

The City Council of the City of Charlotte, North Carolina convened for a combined Zoning and Business Meeting on Monday, December 12, 2012 at 6:12 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Anthony Fox presiding. Council members present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, Clarie Fallon, David Howard, Patsy Kinsey, LaWana Mayfield, James Mitchell, and Beth Pickering.

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INVOCATION AND PLEDGE TO THE FLAG

Mayor Foxx gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

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ZONING MEETING

Mayor Foxx said this is a bit of an unusual meeting in the sense that we are doing Zoning Hearings as well as having our regular Business Meeting. He asked Steven Rosenberg to introduce the Zoning Committee.

Steven Rosenberg, Chair of the Zoning Committee introduced his Committee and said that as it is a first meeting with the new Council we'd like to reconfirm to the new Council members that we are here as your advisory body. Please feel free to contact us anytime and we will provide you with whatever you require so we can be of assistance to you. The Zoning Committee will meet on January 4, 2012 here in this building at 4:30 p.m. to deliberate with staff on recommendations for Council and these deliberations will then be given back to Council at their next meeting. This will not be a public meeting, but if the public is interested in attending they are welcome to, or making comment feel free to go to the Planning Commission website wherein you can find our e-mail addresses and we welcome any input you have.

HISTORIC LANDMARKS

ITEM NO. 1: PUBLIC HEARING TO CONSIDER THE HISTORIC LANDMARK DESIGNATION OF PROPERTY KNOWN AS EASTOVER ELEMENTARY SCHOOL, INCLUDING THE EXTERIORS OF THE BUILDINGS, AND THE PARCELS OF LAND LISTED UNDER TAX PARCEL NUMBERS 15510236 AND 15509401 LOCATED AT 500 CHEROKEE ROAD, CHARLOTTE, NORTH CAROLINA.

The scheduled public hearing was held on the subject property.

Stewart Gray said I can make a brief comment on the property, the historical significance of the property and then if anyone has questions I will be glad to answer them. Eastover Elementary School erected in 1935, designed by M. R. Marsh Architects, a design firm of local significance. The school is important in the history of the Eastover Neighborhood and is also a well preserved example of colonial revival style institutional architecture and demonstrates great sensitivity to the surrounding neighborhood streetscape. I think what was significant about this building, and you also see it in Fire Station No. 2 in Eastover is that the building was designed to fit in with the neighborhood. The architecture fits in with the residential character of the neighborhood. It is in wonderful condition. CMS has been a great steward of the property. They have undergone a sensitive renovation and we've gotten response from CMS that they support the designation of the property. We are looking for the designation of the land and the exterior of the building only.

Councilmember Kinsey said we are designating just the original part of the building, not the addition or the whole building?

Mr. Gray said there is a good bit of historic building there and it was added onto I believe over a couple decades. The amount of stuff that was recently added isn't the major portion of the building and I think that through the design review process there is not going to be any issue if they wish to change a building or an addition that was added in the 1970's. Since it all

contiguous and none of them are separate, we are recommending designation of the entire exterior.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

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ITEM NO. 2: PUBLIC HEARING TO CONSIDER HISTORIC LANDMARK DESIGNATION OF THE PROPERTY KNOWN AS THE JOHN B. ROSS AND COMPANY MILL INCLUDING THE EXTERIOR OF THE BUILDINGS, AND THE PARCEL OF LAND LISTED UNDER TAX PARCEL NUMBER 078-425-01, LOCATED AT 1000 NC MUSIC FACTORY BOULEVARD, CHARLOTTE, NORTH CAROLINA.

The scheduled public hearing was held on the subject property.

Stewart Gray said the John B. Ross and Company Mill is significant for its contribution to the industrial strength of Charlotte throughout the first half of the 20th century. The mill is one of the earliest textile mills in Charlotte and has a high degree of integrity for so many comparable buildings have been significantly altered or entirely demolished. The John B. Ross Mill is particularly important as location of the Southern Asbestos Company, a national leader in terms of production employment and the number of spindles and looms. It is also significant as an example of early 20th century cotton mill that was converted into another industrial use. The property is currently listed on the National Register of Historic Places. We are recommending the exterior of the buildings and the tax parcel.

Councilmember Kinsey said I just want to make sure that we understand that with the tax deferment that means \$5,935 for the City tax and \$11,090 County tax deferred per year.

Thomas Sadler, 1416 Whisnant Street, said I just want to take this opportunity to thank you for allowing us to speak on behalf of this historic property. This property is located in the Greenville Neighborhood where I serve as the President of the Homeowners Association and have lived there for all but about 10 years of my life. My grandparents and parents lived there and I had the opportunity to work in this building in the 60's and working in this building again as we speak. This building has significant value to me. It was providing for families when I grew up as about every family had someone that worked at this site. It is still providing for families now. We have lots of individuals that normally would be without jobs that is working in this building. This building and the land has withstood the times of change. During the urban renewal we survived We took away the removal part and we are still here. When I first moved back there was a sign that said "putting the green back in Greenville". Councils before you have done just that, so has investors and visionaries that has put the green back in Greenville. However, it is the only site that we have left that is an original building. All the homes were torn down in the 60's, the neighborhood was raised and rebuilt. That building is still standing and we, the community would like to preserve the history of our community and this is the only way that we can see to preserve what little we have. Listing in the book, "Sorting out the New South" as a realm village of Charlotte of the Wards. We are no longer a realm village, however the building still reminds us what we've come from. We request designation as a historical site for this particular site.

Noah Lazes, 1000 NC Music Parkway Blvd. said always speak before Pops because he says it better than anybody can say it. That is the whole story. This is an historic mill that at one point was closed and dark and had no windows and was a detriment to the community that is now a big asset, employing over 1,000 people. It has been listed on the National Historic Register which we are honored to be a part of and would be honored as well if the Council would be so kind as to add to our Register as well. We would really appreciate your support.

Councilmember Barnes said could you explain to us what sort of protection is provided under the National Historic Registry?

Mr. Stewart said the National Register does not afford protection for a property in a normal sense. The National Government doesn't have police control over local property, thus the National Register is more of carrot and less than a stick. It offers tax incentives to property owners and it does protect a property from government action so if the railroad were to need a federal permit to make changes that would affect the property then the National Register protections may come into play. In general it doesn't control what a property owner does with their property.

Mr. Barnes said I like the idea of what has been happening over there at the Music Factory. As I look at the pictures of some of the before and the now it strikes me that there has already been a considerable bit of change around the building, and perhaps to some of the façade. I am wondering what other changes we would be anticipating avoiding if we approve the request.

Mr. Stewart said the Landmark designation unlike National Register listing does have control over the physical changes of the property. Any property designated as a historic landmark has to go through design review by the Landmark's Commission and that is binding. There have been changes to the property and it is our understanding that all of those changes were made under the guidance of the State Historic Preservation Office in Raleigh, so they could receive tax credits. We run all of our properties through the State Historic Preservation Office for their comment so we are very differential to the state in terms of what is appropriate and what is not appropriate. Whatever changes have been made and approved, we agree with the state that they are appropriate. Any further changes would have to be approved by the local Commission and I would say that could prevent alterations of the original façade. That could prevent additional buildings being added to the property, not necessarily would, but could, if those changes were going to affect the historic character of the property.

Mr. Barnes said the main reason I asked those questions is that it doesn't seem to me that the owners of the property would have any interest in changing it anytime soon. As Ms. Kinsey said, we will forego some tax revenue in the process, but again I like what they are doing.

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

Council's decision was deferred pending a recommendation from the Zoning Committee.

PETITIONS REQUESTING DEFERRAL

Tammie Keplinger, Planning, asked if they would like to go over the deferrals before they get into the hearings?

Mayor Foxx said you are exactly right. Can you state the items that have requested deferral?

Ms. Keplinger said Item No. 4, Petition 2011-068 for Morehead Property Investments, LLC; Item No. 6, Petition No. 2011-073 for Wells Property; Items 10 and 11, Petitions 2011-082 and 2011-083 by Steele Creek1997 Limited. All of these are a request for a one month deferral.

[Motion was made by Councilmember Howard, seconded by Councilmember Barnes, and]
[carried unanimously, to defer the above petitions for one month.]

ITEM NO. 3: HEARING ON PETITION NO. 2011-064 BY FAIRWAY ROW, LLC FOR A UR-2 (CD) SITE PLAN AMENDMENT FOR APPROXIMATELY 12.00 ACES LOCATED ON THE SOUTHWEST CORNER AT THE INTERSECTION OF ARDREY KELL ROAD AND PROVIDENCE ROAD.

The scheduled public hearing was held on the subject property.

Tammie Keplinger, Planning said this petition is actually a site plan amendment for a piece of property that was rezoned in 2006. The property shown here in the orange color is surrounded by single family residential with a little bit of commercial along Providence Road. Providence Road running north and south and Audrey Kell running east and west. The land use in the area, there is a golf course shown in the green, the yellow is residential and the red is commercial. The future land use map shows the golf course in the green area then single family residential and the remaining white and light yellow. In terms of the property itself after the 2006 rezoning there were several townhome buildings that were constructed on this site. The approval in 2006 approves 16 townhome buildings with 53 units. The request for the site plan amendment is to allow 22 buildings with 53 units, so the request is not increase the number of units, it just allows a little more flexibility with the way the structures are to be developed. You can see in the site plan we have more triplex and duplex units in this proposal. They are also asking for a request to allow an encroachment of patios into the 30-foot setback. The number of townhomes will remain at 53. The petition is consistent with the Providence Road/I-485 Plan update and staff is recommending approval upon resolution of the outstanding issues.

Walter Fields, 1919 South Boulevard said I am representing East/West Partners, and John Gilchrest of East/West is here with me. That was the first thing I wanted to do and the second was to congratulate and welcome the new Council members. I look forward to working with those of you that I haven't met yet. Third is, I have spoken to Tammie today and the single site plan issue has been resolved and we will make the modifications to the site plan. The fourth is to answer any questions if you have them.

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

Council's decision was deferred, pending a recommendation from the Zoning Committee.

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ITEM NO. 5: HEARING ON PETITION NO. 2011-071 BY KRZYSZTOF BROSZKIEWICZ FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.02 ACRES LOCATED ON THE SOUTHEAST CORNER OF THE INTERSECTION AT EAST SUGAR CREEK ROAD AND ATMORE STREET FROM R-5, B-1 AND I-2 TO B-2(CD).

The scheduled public hearing was held on the subject petition.

Tammie Kiplinger, Planning said this petition is to rezone approximately 1.02 acres located at the corner of East Sugar Creek Road and Atmore Street from R-5, single family residential, B-2, general business and I-2, heavy industrial to B-2(CD). You can see with the zoning in the area we do have some industrial along The Plaza and along the west side of East Sugar Creek with a little bit of residential on Atmore and some additional commercial. In terms of the land use, there is a hodge podge of land use in this area. It ranges from industrial to residential to commercial. The future land use for these properties in particular reflects the zoning. Commercial on the corner, residential on the interior lot and then industrial on the little triangle along East Sugar Creek. The proposed request is to take all three of these properties and rezone them to B-2(CD) to allow the use of an auto dealership. This property has in the past been used without being rezoned for that particular use. The current owner wants to take the house and use it for the business and adjoin all these properties together to meet the site plan. There is a small addition that is proposed. They will have sidewalks along all streets and buffers as required by the Zoning Ordinance. There are some inconsistencies with the land use which is the Central District Plan. Staff feels this zoning will provide consistency and allow the reasonable use of the properties and we are recommending approval.

Vickie Fewell, 5014 Grafton Drive, said to those of you who don't know me, I'm Vickie Fewell, President of Charlotte East Community Partners and a resident of Shannon Park which is located off the Plaza. Thank you for taking time to hear my comments on the rezoning of Petition No. 2011-071. Atmore Street is a short residential street that runs between The Plaza and East Sugar Creek Road. It is a modest collection of homes including one recently

constructed dwelling. I would call it an area of market rate, affordable housing. Its location is somewhat cut off from more populated neighborhoods in the area and it is often used by cut-through traffic. It is another example of creeping commercial development that is eating away from both ends of this residential street. At its entrance on The Plaza, there is a commercial structure on both sides. A business is operating out of the first house behind one of these structures. At the Sugar Creek end there are two businesses on one side of the entrance. The other side is now a cleaned up lot and a house. This is the property that you are considering for a rezoning for a car dealership. There are two car dealerships within the next block down Sugar Creek as you head towards North Tryon and as many of you are aware, North Tryon Street is saturated with similar used car lots. I believe it is important to keep and maintain the home for two reasons, the need for affordable housing and secondly the need for this residential street to be visible from the main thoroughfare. The lot next to the house has been poorly kept for some time and it has taken a great deal of neighborhood effort, working with code enforcement to get it cleaned up. This has finally made the area look more desirable from a housing standpoint. I ask that you consider denying the petition to rezoning. I have had associates that have taken pictures of this area and these are some of the after and even after it is still not in as good a shape as it could be. I would like to pass the pictures around and I think Councilmember Autry may have copies of these as well.

Councilmember Kinsey said we really don't have an indication of how the fence would look. I think it is real important that this area be fenced if indeed it is going to be a car dealership protecting the residential area.

Mayor Foxx said Ms. Kiplinger can you pull up a map or something that will show this?

Ms. Kiplinger said which area are you looking for sir?

Mayor Foxx said there is a site plan map.

Ms. Kiplinger said they are showing a decorative fence along the parameter of the property. The site plan, in terms of the details of that fence, they do show them on the site plan and it is to be a wooden fence.

Ms. Kinsey said it looks like more of a privacy fence.

Ms. Kiplinger said it appears that way. The petitioner's agent did not sign up to speak tonight, but he is here. That may be a question for him.

Ms. Kinsey said I'm very familiar with the property and went by it this week-end. It looks better than it did, but it is still kind of raw. I understand this is to be an automobile dealership. Should I assume that these are not new cars?

Ms. Kiplinger said there is nothing to say whether they will be new or used vehicles.

Ms. Kinsey said are there any other uses that would be on that property as well?

Ms. Kiplinger said the only thing that would be permitted is anything that is associated in accessory use to the car dealership. They are proposing a small addition and I'm assuming that may be for minor repair work or for washing of the cars. That is something that we will certainly clarify, but my understanding is the principle use will be the sale of automobiles.

Ms. Kinsey said I guess I'm more worried about the accessory use.

Councilmember Howard said right now it is operating as a what?

Ms. Kiplinger said I believe this was a residential use and it could be that Ms. Fewell could give us more information. I understood at one time there was a possible zoning violation on this site.

Mr. Howard said that is kind of why I'm asking. I'm asking about operating illegally. Is that what this is?

Ms. Kiplinger said no sir, this is a new property owner that has not received any notices of violation in terms of use.

Mr. Howard said what is it zoned now?

Ms. Kiplinger said there are three zonings, B-2, R-5 and I-2.

Mr. Howard said I'm wondering, is it operating anything in any of those illegally?

Ms. Kiplinger said not that I'm aware of.

Mr. Howard said I want to make sure what we leave this, if for some reason we denied this, it won't be worse than what could be. Will it be grandfathered to do anything?

Ms. Kiplinger said if there use operating there illegally and the rezoning petition were denied, there would be no grandfather because it was an illegal use.

Mr. Howard said what about this commercial creep that seems to be going up. There are still people living on this street, very much so. If you have to look at some of this street, it is actually more residential than it is the edge of Sugar Creek. Are there any concerns by staff that this starts to creep up that street?

Ms. Kiplinger said if you look at the Zoning Map, there is some B-2 that already exists on the east side of Sugar Creek. There is also B-2 across the street from the subject property that extends down Atmore even further than the property in question. I felt like combining these properties and allowing the rezoning on these would actually be an improvement over having any I-2 uses or of a future B-2 uses on here. In other words we can get all of this together and develop one use, have the appropriate setbacks, get the improvements such as street trees and the sidewalk and planting strip, whereas under the current zoning we wouldn't get that for the R-5.

Councilmember Barnes said because this is a conditional rezoning can we not ask the petitioner's representative what kind of car dealership this is?

Ms. Kiplinger said you can, absolutely if he is willing to commit to that.

Mr. Barnes said would the representative please come down. And secondly I share a concern that Ms. Kinsey has and that is this proliferation of used car dealerships from Tryon Street now onto East Sugar Creek and I don't know how I'll vote on it, but that is a concern that I have. Sir, could you tell us what kind of car dealership this will be?

Petitioner's Representative, Robert Brandon said the dealership that he has now he will be leaving that dealership and closing it down and moving to this location. The cars that he is selling now are used vehicles, very, very late model cars, nothing junked or wrecked or anything of that nature. I would anticipate that he would have more new cars if he could afford it, but right now it is used.

Mr. Barnes said is he currently on Tryon Street?

Mr. Brandon said he is on East Sugar Creek.

Mr. Barnes said so he is moving from some place along Sugar Creek to this site.

Mr. Brandon said he is closing that down to move to East Sugar Creek.

Mr. Barnes said is the facility he is closing near this site?

Mr. Brandon said not too far – I would say with 4 blocks.

Mr. Barnes said is it one of the two that Ms. Fewell talked about?

Mr. Brandon said possibly, yes.

Councilmember Autry said this property has been a challenge to neighbors for many years and it has taken a lot of effort by citizens working diligently with code enforcement to bring this property into compliance. The concern at this point is that the sort of operation that we've been witness to is not conducive to sustainable community at all. For that reason I'm not going to be able to support this and I would urge other Council members not to support it either.

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

Council's decision was deferred, pending a recommendation from the Zoning Committee.

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ITEM NO. 7. HEARING ON PETITION NO. 2011-074 BY KIDS GOING BANANAS FOR A CHANGE IN ZONING FOR APPROXIMATELY 18.60 ACRES LOCATED ON THE SOUTH SIDE OF BELHAVEN BOULEVARD AND ACROSS FROM OAKRIDGE DRIVE AND WESTBOURNE DRIVE FROM R-8MF(CD)(LWPA) TO R-4(LWPA).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning said this property is currently zoned R-8MF(CD) and it was rezoned in 1999. It allows the development of 64 multifamily residential units. As you can see from the Zoning Map we have some commercial at the intersection of Valleydale and Belhaven, mostly single family residential and then the property in question tonight. In terms of land use we have some greenway to the south of the property, the non-residential uses at the intersection of Belhaven and Valleydale. The future land use shows the property as multifamily and that is reflective of the 1999 rezoning. The request before you is to rezone to R-4 single family residential, but the land is currently being used as a religious institution. The rezoning will allow all uses in the R-4. It is inconsistent with the Northwest District Plan which was amended by the 1999 rezoning, but it is consistent and compatible with the predominant land uses and zoning in the area. The staff is recommending approval.

Jeff McCluskey, 2110 Ben Craig Drive, said essentially what has happened there was a church when it was rezoned in 1999 and that church closed in 2006 or 2007 and the current Northside City Church basically bought the property in 2008. They want to do an expansion on the property and subsequently found that they are not allowed to do any expansion because it wasn't permitted under the rezoning plan in 1999. We are requesting to downzone the property back to the R-4 which is essentially what everything around us is zoned, and that way we will be able to expand the church. Jerry Chadwick, Pastor of Northside City Church is also here as well.

Councilmember Mitchell said so you are not going to build the multifamily homes now, you just want to expand the church. Did I hear you correctly?

Mr. McCluskey said that is correct. Based on the approved rezoning plan in 1999 to multifamily it only allowed for multifamily and didn't allow the church that is there to be expanded.

Mayor Pro Tem Cannon said for the record, this is a straight up petition?

Ms. Keplinger said that is correct, so we can't talk about specific uses.

Mayor Pro Tem Cannon said we have to be really careful not to go down that road on the ask.

Mr. Mitchell said now they are frustrated because if I can't ask any questions my citizens are at a huge disadvantage of what might be coming there. No community meeting was allowed so legally what may I ask?

Assistant City Attorney, Terrie Hagler Gray said because this is not a conditional petition and is a straight up petition, all the uses that would be allowed in the R-4 are potential uses on the

site. The petitioner cannot respond to any specifics about the site since it is not a conditional plan.

Mr. Mitchell said keep me in my lane, I don't want to do anything illegal. Sir, will you be open to go to a neighborhood meeting and share with the neighbors your vision for this parcel?

Mr. McCluskey said sure, we are fine with doing that.

Mr. Mitchell said call me afterwards so we can at least make sure we can educate the citizens of what might be occurring there before we vote. Is this a January decision?

Ms. Keplinger said yes, January 17th.

Councilmember Barnes is Mr. Mitchell, if you could, during your meeting find out what Kids Going Bananas is and educate me. Also I do note that the petition is inconsistent with the Northwest District Plan.

Ms. Keplinger said that is correct and Kids Going Bananas is the name of the Day Care that is currently operating on the site.

Mr. Mitchell said who owns the land, the Day Care or the church?

Mr. McCluskey said the property is currently owned by Kids Going Bananas, but it is a joint venture, the same company, Kids Going Bananas and Northside City Church. Jerry Chadwick is responsible for both companies because Kids Going Bananas is essentially an afterschool program, day care type facility and the Northside City Church is obviously a non-denominational church.

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

Council's decision was deferred, pending on a recommendation from the Zoning Committee.

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ITEM NO. 8: HEARING ON PETITION NO. 2011-076 BY ELAM GROUP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.38 ACRES LOCATED ON THE SOUTH SIDE OF WEST BOULEVARD BETWEEN SIRUS LANE AND YORKMONT ROAD FROM I-1 TO I-2.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said in terms of zoning you can see a lot of brown on the map associated with this as this is all industrial zoning. Even the light brown is I-1. There is one little area of R-3 that is just south of Byrum Drive. In terms of the future land use it is indicative of the zoning that we have in the area and the future land use as you can see is a lot of dark area which represents industrial and some office. In terms of this property, it is approximately 5.39 acres, it is within the Airport Noise Overlay. The property is currently vacant and zoned I-1. The request is to rezone to I-2. It is consistent with the Southwest District Plan and staff is recommending approval.

Bob Young, 226 Sloane Square Way, said I don't have a great deal to add beyond Tammie's remarks and the staff report. As she indicated this is a straight up zoning change from one industrial category to another, so there is no site plan. It is consistent with plans for the area and staff is okay with this. Development of this site is going to be consistent with the area and the area zoning. Obviously, the Airport dominates the land use and the zoning spins off of that and what is being planned here will be consistent with growth of the Airport and growth of the non-residential and industrial that is in the area.

Councilmember Howard said what might I-2 allow that I-1 won't allow that might help your petitioner?

Mr. Young said I-1 is the light industrial and I-2 is heavy industrial and the I-2 district tends to allow things that might be outside in orientation. Generally it just kinds of steps up or ratchets up some of the manufacturing or industrial uses and the I-2 zoning that is being planned here would enable a sale and a user that would be consistent with that kind of zoning and that kind of development for the other uses that are around it. Again, spinning off the impact of the Airport.

Mr. Howard said one of our concerns is the fact that now we are opening ourselves up to anything allowed in I-2 and not knowing what all of those uses are, would be a concern. Between now and the vote if I can get that information from either of you so I understand. Although it is Airport and mostly industrial we still need to care about the neighbors around this area as well. I would like to know as much as I can within the bounds.

Mr. Young said to the extent that I can I will be happy to sit down and talk to you about it. For the record here, the planned use is consistent with the Airport and its environment. I think the use that is here is going to augment what you would expect in and around the Airport.

Mr. Howard said I will be glad to have that conversation.

Mr. Young said I will give you a call.

Councilmember Mayfield said I also would like to make sure that I receive a copy of that information because I am concerned about making sure that the residents, even though that particular area has been zoned, I would appreciate receiving a little more information prior to the vote.

Mr. Young said I will be happy to do that and if I can double team both of you that would be fine by me.

Ms. Keplinger said staff will also weigh in and provide some additional information.

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

Council's decision was deferred, pending a recommendation from the Zoning Committee.

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ITEM NO. 9: HEARING ON PETITION NO. 2011-077 BY CAROLINA GOLF LODGE FOR A CHANGE IN ZONING FOR APPROXIMATELY 42.0 ACRES LOCATED ON THE NORTH SIDE OF CINDY LANE BETWEEN INTERSTATE 77 AND MURRAY STREET FROM R-4 TO B-2(CD).

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this a petition that is located on the north side of Cindy Lane and in terms of the zoning use you can see there is some MX-1 to the north, single family residential and industrial. In terms of the land use in the area, this again is reflective of the zoning industrial to the south and residential, multifamily on the remaining sides. I-77 is located to the left of the property. This is the future land use map that again reflects the residential and industrial nature of the site. The proposed request is for 42 acres from R-4 to B-2(CD). The reason for the B-2(CD) is because the uses proposed here are considered a commercial outdoor amusement facility and that is allowed in the zoning classification of B-2. What they are proposing is a golf training and teaching academy. It will have a club house on the facility, it will have lodging cottages for people that are coming in for training. There is an existing cell tower on the site that is to remain. From the site plan you can see there are two lakes that are located on the property. They are proposing to save one of those lakes and it may take a little bit of reconfiguration. In terms of the Northeast District Plan, this request is inconsistent with the

plan which recommends multifamily residential for this site. Staff feels however, that this request has a lower impact than multifamily residential would have because of its nature and we are recommending approval upon a resolution of outstanding issues.

Bob Young, 226 Sloane Square Way, said this has been extremely well received from area residents and the neighborhood. As Tammie mentioned to you, this is kind of a unique use, a golf instructional school. We are seeing in the growth of golf that a use like this is springing up in other locations around the country, reaching out to the growth of the game and in so doing reaching out to junior golfers and women and minorities, etc. to allow golfers who would like to improve their game. We do have a great staff report. There were two very minor site plan issues which we have indicated to staff that we can take care of. There is one agreement with Art concerning an upgrade of our security fencing. We do need to secure the property. It is tempting for vandals so we will have a chain-link fence, but where we are adjoining his neighborhood, we've agreed to upgrade that to a black vinyl coated chain-link fence so it will help to blend in with the buffer that is behind it and with that he is okay and I think he will speak in a moment to that approval. This is going to be great for the environment, a great use for the community, far less impactful, even in the current single family zoning. We are happy for staff's support, happy for neighbor's support.

Arthur Gentile, 2526 Cochrane Drive, said I support this project and I think it is a great project for our neighborhood. We had much rather have this than multifamily housing and we support it.

Councilmember Fallon said do you intend to have any other kind of amenities there? Do you intent to turn it into a country club?

Mr. Young said there are no other amenities other than golf, but it is going to be a private facility. I didn't get a chance to mention that, but it will be members only and it will be private. We think that is going to add to the up-scale nature of this and I think all the neighbors that we have come in contact with were very, very happy to see this come.

Ms. Fallon said tell me about the fence again.

Mr. Young said around the property at the boundary there will be a chain-link fence as I mentioned. Golf balls lying on the ground are a very tempting target for folks that want to drop in and pick up golf balls, or if you've got a bicycle or an all-wheel terrain vehicle you love to run all over those grounds that are going to be manicured. We need to secure the property. That is very vital to what we are going to do here. Art, in his conversations to us was concerned about the look of that relative to his neighborhood. John Jarrett, who is my client went out to the site and met with him and through their discussions, Mr. Jarrett agreed to upgrade that and make it a black vinyl coat, pursuant to his discussion with Art, around the entire perimeter where this site adjoins Art's neighborhood. Obviously, that does upgrade the aesthetics. Adjacent to that fence is our natural buffer. We have a 75-foot buffer so this will help to blend that into the buffer. It gives the neighborhood a little bit of extra that they were looking for and it helps us satisfy that we will be able to secure the property properly.

Councilmember Mitchell said Bob, I just want to say thank you for engaging with the citizens and Art thank you for sitting down with them and making sure you got a good quality fence. Bob mentioned that this might be a private facility, but I know they are started reaching out to the local middle schools and elementary schools on the training academy portion. For so long these 42 acres were very attractive to other use that I know the neighborhood did not want so I'm glad we have something that is a total buy-in. Just for the citizens so we can be very clear, if we were to develop under the current zoning, 1,500 trips per day and now the zoning with the golf course, only 150 trips per day so there is very little impact on transportation.

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

Council's decision was deferred, pending a recommendation from the Zoning Committee.

ITEM NO. 12: HEARING ON PETITION NO. 2011-075 BY CHARLOTTE MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY THE REGULATIONS FOR RELIGIOUS INSTITUTIONS IN RESIDENTIAL DISTRICTS.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this is a Text Amendment for religious institutions that are in residential districts. It is an amendment to clarify the type of streets on which such uses are permitted. There are no changes to the standards, just clarification and the regulations related to the street frontage have been rewritten to make it a little clearer.

Susan Lindsay, 6205 Rose Croft Drive, said I am not necessarily here to oppose the Text Amendment. The original text amendment proposed by staff raised alarm bells for a lot of us representing neighborhoods because it represented a major change in where religious institutions can go in residential districts. Due to the diligence of Grove Park Neighborhood people and a few others, we got to digging around and as you can see by some previous rezoning requests we would like to see the Council and staff address the issue of other activities or other kinds of presence beside religious, office, commercial that are just streaming past our neighborhood entrances. You are obliterating some of the existence of these neighborhoods from the major and minor thoroughfares and we think a long hard look needs to be taken at that. The collector street issue, we are not quite sure how that impacts us as far as some of the neighborhoods, but I think it does and I would suggest that staff and some of the leaders get together to review those issues. As you go down Central Avenue, as you go down Albemarle Road, as you go down numerous areas in this city, you have no idea about the neighborhoods that exists behind the stripped in areas. The same goes for a lot of churches have been placed right at the entrance of the neighborhoods and wiping out their existence essentially.

Councilmember Autry said this is an issue that is directly a result from District 5 and the impact that it has had over there. A lot of people just driving by assess the worth and value of a neighborhood by how the entrance looks and this text amendment, I feel, would have an adverse effect on that perception.

Katrina Young, Zoning Administrator, said this Text Amendment is actually a clarification. We are not making any changes. One section of the code says that collectors, the medium institutions with a floor area ratio of .25 are permitted. It is repeated again, but the second time it is medium and large so it doesn't clarify that it is the medium with a floor area ratio of .25 or less that is allowed on the collector and if it is more than .25 it is only on the major or minor. We were just clarifying that, taking it where it was in one section and then repeating like it should have been in the second section, but there is no substance change.

Mr. Autry said let me just add that the existing process worked for this church. They got their variance by working the process so the process does work. I would like to see it upheld.

Councilmember Howard said I want to make sure I understand what you just said. The way it is written right now, in one place it talks about a small church, but it could be applied that what you are really talking about is medium and large churches being allowed on a collector?

Ms. Young said no, in one paragraph it states small religious institutions are allowed on collector, minor and major. Then it goes on to say a medium institution with a floor area ratio of .25 is also allowed on a collector, minor or major. Then it says a medium institution with a floor area ratio greater than .25 and large institutions are allowed only on major or minor. That is in one section and when you flip the page and go to the second section, it repeats it, but it says small collector, minor/major and then it lumps medium and large together instead of breaking it out like it did in the paragraph before. The collector is missed for the floor area ratio of .25 or less. We are just putting it where it was supposed to be.

Mr. Howard said so you are really dividing medium between two different categories?

Ms. Young said correct.

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

Council's decision was deferred, pending a recommendation from the Zoning Committee.

ITEM NO. 13: HEARING ON PETITION NO. 2011-080 BY THE CHARLOTTE MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY THE REGULATIONS FOR SHORT TERM CARE FACILITIES.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this is a Text Amendment that proposes to increase the maximum number of convalescing care individuals that are allowed in short-term care facilities. It proposes to increase the maximum number of days than individual may stay in such facilities. It expands the number of referral agencies and to add an option for longer recuperation periods for short-term care facilities. This Text Amendment is in response to a request we had to provide more flexibility for the short-term care facilities.

[There being no speakers either for or against, a motion was made by Councilmember Barnes,]
[seconded by Councilmember Kinsey, and carried unanimously, to close the public hearing.]

Council's decision was deferred, pending a recommendation from the Zoning Committee.

ITEM NO. 14: HEARING ON PETITION NO. 2011-081 BY CHARLOTTE MECKLENBURG PLANNING DEPARTMENT FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY OFF-STREET PARKING REGULATIONS FOR MOTION PICTURE THEATRES.

The scheduled public hearing was held on the subject petition.

Tammie Keplinger, Planning, said this is a Text Amendment to modify the off-street parking regulations for motion picture theatres. As we discussed at dinner, we did have a request from someone asking us about the parking ratio for movie theatres. We looked at our zoning ordinance and looked at other communities and found that we require more parking than most communities at this point in time. We are requesting to change our regulations to require minimum of one vehicle parking for every three seats whereas now we require one for every five seats.

MOTION TO RECUSE COUNCILMEMBER CANNON FROM PARTICIPATING ON THIS ISSUE

[Motion was made by Councilmember Mitchell, seconded by Councilmember Kinsey, and]
[carried unanimously, to recuse Councilmember Cannon from participating on this issue.]

[There being no speakers either for or against, a motion was made by Councilmember Howard]
[seconded by Councilmember Mitchell, and carried unanimously, to close the public hearing.]

Council's decision was deferred, pending a recommendation from the Zoning Committee.

BUSINESS MEETING

CONSENT AGENDA

Deputy City Clerk, Ashleigh Price said for Item No. 36-D the correct appraised value is \$25,050. Pulled by staff and no longer on the agenda for consideration is Item No. 34-A, Item No. 36-E has been pulled for a speaker and the items pulled by Council are Item Nos. 10, 11, 16, 23, 25 and 26.

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and]
[carried unanimously, to approve the Consent Agenda as presented with the exception of Item]
[Nos. 10, 11, 16, 23, 25, 26, and 36-E. Item No. 34-A has been removed from the agenda.]

The following items were approved:

9. Authorize the City Manager to sign a petition for voluntary annexation of a city-owned portion of Blythe landing park located in the town of Cornelius extraterritorial jurisdiction.
12. (A) Contract with Frazier Engineering, P.A. in the amount of \$985,000 for professional engineering and construction management services for the Sanitary Sewer Rehabilitation Program; (B) authorize the City Manager to renew the contract for four additional terms, each in the same amount as the original contract.
13. Contract with Southeastern Consulting Engineers, Inc. in the amount of \$338,000 for design and construction administration services for electrical improvements at Charlotte-Mecklenburg utilities Department water treatment facilities.
14. Amendment #3 to contract with Hazen and Sawyer, P.C. in the amount of \$315,500 for professional services for the raw water reservoir improvement project at the Walter M. Franklin Water Treatment Plan.
15. (A) Resolution authorizing the Key Business Executive of Transportation to execute a Municipal Agreement with the NCDOT for NCDOT to reimburse the City \$150,000 for the I-277/I-77 loop study; (B) Authorize the City Manager to renegotiate and execute a contract with RS&H to complete the Loop Study for an amount not to exceed \$380,000 and (C) Budget Ordinance No. 4798-X appropriating \$150,000 from NCDOT funding.

The resolution is recorded in full in Resolution Book 43, at Page 466.

The ordinance is recorded in full in Ordinance Book 57, at Page 469.

17. Authorize the City Manager to amend the contract with NWN Corporation for the purchase of Ethernet Switches and related parts in an amount not to exceed \$250,000.
18. (A) Contract to the lowest bidder DariTech, Inc. in the amount of \$258,788 for the purchase of the in-vessel composter for the Airport Recycling Center, and (B) contract to the lowest bidder, Sustainable Agricultural Technologies, Inc. in the amount of \$178,590.35 for the purchase of the Vermicomposting System for the Airport Recycling Center.

Summary of Bids

DariTech, Inc.	\$258,788.00
Sustainable Agricultural Technologies, Inc.	\$178,590.35
ESC	Not responsive to ITB
BioVAtor	Not responsive to ITB
Sonoma Valley Worm Farm	Not responsive to ITB
Yelm Worms	Not responsive to ITB
Worm Wigwam	Not responsive to ITB

19. Change Order #1 with Edison Foard, Inc. in the amount of \$364,284 for additional work scope including mechanical, electrical and plumbing items for the terminal complex.
20. Amendment #1 to the contract with HNTB Corporation in the amount of \$113,545 for additional traffic study, roadway design and environmental documentation.
21. (A) Amendment #1 to the Building Management Systems Maintenance contract with Johnson Controls, Inc. for building management systems maintenance in the amount of \$33,036 plus \$110,113 parts allowance and (B) Change Order #4 to the Camera System Contract with Johnson Controls, Inc. for additional camera system installation in the amount of \$392,663.
22. Two-year contract with the Transportation Security Clearinghouse in the amount of \$350,000 for Criminal History Records Checks and Security Threat Assessment services.
24. (A) Budget Ordinance No. 4799-X appropriating an additional \$740,725 in Capital Investment Plan funds to the Charlotte Fire Department Headquarters Project, and (B) contract to the lowest bidder, Myers & Chapman, Inc. in the amount of \$10,916,725 for construction of the Charlotte Fire Department Headquarters.

The ordinance is recorded in full in Ordinance Book 57, at Page 470.

Summary of Bids

Myers & Chapman, Inc.	\$10,949,120.00
Southside Construction, Inc.	\$10,962,081.52
G. W. Liles Construction Company, Inc.	\$11,317,592.00
Edison Foard, Inc.	\$11,325,600.00
Beam Construction Company, Inc.	\$11,565,840.00
Centurion Construction, Inc.	\$11,641,760.00
Messer Construction Company	\$12,116,000.00

27. (A) Contract renewal with Parsons Brinckerhoff, Inc. in the amount of \$750,000 for engineering services, and (B) contract renewal with US infrastructure of Carolina, Inc. in the amount of \$1,500,000 for engineering services.
28. Authorize the City Manager to negotiate and execute an agreement with AT & T for up to \$500,000 to relocate AT & T infrastructure for the Statesville Road Widening Project.
29. Contracts for construction review and claims analysis services with the following firms:
 1. Applied Building Sciences, Inc. \$100,000
 2. SEPI Engineering & Construction, Inc. \$100,000.
30. (A) Purchase of electronic maintenance supply and repair parts from Tessco through Federal GSA contract #70 in the estimated annual amount of \$500,000 as authorized by the Federal contract exemption of G.S. 143-129(e) (9a) and (B) authorize the City Manager to approve the purchase of FY2013 and FY2014 for the estimated annual amount of \$500,000 as authorized by the GSA Contract.
31. (A) Purchase of Power Distribution Systems and Related Components, as authorized by the sole source exception of G.S. 143-129(e) (6), (B) Unit price contract to Kerr Industries for providing Power Distribution Systems Equipment for a term of two years in the estimated annual amount of \$500,000, and (C) authorize the City Manager to approve up to four, one-year renewal options with possible price adjustments as authorized by the contract.

32. (A) Purchase of vehicle and equipment non-emergency lighting and warning devices and related components, as authorized by the sole source exception of G.S. 143-129(e) (6), and (B) Unit price contract to Campbell-Brown for providing non-emergency lighting/warning devices and related components for vehicles and equipment as authorized by the contract for a term of five years in the estimated annual amount of \$150,000.

33. (A) Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$18,225.26 and (B) Resolution authorizing the refund of business privilege license payments made in the amount of \$5,359.19.

The resolutions are recorded in full in Resolution Book 43, at Pages 467-468 and 469-470.

34-B. Ordinance No. 4800-X authorizing the use of In Rem Remedy to demolish and remove the structure at 8200 Park Vista Road, Neighborhood Statistical Area 189 – Hwy 51/Park Road Neighborhood.

The ordinance is recorded in full in Ordinance Book 57, at Page 471.

34-C. Ordinance No. 4801-X authorizing the use of In Rem Remedy to demolish and remove the structure at 6518 Hoover Circle, Neighborhood Statistical Area 111 – Pawtucket Neighborhood.

The ordinance is recorded in full in Ordinance Book 57, at Page 472.

34-D. Ordinance No. 4802-Z authorizing the use of In Rem Remedy to demolish and remove the structure at 3125 Columbus Circle, Neighborhood Statistical Area 13 – Ashley Park Neighborhood.

The ordinance is recorded in full in Ordinance Book 57, at Page 473.

34-E. Ordinance No. 4803-X authorizing the use of In Rem Remedy to demolish and removed the structure at 1260 Edgewood Road (outbuilding) Neighborhood Statistical Area 112 – Toddville Neighborhood.

The ordinance is recorded in full in Ordinance Book 57, at Page 474.

34-F. Ordinance No. 4304-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1213-1, 2 Effingham Road, Neighborhood Statistical Area 18 – Enderly Neighborhood

The ordinance is recorded in full in Ordinance Book 57, at Page 475.

35. (A) Contracts for real estate appraisal services with these firms:

1. John Bosworth & Associates \$170,000
2. Bryant & Rutledge, LLC, \$235,000
3. Fortenberry Lambert, Inc. \$260,000
4. T. B. Harris, Jr. & Associates, Inc. \$290,000
5. The Hopkins-McElhannon Group, Inc. \$185,000
6. James M. Owens, \$145,000.
7. Integra Realty Resources – Charlotte, Inc. \$270,000
8. Ray E. Crawford & Company, Inc. \$170,000
9. The Hanes Group, Inc. \$145,000
10. Clontz Newkirk, \$100,000
11. RiverRidge Valuations, \$100,000

(B) Authorize the City Manager to approve renewals to the above contracts for an additional aggregate amount not to exceed \$2,050,000.

- 36-A. Acquisition of 344 square feet in sidewalk and utility easement, plus 4,280 square feet in temporary construction easement at 2300 Keller Avenue from the Heirs of Bertha B. Perry and Gwendolyn H. McCarroll, Trustee of the Trust Created by will of Arthur Tyrone McCarroll dated January 4, 1980, for \$13,750 for Beatties Ford Road Business Corridor Improvements, Parcel #14.
- 36-B. Acquisition of 20,168 square feet in Fee Simple at 8500 Idlewild Road, from Shannon L. LaPrade, for \$84,000 for Idlewild Road Roadway Improvement Project, Parcel #27.
- 36-C. Acquisition of 18,121 square feet in Fee Simple at 8508 Idlewild Road from Joseph Rebello for \$100,000 for Idlewild Road Roadway Improvement Project, Parcel #28.
- 36-D. Resolution of condemnation of 681 square feet in fee simple, plus 512 square feet in storm drainage easement, plus 81 square feet in utility easement, plus 5,433 square feet in temporary construction easement at 5641 Hovis Road from Wachovia Bank and Trust Company, N/K/A Wells Fargo Bank and any other parties of interest for \$25,050 for Brookshire-Hovis-Oakdale Intersection Improvement, Parcel #14.
- 37. Titles, motions and votes reflected in the Clerk's record as the minutes of September 26, 2011 Business Meeting and October 3, 2011 Workshop Meeting.

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ITEM NO. 10: PROVIDE A GRANT TO HABITAT FOR HUMANITY CHARLOTTE IN THE AMOUNT OF \$500,000 TO PROVIDE HOME REHABILITATION SERVICES TO FAMILIES INSIDE THE CITY LIMITS OF CHARLOTTE.

Councilmember Cannon said I pulled this item and prior to coming out we had a discussion relative to the amount of taxpayer dollars that are being used here in the amount of \$500,000. One of the things I wanted us to be conscious of through what is coming out of the Community Development Block Grant happens to be the idea that Washington right now is not giving us the full basket that we are use to receiving in terms of dollars to be able to do different types of projects across the board. This one obviously, would deal more so with rehabilitation of homes and we've had a great partner in that of Habitat for Humanity here in the City of Charlotte and working with them. This particular item has us leveraging our dollars very well, however, knowing and understanding that the times right now are really touch, and knowing that our baskets are not as full, I would ask that we continue to move forward to work toward providing an opportunity for these rehabilitation services to take place for families, however, I would like to see what we can do to potentially scale that number down from where we are right now. \$500,000 roughly gets you about 25 units. I looked at the numbers, went back, ran the numbers and at about \$10,000 per unit for 25 units, that is taking that number down from a half million to a quarter of a million. I think we probably could do a little bit better than that so I ran some other numbers and thought that what we could do was to look at \$15,000 per unit which in term gets us to about, if we were to couch that at 25 units, that would give us roughly \$375,000.

[Motion was made by Councilmember Cannon, to approve this item to provide a grant to]
[Habitat for Humanity Charlotte in the amount of \$375,000 to provide home rehabilitation]
[services to families inside the City Limits of Charlotte. Councilmember Mitchell seconded]
[the motion.]

Councilmember Mitchell said the reason I pulled this item was I did not see any SBE participation, but had a conversation with Pamela Wideman this week-end. Pamela can you share with us Habitat commitment to our SBE and what they would be willing to support on this agenda item?

Pamela Wideman, Neighborhood and Business Services said I had a conversation with Bert Green who I recognize in the audience with us tonight and Tim O'Neal, and they have committed to a 10% SBE participation goal with us.

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

ITEM NO. 11: (A) CONTRACT TO THE LOWEST BIDDER, CROWDER CONSTRUCTION COMPANY IN THE AMOUNT OF \$20,881,400 FOR CONSTRUCTION OF THE IRWIN CREEK WASTE WATER TREATMENT PLANT (WWTP) IMPROVEMENTS AND UPGRADE PROJECT, PHASE I, (B) AMENDMENT IN THE AMOUNT OF \$590,350 WITH HAZEN AND SAWYER FOR ADDITIONAL DESIGN SERVICES PROVIDED DURING THE FINAL DESIGN OF THE IRWIN CREEK WWTP UPGRADES AND IMPROVEMENT PROJECT AND (C) CONTRACT WITH HAZEN AND SAWYER IN THE AMOUNT OF \$2,709,200 FOR CONSTRUCTION ADMINISTRATION SERVICES FOR THE IRWIN CREEK WWTP UPGRADES AND IMPROVEMENT PROJECT.

Councilmember Barnes said there are three parts to this, one is \$20.8 million, another part is \$590,000 and the third is a \$2.7 million contract for improvements to the Irwin Creek Waste Water Treatment Plant. I asked the question during the dinner meeting about the SBE participation goal and the Manager clarified that the participation goal applied to the labor as opposed to the materials. Correct me if I'm wrong, but the bulk of the contract is for materials and not actual work.

City Manager, Curt Walton, said right, it is for a commodity product.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve Actions A, B & C.]

ITEM NO. 16: AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH DRMP, INC. TO COMPLETE THE W. T. HARRIS AND BROOKSHIRE BOULEVARDS CLASSIFICATION STUDY FOR AN AMOUNT NOT TO EXCEED \$125,000.

Councilmember Barnes said I pulled this item and this concerns a classification study for W. T. Harris Boulevard and Brookshire Boulevard and I wanted to understand the impact of potential classification outcome for those two boulevards.

City Manager, Curt Walton said I will ask Norm Steinman to address that.

Norm Steinman, Transportation said I am the Manager of Planning and Design for the Department of Transportation. As you were discussing earlier, roadway classification studies affect almost everything. They affect in some cases a lot of land uses, in some cases prohibitive land uses. Generally roadway classification studies affect the amount of access that is available from adjacent parcels, the type of access, whether or not there are medians, intersections that are signalized interchanges. These two roadways are recommended for intensive study because of the piecemeal nature of the decisions that have been made about both of them over the years. It is probably more evident along the Brookshire that part of it is a freeway, part of it almost a thoroughfare type street, then it goes back to a different kind of roadway. The changes along W. T. Harris are more settled, but nevertheless we at the staff level have classified both of those roadways in different ways and they are different classification systems that we are already using and will be coming to Charlotte that we need to resolve.

Mr. Barnes said perhaps I can take this up during one of the Transportation and Planning Committee meetings, but for example, I would be interested in knowing how we can make W. T. Harris Boulevard safer from a pedestrian standpoint. In my opinion it is pretty much like the back stretch of the speedway in terms of how people treat it with regards to speed. I would actually from a public safety standpoint like to see it slowed down and also over the course of time change the preferred land use to apartments to other uses, or integrated uses.

Mr. Steinman said those are precisely the factors that we are asking the consultant to analyze in a very methodical way because we need to make sure, for instance, that there are no incongruities

between the land uses that exists or are recommended along these roadways and the kind of access that will be available for pedestrians, bicyclists and transit riders.

Mr. Barnes said as you know the state won't allow us to build sidewalks along Harris because it is a high speed.

Mr. Steinman said that is correct and again that all stems from the kind of classification that the roadways have been given. The purpose of these studies is to understand the different consequences on different kinds of malls and land uses of the classification.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve the subject classification studies.]

* * * * *

ITEM NO. 23: FIVE AND A HALF-YEAR AGREEMENT WITH THE PARADIES SHOPS, LLC TO PROVIDE TWO SHOESHINE CONCESSIONS IN THE PASSENGER TERMINAL AT THE AIRPORT FOR 10 PERCENT OF THEIR GROSS REVENUES.

Councilmember Cannon said I have some grave concern over the number of years in this particular agreement with Paradies Shop and among some other issues that are laid out.

[Motion was made by Councilmember Cannon, seconded by Councilmember Barnes, to deny]
[the subject agreement.]

Councilmember Howard said just before the meeting I got some background information on this that I would like to get some further details on.

[A substitute Motion was made by Councilmember Howard, seconded by Councilmember]
[Mayfield, to defer this item for one month.]

Councilmember Kinsey said I don't know what is going on here. You all have heard something that I don't know. May I ask for some information so I will know how to vote?

Mr. Cannon said Council knows that I've always had some concern about the number of years that we extend out to entities that have contracts. It doesn't give, in my opinion, taxpayers enough flexibility to be able to have a choice. If they want to move with someone else and that is the case here. This is to approve a five and a-half year agreement to an entity that in my opinion hasn't been doing some of the things I think they should be. I have been monitoring the situation at the Airport under their current contract and I would be much more comfortable and I feel would be putting the taxpayers in a better situation if nothing else, 2 and a half years or three years rather than 5 and a-half years. That is a very long time for anything.

Mayor Foxx said Mr. Orr would you care to respond?

Aviation Director, Jerry Orr said this is not a lease extension at all. The shoeshine is a sub-concessionaire to HMS Host and their business more properly belongs under the retail concessionaire who is Paradies so there is no lease extension at all, it is just a transfer of the sub-contractor from one contract to another.

Mr. Cannon said it is my understanding that Paradies was actually bought by someone else. Are they still Paradies or how are they operating these days?

Mr. Orr said they are still Paradies, yes sir.

Mr. Cannon said so this would be going to them and not the investment firm that runs, operate or owns them, or what have you?

Mr. Orr said the company we are talking about is the company that owns and operates the shoeshine operation. They are a sub-contractor to HMS Host currently.

Mr. Cannon said Executive Shine?

Mr. Orr said yes, Executive Shine and that contract would be transferred from HMS Host to Paradies. The contract, the people, the terms and everything would remain identical.

Mr. Cannon said did we put those people at jeopardy by coming up with another agreement?

Mr. Orr said absolutely not. Their agreement is the same, they are just transferring who the agreement is with.

Ms. Kinsey said what I'm hearing is that we already have that contract, so we are not changing a contract at all?

Mr. Orr said the contract does not change. It is a sub-contract to HMS Host who is food and beverage concessionaire and because that business is more aligned with retail, we just want to move it over to the retail contract. Everybody agrees.

Mr. Cannon said I will withdraw my main motion.

Mr. Howard said I will withdraw my substitute motion.

[Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and]
[carried unanimously, to approve the subject agreement.]

Mr. Cannon said Mr. Orr, I would hope that at some point that you along with myself, the Mayor and our City Manager can sit down and talk about the practices of Paradies. I am not pleased by some of the operational methods that they have operated under and I question wholeheartedly their integrity and their ability to be able to do business the way they should be doing it. I am very displeased about some things that have taken place and I certainly want to have that conversation with you and those I've made mention of.

Mr. Orr said I'm at your disposal.

* * * * *

ITEM NO. 25: CONTRACT TO THE LOWEST BIDDER, ONSITE DEVELOPMENT, LLD IN THE AMOUNT OF \$433,539 FOR THE BETTY COLEMAN POND WATER QUALITY ENHANCEMENT PROJECT.

Councilmember Dulin said this one and No. 26 goes with the Pond Remediation Project that I typically vote against, thinking that the neighborhoods should have a little bit of skin in the game. I plan to vote no on these but I won't stand in the way of Council approving them.

[Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, to]
[award the subject contract. The vote was recorded as follows:]

YEAS: Council members Autry, Barnes, Cannon, Cooksey, Fallon, Howard, Kinsey, Mayfield, Mitchell, and Pickering.

NAYS: Councilmember Dulin

Summary of Bids

OnSite Development, LLC	\$433,539.00
United Construction, Inc.	\$497,448.00
Contry Boy Landscaping, Inc.	\$499,898.25
Blythe Development	\$530,498.03
RJJ Construction, LLC	\$537,597.00
Siteworks, LLC	\$561,667.88
Blythe Construction, Inc.	\$590,969.25
Triangle Grading & Paving, Inc.	\$598,495.50
Advanced Development Concepts	\$629,943.75
T. K. Browne Construction	\$801,517.57

ITEM NO. 26: CONTRACT WITH ARMSTRONG GLEN, P.C. FOR UP TO \$1,000,000 FOR ENGINEERING SERVICE FOR VARIOUS WATER QUALITY ENHANCEMENT PROJECTS ENGINEERING SERVICES

[Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, to]
[approve the subject contract. The vote was recorded as follows:]

YEAS: Council members Autry, Barnes, Cannon, Cooksey, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering.
NAYS: Councilmember Dulin.

ITEM NO. 36-E: RESOLUTION OF CONDEMNATION OF 18,382 SQUARE FEET IN FEE SIMPLE AT 6504 RUMPLE ROAD FROM BLUE MOON CITY TRUST AND ANY OTHER PARTIES OF INTEREST FOR \$102,500 FOR CITY BOULEVARD EXTENSION, PHASE I, PARCEL #12.

David McKinnon, P. O. Box 77441 said I am a rarity here in Charlotte. I'm a Charlotte native, born and raised right behind Midwood School in a little house that was so small all five of us couldn't get in there. Didn't have any central heat and we lived in it for ten years and I hated every minute of it. We moved out of it finally and about three months ago that house resold for something \$400,000. I can't believe it, but they can have it. Times have changed in the last 50 years, but I'm not here about that. I am a trustee on a property at 6504 Rumble Road, Charlotte. I bought that house in 2006 and it has recently been decided that it was going to be condemned for the City Boulevard right-of-way extension. The property at the time I bought it was \$113,900 and even with all of the real estate changes in the last four years it has changed from \$113,900 to \$121,700. It was re-evaluated in February of this year. That is some \$7,800 that it has been increased and that was just in February of this year that I received a letter that it had been increased by that amount. I was sort of shocked that it had gone up that much, but the fact is it did go up that much and I was prepared to pay the tax on it. Gulf Coast Properties contacted me in May of this year and said they had reappraised the property for \$102,500. That is about \$19,000 less than you all had just increased the taxes. I don't understand the reasoning for that. I was prepared to pay the tax, but at this point in time I don't feel the fact that I'm having to pay tax on \$121,700 gives the City when they want to buy it they want to pay me \$102,500. I asked Gulf Coast Evaluation Property Evaluation for a copy of the certified independent appraisal they had made on the property and they also are required, according to the pamphlet I have here, to have an independent affirming appraisal on that property. They said it was the City's policy to not make that appraisal available to people whose property had been condemned.

Mayor Foxx said is there a staff response to this and if there are more questions for you Mr. McKinnon, then you respond back.

Jeff Reid, City Real Estate, said Mr. McKinnon's property was appraised by a certified license real estate appraiser for \$102,500, an independent appraiser and also the appraisal was reviewed by a second certified appraiser. A comparison between the tax appraisal process and our process is not really an apples to apples comparison. The tax appraisal is done on a bulk block appraisal basis and our appraisals are done on a specific property. They are in depth, detailed appraisals based on that specific property and not trends of a whole neighborhood. That would account, in my estimation, for the difference between the two appraisal numbers.

Councilmember Kinsey said I'm a little troubled that we don't release appraisals. Isn't it public information?

Mr. Reid said an appraisal is considered a document that is prepared for the possibility of litigation so we withhold and are not required to release those because they may be used for the purpose of litigation. We do however, offer the property owner the opportunity to get their own

appraisal and if they get their own appraisal and they are willing to share their appraisal with us then we are willing to share our appraisal with them. We try to be really fair about it.

Ms. Kinsey said I would like to ask for Mr. McKinnon's response as I was wondering what you were going to say about that.

Mr. McKinnon said your pamphlet that is sent to those whose property is condemned says on page 4, the evaluation will be prepared utilizing a wide variety of property and project information factors such as the size of the property, the size of the acquisition, the zoning, the assessed value, the property improvements, the income stream, past sales, the property will be accepted. I maintain that the only consideration they gave was to actual market data analysis of other properties that had sold in the area and they didn't take into consideration that it is a rental property and has been so since I purchased it in 2006. The property is over 300 feet long and about 80 feet wide. The City Boulevard Extension is going to come from the back or my property, right through the dead center of it all the way to the front. They are wanting to condemn my property which is going to give them 300 feet of road for \$102,500 when I maintain that you are evaluating this property like it was a little 70 by 140 lot that you are taking part of, rather than using the entire property from front to back, 323 feet long.

[Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, to]
[approve the subject resolution of condemnation. The vote was recorded as follows:]

YEAS: Council members Autry, Barnes, Cannon, Cooksey, Dulin, Fallon, Howard, Mayfield, Mitchell and Pickering.

NAYS: Councilmember Kinsey.

The resolution is recorded in full in Resolution Book 43, at Page 472.

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ITEM NO. 2: CITY MANAGER'S REPORT

City Manager, Curt Walton said it relates to Transit and the Blue Line Extension Project. There are several significant issues today that needs to be resolved. We got the record of decision from the STA today which is the step that allows us to go into final design and real estate acquisition so it is another significant move along the continuum. The next major step is the full fund grant agreement which will be the second half of 2012. That is very good. The State of North Carolina had already authorized the Secretary of Transportation to sign the full fund grant agreement on behalf of the state, which he will do in January. The other piece of news today is that CATS received an \$18 million Tiger Grant from the Federal Government which will allow us to retrofit the electrical system on the south corridor and actually retrofit the three car platforms which are significant since ridership demands that on the extension to the University. That is a significant step that will help for many, many years to come. We want to thank our delegation which worked really hard on both of these issues and the Administration. The Mayor has been working with Secretary LaHood over the last several weeks on the grant issue so we have a very strong delegation that works very closely together to bring us results like this.

Mayor Foxx said thank you very much. That is great news and I want to say that our staff and Holland and Knight and the MTC, a lot of people have worked very hard on trying to help us make some advancement here. This is big news and I talked to Secretary LaHood last Thursday and there were \$14 billion in grant requests for about effectively \$350 million in available dollars for Tiger Three so for us to get \$18 million out of that was a huge stamp of approval. Congratulations to CATS, to Carolyn Flowers and to the whole team. Thank you for that big news.

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Mayor Foxx said I know everyone is waiting to have this discussion on Item No. 4 but because we have speakers for Item No. 5 I'm going to use my discretion as Mayor and sort of flip those items to try to deal with the Chiquita item first.

ITEM NO. 5: (A) CONTRACTS BETWEEN THE CITY OF CHARLOTTE, THE NC DEPARTMENT OF COMMERCE AND CHIQUITA BRANDS INTERENATIONAL FOR A \$2,500,000 ONE NORTH CAROLINA GRANT FROM THE STATE TO CHIQUITA; (B) APPROVE THE CITY'S SHARE OF A BUSINESS INVESTMENT GRANT TO CHIQUITA FOR A TOTAL ESTIMATED AMOUNT OF \$253,818 OVER FIVE YEARS (TOTAL CITY/COUNTY GRANT ESTIMATED AT \$728,114; (C) APPROVE THE CITY'S SHARE OF AN ECONOMIC DEVELOPMENT GRANT TO CHIQUITA FOR \$875,000 OVER THREE YEARS (TOTAL CITY/COUNTY GRANT ESTIMATED AT \$1,750,000; AND (D) BUDGET ORDINANCE NO. 4797-X APPROPRIATING \$2,500,000 FROM A ONE NORTH CAROLINA GRANT TO CHIQUITA AND \$875,000 FROM THE CITY TO CHIQUITA.

Jay Privette, 11106 Knight Castle Drive, said I would like for you to imagine for a moment the jobs that would be created or saved if we reduce the tax burden of exiting local businesses and consumers by \$27 million. That is \$27 million more to buy cars, go to restaurants and perhaps even to go to the NASCAR Hall of Fame. Now try to fathom the economic destruction of \$27 million taken from the pockets of local businesses and consumers. How many jobs are we losing for the sake of bringing a company to town with very questionable past and a very uncertain future. On March 14, 2007, Chiquita Brands was fined \$25 million as part of a settlement with the United States Justice Department for having ties with Columbia and terror military groups. Officers of a Chiquita subsidiary paid approximately \$1.7 million to the Right Wing United Self-Defense Forces of Columba or the AUC in exchange for local employee protection in Columbia's volatile banana harvesting zone. Similar payments were also made to two Left Wing Groups Foric and the ELN. Regardless of their political affiliations these groups are criminal terrorist enterprises that make money through the lucrative cocaine trade, extortion and kidnapping. It wasn't just money that Chiquita provided according to court documents. Chiquita was identified as a recipient of a shipment from Nicaragua of 3,000 AK-47 assault weapons and 5 million rounds of ammunition. These guns and ammunition were unloaded by Chiquita employees, stored in Chiquita warehouses and then delivered by trucks. Documents indicate there were at least four other similar shipments. Chiquita's defense is that it needed to participate in these activities to protect its workers, but support of these groups made possible the torture and slaughter of thousand of peasants. In some cases these terrorists groups received both money and arms from Chiquita, participated in the kidnapping and murder of American business men and missionaries. Chiquita is charged with knowing trying to hide payments to terrorists groups by disguising them as legitimate expenses such as to employees or contractors that were completely made up. Although Chiquita has sold its Columbia subsidiary and their participated directly amenities activities and settled with US officials, eight present and former board members of Chiquita face extradition to Columbia on charges in a law suit on behalf of 173 family members of victims. According to one spokesman, this lawsuit may be the biggest terrorism case in history.

Dennis Peterson, 8721 Bodkin Court, said tonight you have an opportunity to show what kind of Council you are going to be. With four new members each of you have an opportunity to show what kind of Councilmember you are going to be. This is an important first vote. Will you show that you can be an independent member on this Board? Will you show that the talk on the campaign trail about uptown interest being served at the expense of folks who live throughout this city wasn't just merely talk? Will you show that a company with a human rights record worse than Smithfield Ham doesn't deserve our taxpayer's dollars? Will you show that your constituents that are struggling to keep their heads above the water, keep their businesses afloat, that you care about them and not uptown interest? I ask all of you to please vote against this, keep your constituents in mind.

Christian Hine, 746 Shellstone Place, Fort Mill said I am a small business owner in Charlotte and I rise tonight in opposition, not simply to the incentive package proposed for Chiquita Brands International, but to all similar incentive deals designed to manipulate the free market and treat certain companies or individuals differently from the rest of the taxpaying population.

Tax neutrality is a widely recognized principle of economics that argues that tax policies should not interfere with the natural flow of capital towards its most productive use. The practice of offering preferential tax treatment to certain individuals, businesses and organizations rather than to others tends to substitute political choices for market decisions in the allocation of resources. In fiscal year 2008, 2009 alone, the North Carolina General Assembly's appropriation for economic development in the form of tax credits and direct payments totaled over \$1.2 billion with another \$172 million coming from the Golden Leaf Foundation. This figure does not include local expenditures that were on top of that. In reality, even a billion dollars a year in tax incentives in corporate welfare can't compensate for high marginal tax rates, inadequate infrastructure, mediocre schools and a punitive regulatory system. Elected officials love to attract attention to themselves through job announcements, ribbon cuttings that these incentives provide. But these are really poor substitutes for the less glamorous policies that actually do promote free markets and entrepreneurship in an overall economic growth. In deed if we had a more favorable business climate to begin with, such targeted investments wouldn't be necessary at all, since we would all enjoy the benefits of a more thriving economy, not simply a chosen few. As it is now these grants tend to leave no winners, other than the companies that can rain concessions from state and local governments and ultimately the taxpayers. It is typical in this discussion of incentives to hear the phrase, if we don't offer them someone else will. But in my opinion bad behavior is never justified and encouraging bad behavior will only encourage more of it to continue of cities continue to fight with each other over incentives, the companies requesting them will only continue to ask for more and more. At what point does it end? At what point have we simply given up the taxpayer and the community to corporate and business interest working to milk the taxpayers for all they have. I ask you to be leaders. Now is the time to stand up and say no. Across the country you always hear, we don't like incentives, but everyone else is doing it. This is an opportunity for Charlotte to truly be a leader in this country, to be the first to stand up and say no. Who knows, maybe the taxpayers across this land might benefit as a result.

Ed Toney, 13712 Kensal Green Drive said in a matter of typical Charlotte politics and with a deference to the taxpayers of North Carolina during a recession, the Governor and City Council have decided once again to pick which businesses should succeed and which should fail. While our own local economy struggles to stay viable and pay too much in taxes, City and State officials continue to disregard their own and cater to large billion dollar corporate elites. While Charlotte is the backbone of the Bible belt our elected officials have decided to sleep with a company who has implicated in the support of terrorism, murder of innocent citizens and the blatant disregard for its own employees. As a taxpaying resident of Charlotte and a resident of North Carolina, your blatant disregard to the values which have made our country great appalls me. As an American, it is disturbing to see you all so eager for a few hundred jobs that you throw your Christian values under the bus when you should be, according to your promises to constituents and the residents of Charlotte, be doing your best to see that we have our public safety and we try to fill some of the hundreds of empty store fronts in the city, county and state, all of which would be actually paying taxes without incentives. You have set an unsustainable precedent by paying out \$27 million that we do not have. This will add \$7 million of unapproved debt to Charlotte's deficit. An actual investment in the state and citizens of North Carolina would be a much wiser choice than to bring a company who has blood on its hands and does not follow the law. We do not need nor do we want Chiquita Brands International in Charlotte or North Carolina and I propose a statewide boycott by the taxpayers be imposed on them. We do not want blood bananas.

Alex Tyler, 400 Sophia Court, Fort Mill said I'm here today to inform the Council and the people about the history of Chiquita, formerly known as United Fruit. United Fruit was created in the 1800's in Boston. On December 6, 1928 an unknown number of United Fruit workers were killed during their month long strike against the company by the Columbian Army which became known as the banana massacre. The USA Government threatened to invade with the Marine Corp. if the Columbian Government did not protect United Fruit's interest. In 1954 a crew was organized by the CIA to overthrow Democratically elected President Jacobi Orbins of Guatemala. Orbins instigated land reform acts that antagonized United Fruit who lobbied various levels of the US Government to take action. The CIA Director at the time Alan Doles and his brother were share holders in United Fruit. The CIA armed in trade a liberation army of 400 fighters and formed a propaganda campaign. The operation known as operation PB Success

lasted one year, overthrowing our bans and starting a civil war described by the historical clarification commission as genocide. United Fruit controlled virtual monopolies in regions of Latin America that became known as Banana Republics. In 1984 the company transformed into Chiquita Brands International. Children as young as 8 work on banana plantations while adults risk being fired if they exercise the right to organize. The average workday is 12 hours, fewer than 40% of child labors are still in school by age of 14. Children work while pesticides are sprayer overhead by airplanes. They earn \$3.50 per day, about 60% of the legal minimum wage. Only 1% of banana workers are affiliated with unions. On March 14, 2007 Chiquita Brands was fined a \$25 million settlement with the U. S. Justice Department for having ties to Columbia and terror military groups. Between 1997 and 2004 officers of a Chiquita subsidiary paid \$1.7 million to a Right Wing Group called United Self Defense Forces of Columbia. They also paid the Revolutionary Army Forces of Columbia as well as the National Liberation Army. All three groups are listed by the US State Department as terrorist organizations. Chiquita was sued by 173 family members of United Self Defense Forces victims. In terms of casualties, it is the size of three World Trade Center attacks. Given that Chiquita is a huge corporation with virtual monopolies in South America, I propose that the City of Charlotte and Mecklenburg County invest their money in education and small businesses instead of a multibillion corporation with a notoriously corrupt history. We need to ask ourselves if this is a company we want to support.

James Walker, II, 601 Lamar Avenue, #2 said I know that the last time I was here and Chiquita was discussed there didn't seem to be that much contention and out and about in the City of Charlotte over the next couple of weeks I heard people in restaurants and bars who normally don't discuss politics, those conversations are going on a lot more often now with a lot less contention and a lot more agreement and head nods and there are many, many young people hunkered over their laptops researching company names. I would request that Council put these things into consideration when they pick businesses to do dealings with. I know this is grant money and I know that 417 jobs is a wonderful number. Constituents are going to look at 417 are going to look at 417 as a wonderful number. I work for a company that had planned on bringing a lot of jobs to Charlotte and they did, but those were people who worked in Chicago who had moved to Charlotte. When we look at these numbers as citizens sitting in our homes, going to City Council meetings and watching the minutes we can get dizzy by these numbers. Looking at these millions of dollars that are used for certain things make citizens dizzy. When you are starting a business that involves fruit and produce packaging you get dizzy and depressed and afraid and getting involved with corporations that are contentious and when we do get into terms of such large quantities of money usually these corporations are contentious, corporations that will cause this sort of talk. We need to take into account the support of the community because I fully support City Council and I believe everyone who came and spoke adversely to Chiquita supports City Council. We want to work with City Government and have it work better and we want to support the decisions, but as it has been very, very apparent, there are members of the community who do not agree with supporting Chiquita and I sense that this is going to pass extremely easily because of 417 jobs, but we need to hold them accountable for what kind of business they are and if we do approve this we need to hold them accountable for what they do.

Mayor Foxx said I know we have four new Council members and I don't know, Mr. Manager, if there is a presentation available.

City Manager, Curt Walton said no presentation, but we will be glad to answer any questions.

Councilmember Mitchell said not only for the sake of the four new people, but I think it would be nice if we could have some discussion that actually the investment the city is making because it is a big number, \$27 million and I don't want people to think that the City Council is giving Chiquita \$27 million. Brad, can you for the viewers out there talk about the City investment for Chiquita in bringing them to Charlotte so they are very clear on how much we are contributing?

Brad Richardson, Economic Development, Neighborhood and Business Services, said the City's commitment, if approved tonight, totals \$1.2 million over about an 8-year period.

Mr. Mitchell said I think some time ago the Economic Development Committee talked about creating a corporate check list and how to be good corporate partners in the City of Charlotte. I

know personally I raised my hand because of the 417 jobs, and they didn't make me dizzy but I thought it was a great opportunity for citizens to participate. What is sometimes frustrating to the citizens when they hear about these great announcements, the question becomes where do we send our resume and how do we get application or resume submitted to the company. Council, we have four action items before us, A, B, C and D and I just want to ask if we can legally add an Item E that would ask Chiquita to have a job fair in the City of Charlotte once they have arrived at their new location downtown. I think it is very imperative that we show the citizens of this community that we are serious about helping our employment rate and providing opportunity for them to submit a job. Bob is that an appropriate option to be added?

City Attorney, Bob Hagemann said it certainly is, if it is the will of Council.

Mayor Foxx said is there any representative from Chiquita who can speak to their willingness. I know it is a request, not a requirement, but is there someone who can speak to it?

Councilmember Cannon said that would be a request for consideration.

[Motion was made by Councilmember Mitchell that we approve A, B, C and D and Item E]
[would be a request to Chiquita to have a job fair as part of this agenda item. Councilmember]
[Howard seconded the motion.]

Councilmember Mayfield said as a new representative looking at and hearing the concerns of my constituents I was able to get a little more clarity on the deal and I'm thankful that the request was made to get a little more information as far as how this breakdown goes. Do you by any chance have the information, or have we looked at what the affect on the community will be outside of these initial jobs that are being offered. The other affects as far as the small businesses or the potential contracts that are going to be available for the residents of Charlotte on a deal. This is something very new to the community, allocating this amount of funds for a corporation so I think for the residents, as much detail as we can possibly give them will help to answer some of those questions.

Mr. Richardson said Ms. Mayfield we have not done and do not typically what is broadly considered economic impact analysis for a corporate headquarters and business investment grant projects, however on the backend we do hold the company to performance agreements speaking to investment jobs created and wages so that before you pay the grant, or the City pays the grant collectively, and the County, they have met their benchmarks. We also report to the Council over time the progress and the commitment and the actual jobs created in the community from a hindsight perspective. We don't spend time projecting what might be the economic impact, if that helps.

Councilmember Barnes said I do want to thank the folks who came to speak tonight. I thought there were some valid comments made and some of the sentiments expressed by the group may in fact be shared by some of us because there are certainly more than a few of us who are concerned about the nature of our current economic development platform. We have shifted economically as a city, a state and a nation from allowing private enterprise to function essentially on its own while we provide infrastructure, public safety to one where private enterprise actually opens up the government for injections of cash, which is troubling. In this case the thing that is more unique about this particular proposal that in fact caused me the greatest concern is the fact that they are asking us to pay their moving expenses which is unusual and I didn't like it when we first heard about it and I still don't like it. One of the gentlemen raised the point about the fact that we get giddy and head spinning about the jobs and it is not that any of our heads spin, it is that when people are electing us to provide police protection, fire protection, keep the water running, keep the sewer system running and to also create an environment in the city where they can get a job. Unfortunately we are in an environment right now where if we don't provide the incentive another city will. It is the same thing that is happening in collage and pro-sports to some extent so that whoever can bid the highest tends to get the best players, tends to get the best coaches. I think it is in the long term detriment to our nation if we keep doing this, but the problem is that no city, county or state has chosen to say no in a real way yet and I don't suspect that this Council is going to say no tonight because we have a building across the way that we don't own. It is owned by a receiver I believe that is fairly

empty and Chiquita is going to occupy a good portion of that space. We have a lot of homes on the market in this city that needs to be bought so if you look at Charlotte as a microcosm of the broader economy our job is to figure out how to grow this economy, to grow our tax base so that we can provide the services that people want. It is not a pretty process at all and I don't suspect that we will find a way anytime soon to resolve the issue, but I think a lot of what you've been saying is, we are hearing you it is just the issue is how to deal with the problem. On the one hand Chiquita says we will bring the corporate jobs, we will also make donations to the schools, we will also build an R and D Facility and I think research with the research park up in Kannapolis so there are a whole host of opportunities that should be created with this opportunity. I get the challenges and one of the things that I ask our Economic Development Chair, Mr. Mitchell about and ask our staff about was the number of jobs that would be created locally, and as I understand it out of the 417 jobs 300 will be hired locally. Is that your understanding as well Mr. Manager? That is actually new information but there was a period of time where we really didn't know whether it would be more than 50%, but clearly it will be and that is a good thing. I am trying to do my job to take care of the people that I represent and I know it is a challenge, parts of it I do not like, but I'm going to support the action.

Councilmember Cooksey said I didn't support this in closed session and I'm not going to support it in open session. I think it is worth noting that if this were a typical business investment grant like this Council usually does and I and others who voted on numerous times in the past, it would be passing 11 to zero with very little comment. What makes this different is the deviation from policy and the violation of policy. The change from the ordinary way we have addressed this issue of incentive and I appreciate the comments from the audience and those of us who deal with this on a daily basis and delve into it regularly know that the vast majority of the money being talked about is actually in effect return from tax dollars brought in by the new company so it is a but for thing, We wouldn't have most of this money available for the incentive if the company doesn't relocate. That is the incentive process the previous Council has been working on for some time. What makes this different again is that in this case we are putting money up front from the general taxpayer to cover moving expenses. This is a deviation from our policy so I ask myself, is this worth it? Now when I first learned about this idea back before we knew the company's name and it was just a project I think several of us had these conversations with that project opens name. One of the arguments made was we were going to get a Fortune 500 Headquarters here. That was as it was presented to me and I can't speak to what was presented to others. Once we found out the name of the company, however we learned that they are not a Fortune 500 Company currently and that might have been a reason to consider a deviation I think because the number of Fortune 500 companies that are headquartered in a region is an economic development statistic that we like to talk about and this community has lost one three years ago when Wells Fargo acquired Wachovia. So replacing one Fortune 500 Headquarters with another might have been a good consideration, but we are not even getting that. We don't have to reprint any of our economic development material saying we have a different number of headquarters now because we don't and 2011 and 2010 the company did not make it to the list. Did we need a win? Might that be the reason to deviate from our established policy and do something new in this case, advance some cash that we have on hand up front to help with moving expenses. Well, in the past couple of years we are very aware we've had announcement from Electrolux and Siemens and others under our established business investment grant process announcing that they are coming to Charlotte. We didn't really need a win out of a lot of losses, we've been having wins. We've been racking up wins with our established process. From that perspective I couldn't see deviating from our established policy. Given this was a request above and beyond, they did a little extra due diligence and we've heard from some of the speakers, and I mentioned the closed session the concern about this outstanding civil case against the company that is a risk for the company. If we were looking to invest that would be one of the risks we would look at, this outstanding civil case where a Federal Judge just affirmed as recently of June of this year that could go forward for additional consideration. Furthermore this hasn't gotten nearly as much publicity but I talked about it again in closed session and will do so again here in open session. The Cavendish banana which is responsible for about 40% of the revenue of the company we are talking about is under worldwide threat from a fungus that has already wiped out the Cavendish crop in Taiwan, and for all practical purposes wiped it out in Taiwan, Indonesia and Australia. If this fungus gets anywhere near the banana plants in Central and South America, they are going to be gone. That is what happened to the Cavendish Banana predecessor in the early 20th century, it got wiped out by a fungus that Cavendish was genetically

modified to take over for it. It is a monoculture. It is a sterile plant where everyone is genetically the same. This thing gets wiped out there goes 40% of the revenue, another risk involved. So with all these factors in play, I can't see deviating from this policy. I suspect however, that the votes will continue so I do have one requests for folks who are voting in the affirmative. I hope that at least one person and perhaps more, particularly since this is a new Council with four new Council members, will establish for the record guidance to our staff and guidance to future companies seeking incentives should staff and future companies consider this vote a change in policy going forward where any company asking this city for incentives should also think to ask for upfront money to help with their relocation, or are we clearly making an exception just for this one company, one company alone that will take a very high bar for any other company to come along and ask. The sad reality is once we do it, it becomes the new expectation unless we explicitly say otherwise. I hope someone who is voting in the affirmative will address that point.

Mayor Foxx said I will interject before going to Ms. Fallon that one of the things this situation has caused is conversation about the very fact that you mentioned, which is the precedential impact of this. As a result of that the City Council, in the previous term referred the matter of our incentive programs to the Economic Development Committee, on which you are now are a new member. You will have an opportunity to weigh in on that topic as it moves through the process, but I think it is a fair question to ask what happens in the next situation and that is precisely the question that we've asked the Economic Development Committee to address.

Councilmember Fallon said I'm not going to lie to you, I thought about this long and hard and sleepless nights. I've read a lot about South America and doing business there, but the cost of doing business in America, we have a place that does the same thing, we just don't recognize it as an entity, but it is done behind the scene. We are not cyber sight and no-one else is. That is the way that business is done in Europe and you can be a Puritan and you can say we don't want it, who is going to fund the schools. You want the schools, so do I. Who funds it? It doesn't come down from heaven. We have to grow up and put two feet on the ground and be practical. If you don't want it that is fine, who is going to pay for all the things that you want? Medicare, Social Security, schools, a safety net for people – money comes from some place and it doesn't grow on trees. The point in fact is we have to realize what business is in this country and it is not pretty very often. You have a company that is willing to come here. If you understand big business they are like lemmings, they see a big company come and they don't want to be in the same place because for some reason it gives them cache. I'm going to vote for it for a reason. It will create jobs but it will bring other companies in here with other jobs and they will not all be high end jobs, they will be middle and lower end jobs because when one company sees another company that has, it is a branding. It brands Charlotte as having a very well known company. There will be other companies coming in and we have to have jobs here. We have to fill empty stores and empty houses and we have not been able to do it, nor has any other city so give it a chance. It is going to cost money but you can't be penny wise and pound foolish. You can't not want to spend and not expect a return if you do spend. I'm going to vote for this.

Councilmember Cannon said Mr. Richardson can you lay out what some of the claw backs happen to be in this scenario please? I think it is real important for us to understand the City's position as we look to protect the interest of the taxpayer.

Mr. Richardson said if you will allow, I will read from the agenda for the viewing audience. Chiquita must relocate its corporate headquarters to Charlotte within 12 months of this action tonight. They must create 417 jobs in Charlotte at an average wage of \$106,000. The global headquarters must remain in Charlotte for no less than 10 years. They will maintain no less than 90% of those new jobs on the payroll during all of those years. Failure to meet each of these grant terms will result in Chiquita's obligation to repay all or a portion of the grant.

Mr. Cannon said essentially and the one thing I will pull out up there happens to be something I brought up in closed session. You know I thought that maybe 10 years, but I wanted more than 10 years but at the same time they are on lock here for 10 years unless they renege and then at that point there are some issues that they would have to deal with. The minutes reflect a lot of what some of you that came down tonight talked about and certainly the media has access to that and many of you can have that same level of access. I will tell you that the cost of doing

business can sometimes mean doing more than doing less. It is just what happens in the business world if you are a business person and I will tell you that while I'm not pleased with what it is taking to lure Chiquita to Charlotte, I'm diving on the sword to create jobs for those that need them. If you lose a job today you are not necessarily getting one tomorrow and I don't know how many of you that came down tonight actually have a job, but I'm willing to bet that the majority of you do. When you get in that market place and you are without and you are looking as others have been, for yearend year out you may find yourself possibly knocking on the same door of Chiquita to see if there is opportunity there. If you get it, well I guess in part you could thank the City Council in the event they approve this action item. I will tell you that if you don't it probably means that there is an opportunity for you elsewhere. I will simply say to you that I think we have the appropriate claw back provisions in place. I think we have a reputable company that will come in and do a very good job. I think that we will find them here for a very long time and it will create opportunity I believe for folks who are seeking them. Again, while I'm not pleased at what it is taking to bring them here, it is unconventional and while I'm not pleased about what it is taking to bring them here, we have to make some very tough decisions in order to what we can to create job opportunities.

Councilmember Kinsey said I was a no vote at the straw vote level but Chiquita is coming and they want to be here. I think with the claw back and with some of the opportunities that will come with this new business, as my friend Mr. Mitchell says, I'm holding my nose and voting for it tonight. I am going to change my vote to the yes vote and be with the majority around the dais.

Mayor Foxx said this is really the latest in a series of very positive opportunities the City of Charlotte has had. We have seen the largest corporate relocation in the last two years to the City that we've had in 25 years or so. The largest expansion in the last 25 years or so with Electrolux and Siemens respectively. No-one likes this incentive stuff. I can't think of a single person who likes the way this stuff happens, but at the same time that is the world that we live in and it comes down to a very simple question, do we want the jobs or don't we and the positive benefits that come with the jobs, as has been alluded to. I think it has been a tough decision for the previous Council and it is not an easy decision for this Council, but at the same time we've got citizens out there that are struggling to find work and we've got sectors out there that desperately need to be grown and this technology food service sector is one that employs people from the minimum wage worker all the way up to the corporate executive. I think this helps to strengthen and diversify the economy. I support this and it sounds like that is the will of the group so we will have a vote on this.

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

YEAS: Council members Barnes Cannon, Dulin, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering.

NAYS: Council members Autry and Cooksey.

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ITEM NO. 4: (A) CONCURRENT RESOLUTION WITH MECKLENBURG COUNTY TO ESTABLISH AND CHARGE A CHARTER STUDY COMMISSION; (B) ORDINANCE NO. 4796-X APPROPRIATING \$150,000 OF PRIVATE FUNDING FOR THE CHARTER STUDY COMMISSION AND AUTHORIZE THE CITY MANAGER, IN CONSULTATION WITH THE CHAIR AND VICE CHAIR OF THE STUDY COMMISSION AND THE COUNTY MANAGER, TO CONTRACT WITH A CONSULTANT AND OTHER PROVIDERS OF GOODS AND SERVICES THAT WILL ASSIST THE STUDY COMMISSION IN COMPLETING ITS WORK; AND (C) IF THE CHARTER STUDY COMMISSION RECOMMENDS AGAINST GOVERNMENTAL CONSOLIDATION, THE CITY MANAGER IS DIRECTED TO WORK WITH THE COUNTY MANAGER TO COMPLETE A STUDY OF FUNCTIONAL CONSOLIDATION OF ONE OF THE FOUR PREVIOUSLY IDENTIFIED CANDIDATES FOR FUNCTIONAL CONSOLIDATION.

Mayor Foxx said this item is the Political Consolidation Charter Study Commission, an item that I alluded to last week that I wanted to place on Council's agenda. I want to thank those of you with whom I've been able to have some dialogue over the last week. Mr. Cooksey and I had a good conversation last week and he shared some thoughts with me this afternoon which triggered some additional thoughts that I've had in other conversations. There are some conversations that we have where there is really no good way to start them and there is no great way to know how they ultimately end. In politics sometimes those are the conversations that you try to avoid because they are conversations that don't necessarily have a huge win in them, nor do they necessarily lead in a particular direction that points to success. I find myself feeling that way about this conversation at the outset. Over the last couple of years I have thought a lot about this issue of consolidation because we've been confronted with this really strange paradox. On the one hand the needs of our community have increased dramatically. Whether you are at Crisis Assistance Ministry and you see the lines that are running out the door there, whether you are in one of our libraries and seeing people at the computer terminals who are looking for jobs, whether you are in our schools or wherever you happen to be the needs of the community are changing, they are becoming more dynamic, they are becoming more challenging. We've seen that over the last several years. Three years ago we shifted money out of the safe speed/safe light program to keep effective educators in the classroom. Two years ago the library system was on the verge of closing, two-thirds of the library system was going to shut down and we worked with the surrounding towns to plug a hole for a year and thankfully the library is back on a path of sustainability. Last year the school resource officers were about to be pulled at a time when we were told there were going to be huge budget cuts at the school level. There were huge budget cuts, they might not have been as huge as advertised, but they were significant. In each of those cases, at least arguably we were doing things as a City that didn't fall within our line of authority and I wonder from a citizen perspective on the other side of the paradox whether our citizens feel well served from the following perspective. We pay two different tax rates. They go into two different levels of government and the needs on one side of that ledger may be greater at a given time than the needs on the other side, but we don't have a way of linking those conversations together and when you have a county that deals with soft ware and a city that deals with hardware how do you have that conversation. That is the paradox. You layer on top the reality that I think we have three great challenges facing this community. We got some good news tonight about transit and I think infrastructure is one of those big challenges we face as a community, whether we are talking about the Airport or transit or roads or whatever. In order for us to be competitive in the 21st century we're going to have to have 21st century infrastructure and as you know it isn't cheap.

Then on the other hand we also have a massive challenge with developing talent, whether it is workforce development, or whether it is K-12 or whether it is community college and whatever it is. I have to tell you that challenge is not going away, it is only going to get more challenging. Then the third great challenge I think we face is with those two challenges in place, and of course there are more than I named, but I think those are two of the most significant, what is going to be the appropriate tax burden for citizens in our community? The old adage around here is that in odd number years the county puts a bond up or raises its taxes and in the even number year the city puts a bond up or raises its taxes. At what point do we bring those conversations together to give our citizens a single table from which decisions can be made and discussed and articulated and vetted and paid for? That is the framing from which from my perspective it seems to me at least worth a conversation at a county level about how we set ourselves up for success in the 21st century. That is the big picture. Let's get down into the granular. One of the reasons why this conversation is so hard to have and why frankly it went through a lot of process 15 years ago and died right here at this dais, part of the reason is that because there is some reality stopped this discussion. We have towns in our county that were at one time what we called small towns, I think we can call them small cities now, because they have grown and their needs have grown more complex. I'll give you an example of how I have seen that. I've had probably six or seven meetings with Mayors in the surrounding area just about utilities because when rates changed their citizens had to experience those changes and we made that decision at this dais. When the meter problems were being talked about a lot the same thing, and I've gone to some lengths at times to try to address that issue, assuage the concerns in some cases making appointments to Advisory Boards to give the towns a greater voice in those conversations even thought from a fiduciary perspective that is not really what I am bound to do. So we have this complex set up where I think as the towns have grown there have been more interest and

concerns about having a voice at all of the various lines of business, even those that we control. The second big challenge is of purely political, which is what would the size of a consolidated government be. How many districts would it have, how many at large members would it have, all good questions, but questions that yours truly isn't in a position to answer tonight because you would have to actually get a group of citizens together by statute to discuss those questions and to arrive at an answer. Today we have 21 elected officials between the City of Charlotte and the County Commission. That doesn't include the surrounding municipalities. To be very frank, if you are asking my opinion, I think you end up with fewer than 21, but you probably end up with more than 11 that were recommended back in the last study. Where in between there, I don't know. That is something that a study commission could take a look at.

Debt – the City and the County have different ways of dealing with debt. I like ours better. We program our debt, we have a portion of the property tax that pays for that debt. We don't issue debt we can't pay for and it has worked very well and has been one of the reasons why we preserve the AAA bond rating. The county is in the midst of transitioning to a model like that, but they haven't transitioned yet. Maybe one of the discussions points would be pushing the effective date of consolidation to an out year at which time the county and the city have the same way of dealing with how debt is addressed.

The fourth issue cost – how much is this going to cost, how are we going to be able to navigate through it? I will say, I have spent some time with our City Manager and our City Attorney discussing this very issue and one of the stipulations in this study is that we would not go forward with it if we couldn't provide a minimum amount of funding at \$150,000 to support the facilitation of the study commission. In other words putting the responsibility for managing the work of the study commission to a third party and tonight I can tell you that the catalyst fund which is managed by the Foundation for the Carolinas has put up the \$150,000 to support doing just that. There are additional concerns that I'm sure all of you have about some of the mechanics of this. What does it mean, what is this going to look like at the end and the answer to that question is we don't know. One thing that I believe is that we need to have the discussion in an open and transparent manner and that doesn't happen unless and until there is something put up to allow us to do that.

In talking to some of you, and Mr. Cooksey I want to thank you for sharing your thoughts with me about this. I've given some thought to this and there are some changes that I would suggest even to the resolution you have in front of you tonight. I think Mr. Cooksey may yet have some further changes. One of them is suggested by Mr. Cooksey, a clarifying change that would enable the study commission to receive additional amounts of private funds to complete its work if necessary. In addition to that, in light of some of the changes that have happened at the County Commission level over the last week and the fact that there does need to be some greater amount of time allowed for not only the County Commission to discuss it, but also for me frankly and the County Commissioners to engage with the towns a little bit more on this topic. I'm also going to make another suggestion that instead of putting the trigger date for the study commission on February 1, that we adopt tonight the agreement to enable the study, but we give the County Commission a year to let this conversation just stay at the County Commission level. That would enable them to have time to engage with the towns, and also the school system quite frankly. It would enable them to have the best chance at forming a consensus on whether to go forward or not. The way that would work is if anytime between now and December 31, 2012 if the County Commission were to agree to move forward with the study, what would then happen under what I'm now proposing would be that would trigger a six-month period of study, just like what is in here right now. It is just not organized by fixed dates.

Finally, if there is not adoption of a study commission by the County Commission by the end of next year, this resolution would no longer be effective, so it would have a life span of a year. I think that is plenty of time for there to be discussion at the County level. I think this looks at the end of day a much more like let's have a conversation than it does putting a gun to the County's head. I think that is appropriate given the fact there does seem to be a need for some more conversation at that level. I apologize for sending that out to you right now, but the conversations I've had this afternoon have resulted in those changes.

[Motion was made by Councilmember Howard that we move forward with this resolution as]
[modified. Councilmember Fallon seconded the motion]

Councilmember Howard said when we talked about this whole idea of studying consolidation, one thing I've been real clear with you on, and that is the fact that I think having conversations about the way we function and the way that we operate from time to time is a healthy thing. For that reason alone I am supportive of us at least trying to see where this conversation goes. I think it is incumbent upon us to note that we are a growing city, we've changed a lot and we are going to grow even more. We anticipate having a lot more people move here and with all that in mind I will support us going forward to ask the county to look at this and essentially study it.

Councilmember Fallon said what if the County says no? What do we do then?

Mayor Foxx said if the County says no, then this goes away and nothing happens.

Councilmember Kinsey said I'm not clear what we are voting on. What would be the action now?

Mayor Foxx said the action now is to support a consolidation study commission which the statutes requires you to form a study commission before you can engage in any political consolidation. What this does, we can't do this unilaterally. We can't just say we are going to do political consolidation and it happens. We would have to have the county taking a similar step so this takes out our leg of that step. The way this, with the modifications, works is that our action lives for a year. It lives through December 31, 2012. If the County does not agree to it then it dies. Our action goes away and it would take a whole other step by both bodies to move forward. If the County does act then that triggers the formation of a study commission that would have six-month period of time to give an up or down recommendation on consolidation and come back to both bodies with the plan. If there is no plan and they come back with a negative recommendation, then they would move to the functional areas of consolidation that have been considered already. The difference between the modifications and what is in your book is that instead of saying that this has to start by February 1, 2012 and it has to end by July 31, 2012, this gives flexibility on the County's end to initiate that process or not, as they choose, over the next year.

Ms. Kinsey said and the Charter Commission would not be established unless and until the County approved it?

Mayor Foxx said that is correct.

Ms. Kinsey said as the oldest rat in this barn, I have been on three or four study groups – never going anywhere. While I'm not a proponent of political consolidation, never have been, I'm willing to go along with this and here again I will hold my nose and vote for it. I hope we don't try to start something that is not going anywhere. You are right, I know that the County has to approve, but they are not going to approve and it is just going to be there I don't think. I'm willing, as long as we are not going ahead with the Charter Commission, putting staff through a lot of work right now, then I'm okay with that. This really doesn't put any burden on staff right now to do anything until we hear from the County.

Mayor Foxx said that is absolutely correct.

Councilmember Cannon said why not let the County jumpstart this rather than the City take a position? Why not just call upstairs and ask them to jumpstart it? If it is going to start and ultimately end with them as we consider some of the small cities, why not let it happen at that level?

Mayor Foxx said historically, or at least the most recent discussion of this isn't that way. The issue looped around both bodies and ultimately the County Commission approved taking it to the voters on a referendum and the City Council chose not to approve going forward. I think there is some need for us to at least show that we have some openness to that dialogue. That is one point. The other point is that again this puts the issue in a frame that the County can take up over

the next year so there is a lot of conversation that is already started. I've talked to some of the Mayors of some of the surrounding towns, but have not been able to speak with all of them and I think the original one was drafted before some of the changes occurred in the leadership of the County Commission last week and I think it would be wise for us to give the County Commission some additional time. I feel very strongly that we should at least put the item up and let there be some discussion about it and if it doesn't come back, it dies. If it comes back then we move to a different position of populating the study commission.

Mr. Cannon said your suggestion and/or request for this to take place over the next year means that that could happen pretty much anytime between now, should the Council approve it, and whenever. Let's say they decide to do something in April or May, could it be that that we begin to put City staff to work, and other governing staffs?

Mayor Foxx said this is a question for Curt and Bob Hagemann, but my understanding is that there is sort of three buckets of time that are involved. One bucket is just facilitating the work of a Charter Commission and that of course would be paid for privately and would not encumber staff time. The second bucket would be looking at some of the operational issues associated with this and of course this Commission wouldn't be starting from scratch. They would have the last study to at least start with from a starting point, but having said that, there probably would be some staff time devoted to looking at some of the operational issues and challenges, but that would be limited by the fact that you have the ability to have third parties seeking that information, getting that information and helping frame that for the Study Commission. The third bucket of time would be Bob Hagemann's team in the Legal Department. There is a reason why this consolidation hasn't happened. There are a lot of loops associated with it and again I think the last Charter Commission Study went through an exhaustive amount of looking at that and I think at least the bones of the framework exists already in that '95 study. There would be some updating that would need to happen and some new discussions that may emerge, depending on where the Study Commission lands, but I think by knocking out the facilitation piece of it and starting with the last study as a starting point eliminates a good chunk of the work. It doesn't mean that there wouldn't be any, but the sense I get is that we've factored that in in terms of the private funding.

Mr. Cannon said I ask that question largely in part because I think we should be very conscious of any constraints that we may put on staff. It is going to be extremely important with all of the issues that are before this community, relative to job creation, relative to transportation issues, relative to community safety, relative to the environment and I could go on and on and on, relative to some of the upcoming things in the next year. We really must be mindful I think of any level of staff resources that might have to be allocated in order to be able to support this going forward. I'd be really comfortable, like what the Mayor has suggested, but I would like to ask that if we are to look at moving this along the way that we allow for it do so in the fall of 2012. That stills gets an opportunity, gives the county an opportunity to operate within that year's sphere that has been spoken about and/or suggested by the Mayor and at the same time I believe it gives us an opportunity to allow the City staff and us to be really focused and committed on the issues that affect this community across the board, some of which I have must made mention of. I would ask Mr. Howard if he would accept that friendly amendment to your motion.

Mr. Howard said my only hesitation is that if for some reason the County came back in a month and wanted to move forward that I don't know if I want to artificially tell them to wait until the fall. I'm wondering if another way to do that, and I was just asking the Mayor, is it mandated that once they start they have to have six months? Is it required that they come back in six months? Is that something that the state requires?

Mayor Foxx said no, that is self imposed.

Mr. Howard said so I would think maybe a more practical way to look at it is that once both bodies come together, how about both leadership teams from staff tell us what a work plan would look like at that point. That would be more in a way of sharing it with us as opposed to coming back for an approval, which would then kind of tell us, given what you know resources

are, how best to lay that out as opposed to artificially putting a date. We don't know the speed which the County can move on.

Mr. Cannon said that is what scares me because if it is a month out and they decide they are going to jump on this, as you just stated, then that is problematic because now you get us into a situation of all the things that I suggested that I don't want to see us engage in, relative to staff resources.

Mr. Howard said that is why I would say we need to let the staff tell us something that is reasonable as opposed to putting 6 months on it. The only thing that could drive some rush would be the six months requirement of being able to get it done.

Mayor Foxx said the county has got a few things to deal with too and I think that just as the City may have a workload concerns, the county may have those as well. There again, I think the action today creates the opportunity to have the dialogue, but I also think we can allow the county to take a look at the workload issue from their perspective. You may end up in the fall anyway, but I think giving some flexibility would make some sense.

Ms. Fallon said both staffs are going to be busy with DNC aren't they? Can't we wait until after that?

Mayor Foxx said I know a little bit about that subject and there will be a lot of work done on those issues, but I think we've mitigated to the best extent we can with having third party private facilitation of the dialogue. Curt and Bob, you are welcome to weigh in as you wish, but I have said all along that I think the DNC is going to be a wonderful experience for this City. I think it is going to be a great opportunity for our community, but if there are things that we need to do to help make this community stronger, long-term we need to not stop doing those things or resist starting them because of that.

Ms. Fallon said if they come back, you are going to go to them and suggest it, or somebody will and if they come back, they can't get the votes, it just stops dead, right?

Mayor Foxx said yes, it stops dead in its tracks.

Ms. Kinsey said Mr. Mayor, I'm going to change my mind on you. I'm sorry. After hearing the discussion, as I said I am not a proponent of political consolidation and if I raise my hand in favor I feel like then I'm going to have to vote yes if and when the county comes back and we go through all of this thing. I can't guarantee that I will do that. I just don't want to put everybody through based on my vote, all of this because I know how much work it is. Like I said, I've been through functional consolidation and I know how much work that is so in good conscious I can't go forward so I've changed my mind and I'm sorry. I'm a no vote.

Councilmember Dulin said I'm curious as to the funding from the catalyst. We put that together a couple of years ago to help us with our complicated non-profit community and redundancy from non-profits etc.

Mayor Foxx said we didn't.

Mr. Dulin said the Catalyst Fund was put together by a very well intended group of our citizens and as far as I know they are doing very good work on the catalyst fund along those lines. This funding seems to me to be a little bit outside of that perimeter.

Mayor Foxx said I don't know that that is the case. My understanding of what they were designed to do was to facilitate conversations among entities, non-profit and even theoretically governmental agencies that would look at combining effort and reducing redundancy, etc. By the way I should say this and will say it in the interest of full disclosure that my understanding is that our City Manager serves on the Catalyst Fund but has taken absolutely no role and has recused himself completely of any discussion of this particular item with the Catalyst Fund. I want to make it very clear that he has put a fire wall around himself on that. They are the best determiners of their mission and the sense is that this falls squarely within their mission. They

are not taking a position one way or the other on pro or con, but what their interest is, is in facilitating the discussion.

City Manager, Curt Walton said on the Catalyst Fund point, while we are here, for full disclosure I'm a Board Member of the Catalyst Fund. Over the last several months as they have been discussing this issue, I haven't attended. I have stayed away from this subject as it has gone through the Catalyst Fund discussion and review.

Mr. Howard said it sounds like the concerns I've heard from my colleagues so far were not necessarily about whether or not, it is more about staff time and that is what my colleague Mr. Cannon and I'm wrestling with his suggestion a little bit. I was wondering if you could tell us how you feel about the timing and resources and the whole thing with how we are talking about doing this.

Mr. Walton said relative to functional I've talked to you about my concern about resources. It is more intensive for functional than for political, but there are really two of us on staff that have had extensive experience with consolidation, either political or functional. Carol Jennings being one and she is our primary liaison for the DNC and then myself being the other. If this does move along, or whenever it does move along if it is before the DNC I will be the staff resource. I'm looking at the \$150,000 as that is the entity that is doing the study. There will be a point at which, if for no other reason, determining the cost savings and the cost that might increase as a result of consolidation, we will have to be involved and I think that would probably have to be me.

Mayor Foxx said the way the modifications are, it could be never, it could be September or October.

City Attorney, Bob Hagemann said Mayor I was thinking a little bit about the modification and the way it is written the six month is triggered from the organizational meeting of the Study Commission. The resolution gives the Mayor and the Chair of the County Commission joint authority to appoint the Chair and Vice Chair of the Commission. The resolution states that upon appointment the Chair shall call the Organizational Committee. My point is that you can still exercise control under this framework on timing by making the decision of when you appoint the Chair because until you appoint a Chair, there can't be an organizational meeting and the six month clock will not begin to run.

Mayor Foxx said so there is the ability of the County Commission Chair and the Mayor to consult with staff on the best sequencing of making that appointment?

Mr. Hagemann said correct.

Mayor Foxx said if we can agree that the staff would be consulted on that, that would allow us to address the staffing load issue.

The vote was taken on the motion to go forward with the modifications and was recorded as follows:

YEAS: Council members Autry, Fallon, Howard, Mayfield, Mitchell and Pickering.

NAYS: Council members Barnes, Cannon, Cooksey, Dulin and Kinsey

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ITEM NO. 6: 2012 CITY COUNCIL MEETING CALENDAR

Councilmember Mitchell said if I could make one change to our schedule, we put before everyone's desk, the Leadership Summit that would be here in Charlotte, I would just ask if we could add that to the calendar – September 20th – 22nd.

Mayor Foxx said hearing no objection to that the vote was taken on the subject calendar and was recorded as unanimous to adopt the meeting calendar for 2012.

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ITEM NO. 7: MAYOR AND COUNCIL TOPICS

Mayor Foxx said this is the first time ever that there are no topics.

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ITEM NO 8: CLOSED SESSION

[Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, to]
[adopt a motion pursuant to NCGS 143-318.11(a) (3) to go into closed session to consult with]
[attorneys employed or retained by the City in order to preserve the attorney-client privilege]
[and to consider and give instructions to the attorneys concerning the handling of the case]
[Rina T. Jordan v. Henry Christopher Suhr III and City of Charlotte, 10-CVS-6284.]

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ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Ashleigh M. Price, Deputy City Clerk

Length of meeting: 2 Hours, 47 Minutes
Minutes Completed: February 9, 2012