir.

Councilmember Howard said I'm scared it wouldn't be to the end of the one-year agreement. That's my point.

Councilmember Turner said 120 days.

Mr. McCarley said let me check again with Ms. Lahbabi. Isn't it a pretty immediate revocation?

Ms. Lahbabi said yes.

Mr. McCarley said if they are not meeting the requirements they will be revoked.

Mayor Foxx said we are going to have to get ourselves to a point of closure.

Councilmember Howard said but at the end of that time whenever he would say one is not right does he have the right to go right back out or does he have to come back to us?

Mr. McCarley said I don't know the answer to that. Ms. Lahbabi?

Ms. Lahbabi said the ordinance actually allows the Aviation director to execute the Airport operating agreements. I think what has changed over time is that in reducing the number of companies the expected amount of revenue into the Airport might exceed \$100,000. We are splitting \$300,000 more or less between three companies rather than 12, so the monetary amount

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might require that we come back to Council for approval, but as Mr. McCarley said, the RFP process is not a required process. In the past, we have just done a simple application just to show financial stability and the ability to meet all the requirements of the ordinance and the operating agreements.

Councilmember Cooksey said I wanted to try to address a couple of the other points that Mr. Howard brought up in a different fashion. We have covered the one-year provision. It's a contract for one year. At any time a company ceases to fulfill the obligations of that then they are in breach and they are gone. The specific actions are to authorize the Airport director to execute agreements with three companies. If one of these companies or two or all three become in breach of contract in what we just heard there, if the revenue amount from the contract exceeds \$100,000, the Airport director has got to come back to us at any time between now and a year. If it does not, he doesn't have to come back to us anyway because remember we have never voted on the agreements that govern the 12 cab companies today, if I'm remembering the history correctly because there was never a revenue issue. Part of what makes this awkward is it's the first time we have been here whereas previous Councils have done towing agreements and the like and there was some history. I am simply confident that the contractual arrangements set up provide the necessary control by the Airport director over the quality of service being provided, that there is no need for a review by us between the time they are signed and the end of the contract because the director has that authority now, and if there are future issues, future companies to be selected, or future reallocations, we will see it due to the \$100,000 cap on contractual authority.

Councilmember Dulin said, Mr. Howard, I was thinking out loud and telling the Mayor I would be very quick when you thought I was telling you to be very quick, which I know would never happen. One thing that will change. If we do the second motion by Mr. Turner, I will volunteer to sit in on the RFP selection process, and I have not read the RFP, but I will read that RFP and sit in on that process and report back to this Council what I see, what I know, and what I learned, and I will do that if we pass that. We can tell the gentlemen and the women in the audience here though that this is one of those "be careful what you wish for deals" because there are going to be winners and losers tonight or in three months or six months, so the idea of we are going to be back here again is true, but I will volunteer to sit in on that panel, sir, if Mr. Turner's motion passes.

Councilmember Turner said I want to go back because everybody keeps saying it gives some directive. Let me say this. I think there are some things that need to be brought up front. The process itself, what I'm asking for is that. There are a lot of questions, a lot of allegations, and as Councilmember Cannon stated earlier trying to decipher what is true and what is not I'm not comfortable at that right now. I want to know the facts, so what I would like to see happen in the process if we get back to this is the RFP from the losers and winners what is separating them up front. This Council should know that.

We should know what is separating them. Why did we pick who we chose at the end of the day? When we made that choice, we would know that based on the facts, based on what our criteria was and not some assumption of what it was. Secondly, I don't believe three years – it might have taken us three years to get here now. We don't have to rehash all that. I would like us to look at either 30 days or 60 days. That puts us back here April 25th or May 23rd. But we need to get some things up top. I just think there are some things that are leaving a lot of unanswered questions that I think that if we were informed as this process went on – what Council member has seen what the RFP contains? None of us. And, no one saw what the results of that based on their judgment. Whether to eliminate one cab company over the other; that's all I'm asking for, and if that's our process, then that is the process. I'm just simply saying there are too many questions about that process, and I'm not comfortable with it, and that's what I would like to see.

Councilmember Cannon said, Mr. Turner, point well taken, and I appreciate it. I have a quick question for you, Mr. Manager, or maybe even you, Mr. Orr, and that is the proposals that were submitted that wouldn't be at this juncture public information; would it?

Mr. McCarley said, yes, it would.

Councilmember Cannon said if that information is public then probably I forego asking the question about us as a body having to go into executive session per se to do exactly what Mr. Turner is talking about and/or suggesting, which is that we get an idea of what these proposals may have looked like, but it would appear to me that it has to be uniform in some way for us to be able to digest the information that is out there now. Mind you, I know good and well you don't want us involved in that process, but at the same time, we are in the process, and it's incumbent to know how you came to the conclusion or how the selection committee for that matter came to the conclusion that they came to. I'm trying to find a way to get us there. I know there has been an ask for 90 days or so for us to do this, but Councilmember Turner has suggested 30 to 60 days. What would be the harm in 30 or 60 days for us to get a better handle and/or review on the proposals that were submitted?

City Manager Walton said that is clearly your policy to decide. Operationally, 30 or 60 days doesn't change anything, but I feel like the selection committee looked at everything on as level a playing field as possible.

Councilmember Cannon said I believe that and thank the selection committee for doing that. It's with that said that 30 to 60 days is something that will not interrupt progress and being able to move forward, I would suggest, Mr. Turner, if you have got any dates in front of you that we look at some dates. I don't have a calendar in front of me.

Councilmember Turner said April 25th and May 23rd.

Councilmember Cannon said April 25th seems to be pretty quick. Why don't we take it to May. Manager Walton, what do you recommend?

City Manager Walton said I'm on the same page with you that if you are suggesting we start the RFP process over it wouldn't work. If you are talking about sharing with you the proposals upon which these recommendations were made, we can do that.

Councilmember Cannon said that is what the ask is, and I think that's what I thought I heard Councilmember Turner say in order to be able to get our hands and arms around whether or not we are making the appropriate decision obviously not this evening – at another point in time. Mr. Mayor, I would like to yield to ask Councilmember Turner if that's what he meant or not.

Councilmember Turner said I haven't changed my motion. My motion was made to put the RFP back out. You wanted to know what it is I was seeking to accomplish from that and what was being questioned. I think that if process is included in this that we are informed through this process I don't know what the timeframe being if you put it back in an RFP. I don't believe that three years is reasonable, and I don't think it should take that long.

Councilmember Cannon said what were you asking for within a month, 60 days?

Councilmember Turner said I'm saying because I think we can do it in 60 days, but the City Manager said we can't put the RFP back out and do it like that.

Councilmember Cannon said I would agree with that.

Mayor Foxx said we have a motion that is pending to take the next – I think it's 60 days you are asking the staff to put the RFP back out and have it come back in 60 days; is that the substitute?

Councilmember Turner said my motion stays as it is. What I was trying to do at that point because several Council members indicated what is it that we were trying to get from that, and what I was trying to get was some transparency, to remove some of the questions and doubt that have been presented to this Council that have left us kind of in this holding stage here; and if that would help, but if that is not going to help, then my motion stays the same, and if someone else wants to make that as a friendly amendment to look at 30 to 60 days to take on the review of how they chose the individuals that we did and look at that process from a proposal standpoint then I would be okay with that as well. But, if not, then I'm going to stand where I'm at with my motion.

Mayor Foxx said the motion as it stands is to start the RFP process over. Let me just say a couple of things.

Councilmember Howard said just a point of information. Just went back and found an email from Mayor Pro Tem back in September of '10 where his committee actually had a presentation about what does the RFP require. I just want to make clear we did see that part, and it was sent to all of us. I mean it was a while ago, but we did get it, and it's a PowerPoint. Just an FYI.

Mayor Foxx said let me say this and we have been talking about this for more than an hour and some change, and if you add the speakers that came to us, it has probably gone into closer to two. This is actually an incredibly important issue for the City on a number of fronts. It's an important issue because I think all of us want to see the level and the quality of the customer experience in our taxicabs improve, and I think many of the drivers probably feel the same way and many of the companies feel the same way. What is happening, in essence, is that the Airport has begun a process to improve that process there at the same time there is an expectation we are going to look at the larger picture through the PVH ordinance.

I have been concerned from the time we started going through this actually going back two and half years. In fact, the initial proposal was to have just one company service the Airport, and through walking through this over several years, our Airport director has actually moved off one company and gone to three, which I think is an improvement. At the same time, I have spent a lot of time listening to these drivers and these folks who have wives and sons and daughters and livelihoods, and I think regardless of what we do to try to improve the quality of the taxi experience frankly not only in the Airport but also through the rest of the city, there is going to have to be some – someone is going to have to pay to improve that, and that is necessarily going to mean that resources are being spent on improving the quality of the cabs and not being spent on something else.

Our city has actually operated our cab system in a fairly laissez-faire way. The certifications that we give to the cab companies to operate and the certifications we give to the drivers to drive give both of them an opportunity to find each other in the private market, and what's happened is what we see out there at the Airport and elsewhere. It's not to say it's the ideal scenario, but that's how we have gotten to where we are.

I actually think given the fact that the PVH ordinance is under review and is likely to come back to us before the end of June or July that if there was interest by Council in looking at this RFP further I actually don't see the point in doing that before the PVH ordinance gets adopted. I also don't necessarily think that if it got adopted you would find material changes that would impact the RFP perhaps, so I have some concerns about completely throwing the RFP off the table. Maybe if you were going to defer you would hold it in abeyance until we knew more about what was happening with the PVH ordinance.

If you are going to defer, I think that is the way to do it. If you are going to move forward, there is another way to do that. Anyhow, this is a very imperfect process, and I absolutely do believe that no matter what happens even if there is a deferral or something, when it does come back it's going to be painful period. So I do hope that you all at least consider what the purpose of the deferral is, and if the purpose is to get more clarity around the PVH ordinance at least you will give yourselves some time to do that.

Councilmember Turner said I think what you just said would probably get us there faster. I would reconsider, if I can make a friendly amendment to my motion that we postpone this until May 23rd to give staff enough time to provide us with information seeing how the process played out and to be able to look over those documents.

Mayor Foxx said so it is not a deferral?

Councilmember Turner said yes.

Councilmember Cannon said to look over documents meaning to look over the proposals that were submitted by –

Councilmember Turner said the process of the proposals which were provided to them.

Councilmember Cannon said second.

[Substitute motion with an amendment was made by Councilmember Turner and]
[seconded by Councilmember Cannon to defer this item until May 23, 2011, to give]
[staff time to provide Council with information regarding the RFP process.]

Mayor Foxx said there is a substitute to the substitute. Can we do that?

Mr. McCarley said I think what Mr. Turner did was just withdraw his previous substitute motion and make a different one.

Mayor Foxx said thank you for reinterpreting that. Mr. Turner has reoffered his substitute. There is a second to that.

Councilmember Carter said that does not get us to the point where the PVH is considered in Council committee. Is that what we want to do or are you looking simply at the process, Mr. Turner?

Councilmember Turner said when is it due in your committee?

Councilmember Carter said in July.

Councilmember Cannon said it will be back before you by July 31st.

City Manager Walton said just as a technical matter on May 23rd later on your agenda is to amend that meeting, so that is going to be – that is the Budget Public Hearing night, and it's a shorter meeting, so you might want to select a longer opportunity if this passes.

Mayor Foxx said sounds like we'll need a longer opportunity.

Councilmember Turner said sounds like I need to extend it anyway if that is a concern of some of my colleagues, and I respect that. What other date would we be looking at? Based on what you just told me that would put us in August, and it also being your summer break.

Mayor Foxx said let me make a suggestion to try to speed us up here. What if we moved it to a date no later than the last meeting in July to coincide with the PVH ordinance and ask our committee that if there is cause to bring it back sooner than that give them discretion to bring it back to us with a recommendation.

Councilmember Turner said I accept your recommendation.

Councilmember Cooksey said so if I understand that chronology correctly we vote at the end of July, and the annual contracts would be up at about the time the DNC arrives.

Mayor Foxx said they could be up in March.

Councilmember Cannon said are we asking for a decision toward the end of July based upon reviewing the information that comes back that Mr. Turner has been suggesting?

Mayor Foxx said I think we are asking for a recommendation.

Councilmember Cannon said so you want a recommendation back at the same time the PVH recommendation comes forth. So August still in terms of –

Mayor Foxx said that's the motion, and the substitute is on the table. Mr. Turner has made it, and there has been a second. We have discussed this ad naseum.

Councilmember Barnes said I have a question. Is the new substitute to have staff present to the Council the same presentation the committee got last year regarding –

Mayor Foxx said I think the presentation was, as I understand it, the criteria that was contained in the RFP.

Councilmember Barnes said why can't we get that next Monday? They have it. This isn't a secret. Jerry probably has it on him. We have it right there. I'm just trying to understand why it's going to take until August to get this. Could it not be a dinner presentation?

Mayor Foxx said it could be.

Councilmember Barnes said I'm just trying to figure out why we have to wait until August, and as I understand it, there is no true connection between the PVH. There are some tangential connections, but in terms of the two being able to survive independently, they can, so we are kicking this can down the road, and I'm just wondering why – that's all. I agree with deferring it to get the presentation from staff regarding how we got here. I'm wondering why we need to do that in August as opposed to the next dinner meeting, the next Workshop.

Mayor Foxx said let me try to reclaim the floor. I don't know that we are talking about a presentation in August. The presentation can happen at any time between now and the end of July, and, in fact, the committee has discretion – my understanding was this was going to go back to Public Safety Committee for that information to be reviewed and that the committee would be coming back. Tell me if I'm mistaken here. Maybe it's coming back to the full Council, Mr. Turner.

Councilmember Turner said full Council.

Mayor Foxx said coming back to the full Council. So it can happen before July. It's expressly stated in the substitute.

Councilmember Barnes said we would be voting potentially before July?

Mayor Foxx said whenever the Council decides. We are making sausage here, folks. We just need to –

Councilmember Barnes said we are. I see the chair shaking his head – the Public Safety chair.

Councilmember Cannon said we wouldn't be making a decision, as I understand it, before July. If it's just coming in the form of a recommendation –

Councilmember Barnes said they made the recommendations right here, Item 12.

Councilmember Cannon said I know that, but what we are talking about now in terms of what Councilmember Turner is talking about we would give a recommendation sometime in July, and you would probably be making a decision sometime in August. As I understand it, Mr. Mayor, we just would not be getting a presentation – I mean we would be looking actually at the proposals, as I understand it, which is something that no one has been able to observe and to weigh in on, which you cannot get done in a Dinner Meeting presentation, by the way, as you know.

Councilmember Howard said I think what I heard is we wanted to take some time to hear why the companies we chose were chosen. Mr. Barnes is right. The write-up is here, and the Airport director and the Manager are here. Nobody has asked them to tell us why, so all we are doing is kicking the can down the lane.

Mayor Foxx said are we ready to vote on this one way or the other? I hope Michael Barnes doesn't fake me out again. I'm joking.

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

AYES: Councilmembers Cannon, Carter, Mitchell, Peacock, Turner

Mayor Foxx said all in favor of the base motion, which is to approve with the changes that Mr. Barnes has agreed to – I think it's a five-year provision. Were there any other ones?

Councilmember Barnes said, no, sir.

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

AYES: Councilmembers Barnes, Burgess, Cooksey, Howard, Peacock

Mayor Foxx said that does not pass.

Councilmember Kinsey said Andy didn't vote.

Mayor Foxx said you are actually a yes if you don't --

Councilmember Dulin said you didn't give me an opportunity to say no to the first one. I don't agree with either one of the motions.

Mayor Foxx said so you are a no on both.

Councilmember Dulin said I'm a no, but I would be glad to raise my hand up to say that.

Mayor Foxx said it would be nice.

Councilmember Dulin said "no".

Mayor Foxx said thank you. All right, that fails, so we do not have six to pass either the substitute or the action. Mr. City Attorney, where does that now leave us?

Mr. McCarley said square one. You have taken no action. The item is still on your table for action if you choose to.

Councilmember Barnes said perhaps an opportunity for resolution regarding Mr. Turner's substitute motion. I believe I can change my vote if I need to or choose to. I'm concerned about the timetable. I would rather get it done sooner rather than later. Is there a way for us to get the information that people want within the next couple of weeks and then vote?

Mayor Foxx said I'm hearing two things going on. I'm hearing some people want more information on the process, and I'm also hearing some people who have questions about whether we should be approving this piece before we approve the PVH ordinance. I think there are two sets of things going on, so that's why I was trying to say that you should think about dovetailing it with the PVH ordinance, but if you want to try that, you can try that.

Councilmember Barnes said honestly if you guys – I'm willing to support Mr. Turner's motion. I just want it to happen in the near term in order just to move forward, Patsy, that's all.

Councilmember Kinsey said I didn't hear it.

Councilmember Barnes said I said I would support Mr. Turner's substitute if we could have the review and the study take place in the next couple of weeks as opposed to putting it off until July or August.

Councilmember Carter said is it possible then to get a resume of what the PVH discussion will be so we have some concept of what that discussion will present to the committee?

City Manager Walton said you mean the larger ordinance?

Councilmember Carter said yes.

City Manager Walton said not what the recommendations – we can't presuppose what the committee's recommendations will be. We can certainly provide you a copy of what the current ordinance is.

Councilmember Carter said so the committee is making recommendations to change the ordinance; is that it?

City Manager Walton said by the summer.

Councilmember Carter said so it's committee generated. It's not something that staff is presenting to the committee.

City Manager Walton said correct.

Councilmember Carter said thank you. That is a part of the issue I did not comprehend.

Councilmember Mitchell said let me try to take a stab at this because I know we all want to go home, and we still have four more issues to deal with. I would like to make a motion that we defer this item and review the process and have a presentation to us at the June 13th meeting to the City Council. That gives people an opportunity to weigh in, to look at the proposal, and send it to Public Safety, and have it on the Council agenda June 13th.

Mayor Foxx said motion to defer until June 13th. Is there a second?

Councilmember Carter said second.

[Motion was made by Councilmember Mitchell and seconded by Councilmember Carter to]
[defer this item and review the process and to have a presentation at the June 13th City Council]
[Meeting.]

Councilmember Barnes said why would we want it to come to the Public Safety Committee?

Councilmember Mitchell said that's an excellent point, chairman, but I think what has put all of us in a bind around this table is that we have not – fault of ours – been totally engaged. The last presentation came to us September 20, 2010, and between 2010 and 2011 none of us have opened up and looked at that RFP, so I think given time for the Public Safety to be our eyes to review that RFP would help us and build some credibility. Let me just say this for the record. I think what we are really struggling with at this table is we have really challenged Jerry Orr to lead a great airport. He has done a fabulous job. He is recognized worldwide, and we sit here today, and his name is under a cloud, and I don't think that's fair to a great director that we have in the City of Charlotte. I think sometimes we just need to have civility as we work through tough issues. Council, I'm asking us to practice civility and have this come back to us on June 13th so we can build trust and credibility not only to Jerry Orr but to your profession and the City of Charlotte.

Mayor Foxx said a motion was made and seconded. Is there further discussion on this motion?

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

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

NAYS: Councilmembers Barnes, Cooksey, Dulin, Kinsey

Mayor Foxx said that passes. We will defer until June 13th.

Councilmember Cannon said did we have a total of seven votes then?

Mayor Foxx said I think so. I saw one person did not raise their hand.

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ITEM NO. 13: HOUSING LOCATIONAL POLICY

Councilmember Kinsey said thank you, Mr. Mayor, and thanks to the committee members – Mr. Barnes, Mr. Cannon, Mr. Cooksey, and Vice Chair/President Mitchell. What we have in our agenda is a very good overview of the proposed locational policy, so I won't insult your intelligence by reviewing it for you. I hope you have gone over it though, but I would like to emphasize just a few points. We do have an existing locational policy. It was first approved by Council in 2001 and then amended in 2003. Its goals were very similar to the ones in the proposed policy which are to avoid undue concentration of subsidized multifamily housing, to geographically disperse new subsidized multifamily developments, to support the City's neighborhood revitalization efforts and other public development initiatives, and to promote diversity and vitality of neighborhoods. I believe the proposed policy addresses these goals much better than the existing policy.

I'm sure you have some questions about just how the policy works, and Pamela Wideman is here to answer these for you, but first just a few more points, and I call you attention to the heading of Review Process. Neighborhood and Business Services staff, along with committee members, hosted five public forums last summer with a total attendance of 158 citizens. Throughout the process, citizens and stakeholders attended committee meetings. We heard from them. As you remember, we held a public hearing last November after which staff held another meeting in December with those who spoke at the hearing. Additional input was received. I believe the proposed policy has been thoroughly vetted, and I recommend it to you.

Two more things. First, I know that some of you have heard concerns about conversions. There is a cap on conversions. I'm going to say that one more time. There is a cap on conversions. Secondly, as I have gone around to neighborhood groups as well as to others and talked about the proposed policy, I talked about what I call the new model for subsidized housing and point out what has been done in First Ward, Seigle Point, and many other developments, and that is the use of mixed income housing. I think when citizens can visualize those developments they can be more comfortable with subsidized housing in their neighborhood, and that is what we hope will happen. I don't know if there is a presentation that staff wants to make, but we certainly have someone here who can answer questions you might have.

Councilmember Barnes said I have a question for Ms. Wideman regarding the language under the half-mile restriction. I wanted to clarify my understanding in light of the point the chairwoman just made regarding undue concentrations. The second half of the half-mile restriction piece says, however, it does permit new subsidized multifamily developments within a half mile of an existing nonexempt multifamily housing development which includes greater than 24 subsidized units in the same or in adjacent stable NSA. Should that be less than 24 subsidized units?

Pamela Wideman, Neighborhood and Business Services, said the policy applies to developments of 24 or more units.

Councilmember Barnes said just help me understand what that sentence means.

Ms. Wideman said you are reading from your agenda; is that correct?

Councilmember Barnes said yes.

Ms. Wideman said it should say – well, basically what we are saying is if you had a development of 24 units proposed within a half mile of another development it is permissible within a half mile when you have stable NSA to stable NSA.

Councilmember Barnes said doesn't that eventually lead to -- and as she described it and the language we have used – an undue concentration?

Ms. Wideman said as long as it doesn't exceed the 15% cap. As long as the units that are proposed does not take either NSA over the 15 or the 5%.

Councilmember Carter said, Ms. Kinsey, thank you very much for pointing out there is a cap on conversions, and apparently that cap does not exist now, but anything can be converted 100% now, so this is for protection.

Ms. Wideman said what the current policy allows for is up to 50% of the units can be converted anywhere. That is an exemption to the current policy, so this places a cap on the conversions.

Councilmember Carter said that's heading toward diversity. It's heading toward economic balance, and that I really do appreciate. When we get down to rehabilitations, there is no cap and no restriction about location as I understand it.

Ms. Wideman said the thought about rehabilitations, Ms. Carter, is those are currently subsidized, those are already subsidized units, so with the proposed policy you can do rehabilitations anywhere as long as you don't add to the existing subsidized unit count.

Councilmember Carter said do we define blighted housing, in other words, which does not create a healthy living standard for our individuals, and, then, two, do we address definition of what is improved housing?

Ms. Wideman said do we define blighted housing in the policy?

Councilmember Carter said uh-huh.

Ms. Wideman said that is not a policy definition in the policy.

Councilmember Carter said so we don't know whether it is improved or not. We have a low standard that is not met, then how can we determine that something is improved?

Ms. Wideman said the thought behind conversions is that you would be improving, you would be making a physical improvement to the converted units and to the rehabilitated units.

Councilmember Carter said but do we have a standard; that's what I'm trying to find? How do we define that improvement? Do we have a measure that we can look at this apartment and say it is better because and it meets these criteria?

Ms. Wideman said let me see if I can answer this for you. If it receives some City Housing Trust Fund money, there would be some standards, there would be some on-site management standards that a privately owned development might not have, so that would be an improvement in terms of how it is managed.

Councilmember Carter said how it is managed, but how it is physically improved is part of this as well.

Ms. Wideman said at a minimum it would meet minimum housing code. You could argue that there might be some privately owned developments out there that might not be up to minimum housing code standards, but if we are putting City money into it, it would receive physical improvements. How much, in terms of dollars, it varies.

Councilmember Carter said that's a very important issue that either would make or break the issue for the people who live in District 5, and I am concerned that we have some standards that should be met according to approval. We had a very good discussion, and I am very grateful of your time.

Ms. Wideman said let me also point this out to you. For example, when projects receiving Housing Trust Fund dollars, they go to our Planning Department for review to make sure the architectural style, so we want them to fit in with the character of the neighborhood. I don't know if that helps at all.

Councilmember Carter said I'm concerned that someone will come in with minimal funding, make minimal changes, and it's declared rehabilitation, and it really does not meet the standards we would expect for acceptable housing.

Ms. Wideman said generally a rehabilitation – I will just give you some examples. What you will see on our HOPE VI projects – those are what we are considering rehabs. You approved an item a couple of weeks ago for a Seversville rehab. They are going to put in new HVAC units, they are going to redo the siding on some of those apartments, so those are things that we consider as rehabilitation.

Councilmember Carter said that's what I needed to hear. Thank you very much.

Councilmember Mitchell said, Pamela, about maybe four months ago I sat down and had a meeting probably with four, five, six developers and GCs, who develop our affordable housing just to get input as a stakeholder group for them. The issue they had was the one-half mile radius from the standpoint of it might restrict their opportunity to develop more affordable housing. Due to the belief out there, GCs and developers do not make a lot of money on affordable housing. I know the citizens sometimes think that they make a lot of money. That's why we only have a very few participate in affordable housing development because the margins are so small. What worries me a little bit getting input from them about the half-mile radius can be counterproductive is there another way we can get to the goal of protecting stable neighborhoods or not overburden already existing districts who have affordable housing without using the half-mile radius, or is there any other discussions or another option? I know we have the cap, but just hearing from those who provide it, and it was unanimous – not just one, but all six felt like it was counterproductive.

Ms. Wideman said we discussed that in committee and thought from the direction of the committee that the half mile should be there. You all could direct us to reduce the half mile to a quarter of a mile, something else other than the half mile, but the committee discussed it and agreed that the half mile should stay in there.

Councilmember Mitchell said is there a strong argument to say if we had the half-mile radius it will restrict us in building affordable housing in the city of Charlotte?

Ms. Wideman said it depends on who you ask, Mr. Mitchell. The developers, as you know well, will say, yes, that is a restriction.

Councilmember Kinsey said I just wanted to respond. Like I said, we vetted this. We worked with neighborhood leaders, we had housing providers in the meetings, we had some developers.

Ms. Wideman said we did have developers.

Councilmember Kinsey said they were all involved with this process, and I can almost guarantee you that the neighborhood leaders will be very upset if we go back to the quarter mile because this was something – we had to do some negotiating, and I think we have come to a spot where everybody doesn't like everything about it, but we believe it's the best thing that we can have right now, and it may be a first step in what will go forward.

Councilmember Mitchell said so the cap does not – the 15% cap cannot perform the same function as the half-mile radius.

Ms. Wideman said, again, Mr. Mitchell, it depends on who you ask. In the meeting that we convened on December 16th, there was conversation around if you raised the cap to the 15% for the 30 to 60 and if you placed the cap for the zero to five that could take care of the issue with the half mile. That was more so from the developer's perspective. I would remind you though that the neighborhood leaders that we heard from were very concerned with the half-mile cap as it related to those challenged and transitioning neighborhoods.

Councilmember Mitchell said the 15% cap if we did it for 30 or 60 it still wouldn't be applicable to transitioning and challenged?

Ms. Wideman said, yes, sir, they would be in terms of conversions and rehabilitations. As a reminder, we are proposing only new development in stable NSAs.

Councilmember Cannon said I think Councilmember Kinsey hit it. I think if you want to compound the level of concentration that you currently have in your district then you probably want to do away with the half-mile radius. If you don't, then you probably want to keep it in place. That's the short story of it.

Councilmember Mitchell said I'll be the first one to tell you as a district rep, District 2, I have said it very nicely that we have been a big fan of affordable housing. Now it's time for other parts of the city to embrace it, so I think Mayor Pro Tem brings up an excellent point, so I want to be clear from my standpoint. If you do a half-mile radius, and I have – boy, I'm not going to use any neighborhood names. We have Neighborhood A that was transitioning besides Neighborhood B that is challenging, and another affordable housing project was trying to build more than 24 units, would the 15% cap prevent that new affordable housing unit to be built beside a transition A and challenged B?

Ms. Wideman said let me remind you, Mr. Mitchell, that new developments are only permissible in stable NSAs. Another example might be if Neighborhood A is stable, Neighborhood B is challenged or transitioning, the half-mile cap would prevent that new development in the stable NSA in order to protect the concentration that may exist in the challenged or the transitioning NSA that's within a half mile.

Councilmember Mitchell said so the 15% cap wouldn't work. If I did 15% of an NSA, would that prevent that affordable housing from being built?

Ms. Wideman said what we are proposing in the policy is that if you have a stable NSA next to a challenged or a transitioning NSA you could not build in that stable NSA, the new development, within a half mile.

Councilmember Mitchell said I guess I'm trying to say can we get to the same goal if we used the 15% cap that you have a stable neighborhood and you have a challenged neighborhood, and then I come with an affordable housing more than 24 units. Would that 15% cap still prevent that affordable housing from being built beside that stable community?

Ms. Wideman said if the stable NSA exceeded the 15% cap, yes.

Councilmember Mitchell said I'm trying to get to that. Does a 15% still accomplish our goal, or do you need a half mile as well because, Mayor Pro Tem, I don't need any more affordable units in District 2. I will be the first one to tell you, but I just want to make sure the policy is one that our providers can still build affordable units, and it seems like their biggest hurdle will be the half-mile radius. If the 15% will still serve that purpose, I'm okay with the 15% cap. I was just trying to be clear whether the 15% accomplished the goal.

Councilmember Turner said, Ms. Wideman, my question is going straight to the point. Based on this policy, and I asked you this when we were in here last time, and I never got a response back from staff, but in regards to this new policy being proposed, under the current proposal even though you are talking about the half-mile radius in a stable community that has affordable housing already in existence within that half-mile radius such as at Ayrslley, would this current new policy allow that project to be built today at Ayrslley if we passed it?

Ms. Wideman said as it was presented to us, Mr. Turner, the Ayrslley project as originally presented to us is still not permissible under the new policy because it is within half mile of a transitioning NSA.

Councilmember Turner said when it changes from a transitioning and goes to stable then will it be eligible?

Ms. Wideman said if the adjacent neighborhood were stable?

Councilmember Turner said yes.

Ms. Wideman said if both neighborhoods did not exceed the 15 and the 5% cap then, yes, it would be.

bvj

Councilmember Turner said do you know today what that percentage is right now?

Ms. Wideman said for the transitioning?

Councilmember Turner said, yes, ma'am.

Ms. Wideman said give me just a second here. The transitioning neighborhood that it is next to is Griers Fork. It currently has 10.3% subsidized housing. I would remind you, Mr. Turner, that there are a number of variables other than the housing that we look at or when we are considering neighborhood rankings. So it's just not the housing. It's the social, it's the economic, it's the criminal dimensions. So there are a number of variables that we look at when we are determining neighborhood ranking.

Councilmember Turner said I understand that. My concern is still that leaves about – you said ten point something?

Ms. Wideman said 10.3.

Councilmember Turner said we are talking about 4.7% of affordable housing they could add into that area if it ever becomes stable; is that correct?

Ms. Wideman said, yes, sir.

Councilmember Turner said and that's it; no more.

Ms. Wideman said right. I don't know how specific you want to be. For instance, we have run the numbers. If you look at the number of units that would be allowable in that NSA for those units under the 15% cap, you could receive 78 more units there under the 15% cap. If you want to look at the number allowable under the 5% cap, it could receive 22 more units.

Councilmember Turner said when you are speaking specifically about allowable are we talking about on that site or are we talking about –

Ms. Wideman said in that NSA.

Councilmember Howard said I really wish that all of my colleagues were in here because I want to correct just a few things I have heard already. The first thing I want to do is start with the fact that I cleared this, I have heard a few of you guys have a concern about conflicts. Clearly what Matt told me from the beginning as long as we were talking about policy and not a project, and I was fine, and we were not talking about a project. As a matter of fact, even if this policy changed, Mr. Turner, that project that you mentioned is off the table anyway, so that is why I feel very comfortable talking about a policy just as I did about the tree ordinance and every other ordinance that has come before this body.

So, with that said, let's talk about this for just a few minutes, and I have said this before, and I am going to say it again. A lot of the areas that my colleagues with some challenging areas are covered already by the fact that we have gone to the quality of life study that says that stable NSAs are the only place where new construction can be built. That means the fragile and transitioning are off the table. So a lot of the areas that are concerns are already off the table. When you go to the next step of talking about the half mile, my argument about the half mile has always been that in an urban community a half mile is a long way, and I did it right here on Google just for information. If we go out the front door of this building, we would have to walk across 277 to get to a half mile. That's what a half mile is from the front of this building, so we are talking about going past First Baptist, past Metro, past the Hall of Fame, across the freeway before you get to a half mile. That's a long way.

What I'm saying in an urban community especially when we are talking about putting more density on corridors that this is not encouraging production. Now, I have heard a couple of things since I have been on Council. I have heard us start this new committee because we cared about production. We said during our Retreat, we heard a conversation about production, the

fact that we are not getting to the number of units that we need in this community to deal with our affordable housing needs. What I'm telling you from somebody who has done this for 13 years is that adding more restrictions is not going to get us there. Yes, it may make all you guys feel more comfortable that it's not going to happen anywhere close to something else, but what I'm telling you that from the front of this building across 277 is a half mile. Is that a reasonable amount of space between developments in an urban community, and I am saying no especially where not where it's permissible.

So, I will, whether I get a second or not, make an amendment once we get a motion because we haven't gotten a motion yet, that will reduce the half-mile restriction to a quarter mile. It makes better sense when you are talking about the need for production and you are talking about protecting communities because, in fact, I disagree with Mayor Pro Tem Cannon. You are not talking about that. You are talking care of your concentration by already having the NSAs prohibited. We have done that already. What I'm saying is if we are serious about getting at the numbers we need to get to we need to do something about that, and what we are talking about is the poorest of the poor in our community, so a quarter of a mile from the front of this building would be about two and a half city blocks. It would put you over Stonewall Street. That is what a quarter mile does. To me, it makes a lot more reasonable sense when you are talking about the need for affordable housing in this community.

That's the only point I'm going to push. If I don't get a second, so be it, but I wanted to make sure that I put on the table the realities of this. We can be scared about it, but the reality is we need to put some units on the ground, like it or not. A lot of the areas you are talking about are already off the table. So, thank you.

Mayor Foxx said there is no motion pending.

Councilmember Cannon said I don't have any interest, company or otherwise, in this matter, and I think we should be careful in making our decisions and the statements that we make when we know there might be some other level of interest there beyond what might be of public good. That said, I don't know that a half mile versus a quarter of a mile is going to do that much more damage or any damage to us trying to ensure we are protecting the fabric of communities around this city. When it gets to a point where there seems to be some other level of interest because of a project that did not occur, in my opinion, that now has gotten us to where we are in this level of discussion it seems to me that is the wrong thing to do. We need to be a little more open than that. Again, I don't know that a half mile is going to harm us in this process.

It is my hope that we will continue to work toward finding a way to stabilize more of our communities. In fact, that is the incentive here. That is really the incentive is to work to stabilize more of our communities because if we can stabilize those communities that are transitioning right now then the half-mile radius doesn't become an issue, and we have done well over the years in being able to help to stabilize some communities, and we need to continue to be about that program. Again, as much as we can be about that program, then we can still continue to put more units on the ground accordingly and meet the demands that are before us right now.

Councilmember Kinsey said I'm going to go ahead and make the motion and get something on the table.

[Motion was made by Councilmember Kinsey and seconded by Councilmember Cannon to]
[approve the Housing and Neighborhood Development Committee's recommended revised]
[Housing Locational Policy.]

Councilmember Barnes said I wanted to speak briefly I believe to a couple of points, but first I do support the half mile restriction, and I do have an interest in this, and that interest is northeast Charlotte. One of the challenges that I have faced and continue to face is motels that function as SROs that claim to be extended stay facilities, horribly managed multifamily and single family properties that contribute to the downward trend of various parts of my district and bleeds over into Patsy's and Nancy's districts, and Mr. Mitchell district. I think that we, as a committee, have worked hard to tweak this policy, and under Chairwoman Kinsey's leadership and formerly Mr. Mitchell's leadership to come up with a policy that is as good a policy as we can craft.

It may not be perfect. I hope that if we discover some imperfections that we will be willing to revisit the policy. I think based upon all the discussions I have had with Ms. Wideman and my committee colleagues that I'm comfortable with moving forward with the committee's recommendation. I imagine there will be some unintended consequences as there seemingly always are, but in this case I think the work that the committee has done is going to lead us at least down a road of being able to determine what our housing locational policy will be, and what I mean in practical terms is we know we are not going to solve that deficit of units through this policy or any other. The federal government is getting out of this business or has gotten out of this business, and I don't know that we even have the tax base to support getting back into it the way a lot of folks want, so, Mr. Mayor, I support the motion and hope we can move forward.

Councilmember Howard said I would like to make an amendment that we go with everything else that the committee has recommended, but on the half mile restriction we change the half mile to a quarter of a mile.

[Substitute motion was made by Councilmember Howard and seconded by Councilmember]
[Dulin to change the language in the recommended Housing Locational Policy to be a quarter]
[of a mile restriction instead of a half mile restriction.]

Councilmember Howard said I'm disappointed. I think what I just heard a couple of comments ago was that my motives are being questioned. Let me be clear about something. When the whole affordable housing community came to this body and fussed about the tree ordinance, I stood against them and told them that we need good trees in every community, and I got calls from a lot of people that fussed at me about that. When this same body had to deal with the Urban Street Guidelines, I got calls from the same people and got beat up the same way because all I care about is good quality housing for people that need it in this community. The first thing I want to make clear is all I'm talking about is good policy for this community.

The first thing I want to make clear is that all I'm doing is talking about good policy for this community. I'm not talking about any vote that happened and when it happened and why it happened. I'm talking about good policy like I would any other time, and what I'm telling you is that when it comes to the half mile, again, if you feel like going from the front of this building to the other side of 277 makes sense, okay, fine, but all I wanted to do is put it on the table so we know what we are talking about in an urban community where we want to increase supply. There are a lot of people that need housing. With that, I look forward to voting on this amendment.

Councilmember Cooksey said I was going to offer a substitute motion, so that doesn't fit in this current context.

Mayor Foxx said we'll come back to it if it doesn't pass.

Councilmember Peacock said, Ms. Wideman, since last time you gave us the 2007 document that was created, and I'll read the headline here, and, Ms. Kinsey, if you want to comment because maybe your committee took it up. This is the final report from Housing 2007 Implementation Committee. This is under our tab everybody, and I'm looking on page 4, and it says the acquisition strategy subcommittee in 2007 said the charge was to expand the number and the desirability of the sites and land banking for affordable housing, and then they make two recommendations.

My first question to you is what is the connection between the 2007 report and what they have taken up, and my second question is regarding recommendation two, and, Ms. Kinsey, you are welcome to comment on this as well. "Replace the existing housing locational policy with site selection criteria to broaden and better define City policies and standards for identifying and selecting sites for the development of sound, affordable housing." My biggest problem with this from the very beginning is how or what we are doing here on this locational policy going to help? What is the problem with our existing housing policy and our existing locational policy right now under that recommendation two? I will just stop there, Ms. Wideman. I just asked you two questions. Let me let you answer one, and then I'll come back, Mr. Mayor.

Ms. Wideman said let me start with the second recommendation. At that time, this was a subcommittee of community leaders, if you will, and the thought was that perhaps each potential affordable housing development be looked at on a site-by-site or case-by-case basis. This policy that we are proposing similar to the existing policy we do that in terms of the proximity to amenities, grocery stores, transportation – those things are looked at when a developer comes to us for Housing Trust Fund dollars. Those are also looked at when a developer goes to the state for low-income housing tax credit. You receive points based on your proximity to those things. That's the similar thing that we are doing. We are revisiting what we currently had. Again, as Ms. Kinsey said, we have tried to improve it, but all of that is really handled through or a majority of that is handled through how you are scored when you receive state or local funds.

Councilmember Peacock said my next point is about expanding the number and the desirability of sites and land banking for affordable housing. Does this policy, Ms. Kinsey – I mean I just don't – Mr. Howard brings up a really good point talking about this limiting the amount of sites that we are going to see come on. I think he brings up a very real point. He speaks from the profession himself. I think he is speaking largely to the policy here, and I realize that everybody's intent from the committee is very positive here. We are definitely looking to try to help solve a problem, which is to not have a higher concentration of affordable housing in one particular district or another. I just have yet to be convinced that by setting this policy in place that we are now, A, solving the number – they have charged that almost 18,000 units that we have got that we have got to solve a problem for, and, secondly, how is it really going to prevent us from where we already are right now. I guess we are really just addressing largely a NIMBY question.

Ms. Wideman said let me speak to that if you don't mind. In terms of the 15 and the 5% cap, the way we got to that was we looked at the number of subsidized units that are on the ground now. We also looked at the need, the lesser study, and the recent study that the Housing Authority did that says we need 24,000 more, so that's how we got to the 15% cap. That allows us room to grow to address the need. The second point I would make is that we are saying that new developments be permissible in stable NSAs where you have the amenities, you have the grocery stores, you have some transportation there, spreading them out to those areas that don't currently have as many as you have on the east and the west side. So, in short, we have looked at what the projected need is in this 15% cap.

Councilmember Peacock said let's say I'm in a transitioning area and I have got an aggressive developer who wants to come bring affordable housing. He cannot bring something to that NSA; is that correct?

Ms. Wideman said he cannot do a new development under this proposal, but let me also remind you that you all still have the authority to waive projects on a case-by-case basis. So if it's a great project, you all still have the authority to evaluate that and to grant a waiver if you so desire.

Councilmember Peacock said, Ms. Kinsey, I know you have been around this a lot longer than me so I'll let you –

Councilmember Kinsey said I did want to respond to one of your questions about the need and how we are going to address it. The reality is we have limited funds. We have \$15 million in the Housing Trust, which is not really \$15 million. I think some of it might be committed already. But what really I guess keeps me up at night sometimes is the fact that I feel like we'll never get there. We have to just keep plugging away. We are really limited with the funds we have, and all we are addressing is subsidized housing. We are not talking about other that is privately developed. This is just subsidized housing. Two, when I mentioned I thought this was the first step, I think we are going to have to go on and look at how we can continue to provide housing, but I feel pretty strongly that we need to be careful about where it goes because there are districts and places in the city that are really overburdened, and I think we have to be very careful about where we place that. But I wish we had more money. If we had more money, it would be a whole lot easier to land bank or do whatever else to help with the land banking.

Councilmember Carter said in all of this I think one of the important principles we have to address is our citizens' input, and our staff has done a magnificent job going out listening to our

citizens, hearing what they said, incorporating that in what is presented us, and that is one very, very crucial point. It has been vetted and revetted and vetted five million times. So I want to respect what is here, and I know there is anxiety. There is aging infrastructure in the area I represent, and that is not looked at really by the NSA. It can be an asset or it can be a detriment, and that is where the break line is, and 15% and a half-mile radius address our issues.

Ms. Wideman said, Ms. Carter, let me just say one more thing for the benefit of the entire Council. When we talk about the half-mile radius, we really heard that. You could have a stable NSA right across the street from a transitioning or a challenged, so the half mile is really important. We received that as really important input from the public.

Councilmember Carter said that was my next point precisely, and that's why I think our ears should be bigger than our mouths right now in that we really need to look at what is going on. When you look at buy-right housing, when you look at buy-right development, a lot is accomplished within those parameters and not just the subsidized housing, so those issues have to be factored in as well, and I think they are already in what we are presenting. But when what is needed in an area is presented to us then I think the area responds positively. I'm looking at the retirement homes at Honey Creek. I'm looking at the retirement homes off Albemarle Road. I'm looking at improvements at Pence Road. I'm looking at the number one national ranking, Springfield Gardens, on Idlewild. Those things were accepted and embraced in an area that is called upon to make some sacrifices. So when what is presented to a neighborhood is what they need, there is a real argument, and I think that is when we get into real collaboration with our neighborhoods, our areas, and our subsidized housing, and that's what I want to work for.

Councilmember Barnes said I just wanted to make a comment regarding the quarter mile, half mile issue that Mr. Howard raised. There was a fairly exhaustive discussion about that issue, and there were maps that we looked at, and there was quite a robust discussion about that issue, Mr. Howard, and we arrived at the half mile not arbitrarily, but we thought it was in the best interest of the communities at issue. So that's how we got there. It wasn't arbitrary, and I don't know – in fact, I do know actually that we have not had a discussion about the impact of the quarter mile during this meeting, and that's why I don't support it.

Mayor Foxx said we have amendment pending to reduce the half mile to a quarter mile. If that passes, we would then move to the underlying motion by Ms. Kinsey to approve this action. If it fails, we will still move to the underlying motion.

Councilmember Cooksey said I wanted to be recognized for a motion after we have the vote on this one.

The vote was taken on the substitute to reduce the half-mile restriction to a quarter mile restriction and recorded as follows:

AYES: Councilmembers Dulin, Howard, Mitchell

Mayor Foxx said that does not pass. We are now to the base motion to approve the action of the committee.

Councilmember Cooksey said I would like to offer as a substitute motion that Council rescind the locational policy altogether.

[Substitute motion was made by Councilmember Cooksey and seconded by Councilmember]
[Dulin to rescind the locational policy.]

Councilmember Cooksey said to speak to it briefly. I gave a head's up about this when we had the dinner presentation on this subject. I think the debate here kind of reinforces why I think it's a good idea. I think one of the key difficulties we have in this community in dealing with the subject of subsidized low-income housing is we deliver a mixed message. On the one hand, we talk correctly that modern subsidized housing is not like the projects of old. It looks market rate, it's built to market rate standards, it has on-site management, it's mixed income. We are not talking about just channeling people into faulty housing and leaving them alone. It is a completely different model that has evolved over quite some time, and we are a national leader

in doing it well. We take people to show them the subsidized low-income housing that we have in this community because it looks so good.

On the other hand, we have a locational policy. The locational policy implies that somehow it's a bad thing; that it shouldn't be in some areas. Just listen to the debate that we have had tonight with some members saying we have got enough in this district. We need it to be in other places. Is it a bad thing or not? I contend this. If we are going to be in this business, and the voters of Charlotte have put us in this business, our responsibility is to use those funds as wisely as possible to build as many units as possible to get housing for people.

A locational policy gets in the way of that. A locational policy guarantees that fewer people who need housing will be served by the \$15 million the voters of this city voted in the last bond and any future bonds when we get back on a bonding campaign. It makes it difficult. It delivers a message that this is something to be avoided so that when it is proposed in stable neighborhoods or in other areas the fight is on because it's clearly a bad thing because you have a policy that says it is not good in some areas of this city, and you are going to find people over and over again who say if it's not good in some parts of the city why is it good in my part of the city. So, Mr. Mayor, I offer that motion to rescind the locational policy in favor as constructing as much housing as we can with the limited resources we have.

Mayor Foxx said motion has been made and seconded.

Councilmember Dulin said I agree. I'm going to vote for it.

Councilmember Cannon said you look at developments like Arbor Glen, the Park at Oaklawn. They fit anywhere throughout this city of Charlotte whether it's Ballantyne, whether it's somewhere in the western portion, the northern or the eastern portion of our great city. It's a development that we can be proud of or developments. They have come from CHA, they have come from Crosland, and I would contend that the one thing that we ought to not do is to eliminate the opportunity for people to have a quality place to live. At the end of the day, it's going to be about the numbers because you cannot put certain type developments in portions of this community where the numbers just simply don't work.

Warren, that is going to end up taking care of itself probably at the end of the day. If we are trying to create opportunities in places where the cost of living doesn't really coincide with the ability for one to be able to afford the area per se. Hopefully that's not the case in all cases because I know in District 7 and in District 6 there are places that you have subsidized housing, but it's not to the extent of where we see it in other places. I think the point is here and that we are missing we have to make sure the developments that come forth our way that we have a voice or vote on that they are quality type style developments. Each district representative around this table always speak to that for the most part, at least I have heard you say that, whether on the record or off the record. I would expect you to continue to say those types of things because it's what is needed and what we expect. That sends a message to the development community, to our business community and others.

The one thing also these properties bring about, these developments, like an Arbor Glen or the Park at Oaklawn, they actually do or can increase property values. Just today on one of my sites – I think it's Facebook or something – I don't know, but I put something out there relative to the issues that we were going to be discussing. This happened to be one of them. I happened to put a picture of Arbor Glen on the site. It wasn't 30 seconds before I heard a click, and young lady asked – you can go on the site to look at it to back it up – asked, wow, where are these? Are these in Charlotte? Are you kidding? Where is this? The point is it works anywhere. It can work everywhere.

It's my hope we'll go through a process of making sure that when we pass this we are creating value as well as opportunity for people – value toward our community and an opportunity for someone to be able to be housed in a quality style type development. That can happen by way of what we do this evening, I believe.

Mayor Foxx said we are getting close to concluding this matter, and I just wanted to – I have a couple of questions I wanted to ask. I understand that the policy was circulated to both the

County and the School System. Have we gotten a response from either one of them relative to this policy and the impact of it?

Ms. Wideman said, no, sir.

Mayor Foxx said that is troubling to me because my sense is that what this policy will do is incrementally create a little more clustering of poverty through particularly the conversions and the rehabilitation. Now, there is a cap on the conversions, which I think is calibrated to try to mitigate some of that, but I really think – I probably have a more tactical disagreement with the way we are moving along on this. I actually think citizens deserve to see a full picture of what we are trying to do and a full debate on what we are trying to do as opposed to an incremental approach because this policy by itself is actually incomplete.

I think there are whole host of private sector carrots that ought to be under discussion and at this table right now that add value to the conversation when we talk about what happens in stable neighborhoods. This policy is actually a policy that deals with City funds, and that's really the essence of what it is. It's not a policy that prohibits a particular form of housing going into one part of the city or another. This is a policy that deals with how the funds that voters approved through bonds and other areas get distributed. So when we say an area is prohibited under this policy, it means that it is prohibited from receiving City dollars. It doesn't mean that it's prohibited from actually being built.

So, with that context, it seems to me there is a whole side of the issue about what are we doing to incentivize the private sector to look at those stable areas and at least consider the affordable housing stock potential of those areas. Here's the other side of that coin, which is I actually think that the impact on our schools and our county have to be considered in this. I don't know – the School System may look at this and come back and say there will be a neutral impact, or they may come back and say there will be marginal impact one way or the other on schools; I don't know, but I feel like we are kind of venturing into territory where we are making decisions that impact these other bodies, and we don't necessarily know the answer even though we have asked them to answer the question.

I think that this policy is enormously complicated. That goes without saying, which is why we have been talking about it for so long, but I really at the end of the day I think I'm struggling with the incremental approach that we are taking to this because I think if I had a fuller picture I might not agree with a cap on conversions. If I felt that strongly enough the private sector incentives were strong enough maybe I would be less inclined towards a cap. On the other hand, given where we are, I see why there is a cap in there. It provides some assurance, but I'm just struggling with this because I really think when we are talking about a housing locational policy there are a lot more features of a policy than what is here. I know what the thought of where we are is.

I have talked extensively to the chair of the committee as well as to staff about it, but I guess my fear is if we just have this – if we approve this tonight and we never have a conversation about the incentive based inclusionary zoning or we have a conversation two years from now we could find that the impact of this policy has already been felt without any mitigation, so I mean I'm curious as to what the response from the committee chair would be as well as staff, if there is a response.

Councilmember Kinsey said speaking just as the chair we do have those plans to address those issues. I have heard you, Mayor. You and I have met, and I have heard you, and I pledged to push that along as quickly as possible. I haven't talked to staff about that yet, but I believe they will work with me on that because I hear what you are saying, and I have always felt like this was just the first step. We have to go ahead to that next one. We need to do it quickly, and I don't think we approve this tonight, if we approve it, I don't think we stop there. I hope I can speak for the committee as well.

Councilmember Turner said I appreciate those words because when we were here last time those were my sentiments exactly especially in my district where I had this very same conversation with the chair, Ms. Kinsey. This policy does not include the private sector, and right now we are focusing on just what the Mayor said, the mere fact that it's affordable, but really what we are

controlling here is where we spend our money – the state, federal, and local dollars – in assisting affordable housing. We can control that matter, and this is addressing that. But where I think it fails is that it does not look at the totality of the effect that it can have in an area that has a large proportion of private housing that is truly suffering, and I'm not for sure how we make that inclusive at this point because this is complete.

This is waiting on us to make decision, but I think it's imperative that we understand that the concern is not just the projects that we fund and have a partnership in but it's the total density of affordable housing that affects the quality of life in some areas that have been struggling that is going to get the rehab, that is going to get some of those dollars. I think your point is well taken when we start talking about the public school system. I'm disappointed to hear that. We had no response from them because under those circumstances the more we build like that or more we allow to be built in those areas where they become concentrated at we know what the results are. We actually have tried to turn those things around. Our history is showing us today that we do it differently, and all of my colleagues have made some excellent points. We do, we do it differently, but it is still not where we would like for it to be.

I think you don't counter that by creating a policy that does not include a look at the totality of what we are facing here. That is a concern I have, and I expressed that before to this body, and I expressed it to the committee that there were a lot of questions that I still had, there's a lot of questions that I'm not comfortable with, there is a lot in the policy that I still struggle with. But I think that we have to move very quickly on this, and I think we have to look at our long term and a broader range here outside of what the City of Charlotte controls from a funding mechanism but also what a private sector can build in an area that is already overcrowded or concentrated.

Mayor Foxx said one last thing I forgot to say, and I will stop with this. I feel a little about this like I felt about the tree ordinance. Mr. Cooksey made a great point when we were talking about the tree ordinance when you talked about the fact that to some extent it's not really designed around replacing trees. We are losing canopy, we have a percentage that we try to save, but that doesn't really add up to a big picture vision of what we want the state of trees to be in the city. I'm paraphrasing, and I may not have gotten that completely right.

When we look at 18,000 units of need in this community, I think part of what I'm hearing Mr. Howard talk about is the fact that these caps could end up having the effect of basically placing us out of contention to actually meet the need, which is part of the reason why the limited picture we have concerns me because I think there is a whole conversation around private sector interests in this issue in trying to figure that out. I realize the market is down and there is not a lot of construction activity going on and so forth. Hopefully, that won't always be the case, but maybe that's precisely the time when you look at something like that, and I know the committee will be taking a look at it, but I just wanted to make that point because all of us who are up here talking about the fact that there is clustering and in some cases in your districts.

I understand that, but the overall need for housing in our community probably means that there are more units that are needed in our community inclusive of where there is housing now and including where there is less of it. I just don't know that we are having that full debate right now. I think we are talking in a much more limited way, and that's what is a little disappointing about this conversation.

Councilmember Howard said just a point to address my colleague, Mr. Turner, when it comes to taking into account market things. When you take into account now using the quality of life study to help guide this policy, you take that into consideration. For an NSA to become fragile or transitioning, it takes a lot of factors in including income, drop-out rate, and a lot of other things, so this is just information to defend kind of the policy. You are taking that into consideration when you now include because you didn't have that included prior to this. You had some portions of it, and now the whole thing is in, so if an NSA is fragile or transitioning, there are 26 factors that are taken into consideration that cover mostly market-driven things. When you add on top of that the percentages of 5% and 15%, you get even more so at that, so just FYI.

Mayor Foxx said we have got a motion by Mr. Cooksey to eliminate the Housing Locational Policy. That is the substitute we are voting on right now.

The vote was taken on the substitute motion to eliminate the Housing Locational Policy and recorded as follows:

AYES: Councilmembers Cooksey, Dulin, Peacock

Mayor Foxx said, okay, we are back to the base motion to approve, which is by Councilmember Kinsey, the chair of our committee.

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

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

NAYS: Councilmembers Cooksey, Peacock

Mayor Foxx said that passes 9-2. Thank you very much for the discussion on that.

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ITEM NO. 14: FOUR-YEAR TERMS FOR MAYOR AND CITY COUNCIL

Councilmember Cooksey said I'm going to yield to Mr. Mitchell. I voted against this motion in committee, and it seems more appropriate for the maker of the motion to introduce it before Council.

Councilmember Mitchell said I know it's getting late, so I'm going to cut right to the chase. First of all, this is citizens' input to allow a citizens' advisory committee to work and come back to us June 13th. It's fortunate for us, Council members, that we have two of our former Mayors who have agreed to co-chair this committee – Mayor Harvey Gantt and Mayor Richard Vinroot. We have designated about nine organizations to join us. I'm going to be very brief in those organizations: the Asian Coalition, Black Political Caucus, Charlotte Chamber, Democratic Party, Latino Coalition, League of Women Voters, Native American Council, Republican Party, and the International Cabinet. We would like by April 11th for the advisory committee to begin starting their work and report back to the Council for recommendation on four-year terms for Mayor and Council on June 13, 2011, Business Meeting. With that said very brief, I would like to make a motion to adopt the action.

[Motion was made by Councilmember Mitchell and seconded by Councilmember Howard]
[to approve the Restructuring Government Committee recommendation to form a Citizens']
[Advisory Committee to consider and review four-year terms for the Mayor and City Council.]
[The Citizens' Advisory Committee will provide a report to City Council within 60 days of]
[its initial meeting.]

Councilmember Dulin said we have had this conversation before. I am wholeheartedly against four-year terms for many reasons – accountability to the people. The people deserve an opportunity every two years to give us a job report card on the job we are doing. Every two years people get to go to the polls and either elect us or elect someone else that is running against us. If you do it every four years, it takes that ability of the people that are our bosses, takes accountability out of it, and I am very much against that. This move to go to a committee – listen, you have the votes, Mr. Mitchell, on this board right now. If you wanted to go to four-year terms, do it. You have got the votes in your favor. The other thing that I think is interesting about this though is we are just tonight voting on whether to do it or not, and you have already got your co-chairs lined up. I mean that's – you have already two men, two former mayors, to be the co-chairs of a committee we haven't formed yet.

Councilmember Turner said that came out of committee.

Councilmember Dulin said this organization at the very least I would like for us to discuss the make-up of the group that looks to me like will pass tonight, but four-year terms is a bad deal for

the citizens that hire us to come do this. It is an honor, the highest honor, to get to come down here and do this, and I love every moment of it, and I'm sure you do, too, but there are other people in this community that can do these jobs, and to go and entrench ourselves in there every four years I don't think it does a service to the people of this community. I think it does them a disservice to entrench ourselves for four years and four years and four years and four years, however long you want to stay down here. It's not that I don't mind getting committees together, but this is just one step further toward this Council taking a vote on four-year terms, and I'm not in favor of taking that vote because I would be on the wrong end of that one, too. Mr. Mayor, I might come back again later after we discuss it some more, but I'm against this idea of setting up a committee.

Mayor Foxx said we have Mr. Mitchell who wants to respond and Mr. Cooksey wants to respond directly to Mr. Dulin.

Councilmember Cooksey said actually, Mayor, in terms of order of speaking, I think it would be best to yield to someone in favor of the motion, who hasn't spoken in favor of the motion yet.

Councilmember Dulin said say, yes, sir, and get to talking, Warren.

Councilmember Cooksey said I come at this from a slight different perspective from my colleague, Mr. Dulin, but first I want to address the co-chair issue. This became very clear in committee as we were discussing this matter that it is a – first of all, part of the fact that it's unchartered territory makes anything that is – first times are often difficult on this, and Council has never done something like this before, but what we had to take into account procedurally in doing so is the fact that while continually saying if, if Council passes this committee and if it meets and if it does this, you still have to take into account procedurally what your timelines are because there are a variety of timelines that are required by state statute for when we can go to a referendum if all this happens. So taking into account the big "if's" here, it does make sense to say, well, if we are going to go with a committee where the Council doesn't fully dictate the membership of the committee by person, you still have got to have people leading it, and what happens if – how do you designate who leads it and when does that occur in the timeframe.

You begin to see the complication here, so the committee went forward with going ahead and asking two former elected officials, feedback from Mr. Peacock actually, to make sure there were former elected officials involved to say Mayor Vinroot, Mayor Gantt, you do a lot for this community. If the Council approves this, would you be the co-chairs for it. I confess. I had a bit of a snappy moment in committee last month where I was going on this same train of, look, this train has left the station, the decisions have been made. We are just kind of having a little fun with it, and I was incorrect to do so because procedurally this Council could very well –

There are a couple of big "if's" here. Procedurally this Council might vote it down tonight, or members of these groups might say we are not interested in serving, and if five of them don't agree to serve, there is no committee, so there are some "if's" here that we haven't tried yet. That said, I'm still voting no on it though because I don't think the Council needs to create a citizens' committee to get citizens' feedback on how Council serves.

The two historical examples on this occur back in the '70s when Council was elected all at large, and citizens decided that was a bad way to elect Council. Citizens got together, created the local committees, created the effort, and got Council positions changed from an all at-large system to a combination district/at-large system to bring much needed geographic diversity to this Council. The people of this city recognized the flaw in their government. They stepped forward to fix it and did so.

Another example and more recent historical memory was in roughly 1998 or thereabouts when the League of Women Voters began an effort to change Council elections from partisan to nonpartisan, and they gathered a coalition together. They came and spoke before Council and talked about the effort they were going to make for that. That effort went nowhere because there was not enough community interest to sustain changing how we were elected from partisan elections to nonpartisan elections. Historically we can see that if the people of Charlotte want a change in how their Council members are elected they know how to go about trying for that change, and if they really want it they can get that change done. It doesn't require us to create

that citizens' committee that the citizens aren't creating themselves to do this effort, and it's an interesting model though, and we'll see what comes of it.

Councilmember Barnes said I wanted to respond to a few things that Mr. Dulin has said, and he and I have talked about this before. I think there is a dangerous assumption that most of us support this. We haven't really had a debate about it, and I'm not so sure that everybody supports the four-year terms. I'm also not convinced that if we allow the citizens group to do what we are asking them to do that they may not come back and recommend against. Ultimately, perhaps what we should do is put it on a ballot and let the voters vote on it and then decide.

Another issue is that the goal I believe of Mr. Mitchell and other proponents is to make this effective in a way that won't affect us. In other words, it will be a future – unless we ran for the term, it would be down the line. It wouldn't be this coming fall's election for example. I think there is a dangerous assumption that everybody supports it. Secondly, I have no issue with letting the citizens review it and make the recommendation. Thirdly, if we want to have the City of Charlotte make the decision, put it on the ballot.

Councilmember Peacock said I attended the committee that you all brought up this subject, and I commend Mr. Mitchell for wanting to bring the citizens involved in this, but my point when I asked you and it was late at that meeting as well, too, where I was a little bit confused when I first got your memo and had to reread it afterwards, but this is ultimately our decision, you all. It's right here. We make the decision on whether we want to be a two-year or a four-year body, and Deputy City Attorney Hagemann, our fourth bullet here, and this is to Mr. Barnes' point – Council can either propose the issue be placed on the ballot for voter approval or the Mayor and Council or the Mayor and the Council can enact the changes without a referendum. If done by Council without a referendum, the law provides a petition whereby the citizens can force a referendum.

So this is just a little tiny mid-step that we are making here. I'm not in support of us pulling together citizens, although it's being co-chaired by two former mayors, and I do think the people that are the most qualified to speak to this are elected officials who endure a seven-hour day as we are enduring, at least for those who attended the Environmental Committee Meeting today – we started at 3:45. This is hard work. This is a lot of work that we put into this.

So the question that we ultimately have to boil back down to is what is currently wrong with two-year terms, and I have not seen an argument to suggest that two-year terms are not working effectively for this body or for the public, and I think ultimately my field tells me that the public is going to come back and say we are not for this if you put this on the ballot. Now, we are going to have to go through this procedure, and Mr. Cooksey has brought out the timeline question here, but the timeline itself suggests we better get on it if we want to have it on this ballot to really address this.

Again, Mr. Mayor, I'm not for even forming this committee. I think it still comes back to us. Why do we need to hire a "consultant". The consultant here is us. We need to decide on what we want to do. Do you want to do this or do you not want to do this and why or why not? I appreciate the sensitivity to this. I just think it's a stepping point that ultimately is going to bring it back to us and then back to the voters. The motion is here. I don't support it like Mr. Cooksey. I definitely do not support four-year terms. I have spoken against this multiple times and will continue to speak fervently against it. I think the very makeup of this body is served well by citizens who can get in, and most importantly can get out once you are maxed out. Once you can't do this anymore, once you can't endure seven hour days on top of your 12 hour business day. It's a lot of work. I am ready to go home, if you can't tell. We have been here a long time, and I wish we would have deferred several of these items to talk about it another time, but I have lost my patience tonight, I guess.

Mayor Foxx said let's help accelerate that. Is there anybody else that has some comments?

Councilmember Cannon said I think the whole intent was to make sure the Council wasn't being self-serving and all along the way you would include the general public in the process rather than excluding the general public. It's my thought that Councilmember Mitchell was bringing this

forth to do just that, to include the people. Now, if you are saying you don't want to include the people, then I guess that's what has been said, but, if not, I think the whole idea is just to include them, Councilmember Peacock. Begin to say, look, you are starting with their voice. If it goes to a referendum, you will end with their voice.

Let's say hypothetically speaking that the citizens, if it goes to a referendum vote for four-year terms, essentially the person running for office has to determine whether or not he or she wants to make that level of commitment. The same way that School Board members do who have four-year terms, the same way as the people who run for the U.S. Senate, who have six-year terms do, the same way as that someone who runs for Congress has two terms. Ultimately, we have decided among ourselves to make our sacrifice to run for two years. I just think that is up to the general public, and no matter what you do I think you have to be inclusive of the people so that this does not look self-serving per se.

Mayor Foxx said can we call the question?

Councilmember Peacock said, thank you, Mayor Pro Tem. I am for citizens' input. I think the citizens' input that I'm seeking is after this body has made a decision ourselves as to what we want. That is simply my point. I think it is balanced and well thought out. I think Councilmember Mitchell is definitely thinking, well, let's take an extra in between step here. Again, I think this is something we deal with. This is about our rules, our procedures that the voters are ultimately are going to accept or not going to accept. I don't think they are going to accept it. That's my gut on this. Why we are different than the U.S. Congress, I don't know why. We are very issue susceptible. Yes, it is money, Mr. Cooksey, but I think we are equally issue-susceptible as they are, and voters want that kind of accountability like Mr. Dulin is mentioning. I agree with Mr. Barnes. I don't think we can assume everybody at this body is for four-year terms, so appreciate you pointing that out.

Mayor Foxx said let's go ahead and have a vote on this.

Councilmember Dulin said I actually want to ask one more thing, sir. Those of us that are against this motion tonight and four-year terms have been very open and very succinct about why. We haven't heard anybody who is for four-year terms tell us why we need to be for this and make a case why I need to vote for this group, and I would like to hear some of those opinions from anybody who is for four-year terms.

Councilmember Mitchell said since it's my proposal let me speak to what I was really trying to do, Andy and Peacock, and it wasn't about my personal belief about four-year terms. It was strictly citizen engagement involvement. And, Councilmember Peacock, you are right. We don't have to have a citizens' group for affordable housing, we don't have to have a citizens' group for small business task force, but we do. Why? Because it's expertise that is there in the community and we try to get input on. You could sit around this dais and don't ask the citizens for no input and make every decision you want. Is that the way we want to lead our city? No.

My whole just was you get citizens, former mayors – you brought it up, Mr. Peacock. You said let's give former elected officials. We threw out Jason Burgess, threw out Nancy Carter, Greg Phipps, and at the end of the day, we said let's get someone who is removed and has no personal interest, and we had two great former mayors who served our city. So all the tack on is this a personal agenda, this is about citizen involvement like we have always used before, Council man. So if you just get citizen involvement – vote against it, Andy. I don't think no one needs to sit around and start raising their for four-year terms or two-year terms. This is not about the agenda item. The agenda item is about citizen participation in a very important issue in our community. End of story.

Councilmember Dulin said you still didn't say anything about why you were for it.

Mayor Foxx said Mr. Howard has the floor, sir.

Councilmember Howard said the only thing I could add to what you said very clearly, Mr. Mitchell, is at the end of the day I'm not sure if I like it or not. What I want to do is hear from other people who have no vested interest in it. That's why I'm voting for it. I made it clear

when Jason first brought it up that I'm not clear where I'm on it, to be honest, but I do know it's worth having one final conversation. I don't think that anybody, whatever your motives are – I can tell you what mine are. Whenever we have talked about it, it's not something I feel comfortable voting on without having public input, and that's what we do normally when we want voter input or actually community input we go out and we have a committee of experts tell us what they think about something. Then sometimes we take it and sometimes we don't. That's what I'm looking for with this motion.

Councilmember Cooksey said what is qualitatively and a difference in kind and not degree about this is in every other example we can cite about citizen advisory committees, stakeholder committees, everything else we have asked citizens to participate in the premise was Council is going to do something, Council is going to make a change, what advice can you give us on the change we are going to make, and the buck stops with us on that change. The tree ordinance stakeholder group, we were going to change the tree ordinance. The advisory group was to help steer us in the direction of how and to what level.

This is an advisory committee. We make business policies all the time, so we have the citizens committee to help guide and steer us. The difference in kind here is that this committee is being presented with a statement of, oh, we don't know if we are going to go forward with four-year terms or not. We want a committee – we want citizens to weigh in. Citizens can weigh in any time. They can come down and demand that we serve four-year terms and demand that we put on the ballot any time, so the concern, I think, that underlies this effort is that in every other instance when this Council creates a committee or stakeholder group it's to not say yes or no to the final product, but what is the final product going to look like. With that concern, I think that is a solid reason as I am opposed to four-year terms I am opposed to creating a committee with the expectation – well, it's going to look at four-year terms and historically whatever a committee that we appoint looks at gets done.

Councilmember Carter said if you will note that most of the action that is taken publicly that action is usually negative response to something, and when we had the vote or the public decision about districts that was a no vote to a unity of decision makers. It was saying we want a positive. We do not want what we have now. So in a positive move where we are looking to have long-range planning and looking at some continuity where we are looking at less expense, I think this is a very positive move for our city and not only that I'm looking at diversity here, and I have never seen a makeup of a committee such as this, and I want to applaud this recommendation. It's something that I think will be unique. This is important for our community to look at every single reflection, all the facets of our community, and bring them together in the process. I think it's admirable.

Councilmember Cannon said, Councilmember Burgess, who actually helped us pretty much move this into committee.

Councilmember Burgess said when I first brought this up I just said it felt like my mother was always running because it seemed like every time she turned around she was not only doing her normal Monday night thing until midnight, she was going out and campaigning and everything. She loved it, but I know that she would have preferred to spend her nights working on things for the community instead of just running. I appreciate, Andy, your comments about being accountable, but you know, that is every two years. We would be more accountable every year if we had an election; right? But I don't think that we are suggesting every year.

It takes a lot of commitment to run. You put yourself out there to the community, and you have a lot of ideas you are voting on. If you only have a two-year term, some of the things you voted on, the benefits of those, may not be realized within two years. It may take three years or so for the community to recognize all that good has been done, and you have already done probably a fair amount of research just to get your name out there to get into the public eye. If I was going to be running, I would have done things like Leadership Charlotte – there have been a ton of things that I would be doing to get myself prepared and have to only be elected for two years and not have the opportunity to really see through all the things that I'm voting on and have the public recognize what kind of great decisions we have made, in my opinion, that's some of the benefits of a four-year term.

Councilmember Barnes said call the question.

Councilmember Cannon said there is a motion on the floor to approve and a second.

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

NAYS: Councilmembers Cooksey, Dulin, Peacock

Councilmember Cannon said 8-3.

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ITEM NO. 15: BEING A GREAT CORPORATE CITIZEN SUGGESTIONS CHECKLIST

[Motion was made by Councilmember Barnes and seconded by Councilmember Mitchell to]
[approve the Economic Development Committee's recommendation to adopt a "Being a Great]
[Corporate Citizen" suggestions checklist for the business community.]

Councilmember Cannon said, Councilmember James Mitchell, who is the committee chair, I would like to recognize.

Councilmember Mitchell said I just want to thank the committee and also to Bob Morgan. I think Bob was here earlier. Bob, thank you for the Chamber working with Ron Kimble and staff on the checklist.

Councilmember Cooksey said I voted against sending this to committee, and with all due respect to the great Chamber with whom I have worked before I was elected and after I have been elected. I don't see that what has come out as being something I want to vote for either. To just have a list of suggestions of great corporate citizenship is – I don't get the point of it. On the one side, we are putting the people of Charlotte and the elected government of Charlotte behind the notion – well, suggesting that a corporation spend \$5,000 or more to join a nonprofit – a nonprofit that does wonderful work – but why are we suggesting that. Why is the elected government of the City suggesting that kind of activity for any of these?

Yes, these are all nice things, but they don't need the stamp of the City government for them to be promulgated and for them to be discussed or even to harden as a list of suggestions. This is a lot of our culture now. It may not be our culture in the future unless we stick to it. That's my kind of Libertarian *laissez faire* I'm not really comfortable with this kind of dictation to it. On the other side of it because, yeah, I'm two-sided on this – I'll grant that – why not do more with it. Why not say that if any corporation is going to participate with the City in a synthetic TIF or business investment grant or City loan program or City grant program they ought to be doing at least half these. Why would we participate using taxpayer resources in promoting any corporation that is not behaving as a great corporate citizen because fundamentally the dilemma you get by adopting this list, even though it's a list of suggestions, is you are now dividing the corporate community and those that are great corporate citizens and those that are not, and I'm not comfortable with that on that side either.

Councilmember Barnes said you may recall that I initially asked some probing questions of Mr. Mitchell about this idea. Having read the information, I fully support it. I believe if one was to read the bullet points it's clear that this is not binding upon any business. It is a partnership between our City government and our Chamber, by the way, that will provide information to new and existing businesses that wish to become more involved in the community. It's not something that is going to be forced upon anybody. I am very comfortable with it because again we have complete buy-in from our Chamber. We have perhaps buy-in from our City government, and I think it makes sense. I don't view it as something that is onerous or in any way likely to cause any negative impact upon a business, and I hope that we can move forward in the next ten seconds.

Mayor Foxx said there is a motion and second.

bvj

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

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ITEM NO. 16: AGREEMENT WITH CHARLOTTE REGIONAL VISITORS AUTHORITY FOR THE CENTRAL INTERCOLLEGIATE ATHLETIC ASSOCIATION BASKETBALL TOURNAMENT

[Motion was made by Councilmember Cannon and seconded by Councilmember Kinsey to]
[authorize the City Manager to execute a three-year agreement with the Charlotte Regional]
[Visitors Authority to provide a City contribution of \$200,000 per year to support hosting]
[the Central Intercollegiate Athletic Association (CIAA) Basketball Tournaments.]

Councilmember Barnes said I want to point out, and I know it's after midnight so this won't make it anywhere, for this new cycle. The CIAA brought in \$44 million this year -- \$44 million in light of the current economy, so it's an overwhelming success, I think, and I'm happy that the people are experiencing some success with it. Thank you, Mr. Newman, for your leadership and your involvement and Mr. Kimble. You have kind of been at it from the beginning, so thank you as well, and the Manager. That's some great news. If you think about what happened when it first came to town, folks are telling people to close their businesses and saying crime was going to go through the roof. Crime actually goes down during the CIAA week, and it brings \$44 million into the community, so happy to support this.

Councilmember Mitchell said just one point of clarification because there are rumors out there that we are about to lose the CIAA, so, Tim, can you tell us how long the contract is for the current years -- 2014? Okay. Everybody, don't believe the rumors. It's not going to Atlanta. We have it through 2014.

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

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ITEM NO. 17: BUSINESS INVESTMENT GRANT FOR GEO PLASTICS

[Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon , and]
[carried unanimously to approve the City's share of a Business Investment Grant to GEO]
[Plastics for a total estimated amount of \$37,146 over three years (Total City/County grant]
[estimated at \$105,081.]

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ITEM NO. 18: URBAN PROGRESS ZONE DESIGNATION RENEWAL

[Motion was made by Councilmember Barnes and seconded by Councilmember Mitchell to]
[adopt a resolution requesting the North Carolina Department of Commerce to renew the]
[Urban Progress Zone designation in Charlotte pursuant to NCGS143B-437.09(a).]

Councilmember Carter said I'm once again going to voice my opinion that I think we need to extend this down Independence Boulevard due to the construction that is going on and the opportunities. I'm very disappointed it's not located there.

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

bvj

The resolution is recorded in Resolution Book 42 at Pages 899-903.

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ITEM NO. 19: APPOINTMENTS TO BOARDS AND COMMISSIONS

19A1- Charlotte International Committee – The following nominees were considered for two appointments:

Open Category

1. Cynthia Barnes, nominated by Councilmembers Cooksey, Kinsey, Mitchell
2. Jennifer Collins, nominated by Councilmembers Cooksey, Kinsey, Turner
3. William Martin, nominated by Councilmembers Dulin, Turner
4. Matt Njoku, nominated by Councilmember Barnes
5. Yolanda Perry, nominated by Councilmembers Carter, Mitchell
6. Jim Peterson, nominated by Councilmember Peacock
7. Charles Prendergast, nominated by Councilmembers Cooksey, Dulin, Peacock
8. Kurt Robinson, nominated by Councilmember Kinsey
9. Ronald Zurinskas, nominated by Councilmembers Burgess, Howard

Results of the first ballot were recorded as follows:

1. Cynthia Barnes, 6 votes – Councilmembers Barnes, Burgess, Cannon, Carter, Howard, Mitchell
2. Jennifer Collins, 5 votes – Councilmembers Cannon, Cooksey, Dulin, Kinsey, Turner
3. William Martin, 2 votes – Councilmembers Cooksey, Dulin
4. Matt Njoku, 1 vote - Councilmember Barnes
5. Yolanda Perry, 2 votes – Councilmembers Carter, Mitchell
6. Jim Peterson, 1 vote - Councilmember Peacock
7. Charles Prendergast, 1 vote - Councilmember Peacock
8. Kurt Robinson, 1 vote - Councilmember Kinsey
9. Ronald Zurinskas, 1 vote - Councilmember Burgess

Ms. Barnes was appointed.

Results of the second ballot were recorded as follows:

1. Jennifer Collins, 4 votes – Councilmembers Cannon, Cooksey, Kinsey, Turner
2. William Martin, 1 vote – Councilmember Dulin
3. Yolanda Perry, 5 votes – Councilmembers Barnes, Burgess, Carter, Howard, Mitchell

Results of the third ballot were recorded as follows:

1. Jennifer Collins, 3 votes – Councilmembers Cannon, Cooksey, Kinsey
2. Yolanda Perry, 6 votes – Councilmembers Barnes, Burgess, Carter, Dulin, Howard, Mitchell

Ms. Perry was appointed.

19A2 – Charlotte International Committee – The following nominees were considered for one appointment:

Business Organization Category

1. Cynthia Barnes, nominated by Councilmembers Burgess, Howard
2. Scott Jensen, nominated by Councilmember Turner
3. Yolanda Perry, nominated by Councilmember Barnes
4. Charles Prendergast, nominated by Councilmembers Dulin, Peacock
5. Ronald Zurinskas, nominated by Councilmembers Carter, Cooksey, Kinsey, Mitchell

bvj

Results of the first ballot were recorded as follows:

1. Cynthia Barnes, 1 vote - Councilmember Burgess
2. Scott Jenson, 1 vote - Councilmember Turner
3. Yolanda Perry, 1 vote - Councilmember Barnes
4. Charles Prendergast, 3 votes – Councilmembers Cooksey, Dulin, Peacock
5. Ronald Zurinkas, 5 votes – Councilmembers Cannon, Carter, Howard, Kinsey, Mitchell

Results of the second ballot were recorded as follows:

1. Charles Prendergast, 2 votes – Councilmembers Cooksey, Dulin
2. Ronald Zurinkas, Councilmembers Carter, Cannon, Howard, Kinsey, Mitchell

Mr. Zurinkas was appointed.

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ITEM NO. 20: COUNCIL MEETING CALENDAR AMENDMENT

[Motion was made by Councilmember Barnes and seconded by Councilmember Cannon]
[to approve an amendment to Council’s 2011 meeting calendar changing the starting time]
[of the May 23, 2011, Council Meeting.]

Councilmember Cooksey said I will be voting no because I think hearing from the citizens on the budget at a time when they can get here is more important than any other matter going on that night.

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

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

NAYS: Councilmembers Carter, Cooksey, Turner

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ITEM NO. 21: MAYOR AND COUNCIL TOPICS

Councilmember Howard said just a reminder to Council that the Planning Coordinating Committee’s annual joint luncheon is Friday at the Stadium. It’s one of the rare times that all of the elected officials in Mecklenburg County get together. If you haven’t RSVP’d, if you will do so. We all got an email tonight. Please join us for the joint planning coordinating committee.

Councilmember Mitchell said to Mayor, Council, staff, I’m sorry I left the meeting early last time. I heard there was a lot of comments you made towards me, but let me tell you I was proud of all my colleagues who were going to the National League of Cities. I was glad to represent you from the City of Charlotte. I have two vice chairs chairing committees, Andy and Patsy. I have a board member, Nancy, and I have about five committee members, so staff thank you so much – Kim, Ron, and Curt – for all the heavy lifting. I hope I continue to serve you well in my six more months left as president, so thank you.

Councilmember Dulin said one thing. I think guys that after the hockey game next Sunday afternoon is the annual police versus fireman hockey game. They play every year and they go at it because neither one of them wants to lose to the other, and I’m pretty sure it’s next Sunday. I’m going to be looking for it and be there to support those folks. They are not looking for any subsidies. They just need us to come and root and have a beer and watch some hockey. Just look out for it.

March 28, 2011
Business Meeting
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ADJOURNMENT

The meeting was adjourned at 12:15 a.m.

Ashleigh Martin, Deputy City Clerk

Length of Meeting: 6 Hours, 47 Minutes
Minutes Completed: May 26, 2011