

LUNCH BRIEFING

The City Council of the City of Charlotte, NC, convened for a lunch briefing on Monday, February 27, 2012, at 11:55 a.m. in Room 280 in the Charlotte-Mecklenburg Government Center. Council members present were: John Autry, Claire Fallon, LaWana Mayfield, and Beth Pickering.

City Manager Curt Walton called the meeting to order and then briefed the Council members in attendance on the agenda for the meeting this evening. There were questions and answers about specific agenda items.

The meeting was adjourned at 12:39 p.m.

DINNER BRIEFING

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, February 27, 2012 at 4:04 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were John Autry, Michael Barnes, Warren Cooksey, Andy Dulin, Clarie Fallon, Patsy Kinsey, LaWana Mayfield, and Beth Pickering.

ABSENT: Councilmember James Mitchell

ABSENT UNTIL NOTED: Council members Patrick Cannon and David Howard.

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ITEM NO. 1: CHARLOTTE REGIONAL VISITORS AUTHORITY UPDATE

Mayor Foxx said as many of you know late last year, CRVA hired a new CEO, Tom Murray and Tom has been going around the community and getting a feel for things and also taking a look inside the organization itself. This is our first opportunity as a group to learn about some of the findings so we look forward to the presentation.

Joe Hallow, CRVA Board Chair said it has certainly been an interesting last 6 or 7 months to say the least, but clearly as a Board and organization we're feeling a whole lot better about things and first I want to make sure that everybody knows that this has been a collective effort from our entire organization, just not the Board Chair and Joe Hallow. We have six members of our Board with us today as well as members of the CRVA Senior Leadership Team. We as an organization felt like that even with adversity we are going to figure out a way to grow and come together as an organization and do it in a way that made a lot of sense for the City of Charlotte and the region as well as the hospitality community. Clearly we feel like we've come a long way. 2004 was the year the CRVA was founded based on a merger of two critical organizations in this region and we've seen significant growth since 2004. Along with growth comes challenges and we understand that. We are happy with the growth and now we've got to get in and fix the challenges and problems and again that is what we've been focused on for the last 6 to 7 months. Back in July we presented an organization improvement plan to the City Council and Mayor and we are going to talk about where we are with that as well as introducing, not only the CEO of the organization, but also our Chief Human Resources Officer which is a critical hire for our organization. Not only do we have one senior executive to recruit, we recruited two in a period of two months. It is a significant achievement to be able to bring both these gentlemen on and they are here today. Tom is going to talk about the vision of the CRVA and the mission moving forward. Tom has been here for a couple months and he has completely immersed himself, not only in the organization, but the community and we feel Tom is going to take us to new heights and we look forward to that. He will also talk about the reorganization of the CRVA, the goals to realign and make sure that we build a structure that makes a lot of sense moving forward into the future. We talked about 2004 and where we were and now the question is where are we going to go and Tom is going to talk about that and then the next steps for the CRVA.

Councilmember Howard arrived at 4:08 p.m.

Mr. Hallow said regarding some goals achieved, we will talk specifically to the operation improvement plan and also the Executive Leadership and a couple others things that are critical. The DNC is coming and Will Miller is very active with the DNC, working with the Senior Leadership Team of CRVA to insure that we do everything we can to make sure that it is an phenomenal event. It is a signature opportunity for this region and it is really a global opportunity and we understand the stakes and Will and Mike Crum and others have done a great job making sure we are positioned for that. Many of you have read that the Hospitality Community is coming back, 20 plus months of occupancy growth year over year which is significant. Many in this room may not know that 2009 and 2010 were two of the worst years in 85 year history of hospitality. 2009 was the worst year on record, so obviously having an economic recovery is significant for our industry and to mention jobs, this summer hospitality was one of the leading engines for job growth and this market place continues to be that. We are very excited about this recovery and this time we think it is sustainable. Last year we were not real sure that it was sustainable, but we finally feel that it is.

Challenges that we have, funding stability, clearly NASCAR Hall of Fame is a phenomenal asset, it is a great add to this wonderful city. We all know we need to improve the financial results in NASCAR Hall of Fame and we will. Human Resources improvement, clearly you not only grow assets in a growing organization, you've got to grow your people, you've got to develop your people, develop succession plans and develop young leaders.

Moving Charlotte to the next Level as a Destination. When the CRVA was founded many thought Charlotte was a lightweight. Today we are a middleweight and we compete in the heavyweight class. Charlotte is competing against Boston, LA, Chicago, Atlanta for major opportunity, not only conventions but major attractions like the NASCAR Hall of Fame and we've got to keep that going. I love Charlotte and I have been here for 20 years now, but we don't have a beach and we don't a mountain range. We have to do things a little more creatively and I think we can do that.

Mayor Foxx said why not?

Mr. Hallow said well, we'll have to talk about that. I like that.

Organizational Improvements – If you remember back in June for the Council members that were at the presentation, we had 8 points that we were focused on. Key job number one was to modernize policies that were circa 2004 and before, expense reporting, internal use of venues, third party event management. These are clearly areas that we focused on, not only as a Board, but as Senior Leadership Team of the CRVA to improve and to get modern. We do this without losing a competitive edge. When you are competing with major markets, the last thing you want to do is lose your competitive edge and I think we've got a good balance there. In order to make these policies modern and also be a good fiduciary and be responsible with the mission.

Organizational Structure Improvements – When you merge organizations many people in business understand this language. You merge them and the first thing you need to do is integrate, right. We didn't do a great job of integrating. We grew and we didn't have the infrastructure and without the infrastructure you create silos and when you create silos you break down communication and you don't maximize the opportunity, you are not as effective and efficient as you can be. Really that has been the goal and we are not there yet and that is why it is in progress and we have a CEO that is going to be charged with doing that and we look forward to his improvements in those areas and in Human Resources. We've completed the strategic plan implementation and we've improved how we budget and the communication within and we feel good about where we are with that.

Communications Plan – We need to be a more focused transparent organization that everybody understands, not just the hospitality community. We represent the entire region, we are all Charlotte. I'm glad the Mayor asked why not have a beach and why not have a mountain range. When you are middleweight everybody is in the hospitality business and I think that is what makes Charlotte a little bit different than the rest. We are all in the hospitality business and I think we all feel like that with the DNC coming in.

We talked about two leaders – Tom Murray, 25 plus years experience in hospitality and run a major business. His role was intercontinental hotel, the largest hotel group globally. He spent 9 years as Chief Operating Officer of this company, oversaw \$9 billion work of new hotel construction, oversaw hotels in 28 countries. The number of properties is significant, close to 500, so Tom really comes to us with significant experience and leadership and we feel good about his ability to not only work and fix things that occur today, but also build a better structure for us moving forward into the future. I mentioned Bob Buchanan and I'm going to embarrass Bob a little bit. I know Tom has been welcomed to Charlotte but I'm not sure Bob has. Bob is a 25 plus year senior leader in the HR world. He comes to us with experience from General Electric and Goodrich. He is relocating from Cleveland and unfortunately is a Brown's fan so maybe some folks in here can do something about that. Ironically these two gentlemen joined the same week. CRVA has a way of doing some interesting things and we started Bob's recruitment before Tom's and they both started the same week with CRVA and I can tell you since these two gentlemen have been there I've seen a change within the organization and morale has picked up significantly. Focus has picked up and there is a new energy level within the organization and needless to say it has made my life as Board Chair a whole lot easier and I appreciate that.

Tom Murray, CEO of the CRVA said it is an honor to be here in front of you today. People ask me what I was surprised about when I got here and two things hit me. The first you hear me talk about a lot and that is that there is a amazing amount of talent in the CRVA and the second is how hard working our Board has been over the last year and I want to thank the Board for all the work they've done to get this organization moving in the right direction. I'm really kind of jumping onto the platform that they began over the last 12 months and a lot of hard work has been done on the strategic planning and financial oversight and budget planning. I'm grateful for their work. It enabled me to quickly move forward and as you know I'm just under 90 days and there is a book about what you are supposed to do in the first 90 days and it is a lot of listening and that is what we've been doing, trying to understand what it is that the organization wants and what it is the community wants from the CRVA. Joe is right, what we found out that there was this vision to merge these organizations because we thought it was the right way to do business, we just never completed the merger in the right way. We took a step back and said before we get started what are we going to do and the first thing we wanted to do was make sure that everybody knew what we were up to and what our plans for the organization were. The vision before was Southern Hospitality World Class Service and we felt we needed to do a better job of defining that for the folks that work for us and the folks that are expecting things from us. We wanted to put our people first and the first part is talking about who our people should be. When you say Southern Hospitality, what does that mean, how should they act. It is interesting they ask the two new comers what we thought Southern Hospitality was like and Bob and I said well if it is anything like what we've experienced during our first few weeks it is caring genuine people and we've kind of agreed that that is what Southern Hospitality is all about. We started off saying that the CRVA will be a caring genuine people, a team who delivers Southern Hospitality to create memorable guest experiences and we changed from what was World Class Service to memorable guest experiences purposely. We were hoping to kind of take a little page from Disney and talk about the fact that we were more than just a service culture but we were creating and bringing an experience to people that they would remember, and hopefully bring other folks back with them. We also knew we needed to rebuilt the trust that the CRVA had had so the next point was very important to us, that we would be a trusted steward and partner of the Charlotte Region Hospitality and Tourism Assets and finally we still wanted to be part of the future planning of the city and be involved in what helps create the future destination of Charlotte so we had A Leader in the Future Development of the Charlotte Region as a Distinctive Visitors Destination. That made up our vision and it was a lot of work and as anybody who is involved in vision and mission statements they tend to be arguable and debates about single words and whether they should be in or not. There are several words that have been in and out of the text three or four times, but after talking with all the employees, the staff and the Board and many people in the community, we've settled on this statement. We also thought it was important that we had a mission statement and this mission statement reads, The Charlotte Regional Visitors Authority will leverage our hospitality, marketing and management expertise to maximize the impact of Charlotte Region's economy, creating opportunities and jobs for our community. Language that says not marketing, management and maximization, words that our
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team has been using for a long time, but really what we are talking about is taking our core competencies and making sure that we integrate them into our business to maximize their impact on the region. We wanted to put out the greater good for the CRVA and we wanted our employees to be inspired for what they do, creating opportunities and jobs in our community and we wanted them to be accountable for doing that as well. So if they don't do a good job with what they are supposed to do, then less jobs will be created and fewer opportunities will happen. If they do a good job, as they have in the past, they should take pride in the fact that they have made a positive impact in our community. We see this very much as part of our role in the organization.

Now that we have the vision and mission statement finished we talked about how do we make this vision and mission come to realize in our organization and in our organizational structure. We tried to design a way that people could visualize what we are doing. We call this our CRVA World and in the World of CRVA we have brands at the bottom and those are the six brands that we manage and we have our core competencies as a band wrapped around the world. We have them in the market manage maximized categories again, but sales and marketing and communication expertise governance and the accounting and Human Resources and IT kind of expertise and operations that are our brand leaders and their skills that run in their brand. What we say in the CRVA World now is that we integrate our core competencies across all of our brands so as opposed to being in those silos that we talked in the past, we are now taking our organizational structure and we are trying to integrate it throughout all the brands so that we have world class expertise in a category like communication and that person should be involved in the communications of all the facilities we run. If we have World Class expertise in IT, clearly that IT person should service all of our venues. That will I think create an opportunity for not only better performance at the CRVA, but efficiencies and synergies that we've all been hoping for and actually at the heart of what was designed when the companies were merged, that they would operate in this kind of fashion. Instead of what happened is what happens in most mergers I've been involved with, a lot of the corporate mergers, and most of them don't work the first time and somebody has to come back later and fix them. We got stalled at the merger and people still kind of protected their turf. Today we are now finally getting an opportunity to finalize the merger as we had planned.

So what does that mean in structure, in structure we are getting ready to make, and just a few hours ago I made the announcement of what our top senior leadership team would look like. In this new concept we are talking about, the CRVA will not be managed by one or two individuals. The CRVA is going to be managed by our leadership team who will work together to cause this integration to happen. A few hours ago I announced our new Executive Leadership Teams and we have Ted Lewis who is currently operating our Convention Center and he will now be VP of Convention Center and he will take over management of our contract with Time Warner and Bojangles and Ovens. Winston Kelly, who is currently running the Hall of Fame will continue to run the Hall of Fame as VP and Executive Director of the Hall of Fame. Bob Buchanan will run Human Resources, Mike Crum who was our former Chief Operating Officer is moving over to Chief Financial Officer and working on business development. Mike Butts runs the VC and will continue to run Visit Charlotte and will be VP Sales and Executive Director of Visit Charlotte. Genia Sheridan will run VP Marketing and Communications. That doesn't look all that different as an organization and the good news is that it isn't, but what is changing is the culture of the organization. These folks now are getting together to organize the rest of the team in that same fashion that we talked about in the CRVA World so that we can figure out a way to cause all the sales and marketing key people within our organization to work together to sell all of our brands, not just one specific brand and we can share that expertise through the group.

Our next steps, we are going to continue to work on our Strategic Plan as I've mentioned, the Board has done a great deal of work on that and we still have a few steps to continue. We are going to continue to work on our organizational improvement plan. We talked to everyone of our employees in sessions of 20 people and took pages and pages of notes of what they thought needed to be corrected. Today we have them in the Auditorium of the Hall of Fame covering every wall and every piece of floor that was available to put paper down on to show that all the research that we had done. We talked to the folks about our new plan and how we will fix things like compensation strategy and policy execution and all the things the team has talked about that they would like to see improved. It is a big task, a couple years worth of work ahead of us, but

Bob has already begun working on most of the HR issues. We are going to have continued discussions with the community about CRVA related issues, how we are going to continue to manage the venues, future development of Charlotte as a destination, and the future role of CRVA in economic development.

Councilmember Howard said Mr. Murray welcome to Charlotte again. One of the concerns I heard last year and it wasn't one of the big one so I didn't bring it up while we were having all those conversations, but it was kind of the order down under the keep the conversations going with the community, future of managed the venues and development of Charlotte as a destination. I had a few comments made to me about which one of those was more important. We put a lot into the Hall of Fame for the just cause. Charlotte as a destination is important too and some of number two will take care of number one. I know you didn't put that in any order, but I was just thinking your thoughts around how do you make sure we focus on Charlotte as a destination so we can pull all boats up, including our own venue.

Councilmember Cannon arrived at 4:26 p.m.

Mr. Murray said I actually think that it has been top on the minds of the team today. We have been working on Charlotte as a Destination and if you will look at the success rate of inbound traffic of tourism into the City it has been pretty strong. I think where there have been missteps in the execution of the Hall of Fame or in some of our other venues, clearly our focus on promoting the Destination has not stopped and I think it has always been first and foremost in our teams efforts. We have worked hard on the Hall of Fame but I don't think that has been at the expense of others and from what I can see looking back prior to my time, I feel that has been the work of the team. We are continuing to be focused on that. I think the Hall of Fame has gotten a lot of the attention in the media or in general conversations but I think it is because we have done such a good job at delivering performance at the hotel level and enhancing the venues, restaurants and such in the rest of the City.

Mr. Howard said it didn't make the news that we were doing good in that area, but it would be nice for everybody to feel like we are working on that.

Councilmember Cooksey said how useful was the Visitor's Advisory Committee in the process you've been working on? You talked about the Board and the effort they have been doing, but the Visitor's Advisory Committee was created to make sure that the broad sweep of the hospitality industry could offer advice to how the CRVA works. What has your experience with them been?

Mr. Murray said I actually attended my first one and I don't think there has been a Visitor's Advisory Committee for about six months or so. I attended my first one last week and I think what we need to do as an organization is give them more topics to discuss, help them through our strategic thinking. We've got a decision to make, here are three options and how do we move forward. I think we've been kind of dealing with more present day, top of mind issues and I would rather get that back to the more strategic thinking. We are talking about the CRVA Visitor's Advisory Committee, right? I think it is a good group of people and they are business people that need to be asked those kinds of questions because they came to join us because they are smart and have something to give. I want to make sure that we don't do all the talking and they do some of it so we get the benefit of their advice. I would say they have not been as useful as they could be and we are working hard to make it that way.

Mr. Cooksey said on the Leadership Org Chart, the last time in the organization back when it was CVB there were separate sales and marketing departments reporting up to the CEO. They got very siloed and in fact the number one recommendation of a performance audit of the organization at the time, and again this is 13 years ago, was that sales and marketing needed to be better integrated. I'm not going to go too far with that, but I do hope that the separation of sales and marketing and the two departments reporting directly to you doesn't mean that they don't stop working together.

Mr. Murray said I think the teams will be more integrated than they could imagine when we're done. That is the whole direction that we are moving and the Leadership Teams is 100% behind it. The functions that happen within marketing and sales in this kind of organization is different

than you see in a lot of companies, particularly in promoting the Destination. Selling trade shows and getting folks to come to our city is not necessarily a marketing function and doesn't tend to have the marketing and then the marketing side is really selling the Destination. We don't want them to act like separate businesses, but we do realize there is enough levels for two voices on the Leadership Team and to represent their different respective.

Councilmember Fallon said have we sold anything past 2015?

Mr. Murray said yes, we have sold functions and in the next 8 years we are at 101% of our pace so we are in fairly good shape. The Team has been pointing out that we are worried a bit about 2015. To date I think we have 9 definite functions and we are about 40% of the pace for 2015 that we want to be so we are a little nervous about 2015. 2016 and 2017 looks fine, but the Team is focusing on 2015. What we are seeing is that and you've got to remember when people are making convention decisions they are making them three years out so people who are making decisions for 2015 were making these decisions three plus years out. They were making decisions in this economic crisis and we've seen a slowdown of some of those decisions. Also on our books we have tentatives that we think will put us in the right position but we are right at that kind of timing where those tentatives will start to roll over. Our tentatives are well ahead of our pace but our definites are not. Are we worried about that, yes we worry about everything and should you lose sleep over it yet, I don't think so. I think we have it in our hands.

Ms. Fallon said would you be able to pick up something or is it too late for 2015?

Mr. Murray said most of the business books within the 48 month time period and we are still kind of in there so we think that there is ample opportunity to pick up some additional business. It may not be our strongest year, but convention years tend to cycle like that depending upon how things fall. But, the Team is also working on non-large convention needs as well and what you have to understand about the City is that in the hotel business the City is pushed during mid-week and so we push away some conventions that don't fit the needs of the City, particularly our hotel community ability to house these groups. We work on leisure businesses or amateur sports so that we can fill the week-end destination. Many of you may know that about 60% of what we do in Visit Charlotte is book amateur sports and that is because it fits our ability to deliver to the customer better than others.

Councilmember Cannon said you have gone some level of restructuring already, you continue to go through that level of restructuring I would imagine. When do you anticipate getting to the finite place of where you want to end up?

Mr. Murray said our goal is to try to get most of this done before the budget year starts so we can put it in the budget, which is a short timeframe. We have a budget retreat in a few days so we won't have it ready by the budget retreat, but before the end of the year we hope to have most of our Leadership Teams in place and understand the direction we are going. It is going to be a bit of a revolution when we do the restructure, but then there is the evolution that still needs to happen for a couple of years as we improve. We will have a bit of a shake-up in the way we restructure things, but I think once we get that stable it will continue to develop and grow as time goes on and gets better and more efficient. The good news is that we aren't having to break anything to fix it. We will be well prepared to handle the Democratic National Convention, the other big shows that we have coming and the organization is going to be strong and will continue to be strong.

Councilmember Cannon said I heard you speak of efficiencies and relative to that what do you identify as being what your core focus is going to be?

Mr. Murray said the first focus is to get the culture changed into this one CRVA World concept. The second one is to figure out the economic model for the Hall of Fame and we've going to do both kind of simultaneously, but an order of importance and priority. The restructuring of our organization may cause us to be able to solve part of the Hall of Fame issue. I think the Hall of Fame issue is not going to be one touchdown pass. We're going to have to throw a few 10-yard passes and then go for the score. We know the things that we think we need to do, but as the team changes from the siloed to this cooperative one team organization we think that they will

solve some of the issues, for instance how do we get more conventions. People who come here for conventions is 500,000 people a year that come to the convention, how do we get a higher percentage of those people into the Hall of Fame. That is one of our big priorities. How do we solve the expense model in the Hall of Fame, given that the attendance numbers will not be the original projected numbers and they are going to be something shy of that. Right size the organization so that we get it there. Another big issue that we are working on is Human Resources and we just don't have the current organization there to deliver on all the promises we need to make to our employees so Bob's arrival was really timely and he is working on staffing up that organization so we can serve our employee community.

Mr. Cannon said one of the things I've asked for constantly is to look at those areas of where service is being provided and if it is something that CRVA should not be engaged in that they look to outsource that. That is why I'm driving a little bit on my area in the ask of what your core focus would be and to follow up, ask would you consider to be still looking for those areas of where others might specialize in it more so than the CRVA such that you are able to continue to operate in a fashion that deals with exactly what it is you are charged to do.

Mr. Murray said I agree with you completely and our organization can't be all things to all people and we have to be careful that we don't try to raise our hand to serve folks in a way that isn't profitable for us. We are not particularly good at it so we will be careful to make sure that we evaluate those things and as we see opportunities to do that we may bring opportunities to our committee, but what we want to be for the City and our community is a place where they can go to get expertise. Since we run seven different businesses basically under one leadership team we have the ability to have some expertise in core areas that the City should be able to look to and say we need somebody that is capable of doing great marketing and promoting, that is the CRVA and that is the goal that we are getting to.

Mr. Cannon said I had that question largely in part because I know there are other areas, food and beverage back of the house type stuff, and I guess the appropriate word would be privatizing rather than outsourcing, but I know there is some level of ownership in a fast food restaurant and I didn't know if those types of things were going to continue core areas of focus.

Mr. Murray said as you pointed out we do currently privatize some of our businesses. We have a third-party restaurant operators in the Hall of Fame for instance. We have a third-party gift shop operator in the Hall of Fame so we have made those kinds of decisions in the past and I think wisely and we will continue to explore both opportunities and before we make a decision on anything we will say one of the three choices we have, one would be privatize, one would be take it internally and maybe one would be stop doing it. That is the kind of thinking we do strategically.

Mr. Cannon said thank you and I look forward to your leadership and the leadership of our Chairman Mr. Hallow as well as the rest of the Board. Thank you for the service that you all render for us all.

Mayor Foxx said Tom, thank you for your presentation and to your Chair Joe Hallow and to all of the members of the CRVA who are present. I know the last 12 months haven't been the easiest 12 months in any of our lives, but I believe strongly that all of us are of the belief that this City is worthy of our best efforts at all times despite what others may have inferred. The intent on my part all along has been show this community to the world as the great community that it is. It does sound to me that you are taking steps to get to a place where structurally that can happen. Secondly, and this is sort of a corollary to the first point, I think I can speak for us collectively when I say that we know how important the CRVA is to our economy. We know how many people the industry employs, we know how many people are depending on it to be successful so all of us have a vested interest in that. I would only ask of you a couple of things to sort of look at and many of these are sort of third rail issues that are lurking around the corner. I think from a tourism perspective we have spent a lot of time trying to draw attention to Charlotte as a destination, which is a very good thing and it has been necessary, but I do think that in the coming months we are going to make some transitions. I think people are going to know who Charlotte is and then the question becomes how do you then market with a known quantity as opposed to one that people may not know as much about. I think it is important, getting back to one of David's points about the potential issues that come about as a result of

looking at that world. One of them is that when you are marketing for venues that you own, you can run into a situation where you are so busy trying to get those venues filled that you forget about the rest of the stuff that is out there. I'm not saying that you guys have or that you will, but my point is that I think as we are looking forward into the future of this City, it is going to be very important to have a very strong marketing effort that is geared toward Charlotte, not as a place where we got the blanket over the smokestack and we are trying to draw attention to ourselves, but the Charlotte that people know already something about and how do you draw things here under that scenario. The other thing is that the hospitality community is incredibly important to the CRVA, the symbiotic relationship there, I get it and I understand it, but it is not the only constituency. I think it is very important for the hospitality industry quite frankly that the CRVA be able to function on multiple layers. As I look into future Board appointments to the CRVA I'm going to do everything I can to make sure that the community's wisdom is at the table to the best extent we can make it there and that we give some breath to the voices in the room because I think it will enhance the CRVA's ability to be successful. With all of that said, I do want to thank all of you for your time, energy and attention and we will continue working together and hopefully onward and upward from here.

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ITEM NO. 2: NOISE ORDINANCE SIX MONTH REVIEW

City Manager, Curt Walton said last May the Council approved a noise ordinance and at the time of approval you asked us to come back in six months after implementation and report on the success or issues associated with the ordinance. That is what we are here to do and I will turn it over Bob Hagemann.

City Attorney, Bob Hagemann said we are going to tag team this presentation. I will introduce it, do a quick review of the major provisions of the Noise Ordinance adopted by the Council last spring and then Major Paul Zinkann and Walter Abernathy will talk about our experience for the first three months as we work through the ordinance. For those of you who were on Council, you will recall that the process that led to the amendments was a laborious process, took about 16 months with a lot of conversation with stakeholders and interest groups. Much of the work was done by the Community Safety Committee and ultimately the Council adopted the amendments on May 23rd and they were effective on June 15th. At the time the Council asked staff to come back after approximately 6 months and give a report on the effectiveness of the changes, which is why we are here tonight. There were a number of changes in the ordinance but the primary or most significant ones fall into three categories. The reason for the referral to the Community Safety Committee in the first place were some tensions between restaurants and bars in and near neighborhoods, particularly with outdoor live and amplified music. A good chunk of the time spent on developing the proposal was around that issue. Ultimately the ordinance adopted an approach that regulates outdoor live and amplified music at 85 decibels until 9:00 p.m. on week nights and 60 decibels until 2:00 a.m. Those time periods are extended on Friday and Saturday nights until 11:00 p.m. and 2:00 a.m. You will recall one of the problems with the old ordinance was that the decibel readings were taken at the receiving property and they were set at a level such that the Police Department's experience in many, many cases, the ambient noise exceeded the decibel limits in the ordinance and they could not fairly attribute the noise that the meters were reading at the receiving property to the business for the music that was playing nearby. We took a different approach and went to the property line of the noise producing property, raised the decibel limits and they are as put forth before you. In addition, before issuing a citation the Police must make an affirmative determination that the sound is unreasonably loud and disturbing to the quiet enjoyment and use of residential property. It was pointed out to staff and the Committee and the full Council I think appropriately that in some instances these decibel limits, even if it was exceeding them, because of their proximity or lack thereof, to residential uses, it really wasn't a problem and why require the volume to be turned down it was not causing a problem.

The second major category we addressed with the amendments were the permitting of large outdoor music facilities and these include places like Road Runner Auditorium out in the Music Factory, Verizon up in the University area, the Pavilion at the Epicenter and we came up with an approach that called for tailored annual permits that are tailored to the unique venue and the surroundings around the venue. It is a voluntary permitting system, the idea is that we would

negotiate in consultation with the business and those who might be affected by the business. The terms of the permit that would be unique to that business and because it would be an annual permit, if problems came up during the course of the year there would be an opportunity to address those through the renewal process.

I think it was a pretty innovative approach that we called the chronic noise producer. For businesses or noise producers that are causing a problem that can't be easily fixed through the normal CMPD enforcement process, we authorized the Police to designate those businesses as a chronic noise producer and the designation is made taking into consideration a host of factors including, but not limited to the number and frequency of valid complaints, the proximity and physical relationship between the business and its neighbors, the severity of events, days and times of the week, history of compliance and cooperation and the context of the area. If a business is referred Walter and his group in Neighborhood and Business Services works with the business and those affected by the business to develop a tailored noise mitigation plan that can include a whole host of different restrictions and requirements, such as specific limits on days of week or hours of operation, getting into the physical layout and perhaps the direction of speakers, requiring structural modifications such as sound attenuation or baffling, self monitoring and report. The Council and the committee built in some tougher enforcement provisions if an outdoor music venue goes to the chronic noise producer program and is uncooperative, either in refusing to work toward a mitigation plan or failing to follow the plan once developed, the business is subject to heightened penalties including 1,000 hour civil penalty and even an 18-month ban after a second event. We have built into the ordinance appeal provisions both for the designation of a chronic noise producer as well as the determination that a business is non-cooperative. I will now turn it over to Major Zinkann who will talk about our experience in six months with three particular neighborhoods.

Paul Zinkann, CMPD said I'm a member of the Charlotte Mecklenburg Police Department, currently assigned to the Southeast Service Area. I would like to talk to you about our experiences in these three locations regarding outdoor amplification of music. First and foremost it was very imperative to us moving in with this ordinance, once it was adopted, that Neighborhood and Business Services and CMPD needed to partner and communicate and we have done so, meeting with most of the residents in these locations who have noise concerns and our communication has been flawless during the process. We went through the process of having to train our employees, both at CMPD and Neighborhood and Business Services and we were also able to purchase some of the state of the art noise meters to conduct our noise checks. Each Division now has one of these new noise meters. One of the first locations was NoDa and going into the new ordinance we had members of the NoDa community complain regarding some noise at a location, Salvador Deli, which is located in NoDa. The Eastway Division met with the owner and manager of that property, explained to them the new ordinance and they have been in compliance since. We have not had any more issues in NoDa at that location. It was very successful. The second location was East Boulevard and we had received several concerns last year and about 5 or 6 complaints this year regarding noise complaints from citizens along the Worthington Avenue, which is a property adjacent to Boardwalk Billy's. We met with a group of citizens in that community and also met with the owner of that property. It has since moved out and a new restaurant is moving into that location. Our understanding is that they do not plan to have amplified sound. We are going to meet with the new ownership that is coming in to explain to them the noise ordinance if they plan to have outdoor amplified sound, but to our knowledge they do not. The last location I would like to discuss is the Philosopher-Stone-Kennedy's and Jack-o-ropes Jacks in the Elizabeth Community. Walter and I have met with a group of citizens in the Elizabeth Community and began meeting with them probably in July, right after the noise ordinance came into effect to listen to their concerns firsthand. We'd meet on a neighbor's front porch out there and just talk about the noise issues. In effort to remain fair and impartial and balance we also met with the owners of those establishments and informed them that we would be conducting random spot checks for amplified sound. All three of those businesses have been cooperative and receptive and remain so.

To date we've conducted numerous checks and responded to numerous calls for service and have concluded that these locations are in compliance with our ordinance. In talking with my officers who are conducting these actual sound checks the amplified sound is not unreasonably loud and disturbing. That is what we have found regarding these three locations.

Walter Abernethy, Neighborhood and Business Services said I'm here tonight to talk to you about the permitting process for the large outdoor music facilities. As Bob mentioned these are facilities and there are not very many of them that can seat over 1,000 people and the ordinance provides for a uniqueness to how we handle these in crafting a permit that takes into affect a lot of different things. We started this process and sat down and had a meeting with all of the venues and talked to them about how we are going to go about that process and learning something about their facility. The permits do expire in one year and everything goes fine that first year we generally will renew the permit. If we need to tweak it we have an on-line capability of tweaking the permit for them and changing the rules or adjusting the rules. These are your five locations that were identified as large venues and honestly the greatest challenge here has been the Pavilion at the Epicenter. One of the first thing we did to try to learn about what goes on downtown, we had a team of inspectors that went down there on the week-end and actually got access to rooms at the Omni to try to get a feel for what the noise was like. That study was really beneficial to us to learn about the activity that goes on downtown and the amount of noise that is generated. Not all of that noise comes from the venue in terms of the music and there is a lot of ambient too that affects that particular reading. When you take that into context permitting is very challenging in terms of trying to reach compromise, trying to partner with the hotels, partner with Police, partner with the people putting on the events at the Epicenter, but these are your five facilities. We do believe that there are other events that occur during the course of the year that are big events. We think that ordinance sits well with that. We are able to craft certain rules and go through certain compromises that get us down the road and I'm talking about events like the Belk Bowl, the CIAA Tournament, obviously, the DNC. There are other examples too where we feel like the activity downtown certainly has an impact on what that noise level is, but I'm pleased to say that we were actually down there today and met with the Ritz, with the Omni, the Epicenter and met with Sweets. Sweets is a nightclub that sits at the top so we are looking for cooperation and partnership with these folks to try to make this work in a reasonable context in terms of keeping the vitality of the uptown area, but also trying to fit the needs of the hotels and the people that are staying in them. Most of the hotels that we met with, we have kind of a working agreement that as far as the clientele, if they know they are affiliated with a certain event they might have a room in a certain location, and if not they have a room in another location. That is an example of some of the adjustments we've been able to make to try to make that work better for everybody.

Mayor Foxx said one question about some of the more close-in sites, there have been a few in the uptown area other than the ones that were just up there where there have been complaints and one of them is a tower that has residential above it and a restaurant beneath it. I've gotten several e-mails about the noise relative to that one. Can you talk about that sort of situation because I think you are going to start to see some of that as some of these buildings get finished and them getting populated.

Mr. Abernethy said that is a perfect segway into the next area because you are talking about Clue. Clue is an Asian Restaurant that sits at the corner of Caldwell Street and Sixth Street. Two weeks ago we did get a chronic referral on Clue. The problem is that Clue sits in the bottom part of the area and above it is condominiums and townhouses and it is a restaurant, but later in the evening there have been a number of instances where they have leased out space and had parties with disc jockeys and loud music and we were getting a number of police calls about the noise going up into the units. I believe that is what you are talking about and we have made some progress with this. We've met with the one time and we actually have gone out this week-end and got into some of the units. I felt it was important to do a fair evaluation to actually go in the units while it was going on. This is our first chronic noise referral. This is not an outdoor music, but indoor and a little bit different, but it is the first chronic noise referral. We hope to be able to sit down with them very soon and come up with a mitigation plan to help address that for the residents.

Councilmember Howard said one of the other complaints that we've gotten is the Old Mutual Building where there is an empty lot beside it on Tryon Street. When we have street festivals and different things it gets loud there as well. It is not just in the bottom of the building it is that whole center city area and how we balance the needs.

Mr. Abernathy said I'm not familiar with that one.

Councilmember Mayfield said when thinking about the Mayor's conversation and we are looking at mixed use and we are looking at building space as creating homes, live and work space and having restaurants, are we foreseeing this being a challenge moving forward where we have venues that may be rented out and we having living space above it?

Mr. Abernathy said I think there is two pieces going on here. In a broader sense we hear from a lot of restaurants including some in Elizabeth and elsewhere that having that entertainment piece is important to their economic existence. That is the same message we got when we sat down with Clue that they needed that to stay vital to stay in operation. It is possible if the trend continues, as you move forward you are going to see more and more of those in terms of that and that is certainly we need to take in consideration when the zoning gets approved, etc. My guess is that is a trend and it is going to continue probably.

Councilmember Fallon said how are you going to handle Homeowners Association Swim and Tennis Clubs that they rent out and the noise becomes unbelievable?

Mr. Abernathy said those would not be the large venue permitting, but certainly those would be ones that officers would respond to as a normal issue. That would not be a large event permit or anything like that, but it would be a normal noise complaint that officers would respond to.

Mr. Hagemann said I will wrap this up from a staff perspective. Staff does not have any recommended changes at this time. We are generally satisfied with the six months that the ordinance that you passed has given us the flexibility to be creative and try to address the problems as they come up. We will continue to do so and obviously, like with any of our ordinances if we identify needs for amendments we will bring them forward. I do want to bring one other related issue to your attention and many of you may be aware that the Planning Department on a separate track has been working on the definitions between restaurants and bars and nightclubs. That is critical because the zoning ordinance currently does not have a separation requirement for restaurants from residential uses, but there is a 400-foot separation for bars and nightclubs. We've gotten a number of cases and a couple that have gone to the Board of Adjustment and the Board has struggled with the definition where arguably what had been a restaurant is conducting activities and businesses that are more in line with a nightclub and a bar and trying to sort that through has been a very difficult challenge. Planning was working with some stakeholders in the fall, decided to put that on hyades so we could complete and bring you the results of our six month noise ordinance review, but they have indicated an intent to pick that back up with the stakeholders late this spring and into the summer. I suspect that you will be hearing from some of your constituents throughout that process.

Councilmember Kinsey said Bob, you might want to mention that that particular zoning amendment has nothing to do with the noise ordinance, they are totally separate.

Mr. Hagemann said that is correct.

Councilmember Dulin said how is Sweets doing with its mitigation toward the stuff that is directed toward the Ritz?

Mr. Abernathy said Sweets has been a challenge in terms of affecting both the Omni and the Ritz. Part of the problem it gets hot inside the Sweets and they open the doors. I met with them today actually and because they have events scheduled for this week and I have been assured they are going to keep the doors shut and if you've been up there you will notice some panels that have been added to the side. Those are noise mitigation panels to help with that. It is a day to day thing with them and we are trying to work with them. We have had complaints from the two locations about Sweets in particular but we think keeping the doors closed and those panels have had a positive effect on that. I met with Management at Sweets today because they are booked solid ads are most of those types of locations downtown and I was assured that they are going to work and try to get through this week and through these big event periods without too much problems.

Mr. Hagemann said we sent an e-mail a week or so ago, out to the stakeholder list that we had from last spring and informed them that we were going to be briefing you tonight, telling them that they would not have an opportunity to directly address you, but inviting e-mail comments and we received three comments. I will put them at each of your places when you break for dinner. One is from NoDa and is very complimentary and it is a satisfied citizen with what we've done. One is a downtown resident, also very satisfied with the changes and the third one is from somebody in Elizabeth who I can fairly say is not satisfied with where we've landed at this point.

Mr. Cannon said on the issue relative to what staff is looking at down the road, I guess they may be coming back with music that is indoors per se in these bars and restaurants. I do want to highlight that I hope there will be some level of understanding that this is also an economic issue because you are asking potentially that music be stopped at a certain time and if that is the case we just had CRVA right here. We continue to try to attract visitors to this city to go into some of these venues that are restaurants and bars to make sure they are patronizing these places accordingly. Some of those places will have music and people will want to go and enjoy music. I think the question becomes if it is going to continue to be music that if anything it operates at a certain level such that it is not a problem for area communities. Otherwise, I think to go and to move forward in a direction just to say you cannot operate or have anything that is related to music after a certain period of time will end up drying up employees largely in part because you won't have people patronizing those areas. I think we need to be very careful about that and I think it is very important that we pay some level attention to that because we could be setting ourselves up for something that we really don't want to have happen in this community, if we want to be as vibrant community as we say we want to be.

Mayor Foxx said it sounds like some research is in order because I don't know much about what you are talking about.

Mr. Cannon said you know plenty.

The meeting was recessed at 5:08 p.m. for dinner and reconvened at 5:25 p.m.

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ITEM NO. 3: 2010 CENSUS UPDATE

City Manager, Curt Walton said we presented earlier this year to the Transportation and Planning Committee a synopsis of the 2010 Census Data. It is in the same vein of some of the statics we looked at at the Retreat in Pinehurst, but it was suggested that the full Council would benefit from having the briefing so that is what we are here to do today.

Ruchi Agarwal, Planning Department used PowerPoint for her presentation. A copy is on file in the City Clerk's office. She said over the last decade the Charlotte-Mecklenburg region has experienced many changes in population and housing characteristics. Understanding these changes and looking at longer-term trends can help us anticipate and respond to our community's needs. Census 2010 presentation is intended to provide to you an overview of growth and demographic changes that have occurred in our region in the last 10 years. Census data is a valuable resource to do many of our planning efforts. Projects like City Council redistricting, land use and transportation planning, and assisting planning for libraries, police, fire all use census data and depend heavily on that. It also guides many boundary changes like traffic analysis, neighborhood and business services, quality of life studies and neighborhood profile areas and in upcoming organized areas boundaries, and MUMPO boundaries too. In today's presentation we are going to look at Metrolina Region Population Growth, some historical growth, population change at the census tract levels and some demographic and household characteristics. We will also take a look at how Charlotte's growth is shaping up for the future.

Joe McLelland, Transportation said I'm with the Charlotte Department of Transportation and a member of the Regional Transportation Modeling Team. This version of the region that you see in front of you is mostly designed for the air quality boundaries in 2000 EPA designated 7 North Carolina counties and one South Carolina County's non-attainment for Ozone. At that

time we started a regional process of modeling the entire non-attainment area for Transportation Planning and for Ozone Planning. What you see in front of you now is what we looked like in 2000. We were still fairly separate and you can certainly see Charlotte in the middle, but Gastonia is a separate area, Rock Hill was a separate area, Concord/Kannapolis and Salisbury at top and fairly phrase development through much of the rest of the region. This is what we looked like in 2010. The blobs of people are merging and we are turning into more of a single urban area. The north part of Mecklenburg, as you can see, has grown a lot. The Iredell County part north and that is only a part of Iredell County there, but we have pretty much merged with Gaston, Monroe, Rock Hill, Fort Mill and Concord/Kannapolis. We are up to a little over 2.1 million people. We added almost a half million people over 10 years and that is a lot.

Mayor Foxx said where does that place us in terms of other metro areas?

Mr. McLennland said about 30 or 35. It is in that neighborhood.

Councilmember Cooksey said I don't expect you to have this handy, but as a follow-up, maybe on a future Council/Manager Memo, I would be curious to know to what extent the actual population growth 2010 matched the projections that were made in 2000.

Mr. McLennland said we were very close.

Mr. Cooksey said we got half million and we were projecting about half million.

Mr. McLennland said this slide shows where the new people came in. Mecklenburg got a very big piece of the growth that the pattern pretty much looks like it is right around Mecklenburg. Of that 500,000 that came in, 224,000 were in Mecklenburg. Our growth in the past 10 years is more than the entire populations of nearly every other county in the region. I think York County had 226,000 but Mecklenburg itself grew by more people than are in Union County or Cabarrus County or Gaston County. We have added a lot of people in Mecklenburg and in the edges of the counties around us.

Ms. Agarwal said the graph that is in front of you, the green bar shows the population for Charlotte since 1960 and the last bar is for 2010. As of census 2010 Charlotte's population is 731,000 and Mecklenburg County's population was 919,000. So Charlotte saw significant growth rates as of last decade to 37% from 1990 to 2000 and 35% from 2000 to 2010. In 1980 and some of the rankings that Mayor Foxx was asking, I don't have for the Metro area, but for Charlotte in 1980 was ranked 47th as the most populated city. In 2010 it is ranked at 17th so that is a significant increase.

Mayor Foxx said can I ask a question about our MSA. I'm looking at I guess it is US Census figures that rank areas and we are in Charlotte, Gastonia, Rock Hill MSA, but as we think about ourselves as a region we think about a 17-county region. How do MSAs get determined and is there any discussion about whether our MSA still fits with what we consider to be our region?

Ms. Agarwal said what you are seeing here is an 11-county region and that is mainly for the air quality conformity modeling that you are doing. There is a Metropolitan Statistical Area, the MSA that you are seeing and the definition I have to look up and follow with that. You are asking the 17-county versus?

Mayor Foxx said it is actually how does it get determined and should we be trying to expand the concept of what our MSA is.

Ms. Agarwal said it is determined by the census actually. Census defines MSA and they use the population numbers and do a study of urban clusters and urbanized areas. Based on those numbers they have defined the boundary of what the MSA is and those boundaries will be updated sometime in the 2013 timeframe. We do not have a role in defining those boundaries.

Mr. Walton said the Regional Partnership is 16 counties so you are probably wondering what caused that figuration and we will get to you. I don't know whether there is some economic counterpart to MSAs or what. It has always been that and I think we used by for our SBE so

there must be some designation for those 16 counties. A fair chunk of them are in South Carolina.

Ms. Argarwal said moving forward by 2030 you are projected to be at 1 million population for Charlotte. This is a series of maps that shows population since the last two decades. This is a map showing where people lived and each red dot is equal to 10 people in 1990. In 2000 this is how the growth happened so you can see more growth in the southern part of county, somewhat in the south and northeast and some northern towns. In 2010 you see growth all over the county, southwest area getting more people, but really north, northeast, northwest and northern towns. This is a look at the growth at the tract level where the green shows the tracts that have gained population and pink and red shows some of the tracts that have lost some of the population, not a whole lot and we see again the same pattern in southwest, south, north, northeast and northern town. We have looked into the factors of why these areas of pink and red and it is a combination of factors. It could be higher vacancy rate, some of the tear downs or demolitions for new construction or loss of housing stock. Changing in demographics too, smaller family size, empty nester households, a variety of combinations for each tract which shows red and pink area.

Mayor Foxx said that loosely matches the map that our City Manager showed us during the retreat that showed some of the cities that aren't progressing as well as we would like them to, so that is very consistent.

Councilmember Barnes said I have kind of flipped a head of you and it is somewhat challenging to read some of the slides, but I wanted to know that if in the demographic data we've collected whether we have captured any data regarding the educational achievements of the 500,000 people who have moved here. Is that on an upcoming slide?

Ms. Agarwal said it is not in the main part of the presentation but I can talk about that. We've been talking about growth since for the last decade but obviously with population growth our boundaries have expanded in the last decade. The brown area shows Charlotte boundaries in 2000 and the green areas are what we have annexed and how we have expanded our boundaries. I wanted to take a look at what the growth has been within the brown areas or if the boundaries stayed the same for Charlotte, which Charlotte gained more than 66,000 which is 12.3% but outside that the total growth has been 35.2%. The conclusion is that 2/3 of the growth has been in the green areas and outside of the City.

Mr. Barnes said are those green areas the areas we annexed in the last couple years?

Mr. Agarwal said within the last 10 years.

Mr. Barnes said I understand that there is a more ... to put at the General Assembly to be annexed areas of certain municipalities in the state ... I heard that it was in Committee and working its way through.

Mr. Walton said I think there were five areas that the state actually de-annexed pieces of those cities so they had gone in and started service delivery and possibly have incurred debt. I have forgotten the cities that were leading the charge, Fayetteville was one of them, but they were all primarily eastern as well as I remember. They actually took away part of their jurisdiction.

Mr. Barnes said I don't recall the name of the committee, but for some reason I don't believe it is the name of the committee doing the work that I'm talking about is as simple as their de-annexation committee. Could you all confirm whether or not they are doing any work now going into their short session on that issue?

Mr. Walton said we will be glad to. I don't think they are but we will confirm that.

Ms. Agarwal said these are some household statistics, average household size increased slightly for Charlotte and remained the same for Mecklenburg County. It was 2.45 persons per household in 2000 which increased to 2.48. Owner occupied housing rates remained the same or actually saw a slight decline and we looked into the statistics in the last 10 years and it did not remain flat over the years. The data shows that over in 2006 is when owner occupancy rates was

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at a the peak for Charlotte, but as the economy turned and the rental market became stronger those rates leveled to what it was in 2000.

Mr. Barnes said I don't think it is any secret that I believe that an abundance of apartments can have a destabilizing effect on the city, and so can starter homes that go vacant. Do you know how we rank with comparable size cities in terms of owner occupied property rates or property percentages?

Ms. Agarwal said I have the data now for the state and the nation but not for the city. I can look into that and follow-up on that.

Mr. Barnes said take the next five cities that are about the size of Charlotte and tell us generally what that looks like. Some of them are much more dense cities than we are but I would like to know where we are trending.

Ms. Agarwal said residential vacancy rates obviously we have higher vacancy rates. The yellow bar shows 2010 vacancy rates for Charlotte-Mecklenburg, the state and the nation. Charlotte's vacancy rate was 6.5% in 2000 but increased to 9.4% for 2010. It is higher but although lower than the state and national averages. Our female population shows a higher increase and is at 51.7%, a 1.7% increase since 2000. Some of the trends for Mecklenburg County, the age or median age increased from 32.7% to 33.2% and the most significant changes obviously for the nationwide trend is we are growing older. The age group 25 to 44 saw the most significant drop of 3% which is reflected in a gain of 3% in 45 to 64 years of age. Collage graduate age group, 20 to 24 years saw a little decline from 7.7% to 7.4%. This is a map that shows median household income for the two census years. In 2000 Charlotte's median household income was \$46,975. It grew by 12% for 2010 at \$52,446. The map shows at lower geographies where those increase or changes have been. The darker green is in the income range of \$125,000 to \$250,000 and you can see the southern portion, southwest a gain and changes around the northern portion too.

Race and Ethnicity data, the white population although increased by almost 50,000, the numbers on the left are the absolute population numbers and the bar graph shows the percent changes for Charlotte and Mecklenburg County. White population decreased from 58% in 2000 to 50% in 2010. African American population increased from 33% to 35% and Hispanic population almost doubled, an increase from 7% to 13%. Similar trends for Mecklenburg County also. These are the series of graphs for white population, again showing the last two decades how it has grown and where the population lives. In 1990 in the southern part of the county, one dot is equal to 5 people around the northern side, northeast and northern towns and southwest and then intensifying into similar pattern for 2010 as well. African American population in 1990 was mainly intensified closer to center city and north and northwest and some along the south corridor. In 2000 we started seeing more population spreading towards northeastern and outer areas and the trend continues for 2010 as well. You see less intensification around the center city but more spreading outwards in other areas of the county. There are a few dots for Hispanic population in 1990. In 2000 you started seeing some significant patterns around the south corridor, Nations Ford area, Central Avenue and University, Tryon Street area. In 2010 you see more spreading out and the same pattern for those areas for Hispanic population.

This is a slide where I wanted to show how Charlotte's population density compares with Portland and Atlanta, Charlotte being in the middle. The colors of the map shows persons per square mile, the darker the color obviously higher the dense population density is. The rings on the map are the 10, 20, 30, and 40 mile rings from the center of the city and for Charlotte we have the table that shows data a little differently. For Charlotte if you think about the base of the population within 40 mile ranges as 100%, 28% of the population live within the 10 miles. The comparable number for Portland is 49% and for Atlanta it is 18%. As you move down the 20-mile range you can see Charlotte Mecklenburg region has 60% of its population that resides within 40 miles of the area. That comparable number for Portland is 84% and 51% for Atlanta. The numbers start looking more similar with Atlanta for 30 mile range 83% and 84% and Portland shows 93%.

Councilmember Howard said basically what that means is that Atlanta has a lot of sprawl, when the top number is that low so we are kind of stuck between that. I am wondering what are we doing to make sure we go towards Portland and not Atlanta?

Debra Campbell, Planning Director said I think that our centers, corridors and wedges growth strategy will help in that respect. I believe that we are seeing a regional perspective although we can do what we can do, I think it needs to be a collaboration. I think we are headed in the right direction and believe we need to have that dialogue on a regional basis.

Ms. Agarwal said in summary of this presentation, I just wanted to bring attention again to Charlotte grew by 35% in the last decade and almost half of Charlotte's population growth occurred is outside of I-485 which is only 30% of the land area. We talked about the growth occurred southwest, south, north and northeast in Charlotte and the northern towns experienced population gains. Hispanic population almost doubled since the last decade and we saw more changes in other demographic categories also. Median household income for Charlotte increased by 12% and housing residential vacancy rates increased from 6.5% to 9.4%. I want to go back to the educational attainment slide. Obviously we are getting more educated. This map shows educational attainment for Bachelors' degree or higher. In 2000 the percent of people that had Bachelors' degrees of higher was 36.4% for Charlotte and that increased to 39.1% in 2010. You can see the areas where those increases happened in southwest, northeast and northern town.

Mayor Foxx said is that a picture of the current overall population or is that the new one?

Ms. Agarwal said no, this is the overall population 25 years and older population.

Mr. Barnes said do we have that comparison data, how does this compare to the North Carolina triangle, Boncombe County, Guilford County, and I don't mean to sound like a snob, but I think it is a good thing for people to have education and we have some phenomenal higher education ad vets, UNC-Charlotte, JC Smith, Queens, CPCC etc. and I think we are all hoping to find ways to help maximize those assets to make that even more of a dark blue/purple so it would be helpful for me to know if within the state how we are matching up. Having lived in the triangle there is a certain difference and feel to the community there in part because of all the colleges and universities and the population seems to function a little differently.

Mr. Walton said one slide we didn't use at the Retreat was relative to Masters' degrees and there is almost a perfect correlation between property values and Masters' degrees. There is south Charlotte, Weddington, Belmont, Mooresville, Davidson and Harrisburg so the circles of the highest values of homes follows the master's degrees.

Mr. Barnes said again not to be a snob, but I think education is a good thing. Do you have that slide?

Mr. Walton said not on me, but we can get that for you.

Mr. Howard said just to be fair if we are going to compare apples to apples, I would also like to know what the average is in most cities when it comes to advanced degrees as well across the country. Whether we are at what the median is or if we are below it on average across the country. When you compare the places where they have more educational offerings, which is what you get in the triangle, that seems to be not apples to apples also. We need more educational offerings in this community and that is something I've think we've said to the Chamber and some folks a couple times. I think that is what going and getting Johnson and Wales and supporting Northeastern and some of the other guys wanting to be here.

Councilmember Fallon said does the triangle have more businesses that require advanced degrees than we do?

Mr. Barnes said I would say maybe, but I'm not sure.

Mr. Howard said I just wanted to thank the staff. We asked for this presentation at the Transportation and Planning Committee and thought it would be a great presentation for the full
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Council because it does say a lot about who we are and what we've become over the last two years to give us some idea as to what we should be planning for as well. It took us a couple of months to get it, but once we got it we knew it was information we needed to share.

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ITEM NO. 4: MULTI-FAMILY SUPPLEMENTAL COLLECTION LITIGATION UPDATE

City Manager, Curt Walton said we continue to work our way through the legal process and wanted to give you an update on that and the process by which we would move forward.

Thomas Powers, III City Attorney's Office said I wanted to give you a brief update on what is going on with the litigation. Just to quickly recap, the City has implemented a multifamily supplemental program back in the fiscal year of 2006. We do not offer supplemental, we actually pay for the disposal costs for anyone who happens to request a second pick-up through our contractor Republic. In May of 2011 we were actually sued by the Leary Group who happens to be a solid waste provider as well as one of the apartment complexes that was receiving supplemental service. We received a Judge's decision late last year and they indicated that the feds program was unlawful under the North Carolina General Statutes. Through some additional legal procedures we tried to litigate that here at the local level and then we appealed that to the North Carolina Court of Appeals. Through work that the City Attorney's Office did, and I must indicate that Mr. Shah-Khan was working on this litigation we were able to obtain a stay through the actual review by the North Carolina Court appeals of this case. Because the North Carolina Court of Appeals has decided to leave the status quo in effect this allows Council to have the opportunity to review the entire multifamily supplemental waste program as well as supplemental service in its entirety through the budgetary process.

Councilmember Barnes said one of the questions I asked at our last briefing on this was whether we could get out of the business entirely. I recall that under Judge Constangy order we had to essentially keep doing something that we weren't required to do. With the Court of Appeals granting a stay can we choose now prior to the budget process getting started on Wednesday, begin to get out of that supplemental pick-up business?

Mr. Powers said yes, at this time because the Court of Appeals has issue the stay, the Council has wide latitude to make a policy decision as to what it feels is the most appropriate approach regarding multifamily collection. If it decides to go that route it could.

Mr. Barnes said the reason I ask the question is if Judge Constangy was saying treat everybody the same, treat everybody fairly, I'm trying to figure out what course of action we could take that would result in everyone being treated fairly. I gave a personal example and the same would apply to most of you all that the garbage guy comes by on Monday and that is it until the next Monday. There are five people in my house and some people live in large apartment complexes and I understand that, but I'm trying to figure out how to both limit our exposure to increasing costs and treat all of our users generally the same. What sort of feedback can you give us on that?

Mr. Powers said in regards to the policy question that you are asking I would defer to the City Manager. The only thing that court order does is give you the opportunity to explore these options.

Mr. Walton said in the past the discussion points have been first do you consider it a business or a residence. If it is a business we don't collect business so we would get out of the business altogether. If it is a residence then you have to decide which level of frequency is appropriate. It is really a philosophical decision on your part then whether to provide one time just as we do the single family residential or if there is something that merits a pick-up more than once and if so who pays for that. I think you have the wide range. In the fairly distant past staff has recommended during the budget process that it is a business and that we would get out of that, but the Council has chosen to stay with it being a residential so you have complete latitude between do nothing, do once, do more and under what circumstances.

Mr. Barnes said could I ask that we get a report from you all that would contain options one, two, three, whatever they may be and I thought about the example that Councilmember Dulin gave of putting his recycling container out every other week. We put ours out every two weeks on schedule, twice a month and our garbage can goes out every Monday, but it is generally half full, but our recycling bin typically is at capacity or beyond. We as a family consciously choose to recycle more than we throw away and it would be helpful to find a way to educate our citizens about turning the garbage into recycling and proper disposal. In terms of the budget impact for us and the decisions we've got to make in the next few months, I would like to see again the options A through whatever so we can say here is how we can save money, here is how we can keep being fair to people, here is how we can continue to serve people.

Mr. Walton said we will be glad to do that.

Councilmember Mayfield said was there a conversation that preceded all of this that brought us to the table for us to even offer that system. My understanding was there was a reason that the City became involved in offering this supplemental so is there a brief way of having that discussion of why we even started this process?

Mr. Walton said there would have been an agenda item I think in 2005 or 2006, but Council made the decision as well as I recall, in two steps. First you decided to go with multifamily pick-up once a week, just as is with everybody else. Representatives of the industry came forward and said that is just not enough and Council decided to add the supplemental pick-up. It was a Council decision then and it would be now. We can get the 2005, 2006 agenda items that you looked at.

Ms. Mayfield said the concern that I have is we are not comparing apples and apples when we are talking about residential versus multifamily and if it is a multifamily that abuts single family residential community, then let's say hypothetically we stop offering this service and the independent private companies charge a fee that is extremely high and the apartment renters are not able to necessarily come to an agreement and then we have a problem with infestation that goes into their neighborhood. I have communities now where I have large businesses that doesn't pick-up as often as the community would like. The community see rats and a number of other rodents that are coming into their home that is a direct affect of the garbage not being maintained by this business. I will admit that I have a concern that if we say okay let's step out of this we create an opportunity for either a monopoly or a free for all for the private businesses that are out there. I would like to get as much background information as possible before I sign off on a decision on that.

Mr. Walton said what was done before dealt only multifamily apartments and it wouldn't have dealt with small business at all.

Ms. Mayfield said right, but that was just using it as an example that if we stop this service what is the possible impact on the community can be.

Mr. Howard said Thomas and I are actually going to meet with some industry folk this week and I will probably get some of this answered. There is also this thing about how much they feel like they pay and what they get for it, considering that charge hasn't changed over time. One of the scenarios I was interested in is what affect does it have if for some reason we provide no service because it is said to be a commercial enterprise, what does that do that source that we were counting on as well. I'm sure we would have to not do that as well. I would like for that to be one of the options if you do none, then what do they get back as well. I got a feeling I know the answer, that \$27 they pay a year or month or whatever it is, would not even come close to covering that service. I would like to know what the total cost of the service is and also how much we subsidize it as well.

Mayor Foxx said before we go downstairs there is a couple things I wanted to mention with this new format, hopefully it will work well. My observation in our meeting rhythm is that I would strongly urge people to make sure that when you enter into the conversation that you try to be as targeted as possible because it helps us save time. When all of us take another 3 or 4 minutes of meeting it can extend the meeting time so I'm hoping that we can all be efficient with our
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comments. The other thing, with the Council/Manager Relations Committee the intent behind creating that was to consolidate the Retreat Committee and the Restructuring Government Committee, but I don't know that the staff is altogether clear that the second part of that two-part puzzle has happened so whatever things were in the cue for Restructuring Government I understand were rolled over into that, but I wanted to make sure that was copasetic with everybody.

Councilmember Cooksey said the one thing major we had in the cue was the appointment process review to see if we couldn't have a higher level of Council involvement in investigating nominees for Boards and Commissions that have final decision making authority. That is an open issue from last year.

Mayor Foxx said I think we still had the evaluation process.

Mr. Cooksey said that is a never ending one and we've got that coming up in March.

Mayor Foxx said I just wanted to make sure we were all clear on that.

**The meeting was recessed at 6:09 p.m. to move to the
Council Chamber for the Business Meeting**

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BUSINESS MEETING

The Council reconvened in the Meeting Chamber of the Charlotte Mecklenburg Government Center at 6:30 p.m. with Mayor Anthony Foxx presiding. Council members present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, Clarie Fallon, David Howard, Patsy Kinsey, LaWana Mayfield and Beth Pickering.

ABSENT: Councilmember James Mitchell.

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INVOCATION AND PLEDGE

Councilmember Barnes gave the Invocation and Girl Scout Troops Nos. 1498, 2745 and 1405 led the Council in the Pledge of Allegiance to the Flag.

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CITIZENS' FORUM

Homeowners Association Law Changes

Jane Jordan, 9510 Elizabeth Townes Lane said I'm here to speak about a concern at lot of homeowners have in our city and in the State of North Carolina about Homeowner Associations. There are at present around 53% of all homeowners who live in associations which number at around 18,000 in the State of North Carolina alone. There are good association boards, but I'm here to talk the upcoming law changes to help those homeowners who have been wrongfully fined or sued without merit, putting some into foreclosure for only owing as little as \$50 in HOA dues. We should not allow this as a society. My own family was hit with huge fines for simply filing a complaint after I couldn't get a copy of our monthly financials and we shouldn't be sued for that as that is a right. The Board's complaint was that I complained. There are stories of fines for \$7,000 for planting grass seed and flowers in the wrong places and this should not be. It is not reasonable. Instead of ensuing court the North Carolina General Assembly is acting now to hold meetings throughout the state and those meetings are to hear complaints of the homeowners to give a summary of the most cited wrong so that we form the new law changes. I'm here to make you aware of these law changes and to ask you to be a part of them. I have something to give you and the next meeting which will be on March 2nd, in the eastern district

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will be held in the Havelock Tourist Center from 4:00 to 7:00. There will be a meeting that Representative Jordan and I spoke about today that will be held most likely in the Hickory or Charlotte area and we are considering the Government Center to hold that meeting and would ask for your consideration. You can go to www.ncleg.net, click on committees then homeowners association committee, then meeting notices and sign up to receive such future notices for these hearings. I am simply making you aware tonight for all who want to be a part of these needed changes so that Charlotte can produce a quality life for all who presently live here, unencumbered and free to serve and those who may move here for us to be a beacon of hope for future generations.

Funding for Grier Heights Community Steppers, Inc.

Earlene Brown, 405 Skyland Avenue said on behalf of the Grier Heights Community Steppers, Inc. we come asking if you can help us with funding or how to find funding. We've been together now almost 19 years and a few of them are with us tonight. We have almost 75 young ladies and men working with us and what is so special about it they don't have to be perfect as long as they do the projects they need to do.

Angela Tyson Daughtry said I am a parent of one of the Steppers and I grew up in the Grier Heights Community and I feel that the Steppers Group is really good for the kids. It teaches them leadership and courage and they really enjoy it. My daughter is 16 and has been a Stepper since the age of 4.

Ms. Brown said we are not getting recognized and we do go out and try to do what we need to do for other organizations, but we want to do our own organization. We don't mind going out and will keep going out as long as somebody needs us we will go, but we want to try to get funding for the children for their uniforms, drums, and we had a summer camp this summer and our funding did not add up, but the children came anyway. When the door was open there was so many children we had a waiting list. We just don't have the funding we need to provide for these children. We are trying to stimulate their hearts and let them know that someone does love them and once they learn that there is nothing else to do but go out and to what you've got to do. Be proud of what children do and these are some very respectable children and they are well mannered. Several people have seen the children and spoke with them.

Mayor Foxx said I've seen the Steppers in many of the parades we have around the City and they do a great job. I don't know if there is someone from Neighborhood and Business Services who can speak with you following this, but I think that would be very useful.

City Manager, Curt Walton said we will follow-up.

Traffic Calming

Steve Glasgow, 3931 Melchor Avenue said there are some serious concerns about traffic calming devices that may not only violate City policy, they may be costing lives. How do neighborhoods get speed humps and multi-way stops? One request from one resident starts the process and City resources are allocated. If basic criteria for number of vehicles and speed are met a petition is issued that only a select few can sign. Public streets are for public use, but when it comes to devices, one person with his own special interest group trumps the public at large. In my neighborhood of over 200 homes only 26 were eligible to sign a recent petition that 16 decided. Of those 15 either personally benefited from the sign because all the rest of the traffic now had to stop for them where they live on the side of the sign where they never go. The other 90% of the neighborhood or the public at large is ignored. C-DOT criteria and national standards were also ignored. Abundant resource shows that traffic calming devices don't work and often cause other problems are never considered. Now we have a multi-way stop and no-one stops for. Vehicles slow but speed on either side. Humps are no better, everyone speeds between them. There is an appeal process but the appellant doesn't have a chance. The hearing officer is a C-DOT Director and all challenges concerning criteria or other common sense objections are conveniently outlawed. Only two issues can be considered. Were the signatures valid and were some of the vehicles speeding. Really, is there a street in Charlotte where someone is not speeding? Clearly a fair and independent process is not provided. Twenty-five

years ago this body approved the use of traffic calming devices for special cases then over the years the process was created and tweaked by C-DOT without further Council direction. Today devices are far too easy to get and impossible for the public at large to object. In the past five years alone 240 multi-way stops were born. Currently the pesky humps number 1,700 with no end in sight. They clutter our streets with unnecessary obstacles that frustrate drivers, waste time, waste fuel, increase maintenance and increase pollution. More importantly they don't work and increase emergency response time. Recently I read a series of compelling articles titled Six Minutes to Live or Die. They show how increasing response times are already costing lives. How many lives could be saved if that fire truck or that emergency vehicle had only gotten there a few minutes sooner? How long can these facts be overlooked? What are the costs to the public. Nothing will be done without Council direction. Mr. Mayor I recommend traffic calming be referred to the Transportation Committee for complete review with a goal of evaluating and updating procedures to make them safe, productive and fair for all. Clearly these issues need to be addressed and if citizen input is possible I volunteer.

Mayor Foxx said the silence doesn't mean that people aren't listening.

Councilmember Howard said this is not something that we did not anticipate. We've heard and have gotten e-mails and I've talked to some of the staff. Are there any recommendations or ideas from staff right now about this? I would like to know what we tweaked. We did tweak some things and I want to bring out what we did do because of his concerns and then maybe where we go from here.

City Manager, Curt Walton said we are following the policy that Council set 4 or 5 years ago following the Transportation Action Plan and some of the criteria were changed and the petition process was changed a bit, but the Transportation Committee at that time spent a good number of months going over those changes. Staff is comfortable with the policy as it is. If you want to revisit it the Transportation Committee would again be the appropriate place, but we know of no issue that would merit that, but we certainly have no objection and will be glad to help with that if that is the direction.

Mr. Howard said I just wanted to point out that some changes were made and we have tweaked it some after hearing from the citizens.

Report from Inter-City Wellness Center

Betty Marlin, 508 Beatties Ford Road said I would like to invite you to Wellness Walk March 24th. It is our third annual and we check out the best home and the best business in Beatties Ford and it has raised awareness.

I just want to give my yearly report on the inter-city nursing ministry for the un-served and underserved on Beatties Ford Road. We've been there 25 years, we have finished the mural on the wall. The historic site is finished so there are 24 on the wall and we would love for you to come by and see that. We wanted to keep the theme of the good Samaritan Hospital so that is in the middle of the mural. It was the first black premier hospital in the United States. Most people don't know Queen Charlotte was black. This is the summary of the mural and now we need to go forth with a good Samaritan Idea as we passed out food, clothing, had community health fairs. I served on the Domestic Violence Advisory Board, we fed the homeless for two years, about 100 per week-end. Now we have a real need to upgrade the facility. There is such a passion in my heart for diabetics and heart patients who aren't receiving wellness care, who aren't receiving a lot of care. We need examining rooms, immunization area, research area and there will be an area for domestic violence evaluations. I have a real passion for people being asked the same question when they are sexually assaulted four or five times. It should be one time and we get that information to the Magistrate. This is what the kitchen will look like with the clothes and stuff we gave out and this is what it can look like. This is admission area and private space. These are the old examining areas on the top and what we envision will be the new examining area. If you have a passion to help the un-served/underserved and make our city the most healthy in North Carolina please come join us at 508 Beatties Ford Road.

Mayor Foxx said thank you for your presentation and we appreciate you coming by every year.

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Amazing Love – Father/Daughter Rite of Passage Ceremony

Colin Pinkney 2128 Remount Road said I've had the honor of serving as the Executive Director of the Urban Restoration for the past seven years. We are a faith based non-profit located in the inner City of Charlotte and have served over 40,000 Charlotte residents since 1993 with a variety of programs from after school summer camp, parent education, foster parent recruiting and training and various other outreach benevolent needs in the community. After all of our work I'm convinced now more than ever that many of the problems that plague our community can be traced to a very common source and that is the issue of fatherlessness. I stand before you to affirm that Charlotte must become a city that upholds and celebrates the value of fathers and father figures all across our city. My recent work with the Men Who Care Global Movement, which was successful in harnessing the power of hundreds of men to get on the streets and come together to solve a common problem has made it clear that we can call men to action, but more specifically when we call men to their fatherhood action we can solve some very unique challenges in our community. We've focused a lot on young men, but what has become abundantly clear is our young girls, our daughters are in trouble. We find that our daughters are facing an increasing pressure to lower their standards for living as their own personal self images continues to be exploited in every sector of our society. I am proud to announce that after much planning and research that we will host this year the first citywide initiative to celebrate the value of fathers and their unique relationship with their daughters. It is called the Amazing Love Father/Daughter Rights of Passage Ceremony. We know from research that our daughters will do better in school and will be twice as likely to graduate high school when dad is around. We know that our daughters will be a lot less likely to become unwed teenage mothers perpetuating the cycle of poverty in our community when dad is at home. We know also that our daughters will have a stronger self image and make better life choices when dad is around. I want to inform this council that it is our intention this year to launch an annual event that will celebrate this unique relationship. At this time I would like to have our Co-Chair share with you some of the purposes of the Amazing Love Ceremony, Mr. Joe Coleman.

Joe Coleman, 3772 Sedgewick Drive, Concord, NC said as a recent transport to the Charlotte area from Detroit, Michigan I am very excited about the partnership and unique opportunity particularly with the Amazing Love event. Just today a report came out about an 11-year old girl killed in California who had a fight with another girl over a boy. I wonder if dad was around. If I were to ask the members of this congregation today how many know someone who is a teen mother, how many hands to you think would be raised. If I were to ask how many know a young lady whose father is not in their life, how many hands will be raised. This is why the Amazing Love event is so important. The purpose of the Amazing Love event as you can see from the slides, is first and foremost to teach father and father figures effective relation skills who affirm their daughters. This event is not only for fathers but also father figures, uncles, brothers, grandfathers, cousins, any positive make role model who has an effect on a young lady's life. Also to encourage young ladies to harness the power of self-worth and self-esteem as only a father can. To provide a ceremony in which fathers can once again present their daughters to society while demonstrating their undeniable love and support. Most importantly it is time for us to rebuild healthy families and decrease the teen pregnancy and also to help the single family households. There is a new report out now that for the first time in our history there are more single family households in the country than there are married family households. That is a challenge and somewhere along the line there is a disconnect and we believe it is the father so we want to reaffirm and reassess the role of the father by the Amazing Love event and we hope to have this Council's support.

Councilmember Dulin said I just want to take a personal moment to thank you for the work you are doing and Mr. Coleman welcome to town. Glad to have you.

Councilmember Howard said I wanted to recognize Mr. Pinkney's work with Men Who Care Global. He was one of the key organizers and helped get that effort going and I wanted to recognize him publically for helping with that effort.

Councilmember Cannon said the date of the event that is forthcoming is going to be when?

Mr. Coleman said that is Saturday, June 16th and will be held at the NASCAR Hall of Fame Grand Ballroom.

Mr. Cannon said I would echo Mr. Dulin's comments and thank you for what you are doing. I certainly look forward to being a part of it and thinking about what you were saying reminded me of this past week-end. My daughter actually had me on the track with her and I caught myself running a 100 meters a couple of times and by body reminded me today that I'm almost 50, but I had a grand time doing it because there is nothing like any of us with children being there for them anytime they ask or anytime we make the initiative to be a part of their lives. Thank you for what you are doing and for reminding this community how important it is to make sure that we are fathers to our daughters.

Corporate Person-hood Citizen's United

Deanna Bridgewood, 424 West Worthington Avenue said I am the President of the People's Coalition of the Carolinas, a 501C4 non-profit organization. I am here today to ask you to take a stand and say that our government is not for sale and join with other city councils throughout the country in passing a citywide resolution abolishing corporate person-hood. Specifically amending the constitution and striking down the citizen's united decision of 2010. The Citizen's United ruling allow corporations and unions to advocate for or against candidates at any time. This allows corporations to funnel unlimited amounts of money into political campaigns, thereby corrupting the political process. This recent decision by the Supreme Court was not the first step on this slippery slope. It began as far back as 1943 after Congress ban political giving by unions and the first pack was born, skirting restrictions by collecting campaign money outside of regular dues. In 1976 the Buckley versus ... decision struck down some restrictions that were put in place by the newly founded FEC. This decision guaranteed election spending as constitutionally protected speech subverting the political process further. Then 15 years later in 1991 we had the S & L scandal where five Senators were found to have advocated on behalf of a failing savings and loan after they received a combined \$1.3 million in campaign money. I could go on, but you get the idea. Now in 2012 since the Citizen's United decision eroded our democracy even further we see a proliferation of super packs. We see big finance and corporate power houses invest in politicians who enable them play risky games with other people's money, skirt labor and environmental laws and by-pass the real political process where a just government derives its power from the consent of the governed. State, City and township governments have passed measures in 23 states demanding that Congress pass a constitutional amendment to roll back the political speech and legal privileges of corporations. More than one million people have signed on-line petitions regarding this issue, but Americans are not being heard by our federal government so we are taking it to the cities and states that we live in. Other cities like Los Angeles and New York and even Ashville, Chapel Hill and Carrboro here in North Carolina have passed similar resolutions. This is something concrete that you can do to prove to the citizens of Charlotte that you are listening to us. The People's Coalition of the Carolinas is gathering signatures on line and in person to show you that this is what American citizens want.

Missing People

Joseph Lee, 1240 Lucky Penny Street, said in America and Russia they have the same laws. They have a murder law and a rape law. They have all kinds of corruption, bribery and lying up in Russia and they can still uphold their law. Their law for murder is punished by 8 to 20 years or life. They also have killing a pregnant woman, rape and sexual assault. A country like Russia can uphold the law that is universal with all kinds of corruption and bribery and I go to the Police in America and tell them my problem and they just ignore it. They run it like a communist America. If Russia can have a law we could have a law here. I also have a problem and I've got a paper here that is notarized and they have people that go out and get papers and it is real important stuff but they are messing up people's lives. They are going in churches and signing papers, they go in other places and get papers that is fraud and they can write anything they want on it about people and they are ruining their lives. I've been in the military and I have a DT214 and they have people out there with a DT214 and say they were in the military. They go out and

get the pension for the military and that is fraud. That is breaking the United States of America. When I was discharged I can't even get a 20-year pension so what I'm saying is if the police would just listen to everybody. Everybody might have problems and if they ignore everything there is more crime going on. If they could just uphold the law and listen to everybody because where I live they have all kind of crime going on.

Cars with Loud Mufflers

Ray Shank, 2924 Sheets Circle said I'm a homeowner and the problem I'm here to discuss is landlords that are allowed to move into good neighborhoods and buy houses that are vacant and move just anybody in the house. My problem started 6 years ago. I have a landlord that moved in a young man that has his little sports cars with the loud pipes on them. I said something to him and since then he is running a shop in the yard and that is all he works on is those kinds of cars. His friends come over and they get together, form a line in the street and take off one after the other, all the can do. I called the police, they come out and nothing is done. This has been going on for 6 years and I got over 100 calls to 911 for this same problem. It would look like to me that it would be reasonable that after so many calls a fine needs to be levied against either against the people that live there or the landlord. I'm quite sure that if this \$100 fine would be levied that would cure the problem. I have a copy of the noise ordinance 15-67-motor vehicles that says it shall be unlawful to operate or allow the operation of any motor vehicle in the City which has had its muffler, exhaust and/or other noise control equipment removed, altered or maintained in such a despair as to create unreasonably loud and disturbing noise by engaging in jack rabbit starts, spinning tires, racing engines and other operations which create unreasonably loud and disturbing noise. I've been tortured by this for 6 years. The policy say they can't do anything because they can't catch them. Code enforcement has been out there 3 or 4 times and they say there is nothing they can do unless they catch them in the act. I think this ordinance needs to be tweaked to stipulate after so many calls, honest hard working people don't have any recourse except to call the police or code enforcement. What are we to do? There are people all over this town suffering from the same thing I am. They go to work, work hard all day, they come home to relax or get on line or whatever and somebody is revving pipes and going on up and down the street or sitting in the yard working on a car. It don't make any sense.

Mayor Foxx said Mr. Manager can we get a report on this situation perhaps?

City Manager, Curt Walton said yes sir, we will be happy to.

Towing Ordinance

Tim Harden, 426 Foster Avenue said I'm the owner of United Towing and I provide towing for different people throughout the city, different companies, etc. My concern tonight is and I'm bringing it to the City Council because my company has been blasted over the news, through the media, through the police and they keep coming back to my company causing problems with the service that I'm providing. We do tow-aways for cars that are parked illegally whether we boot it or tow it, we follow the instructions. City Council came out last April with a new ordinance and prior to that ordinance I was following the other ordinance. When the new ordinance came into effect I followed that ordinance but no matter how hard I try to follow the rules set before me people are disturbed because their car has been towed or booted or whatever. I'm getting a lot of false allegations against me saying that I'm doing stuff that I'm not and they are taking them across the street to the Police Department, filing charges and the last 90 days I've been arrested twice and had three different charges against me. People will say their car got booted or towed and they will make up lies and I have been told no matter how many times a person comes in and files a complaint against me I would be arrested each time. I've been in Charlotte all my life and I started a small business and all I'm trying to do is just do my job, and I don't know what to do at this time. I called the Police not long ago because I was being threatened by a man with a crow bar, I called the police because he kicked the side of my truck with damages, I call the police and I get arrested. The man didn't have a license and you all said we have to accept credit cards and I don't have a problem with that. If you have the proper identification I don't have a problem running your credit card, but if you don't have a license, and the man said he didn't have a license right there in front of the officer, I can't accept that credit card because it can be charge back, which I have had those as well. All I'm saying is I'm abiding by the rules

but yet I'm still getting and I don't know what to do at this point. I call the police and it seems like they come to help that person. I want to work with the police, but I want to do my job. I come out here to do a good job, the best job I can do. I run a towing service and if you hire me I'm going to give you the best I can give you, but right now I stand before the City Council because I'm lost and I don't know what to do at this time. If anybody will take the time to sit down and talk with me, if we need to go back and tweak the ordinance, I've been abiding by what you say.

Mayor Foxx said I appreciate you coming in and perhaps we can set up a meeting like you suggested with the police department.

City Manager, Curt Walton said we will be glad to.

Councilmember Cannon said I would like to be a part of those meetings if possible when they take place with Mr. Harden.

Councilmember Barnes said I also want to get a report on the arrest that Mr. Harden talked about.

Mr. Walton said yes sir, that will be part of the report.

Mr. Cannon said that would serve better for me as well. I'll let staff go through its process with him individually and we will go from there.

Payment on Bus Maintenance Facility

Kurt Pugh, 18414 Train Station Drive, Cornelius said I'm with KP Site Development. We did a project over on North Davidson and Twelfth Street called the BOD Bus Maintenance Facility project. We started the project basic renovation of the existing grounds over there on January of 2011 and we finished the project October of 2011. Most of the work that was done over there was sidewalk renovation, a little bit of grading and landscaping and site utility improvements. During the process of all that a lot of work that was performed over there was work that was added on to our contract because they couldn't get anybody else to perform the work. Most of the work we did was change order work and we had the stuff approved before hand. We are currently waiting to get paid and it has been over six months now and we can't get paid for the work we did in July, August, September and October. We've been in contact with some of the people that we've been working for and I spoke to then on November 18th by e-mail and got a response about why we are not getting paid in a timely manner. In that response they related to us that they were having a meeting with the city about the extra work that we were directed to do. In that process we weren't able to hear anything and hadn't heard anything for three months. The first thing we heard about of non-payment was basically in the middle of January. The work has been totally accepted, the quality is fantastic and has been accepted by the architect and the owner's rep and out general contractor. They have actually moved into the building and everything has been totally signed off on as far as the work that has been done. We were told back in July that change order work was going to take extra time which in our industry that is quite common, especially in public work. Our process of receiving payment typically was taking two months to get our money on contract work which is fine. I proceeded to ask the individual I was working for how much longer it was going to take to get paid for extra work and he really couldn't answer the question, but when I said are we looking at 30 to 60 more days he basically said yes, within that period of time we could get paid. We haven't been paid for invoices in July and August and here we are almost in March and we still have been compensated for that work. It is frustrating and usually when you don't get paid there is reasons for it, either you don't get the work accepted or it is not good quality or it is unacceptable.

Victor Haugen, 6415 Meadow Lane, Salisbury, said I'm with Mr. Pugh and I'm a sub-contractor who helped him do some work at the CATS' facility and Kurt and I work together on many projects over the years here in Charlotte. We understand there has been hard times and people are a little slow paying but from the time from July until now, not being paid for this work and expecting us to fund their work is a little ridiculous. We understand it takes time, but this is way too long. I had to tell Kurt that he needed to do something about this very quickly otherwise I'm going to have to get my attorney to meet with him and sue him and that wasn't
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what I wanted to do. I sent an e-mail to Kurt and I'll read the e-mail so you will know what is going on. "This e-mail is to inform you that we can wait no longer on the payment for the trucking and hauling of materials on the CATS job on North Davidson Street, Charlotte, North Carolina that took place in July of 2011. We have made every effort to be patient with you on this matter since you claim that you have not been compensated for this work, however if we are not paid for this work by January 31, 2012 there is no other recourse than to first notify the Charlotte City Council by attending the next meeting and bringing this matter to their attention. The fact that I or the City of Charlotte ... who was the general contractor or KP Site which is Kurt are operating in an unprofessional and unethical manner in the way they are doing business and not compensating the contractors used on the project in a timely manner. If after this we are unsuccessful in being paid we will have no other means of resolving this than by having our attorney contact all who are involved in this matter and resolving it by whatever means necessary if what you are telling us about not being paid is correct. We will expect to see you at this meeting as well as state your facts. We regret that it has come to this and hope it can be resolved before we take any further action." We have been in contact finally by David McDonald and we are going to meet next Thursday and try to rectify this. We felt this needed to be brought to your attention because Charlotte being the City it is, the fact that this was stimulus project which has not been very stimulating to us. You are going to have the Democratic National Convention coming and it is not going to look too good if I come here and say we've had this work done and we did it in a professional manner, and satisfactory and we are not getting paid.

City Manager, Curt Walton said this is an issue between the prime contractor and the subs and we are trying to mediate through that and there is a meeting on Thursday.

Councilmember Barnes said just to be clear, speaking as the Chair of the Budget Committee, what these gentlemen just described does not mean that the City of Charlotte is broke. That was a federal grant that was paying for that work and as the Manager just indicted there is a dispute between the prime contractor and the subs and hopefully it will be resolved shortly, but for the citizens of the City, please don't take that to suggest that we are having financial difficulties.

Mayor Foxx said so the general contractor has been paid, it just the question of whether it gets down to the subs?

Mr. Walton said yes.

Mayor Foxx said we will track this issue and thanks for bringing it to our attention.

Security

Fred Mauney, 131 Newton Moore Road, Peachland, NC said I am in the computer with the CIA, NASA Security Agency, FBI, Justice Department and anything else you want to talk about, some good, some bad, but I'm what is known as a proven force. I am here today showing you where I personally stopped the assassination of president years ago and I've been involved in what is known as a possible attempt to the assassination on a presidential contender. As I was doing this I was doing a banner some years ago and I was in front of this Council some years ago which I wasn't allowed to put up, which violated my first amendment rights. I came before City Council to have that addressed and didn't hear anything more about it. I came in with the announcement of the President coming here and I finally got down here and filed a lawsuit. Come to find out that due process of law in the 26th District of Mecklenburg County is a pathetic joke. I sued both cases, one in State Court and one in Federal Court and you all were served for the State Court one and the other one and it is up on You Tube video right now and is starting to get some hits. The State case looks like it might be brought back up because it has been 9 months and it is still in Federal Court. The Federal Judge, you have copies of it where he is now deciding on whether it is going to be legitimate for you all to be served, not the ones who were present several years ago, but the last lawsuit. This could also lead into that the President might be coming here to be in indicted for what happened last August 30th. It could also lead into he might be impeached on account of that. From talking to people there might be enough Democrats that would leave this County and go down to Myrtle Beach for a little vacation and not be here to let him be nominated as they did up in Michigan and Wisconsin. I'm just letting you know that this is a serious situation and is involving quite a few you all and you all may

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wind up going to the designer and getting you some orange jumpsuits and go to USA Guantanamo Bay because there are a lot questions going on here. I kept asking myself why isn't somebody getting up with me to get this straightened out, especially with my credentials in the area. The one question I keep asking myself, am I stumbling on planned attempt assassination of the President when he comes here. As I ask that question over and over and over the one slipper that keeps fitting the foot is yes it could be.

Mayor Foxx said I certainly hope none of what you just described happens.

Supreme Court Ruling on Citizens United vs. Federal Elections Commission

Dylan Lehr, 611 Bundy Circle said I have lived in Charlotte for the past 13 years, lived in District 6 which is led by Councilmember Dulin and the liberty of democracy is not safe. If the people tolerate the growth of a private power to the point where it become stronger than the democratic state itself, that in essence is fascism. Part of the Peoples Coalition of the Carolinas implore you to strike down the resolution of Citizens United. This will allow the disenfranchisement of people and the next generation that will come after me, etc. We are in a corporatism type of state that will not allow the people to have a voice and if the people lose their voice, then we are going to lose the basic founding principles of what this country is founded on. Our ancestors before did not stand up and say we are tired of terroric rule, then there is no point in even continuing. It will instill legislation to be passed that will not allow for the greater majority of the whole, but for the minority.

Healthcare Situation

Betty Allen, 9509 Green apple Drive said I've been coming down here to speak with you all and the County Commissioners and this is concerning a medical injury that took place at University Hospital and at Carolina Medical-Main. I have been down to the Clerk of Court and I was told that they didn't care whether Bush or Obama sent me down there to pick up this legal document that was signed by Judge Johnson. This gave me permission or the right to take this case to court even through it has been a big campaign to keep me from going to court. None of the injuries or negligence has been shown in the court, even though the Dr. had signed that he caused the injury. This injury looks like a lynching to me and I will show it to you. First I will say that I found this on the internet and it is concerning the doctors in the hospitals. It says to prosecute a medical professional for criminal neglect it must be shown that the accused did do something that the accused doctor or hospital did something or failed to do something which in the given facts and circumstances no medical professional in his ordinary senses would have done or failed to do. I will show you the injury of the throat and I don't want to be cause we have children here, but I will show it to you because I've been going through too many operations, at least five operations, to try to correct the inside of the body. It is internal and you cannot see it because it is internal and they told me, the doctors down at Carolina Medical, that I had no internal injuries. This is the internal injury of the neck. This is torn out and looks like a lynching to me. I didn't know this until about a year later when I happened to be in Raleigh visiting.

Mayor Foxx said because this is sort of a human services healthcare kind of thing, the City typically doesn't have a staff person to deal with that, but we can try to point you in the right direction. Mr. Manager, maybe there is somebody that can help her connect to the right agency.

City Manager, Curt Walton, said we can try, but it sounds like it is between the hospital and the courts.

Ms. Allen said I tried that and they tried to keep me from going to court.

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AWARDS AND RECOGNITIONS

ITEM NO. 5: GIRL SCOUTS 100TH ANNIVERSARY PROCLAMATION

Mayor Foxx said we recognize the 100th Anniversary of the Girl Scouts and I would like to acknowledge several members of our audience who are here to celebrate that moment with us. We have Sally Bailey who is the Chief Executive Officer of the Girls Scouts of the Hornets' Nest Council. We have Troops 1498, 2745 and 1405 which led us in the Pledge of Allegiance, and did a wonderful job. Councilmember Fallon will read the Proclamation recognizing this 100% Anniversary.

Councilmember Fallon read the 100th Anniversary Proclamation.

Sally Bailey, CEO of Girls Scouts Hornets Nets Council said we serve over 16,000 girls with 6,000 adult volunteers in 8 counties, including Mecklenburg County. On March 12, 2012 we will be celebrating our 100% birthday. One of the things that we are most proud of is that throughout a 100 year history girl scouts have consistently offered girls a leadership development experience. What has changed over time are the topics that make girls relevant in tomorrow's future and to become global leaders. Today we do that through four program focus areas. The first is preparing girls in science, technology, engineering and math and locally we've been recognized nationally with IT programs and our Girls are It Technology Bust and Forensics Labs. The next thing we focus on is healthy living and we come to it from different angles. We want to help girls get moving, eat healthy and work on their self esteem. We also have a community outreach program and we focus on making sure that our girl membership, our staff and our Board of Directors all reflect the population that we live in. Finally, environmental leadership is very important to girls today. We are doing this thought our new 725 acre environmental outdoor classroom that we just purchased in Iredell County. Thank you for allowing us to be here and for celebrating out 100th anniversary with us.

Mayor Foxx said it is a pleasure having our Girl Scouts with us and Happy 100th Anniversary, and I am going to, at some point, find some cookies. Mayor Foxx said I also want to acknowledge the Boy Scouts who are with us tonight. I see one of our School Board Members, Tim Morgan here with a troop of Boy Scouts. I guess you are just observing trying to help with some of the badges or something.

Tim Morgan, said yes Citizenship and Community Merit Badge.

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ITEM NO. 6: CHARLOTTE GOES TO COLLEGE WEEK PROCLAMATION

Mayor Foxx said the second recognition is Charlotte Goes to College Week Proclamation and I would like to acknowledge Kim Stogsdill and Catherine Crouse, Charlotte Latin School, Phyllis Gill, Providence Day, Betsy McGraw, East Mecklenburg, Kim Preacher, South Mecklenburg Kelvin Rattley, West Mecklenburg, and Susan Ross, East Mecklenburg, who are counselors in schools across our area. Beth Pickering is going to read the Proclamation and you may have a few words you want to share.

Councilmember Beth Pickering read the Charlotte Goes to College Week Proclamation.

Unidentified speaker said thank you for recognizing this important week in our efforts to expand college access efforts here in Charlotte. By recognizing the week March 4, 2012 as Charlotte Goes to College Week, you acknowledge a valuable opportunity to engage our community in college awareness activities that help students develop aspirations for post secondary education and prepare them for the college application and financial aid processes. We appreciate your support and hope that our efforts will be well received by our community.

Mayor Foxx said thank you very much and thanks for the work you all and your colleagues do every day to help our kids move along in the process.

Councilmember Dulin said I was at the Convention Center yesterday with my sons and there was a college convention going on, and a motorcycle rally, which I was there for, and the place was packed with college kids from all over the place and they all had on their particular college shirts

and it was great seeing all those kids from other places in Charlotte enjoying themselves at the Convention Center.

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CONSENT AGENDA

[Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve the Content Agenda as presented with the exception of Item]
[Nos. 29, 32, 33, 34, 44-I, 44-K. Item Nos. 27 and 44-T have been pulled by staff and are no]
[longer on the agenda for consideration.]

The following items were approved:

20. Award the low bid unit price contract to Martin Marietta Materials for the purchase of crushed stone in the estimated annual amount of \$2,000,000 for the term of one year, and authorize the City Manager to extend the contract for four additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.

Summary of Bids

Martin Marietta Materials	\$1,229,697.00
Vulcan Construction Materials	\$1,312,450.00

21. Resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus, and authorize said items for sale by public auction on April 14, 2012 and April 21, 2012.

The resolution is recorded in full in Resolution Book 43, at Page 534-540.

22. Award the low bid of \$1,062,656.22 by Buckeye Construction, Inc. for the construction of approximately 1620 linear feet of 36-inch water main along NC Highway 51 from Sardis Road to Fullwood Lane.

Summary of Bids

Buckeye Construction	\$1,062,656.22
BRS, Inc.	\$1,143,036.68
R. H. Price, Inc.	\$1,164,087.26
Dellinger, Inc.	\$1,179,141.70
State Utility Contractors, Inc.	\$1,209,586.40
Sealand Contractors Corp.	\$1,355,059.78
Monroe Roadways Contractors, Inc.	\$1,386,681.34
Sanders Utility Construction Co., Inc.	\$2,097,126.35

23. Low bid of \$358,719.90 by R. H. Price, Inc. for the FY2012 Sanitary Sewer Replacement Project.

Summary of Bids

R. H. Price, Inc.	\$ 358,719.90
Monroe Roadways Contractors	\$ 391,070.35
R. F. Shinn	\$ 391,867.35
Sanders utility Construction Co.	\$ 419,560.22
Propst Construction Co.	\$ 426,601.35
Dellinger, Inc.	\$ 442,851.15
State Utility Contractors	\$ 521,163.72
B.R.S., Inc.	\$ 561,087.19

24. Professional Services Agreement for \$1,694,400 with Camp Dresser & McKee for final design of Briar Creek Relief Sewer Phase III.

25. Contract with the Design-Build Team of Crowder Construction and HDR in the amount of \$1,363,000 for design services associated with the McAlpine Creek Wastewater Management Facility Effluent Filter Expansion Project.

26. (A) Approve the purchase of centrifuge equipment as authorized by the sole source purchasing exception of G.S. 143-129 (e) (6) and (B) approve a sole sourced contract for \$191,980.80 with Decanter Machine, Inc. for modifications to the four centrifuges at the McAlpine Creek Wastewater Management Facility.
27. Payment to Duke Energy in the amount of \$441,016,68 for the installation of 67 pedestrian-scale lights on West Morehead Street for Bryant Park Area Plan Improvements.
28. Contract to the low bidder, United Construction, Inc. in the amount of \$632,971.35 for Grove Park Neighborhood Improvement Project.

Summary of Bids

United Construction, Inc.	\$ 632,971.35
Carolina Cajun Concrete	\$ 634,802.30
Bullseye Construction, Inc.	\$ 664,780.60
Blythe Development	\$ 674,709.75
Sealand Contractors Corp.	\$ 687,265.98
Red Clay Industries	\$ 692,611.51
Showalter Construction Company	\$ 739,657.05
Ferebee Corporation	\$ 751,415.17
Dellinger, Inc.	\$ 765,673.70

30. Change Order #1 in the amount of \$387,500 with The Bowers Group, LLC for additional video displays throughout the terminal building and business valet deck at the Airport.
31. (A) Purchases of Oracle software from Mythics, Inc. as authorized by the cooperate purchasing exception of G.S. 143-120 (e) (3) and (B) approve payments up to \$132,500 to Mythics, Inc. for the purchase of Police Oracle Software and maintenance fees.
35. (A) Authorize the City Manager to submit applications to compete for funds from the Federal National Infrastructure Investment Grants Program (TIGER Discretionary Grants), with the City of Charlotte as the lead agency, and (B) Resolution of support for the three projects.

The resolution is recorded in full in Resolution Book 43, at Page 541-542.

36. Authorize CDOT and CATS to submit applications to the North Carolina Mobility Fund for the Independence Boulevard Widening and the North Carolina Rail Road Relocation and 36th Street Rail Separation.
37. Purchase of computer-based VIPER Radio Consoles for the North Carolina Highway Patrol Troop H in the amount of \$220,000 as an approved project under the 2007 Urban Areas Security Initiative grant program.
38. Contract with Dewberry & Davis LLC for All Hazard Plan Update Services in an amount up to \$200,000.
39. Renewal of a lease with Carlson Real Estate Company for office and warehouse space for a two-year terms at \$106,360 per year with two, one-year options to renew at \$114,612.50 and \$119,197 per year respectively for the Fire Department's Urban Search and Rescue Team at 3140 Yorkmont Road, Suite 100.
40. Purchase of property located at 11609 Hord Drive, Huntersville, NC in the amount of \$1,599,000 from II, III & PBD, LLC for Utilities North Mecklenburg Maintenance Facility.
41. (A) Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$742,636.86 and (B) resolution authorizing the refund of business privilege license payment made in the amount of \$3,358,78.

The resolutions are recorded in full in Resolution Book 43 at Page 543-544 and 545-553.

42. (A) Resolution of intent to abandon Brooksvale Street, Brunette Avenue, Nobles Avenue and Horace Street, (B) set a public hearing for March 26,2012.

The resolution is recorded in full in Resolution Book 43, at Page 554-555.

43. (A) Resolution of intent to abandon a residual portion of Kenilworth Avenue and (B) set public hearing for March 26, 2012.

The resolution is recorded in full in Resolution Book 43, at Page 556.

- 44-A. Acquisition of .7 acres plus single family residence at 4801 Beam Road from Betty Jean and Kevil William Smith for \$163,000 for Airport Master Plan Land Acquisition.

- 44-B. Acquisition of .4132 acres at 6416 Shoreline Drive from Glyniss R. Foxworthy for \$36,000 for Airport Master Plan Land Acquisition.

- 44-C. Acquisition of 377,530 square feet in Fee Simple, plus 31,703 square feet in existing right-of-way at Old Concord Road from Robert E. Lanier for \$821,450 for Blue Line Extension, Parcel #1355.

- 44-D. Acquisition of 8,637 square feet in Utility Easement at 2600 East 7th Street from Eastover Medical Park II Condominium Association, Inc. for \$126,325 for Briar Creek Relief Sewer – Phase II, Parcel 12.2.

- 44-E. Acquisition 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 for \$30,000 for Brookshire-Hovis-Oakdale Intersection Improvement, Parcel #14.

- 44-F. Acquisition of 8,557 square feet in Storm Drainage Easement, plus 514 square feet in Temporary Construction Easement at 4420 Whitby Lane from Joseph R. Martucci, Jr. for \$15,625 for Gaynor Storm Drainage Improvement Project, Parcel #9.

- 44-G. Acquisition of 18.600 acres in Fee simple on Parkway Avenue from Duke Energy Carolinas, LLC for \$100,000 for Lakewood Water Quality Improvement, Parcel #2.

- 44-H. Acquisition of 121 square feet in Storm Drainage Easement, plus 18,985 square feet in Conservation Easement at 1300 Marlwood Circle from Timothy E. Owen and wife, Kathleen C. Owen for \$10,000 for Robinhood/Dooley Storm Water Capital Improvement Project, Parcel #84.

- 44-J. Resolution of condemnation of 3 square feet in Fee Simple, plus 303 square feet in Temporary construction Easement at 7503 Double Springs Court form Edwin Toppin and wife, Takeya S. Toppin and any other parties of interest for \$150 for City Boulevard Extension – Phase III, Parcel #25.

The resolution is recorded in full in Resolution Book 43, at Page 557.

- 44-L. Resolution of condemnation of 1,395 square feet in Storm Drainage Easement, plus 120 square feet of Slope Easement, plus 476 square feet in Temporary Construction Easement at 7309 Balancing Rock Court from Donald Blackwell and Diana B. Morgan and any other parties of interest for \$3,850 for City Boulevard Extension – Phase III, Parcel #36.

The resolution is recorded in full in Resolution Book 43, at Page 559.

- 44-M. Resolution of condemnation of 1,439 square feet in Temporary Construction Easement at 8626 Stonehurst Drive from John Mark Bearden and Amy Carole Lippard Bearden and

any other parties of interest for \$225 for Pawtuckett Neighborhood Improvement Project, Parcel #18.

The resolution is recorded in full in Resolution Book 43, at Page 560.

- 44-N. Resolution of condemnation of 1,223 square feet in Temporary Construction Easement at 8632 Stonehurst Drive from Horace E. Neal and wife, Marie C. Neal and any other parties of interest for \$200 for Pawtuckett Neighborhood Improvement Project, Parcel #19.

The resolution is recorded in full in Resolution Book 43, at Page 561.

- 44-O. Resolution of condemnation of 1,762 square feet of Temporary Construction Easement at 8708 Stonehurst Drive from Terry D. Hunt and wife, Pamela Hunt and any other parties of interest for \$275 for Pawtuckett Neighborhood Improvement Project, Parcel #21.

The resolution is recorded in full in Resolution Book 43, at page 562.

- 44-P. Resolution of condemnation of 1,058 square feet in Temporary Construction Easement at 6714 David Avenue from Dereke Ramseur and Williel Sartor and any other parties of interest for \$125 for Pawtuckett Neighborhood Improvement Project, Parcel #38.

The resolution is recorded in full in Resolution Book 43, at page 563.

- 44-Q. Resolution of condemnation of 727 Square feet in Temporary Construction Easement at 7012 David Avenue from Peggy F. Scott and any other parties of interest for \$100 for Pawtuckett Neighborhood Improvement Project, Parcel #46.

The resolution is recorded in full in Resolution Book 43, at Page 564.

- 44-R. Resolution of condemnation of 719 square feet in Temporary Construction Easement at 7024 David Avenue from Gary Lee Stikeleather and any other parties of interest for \$100 for Pawtuckett Neighborhood Improvement Project, Parcel #48.

The resolution is recorded in full in Resolution Book 43, at Page 565.

- 44-S. Resolution of condemnation of 1,578 square feet in Temporary Construction Easement at 7001 Pawtuckett Road from Ronald P. Wilson and any other parties of interest for \$175 for Pawtuckett Neighborhood Improvement Project, Parcel #69.

The resolution is recorded in full in Resolution Book 43, at Page 566.

45. Titles, motions and votes reflected in the Clerk's record of the minutes of December 12, 2011 Combined Zoning and Business Meeting.

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ITEM 44-I: ACQUISITION OF 40 SQUARE FEET IN UTILITY EASEMENT PLUS 216 SQUARE FEET IN TEMPORARY CONSTRUCTION EASEMENT AT 6535 RUMPLE ROAD FROM BRADFORD PROPERTIES OF HUNTERSVILLE, LLP AND ANY OTHER PARTIES OF INTEREST.

Dee Bradford, P. O. Box 797, Huntersville, NC said I am the owner of Bradford Properties in Huntersville and am here to talk about out property at 6535 Rumple Road. I am a contractor in Charlotte and I'm also a real estate agent and a developer. I've got this little piece of property on Rumple Road and it hasn't been a whole lot of value through the years and now you are getting ready to put City Boulevard in, which I'm glad to see that you are doing it. When I met with them they said they were going to have to relocate a pole across the street because of the new sidewalk and for that reason they would have to put a pole in across the street on my property and then put guy wires which would go another 50 feet into the property. Here I am now with really the first opportunity to do something with the property because it is going to be at an
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intersection to City Boulevard and now they are going to place a pole squarely in the center of my property and put 30-foot guy wires into the property. I agree that they have offered me \$75 for that, but he said they would be good to me and settle for \$200. The problem is not the money and I'm worried about that but it is to look for the future development of the property and I will have to relocate this pole if I'm going to put this property on the market. I was asking them to just move the pole to either one of my property lines which would be 100 feet either way. I've had several discussions with them and all I ask for was for them to give me an estimate of what it was going to cost for them not to put the pole on my property and move it to either one of the property lines and I felt I could at least have that instead of having to be condemned on the property. That is what I would like to have is somebody to give me an estimate of what it is going to cost and also look at it because I'm a utility contractor myself and I know what I think they could do and it would not impact the other properties and that is basically all I was looking for because it is going to totally destroy the property.

Councilmember Cannon said do we know what the estimate is?

City Manager, Curt Walton said no.

Laura Rushing, Engineering and Property Management said as far as an estimate for the cost to have the work done which Mr. Bradford is asking, I do not have and I'm not sure if there is someone that may have that information. I do know that the Engineering Project Manager and the Utility Coordinator for Engineering along URS, USE Design, Duke Energy, Time Warner and AT & T met on this site to see what they could do to move this pole. It was concluded that it would not be in the best interest to do that because it would cause more property impact to additional properties that are outside of the project limits. When the poles are being move you have to reset them at certain distances. I do know that we have tried to mitigate this for Mr. Bradford.

Mr. Cannon said I'm not sure when you say cause more property impact. Would you describe what that might be please?

Ms. Rushing said yes, we would have to get easement from additional property owners that are not already in this project limit.

Councilmember Barnes said are there any options for poles that don't require a 30-foot guy wire?

Ms. Rushing said I think they looked into that as well, but I do know the exact answer to that.

Mr. Barnes said how large is Mr. Bradford's parcel?

Mr. Bradford said the lot is square, 200 by 200 feet. I've got 200 feet of road frontage and 200 feet back and the pole is going to be squarely in the middle of it. They could move the pole that is directly across from me 2.5 feet over and set a new pole at my property line which I asked for and it lines up with the other property owner, set the guy wire there and move it over and it won't impact because there is a privacy fence and I've measured it out, and I know they have to move that wire over, but it still won't impound the other people's property.

Mr. Barnes asked Ms. Rushing if they would explore that, to which Ms. Rushing said yes we will.

Mr. Cannon said is there a timeline that you are putting on that Mr. Barnes? Is that 30 days?

Mr. Barnes said I think you all are seeking permission to condemn tonight. How time sensitive is this request?

Ms. Rushing said we can look into it if you would like until the next agenda.

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, that]
[Item 44-I be brought back to the Council at its next Business Meeting which is March 26th]

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[for a report on this issue. The vote was recorded as unanimous.]

Mr. Barnes said to Mr. Bradford I'm not guaranteeing the outcome I'm asking them to explore it further.

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ITEM NO. 44-K: RESOLUTION OF CONDEMNATION OF 942 SQUARE FEET IN FEE SIMPLE, PLUS 3,151 SQUARE FEET IN TEMPORARY CONSTRUCTION EASEMENT AT 76500 DOUBLE SPRINGS COURT FROM ANITA MEHTA AND SPOUSE, VIBHAKAR MODI AND ANY OTHER PARTIES OF INTEREST FOR \$2,625 FOR CITY BOULEVARD EXTENSION, PHASE III, PARCEL #26.

Vibhakar Modi, 12003 Olden Court, said I would like to go on record that I am in support of the City Boulevard Extension project but my property is being impacted by it and I'm here to present my views about just compensation. In my opinion the city is not compensating in a manner which appears to be just and I reference this brochure that is given to all property owners whose land is about to be acquired or condemned under eminent domain powers. A part from being the owner of the property in question I'm also a real estate agent and a licensed bidding contractor. I reference page 5 of this brochure which says that the appraisal performed by the City ought to take into content any unusual or hidden features of the property. In my opinion some of the features are not taken into account before and after an appraisal was done. It is a rental property for my family and my business and my family depends on the rental income from this property. My tenants have indicated that if the noise and dirt and safety issues get out of control they may leave and it may take up to 6 months to find a new tenant, which means that I will suffer financial losses during that time. It is a cul-de-sac lot with its unique charm and when this road is built behind my house that uniqueness of the property will certainly not be there anymore. As a result of that I am expecting a much bigger decline in the value of my property than what the city claims. On page 4 of this booklet is says that property owners are to be treated fairly and I'm being offered a compensation on first ... which is 74 cents lower than my next door neighbor who had the property adjoining mine. Based on all this consideration I made a counter offer to the agent representing the city and they moved up their offer and I came down but we are at a stalemate right now.

City Manager, Curt Walton said the law is prescriptive as to what percentage over appraised value we can offer. We are talking about a difference of \$4,000 versus \$2,625 for a temporary easement.

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, to]
[approve the subject condemnation.]

Councilmember Howard and I'm sitting here looking at it and actually there is a sidewalk that looks like it is behind your lot so the knowledge that this road was going to be put in has been there for a while. It looks like it has been clear for a while that the road was going to go through there so I will support the motion.

Councilmember Cooksey said this is a process that we see regularly and not everyone does. We are leaving price to the court the case before which we delayed was about a pole location. Just to be clear to everybody watching when we see one person speaking to us getting a deferral and another not. In this case, as the Manager pointed out we are limited on price and we leave the price to the court system. The other case was not about price.

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

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PUBLIC HEARINGS

ITEM NO. 8: PUBLIC HEARING TO CLOSE A RESIDUAL PORTION OF INDEPENDENCE BOULEVARD, RESOLUTION TO CLOSE.

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The scheduled public hearing was held on the subject matter.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, to close]
[the public hearing and adopt the subject resolution.]

Councilmember Kinsey said we've seen this before and I can't remember how many times we've seen this particular piece of property and I am certainly in favor of doing it, but can you explain to me why we are seeing it again? Is it the same piece of property or are there different slices of the same property?

Jeff Boenisch, Transportation, said this is actually the first time we've seen this particular piece, but we have seen various pieces along Independence before.

Ms. Kinsey said that is all I needed to know, I just wanted to make sure.

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

The resolution is recorded in full in Resolution Book 43, at Page 531-533.

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ITEM NO. 9: CITY MANAGER'S REPORT

City Manager, Curt Walton said I want to talk about street lights tonight. Several months ago the issue came up about the number of street lights that were out across the street. C-DOT has been working with Duke Energy and we just wanted to update you on what has happened since we last talked and the steps going forward.

Phil Reiger, Assistant Director of C-DOT said in October you will remember that City Council expressed some concern about the number of streetlight outages in the city and the associated costs related to those outages. Manager Walton has asked me to give a brief report on staff's efforts to fix that situation and he has invited Tim Goss with Duke Energy, who has accepted to come to talk a little bit about what Duke has done since then to remedy those issues. For the Council members that weren't a part of that discussion in October I want to talk a little bit about the different roles and responsibilities related to streetlights that Duke Energy has in the City and I would remind you that Duke Energy is the owner and operator of the streetlights. The only exception to that in the city are state owned streetlights that are generally located along state freeways. Some examples of those are I-77, I-85, I-277 and some streetlights along US 74. The city on the other hand provides neighborhood services and we assist residents in the process of having streetlights installed in their neighborhoods. We also facilitate the reporting of citizen outages to Duke Energy as well as we pay the monthly bill for those streetlights. The city currently pays for approximately 70,000 streetlights citywide. While it is our goal for all of those streetlights to be on all the time from a practical standpoint it is difficult to keep those lights on all the time, but we work jointly with Duke Energy to keep as many of those lights on as we possibly can, to minimize outage and we think about outages in two different ways. We think about them in terms of the number of lights that are out, but also the length of time that any one given light is out. Since October City staff has been working very closely with Duke to identify and fix streetlights that are located along city thoroughfares. Those lights tend to be the hardest lights for business owners and residents to report. We've also been working to address a backlog in streetlights in neighborhoods. To date we have identified 3,500 lights out and reported them to Duke. About 2,000 of those are along thoroughfares and at 1,500 of those were in the neighborhood backlog. To our knowledge, and Tim will talk about this in his part of the report, we believe Duke is on schedule to have those fixed. Many of them are already fixed and he will talk a little bit about their performance standards. City staff continues to rely on Charlotte residents and business owners to report streetlight outages, particularly near their homes and neighborhoods. In an effort to raise awareness City staff in collaboration with Duke has developed a public information video, reminding residents how to report outages and how easy that is. I will show that video to you. The video will be broadcast on the City's website, the government channel and other media outlets as opportunities arise. The video was shown.

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Tim Goss, Duke Energy said I'm going to continue Phil's discussion on the status of street lighting and in particular give you a little background information on street lighting and the service and repair process and the performance. I would preface my remarks by saying that we understand the significance of street lighting and the role it plays in the safety of our citizens in the community and we treat it seriously. I would also like to say that we appreciate the excellent working relationship we've had with the City to report and repair street lighting. The City is on contract for approximately 70,000 lights. In addition to these 70,000 lights there is another approximately 100,000 lights that we maintain for other accounts. This lighting is typically for commercial and residential customers. On the average we repair 1,800 lights per month, but since October we've seen a slight uptick in that number due to the increased efforts by the City staff. This has driven repairs up to 2,100 lights per month on average. The annual revenue from the City of Charlotte under the lighting tariff is \$8.16 million. The tariff rate that the City pays is for the installation, maintenance and the energy that the lights use. Our maintenance is based on several components, repairing the outages, inspection and maintaining of structural integrity of lighting assets. The Duke rates do not include the cost for monitoring. The customer must report lighting outages or damage. There are a number of ways that this can be done. You can use our website at the Duke Energy website or you can call the 800 POWER ON Number or you can use the 311 method that was described in the video clip that we just viewed. In each of these options a service ticket is generated, a repair order is made, given to the technician to go repair the light. Our repair record is excellent once we know that the light needs to be maintained. We repair almost 95% of the lights in three days or less and 97% of the lights that are turned into us are repaired in 5 days or less. We know that sometimes cable needs to be replaced or repaired and that may take a few more days. Sometimes the lighting is served by an underground cable and we have to go find the problem, dig it up and make the splice. Other lights are never reported. Some lights are subject to vandalism. There is an important point that I wanted to make. Our data suggest that the percentage of lights that are reported in comparison to the base number of lights in Charlotte is around 1%. The percentage of lights that are out that are reported in comparison to the base number of lights in Charlotte is around 1%. Most of these are pretty easy to find and have good access to repair. As we've had conversations with C-DOT the challenge for reporting inoperable lights seems to be along thoroughfares as Phil mentioned. This is where it is more challenging because there is traffic, lack of addresses or limited access. Some lights in these controlled areas along thoroughfares are DOT lights, the examples that were pointed out along I-77, I-85, Independence, I-277 to Briarwood and bridges. You also heard in the comments that the Charlotte DOT employees have been patrolling city thoroughfares and have reported 1,500 light plus outages. All of the lights that Phil reported to you have been repaired. They were repaired in cycle so we understand the significance and importance of repairing lights. We know that it is vital to the community and we continue to evaluate the best options for all parties and will continue to work with the City and C-DOT to look for the best options that bring us the most effective repair process at the least costs.

Councilmember Pickering said I'll be frank and you may have heard this already and I agree that Duke does have a good record of repairing lights quickly for the most part. My concern is relying on neighbors to report outages. I love 311 and I like your video, I just think it is unrealistic to expect our neighbors to report all of these lights that are out. My question is how can we monitor these streetlights so that we don't have to rely on neighbors?

Mr. Goss said it is a challenge in some areas, but as the technology has improved we've found ways to offer self-reporting technology so that if the infrastructure is in place, the streetlights will let us know that they are not burning and that they need repair. That is available in our rate schedule but it comes at an additional cost to the base rates that we offer now.

Ms. Pickering said how much would that rate be?

Mr. Goss said the technology that we have is \$2.50 per month per light for self reporting technology.

Ms. Pickering said can somebody calculate that for me?

Mr. Reiger said I hear you saying can you calculate that, if we were to install that technology across all 70,000 lights that would increase our current bill by \$2.1 million annually. That represents about a quarter of the total bill. It may not be realistic to implement that citywide. Our recommendation would like be to do that on the thoroughfare lights because they are the most difficult to report, but to your point, if we weren't wanting residents to be responsible for reporting you might need to do that citywide.

Councilmember Kinsey said I just recently had a couple of lights out in my neighborhood and thanks to C-DOT, more specifically Doreen Szymanski and to Duke Energy, they were on in about three days. I'm noticing more and more that constituents in District 1 are reporting or calling me which is fine too. I do think that once the word is out that a resident or a neighborhood leader or somebody can report it and it will be taken care of. Thank you very much for the good work and you too Doreen.

Councilmember Dulin said this came in the fall and I'm not sure how we got on it, but there has been rarely an issue that I hear from more people in my 7th year on this Council than this streetlight issue. People just don't understand why we are paying for lights that are out. I think the numbers were higher we were told before, but at 3,500 lights out tonight in this city, at \$9.00 a month, that is \$31,500 that the city is going to spend this month on streetlights that don't work. I understand you guys are pretty good about fixing them, but we are the customer. We heard today there are 731,000 citizens in Charlotte 2010 from the census and they are the customer. It is not their responsibility to tell Duke where their stuff is not working. We got a report in the fall that it was \$2.50 for the self-reporting technology and Duke would love to go up there and place one of those on top of these lights for \$2.50 more to the customer. I think it is Duke that ought to be putting that technology up there to serve their customers better, not shafting the customer for \$2.50 more across the city. This is part of the things that doesn't make any sense Tim, and you and I have tried to get together for three months and hadn't been able to get our calendars together. At the very least the poles ought to be numbered so that poor little old couple in your video doesn't have to go on a nightly walk with their dog with a roll of yellow tape to wrap around your pole. I'm out and about early every morning and I remember to take my dog every morning but I don't remember to take my roll of yellow tape to put around your poles that you are charging us for. Had this not come in the fall, Duke had no sense of urgency to work on this because the City of Charlotte was just paying you the bill for the poles that were not working month after month after month. I'm glad we've got some activity going on it, but the 731,000 people out there don't want to have to pay for services that they are not receiving. I certainly don't want to. You are right we are never going to have them all on but we need to whittle this thing down more and more and more and then the City should not be held responsible. If you can estimate that there are 3,500 out, then take 3,500 of them off our bill every month. \$31,500 ought to be lopped off. It is a \$630,000 monthly light bill that the city is paying to keep 70,000 light bulbs on. Those are numbers that we've heard here tonight. \$630,000 per month and I don't want to pay for single pole that is not working whether it is in my neighborhood or any neighborhood in this city. We need to keep working on this and I'm sure you will too because there is a little bit of egg on Duke's face over this. I think it and the city thinks it, the people out there that we serve and that you all serve and we are a pretty good customer of yours, if not your best customer and I would really like to get this thing nailed down. I've written these notes down tonight and I'm telling you in public, but this is the stuff that I'm hearing from my constituents and I guess some of these others have heard the same thing from theirs. It is frustrating and I appreciate you coming down tonight, but we've got to take the volume knob on this thing and really start cranking it down.

Mr. Goss said for most situations the reporting process is fairly easy for most of our customers. If you know where you live and you see that the light is out you can pick up the phone and call. The issue we believe is along thoroughfares where there is really no ownership, where you are riding down the road, it is not easy to pick up a house number or you are driving so you don't want to be writing while you are driving so we think the thoroughfares are the issue. The longevity of the average light bulb is about 4 to 4.5 years so there is some continuity there but when they go out they need to be reported. The reporting process is not built into the rates. Our repair process, that 95% and 97% that I shared with you is very consistent. It was consistent well before October and it has been consistent across our system so I think that is a very good performance. We will continue to work with the city and the staff to look at the technology and

to look for ways to drive up the performance and drive down the cost. You have our commitment to do that.

Mr. Dulin said I appreciate that but I would like to have your commitment to start testing on some of the thoroughfares the \$2.50 technology to self-report without charging the city more for it. You all are in the customer business too and you've got 4 million of them or more. We are in the customer business and I'm concerned about the 731,000 that we serve and I'm concerned about that a lot. I think it ought to be for Duke to serve their customer better and you should put those things on there. We buy equipment all the time to pave roads better, to make better sidewalks. We are always upgrading our equipment and there is no reason why a light pole with a light on top of it that is still the same basic technology that it was 30 or 40 years ago can't be upgraded.

Mr. Goss said the technology is there and the services that we offer are under tariff and we have to look at the rates and the structures across the board for all customers, not just the City of Charlotte. We have to be consistent.

Councilmember Fallon said one of the ware times I agree with Mr. Dulin, is your responsibility to put them on the lights. It is your fixture and it should be your responsibility, not the taxpayer or the citizens of Charlotte. It is your implement – do it.

Mayor Foxx said I know this is an authority subject and I'm still a little confused about Andy feels about this, but thank you very much and I know we will continue having this dialogue about this.

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ITEM NO. 10: APPROVE THE TRANSPORTATION AND PLANNING COMMITTEE RECOMMENDATION TO ADOPT THE STEELE CREEK AREA PLAN VOLUME I: THE CONCEPT PLAN AND RECEIVE VOLUME II: THE IMPLEMENTATION PLAN AS INFORMATION.

Councilmember Howard said my Committee actually came together and recommended this about a month ago and this just came up for the citizens and the staff thought they should go back after the Planning Director looked at a few things and have it come back with a few suggestions. It is all in the write-up and if you want a presentation on it we can, and if not I'd like to move approval.

[Motion was made by Councilmember Howard, seconded by Councilmember Cannon, and]
[carried unanimously, to approve the subject plan.]

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ITEM NO. 11: APPROVE THE TRANSPORTATION AND PLANNING COMMITTEE RECOMMENDATION TO ADOPT THE MIDTOWN MOREHEAD CHERRY AREA PLAN VOLUME I: THE CONCEPT PLAN AND RECEIVE VOLUME II: THE IMPLEMENTATION PLAN AS INFORMATION.

Councilmember Howard said thank you to the Committee, Mr. Barnes, Mr. Cooksey, Ms. Kinsey and Mr. Autry for your work on this one. This one is about three very distinctive areas in our center city, the Midtown area, the Morehead Street area, as well as the Cherry Community, all going through a great deal of growth and staff got in front of the growth with a plan and that is what you see in front of you tonight. We actually had a public comment earlier this month and now we are coming back with a unanimous recommendation to approve.

[Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve the subject plan.]

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ITEM NO. 12: APPROVE THE TRANSPORTATION AND PLANNING COMMITTEE RECOMMENDATION TO ENDORSE THE TECHNICAL COORDINATING COMMITTEE'S RECOMMENDATION AND DIRECT THEIR MUMPO REPRESENTATIVE'S VOTE ACCORDINGLY FOR THE EASTFIELD ROAD THOROUGHFARE PLAN AMENDMENT.

Councilmember Howard said what we are dealing with tonight is an amendment to a thoroughfare plan that would go to MUMPO, on which I represent this body, for approval. After talking to the District Rep, Mr. Barnes I didn't feel comfortable going forward with a vote on this without getting feedback from Council. In our last committee meeting we had a spirited conversation and I think we've got some of Mr. Barnes' questions answered so we recommended going forward with telling me to vote for it.

[Motion was made by Councilmember Howard, seconded by Councilmember Cannon, to]
[approve the subject thoroughfare plan amendment.]

Councilmember Barnes said I would echo Mr. Howard's comments. During the last committee meeting we actually invited members of Gandy Communities to attend the meeting and one of the things that I wanted to clarify was their commitment to a wholesale rezoning of the entire site, both the northern portion which is affected by this action and the original southern portion which was rezoned in 2006 I believe. They have committed to work with us in that regard and I appreciate that so I do support the action and am ready to vote.

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

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ITEM NO. 13: APPROVE THE ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN INFRASTRUCTURE AGREEMENT WITH DAVID R. KRUG ASSOCIATES IN AN AMOUNT UP TO \$1,900,000 FOR THE RELOCATION OF CHIPPENDALE STREET AND THE WIDENING OF MONROE ROAD, OAKHURST INFRASTRUCTURE AGREEMENT

Councilmember Cannon said this is to approve the committee's recommendation to authorize the City Manager to enter into a infrastructure agreement with David R. Drug Associates in the amount of \$1,900,000 for the relocation of Chippendale Street and the widening of Monroe Road. The economic development committee received a presentation regarding the project on November 11, 2011 and on February 16, 2012. At the final presentation the committee voted unanimously. The Committee is made up of Councilmember Mitchell, chair along with myself, Councilmember Cooksey, Councilmember Mayfield and Councilmember Howard. We want to recommend this project to the full Council. Right now if you have a question about the Business Corridor Revitalization Fund, which is where this will come from, we have balance of \$15 million. This project is actually within the business corridor geography and advances all four goals of the business corridor revitalization plan, which is to eliminate light, create strong long economies, align city programs and of course promote sustainable development.

[Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, to]
[approve the Oakhurst Infrastructure Agreement.]

Councilmember Barnes said when we originally heard this item back in the fall I had some concerns and I don't really think they have changed. It is a request for \$1.9 million and it is filled with speculation and ifs. According to the write-up the developer is going to build a 75,000 square foot retail establishment and about 220 apartments. The information indicates that is difficult for private developers to secure funding for speculative infrastructure work and I would dare submit to you that almost every developer that comes in this room would say that a lot of their infrastructure work is speculative and we are paying to move a street over a little bit and provide some other benefits that the private sector historically has done and in this case, in my opinion, should do. Under the terms of the infrastructure agreement it says if Krug Associates does not secure construction financing within three years of completion of the

infrastructure work, the City can compel to sell the land to claim the deed of trust. If Krug Associates sells the parcels for purposes other than accommodating development the city will reserve the right to redeem its deed of trust at the time of sale. I applaud the Economic Development Committee for getting those provisions added to the agreement, but it just strikes me as not only unusual, but somewhat dangerous from a precedent setting perspective for me to support this action and I will not. Typically out of a development of 75,000 square feet of retail, 220 apartments a developer could squeeze out \$1.9 million to take care of infrastructure work like this if they want to. I question what we will tell the next developer who will say, well I need X amount of dollars to move a street over, add a stop light and there are plenty of guys who have done this kind of stuff themselves and don't come to the government for the money and I wish they had as well.

Mayor Foxx said I would like to hear staff or someone from that committee respond to that point.

Peter Zeiler, Neighborhood and Business Services, said this project does fit within the Independence Boulevard Area Plan. The Independence Plan talks about relocating Chippendale as a transportation priority that should be taken on by the city. It talks about the creation of a multi-use dense walkable node on the corner of Chippendale and Monroe. These have been identified as city policy and city priorities. The relocation of the road is not currently in the CIP but we are imaging in the future it would most likely be in the CIP for future relocation. This project simply takes Neighborhood and Business Service dollars, moves that relocation ahead in the calendar to accommodate development in the short term.

Councilmember Kinsey said would Mr. Krug be able to develop this without moving the street? I guess what I'm saying is the city wants the street realigned and does it matter to him, is this something he is requesting or is it more of the initiative from the city?

Mr. Zeiler said there are two things happening here. This parcel will not redevelop well on its own and it will not be able to sustain a mixed use dense development that is envisioned in the Independence Boulevard Plan without that road being relocated. Without a four-way intersection you are not going to be able to get sufficient traffic in-put and through-put into the site. In order to reach the city's land use planning goals this road will need to be relocated eventually if we want to meet that goal.

Mayor Foxx said why are we putting up the amount to do the road project, presumably going forward with the road project before we know exactly what is going to happen with the financing on this project, as opposed to even reserving the funds to get the road work done? Operationally do you anticipate doing the road work before we see what becomes of this development?

Mr. Zeiler said the challenge is that without the road relocated this site is unattractive for retailers. It becomes a challenge for the developer to secure leases without that road fully relocated and the site pad ready to redevelop.

Mayor Foxx said but from the developer's perspective if the city says we have set the money aside, we've got it, we are going to do the work, but we are waiting to see whether you actually get your financing together, what is wrong with that?

Mr. Zeiler said in today's retail environment if a site is not fully pad ready retailers are not signing leases. In order to secure a lease the site has to be pad ready. When that site is pad ready and the leases are secured, then he can secure funding to build out the site.

Mayor Foxx said presumably it is going to take some time for the construction work to happen anyway, right? You are saying he is going to get financing and the next day he is going to get retail leases signed up.

Mr. Zeiler said the financing follows the leases and at this point without the intersection fully relocated the site is not attractive for retailers to lease.

Mayor Foxx said and you are saying that that has to be done before retailers will actually?

Mr. Zeiler said yes, once the road is relocated than that becomes attractive for retailers to lease. Once he has the leases in hand he is then able to secure the financing.

Mayor Foxx said so we are being asked to put infrastructure in place and I don't know how long it is going to take to get that done and then at that point we are going to find whether retail leases will actually come to this property?

Mr. Zeiler said he has expressed that there is interest in the site, given the fact that pending the fact that this site is actually pad ready and ready to go.

Councilmember Howard said I will tell you what I thought when we heard about this. Number one, you mentioned that this was part of the Independence Plan area, one of the things we've been talking about is that in order to deal with some of the blight and some of the issues that we have on Independence as that becomes an expressway we wanted to make sure that we started to orient some of those neighborhoods that would normally dump out onto Independence out to Central Avenue and out to Monroe Road. What we do know is that until we do get some development along Central Avenue and Monroe Road that would compensate for what is being lost on Independence, those neighborhoods are not going to start to orient toward those places. For one thing, and I see this as an opportunity for us to be a part of starting to orient businesses from Independence Boulevard over to Monroe Road. We know this area and if you've been through it you know that it is not necessarily the cream spot for retail, so in order to make those deals work that is what this business corridor revitalization fund was set up to do. That made me okay with it. Also like Ms. Kinsey said, this was also an area that is not the safest movement. I forget the road on the other side of Independence but right now because they don't line up and they are offset very slightly, when you have somebody trying to turn in and out of those that can cause a really unsafe movement between those two roads, so it is to our advantage to line those two roads up on both sides. For my standpoint it is exactly what he said, we are really moving up something that is a priority eventually anyway. It furthers the whole idea of reorienting retail away from Independence Boulevard onto Monroe Road which is something we want to encourage as well. Because the market is not quite there, that is what this fund is set up to do. For that reason I was okay with it and I will still support it tonight.

Mr. Barnes said how much is the 18-acre site worth?

Mr. Zeiler said right now it is assessed at about \$2.8 million to \$2.9 million.

Mr. Barnes said the deed of trust that they are providing us will be for \$1.9 million?

Mr. Zeiler said it will be for the final costs to design and build the roadway.

Mr. Barnes said how much will that be?

Mr. Zeiler said we are estimating no more than \$1.9 million. Our preliminary estimate is between \$1.5 million and \$1.9.

Mr. Barnes said why wouldn't the deed of trust be for the value of the property and not just the value of the infrastructure work?

Mr. Zeiler said we hadn't thought of going all the way to the full value of the property. We were looking at recouping the cost that we expended to relocate the roads.

Mr. Barnes said you all know that I have had as much interest in strengthening east Charlotte as anybody else because it has a direct impact on my district, but I also like for us to make good deals. This one says that the city will fund and contract all infrastructure work so we are going to be doing the work, writing the checks and what I'm suggesting is that they should have some skin in the games, more skin in the game than \$1.9 million in terms of the value of that deed of trust. In response to questions I heard asked to my left, I heard a lot of if, maybe, kind of, sort of stuff going on which is problematic for me and as I said before there are a lot of developers who write the check themselves, the infrastructure work is done and they are mad at us for not doing it, but they say well, in order to get it done, I'll write the check to get the work done, get the

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project done and move on. A lot of what I feel like I'm hearing here is that if their project doesn't work then we've spent the \$2 million to realign the intersection, which is great, but then the value of the deed of trust is only \$1.9 million. Maybe I'm looking at that the wrong way, it would seem to me that we would essentially incentivize them getting the deal done by getting a deed of trust for the full value of the land.

Mr. Howard said if you think about the fact that we were told it would eventually be on the CIP anyway so the difference is we are going to get it now while construction is cheaper and not only that if for some reason the development doesn't work, we are going to get land back for the cost we were going to put in. In one situation we were just going to pay for it out of the CIP in the future and it would cost us more. In this situation we are going to do it now and if we get development great, we get new tax revenue off of it that will help to pay it back, but if not we get the land back too.

Mayor Foxx said so let's play this movie to the end and let's say the worst happens and the development doesn't happen, which we hope is not the outcome, but it could be. There is a deed and all that on it, but suppose the property doesn't sell for what we think it should sell for. What are we going to do?

Mr. Zeiler said at the end of the day if this property falls below the value of the roadwork then the property will have dropped more than 35% to 40% of its current assessed value, which is a possibility.

Mayor Foxx said lots of properties have dropped that far.

Mr. Zeiler said yes and this is reflecting the new revaluation pricing. At that point at the end of the day I feel strongly that that will not happen because of the new road being able to provide better access and provide better market value to the project. But if it does fall through, if it does drop in value despite the relocated roads, and falls to a value less than the deed of trust, we would be at risk, yes of that difference between the deed of trust and whatever the new value is.

Mayor Foxx said let me explain where I'm a little uncomfortable, but also to say to the staff that we've talked a lot in the last several years about making intentional choices to take risks from time to time to sort of promote the growth of our city. I think we should be careful not to criticize you for bringing something to us that aligns with what we've asked you to do, so I want to be clear that I understand the context in which this comes to us. Let me also say that there are some concerns I have about this. The first is the source of funds. This is right in the wheel house of what our capital program is supposed to do and we are still in the middle of conversations about what, if anything, that will look like in the next several months. While I know sequentially it doesn't necessarily come at a convenient time perhaps for this particular development, I do have some questions as to whether this conversation is really necessary to have right this second or whether it is something that can be folded into the capital program. The reason why I care so much about that question is because the corridor revitalization funds are funds that are necessarily there to be flexibly available and there are opportunities that we have examined in the past to use those funds and haven't taken advantage of, but the idea of having them available is that we can strike quickly to help make a revitalization opportunity happen. The reason why you are coming to us this way is that we are constrained by our very capital program and we don't know what tomorrow looks like in terms of whether there is going to be capital available to continue that program so we are kind of using these resources to try to get at the same type of problem. I worry that we will have lost an opportunity to use those funds for something that I can't even anticipate at the moment. The final concern is that I wish the deal were structured in such a way that we were moving together with the developer as opposed to having to make the first move because I think it adds a layer of risks to this deal. I would like to see this type of thing happen, I just have some concerns. Having laid those on the table can you help me get a little more comfortable with the deal that you have in place?

Mr. Zeiler said to answer your first question about the appropriateness of using the business corridor fund.

Mayor Foxx said I don't know that it is inappropriate, my preference would be to keep capital within the capital program, so it is not a question of appropriateness.

Mr. Zeiler said we identified the business corridor fund as a likely source of funding for this project for a number of reasons and that is that this site as it sits now has no strong market value, currently or in the foreseeable future to be able to create the investment on the site. When we look at what we can do to induce development on the site to meet the goals of the Independence Boulevard Area Plan we looked to see that the relocation of Chippendale makes that happen. Our feeling is that without Chippendale being relocated this property will probably sit for the next 5 to 10 years without any meaningful investment until there is a full recovery of the markets and the developer might be able to secure financing to move the road himself. Looking at that and looking at the goals of the fund to create development, to stimulate development, to provide that gap financing, we identified this as the most logical way to provide a gap financing to get this project moving forward.

Mayor Foxx said when would the money actually be spent?

Mr. Zeiler said the money would be spent within the next year to year and a half as we go through a design process, bid the work out, bring that contract back to the Council for approval and then begin the construction. Our goal is to begin doing this sometime this fall or early spring to have that roadwork complete before the state begins its work on Independence Boulevard. We don't think it is good to have traffic being routed off Independence Boulevard into another construction zone.

Mayor Foxx said I would like to see this project happen and I do think you've been very clear and very good about sort of laying out where the risk points are. I think what I would like to see us maybe do is try to sequence the spending on this in such a way that maybe the capital program can either pick it up or the business corridor fund gets replenished through the capital plan. I'm concerned about losing some flexibility there. That is number one, and number two is I assume that you have looked at a lot of different ways to do this deal and that you are convinced that this is the best way to structure it.

Mr. Zeiler said this is the best way to structure it for the city from a risk perspective in terms of us not providing a subordinated loan to the project and the fact that it fits within three different policies. The policy of the business corridor plan, the policy of the Transportation Department to relocate the road and create that safe intersection and the policy of the Planning Department in creating a multi-mixed use development.

Mayor Foxx said if you were describing to a citizen what the value of this road improvement would be if the development never happens what would that be?

Mr. Zeiler said increased safety and the ability to position that property again in the future for redevelopment whether it is with this developer or another one.

Councilmember Autry said if this project is done the way it is laid out here before us and the development doesn't happen, the city gets something back out of that correct?

Mr. Zeiler said yes, we can compel the sale of the property. We will have a deed of trust that is equal to our construction and our total design and construction costs. At the time the land is sold we would recoup that money back.

Mr. Autry said if we were to fund this with capital improvement and the project would not go through, what would the city get back then?

Mr. Zeiler said unless there was some sort of agreement that was struck with the developer, there would be no way to recoup money.

Mr. Autry said my district, the Oakhurst Community wants to see this happen. They are behind this and they also understand and appreciate what the alignment of Richland with Chippendale means for them and their safety and I would urge my colleagues to support this.

Councilmember Fallon said we get back the land if it doesn't go through?

Mr. Zeiler said no, we would compel the sale of the land so the land would go out onto the open market. Any other developer or any other investor could buy the land, we would then essentially have a lien where we capture our \$1.9 million back.

Ms. Fallon said if they didn't sell it for \$1.9 million and it wasn't worth that much to anybody, we take the loss?

Mr. Zeiler said yes, we could potentially take that loss, but again the property is currently assessed at about \$2.9 million.

Mayor Foxx said is it possible to reserve the ability to use capital dollars for the work if in fact we have a bond this fall or something? Is there a way to reserve our ability to use those funds?

City Manager, Curt Walton said since we don't have capacity now, anything new would be coming to you in the budget process. If you wanted to specifically add this it would go to the November referendum, if we have one.

Mayor Foxx said I think maybe thinking about some flexibility there might be helpful at least in addressing part of the concern.

Councilmember Dulin said Mr. Mitchell is excused absence tonight?

Mr. Barnes said Mr. Mitchell is not a yes because he never was here. Ms. Mayfield will be a yes.

Ms. Fallon said on the capital you don't get back anything and on the deed of trust you do?

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

YEAS: 7
NAYS: 2

Mayor Foxx said I do think, although it is not part of the motion, I wanted to ask the City Manager to maybe think through whether there is a way to create some flexibility there to use capital dollars down the road as part of the budget process. Usually we have a business corridor little pay as you go capital piece that is in the budget I recall from past years.

Mr. Walton said the business corridor account is in pay as you go.

The Mayor said I thought there was a business corridor infrastructure fund as well. I might be wrong.

Mr. Walton said I don't think so Mayor.

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BUSINESS

ITEM NO. 14: (A) GRANT APPLICATION TO CAROLINA BLUE SKIES AND GREEN JOBS INITIATIVE FOR \$194,076 THAT REQUIRES CITY MATCHING FUNDS OF \$990,772 TO PURCHASE FOUR COMPRESSED NATURAL GAS FUELED REFUSE TRUCKS AND (B) BUDGET ORDINANCE NO. 4838-X APPROPRIATING \$194,076 FROM CAROLINA BLUE SKIES AND GREEN JOBS INITIATIVE TO HELP PURCHASE FOUR COMPRESSED NATURAL GAS FUELED REFUSE TRUCKS.

[Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, to]
[approve the subject purchase and adopt the subject budget ordinance. The vote was recorded]
[as follows:]

YEAS:
NAY:

mpl

The ordinance is recorded in full in Ordinance Book 57, at Page 575.

ITEM NO. 15: (A) AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE ONE OR MORE CONTRACTS FOR END USER DEVICES AND ASSOCIATES SERVICES FOR NATIONWIDE INTEROPERABLE 700 MHZ PUBLIC SAFETY BROADBAND NETWORK FOR A PERIOD OF FIVE YEARS IN THE ESTIMATED ANNUAL ABOUT OF \$1,500,000 CONTINGENT UPON REACHING ACCEPTABLE PRICING AND CONTRACT TERMS WITH EACH OF THE FOLLOWING VENDORS:

- **CalAmp Wireless Networks Corporation**
- **Cassidian Communications, Inc.**
- **Harris Corporation**
- **Motorola Solutions, Inc.**

(B) AUTHORIZE THE CITY MANAGER TO EXTENT THE CONTRACT(S) FOR TWO ADDITIONAL ONE-YEAR TERMS WITH POSSIBLE PRICE ADJUSTMENTS AT THE TIME OF RENEWAL AS AUTHORIZED BY THE CONTRACT(S).

[Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, to]
[approve the subject matter.]

Mayor Foxx said for those who are watching this is a really big deal. This will help out public safety officers and other folks have premium access to broadband services.

Councilmember Dulin said this is \$1.5 million contingent upon reaching acceptable pricing and contract items, etc. That is \$1.5 million for the first year and this is stimulus dollars, who pays the \$1.5 million in the subsequent years? It says authorize the City Manager to extend for two additional one-year terms with possible price adjustments.

City Manager, Curt Walton said there is about a \$17 million grant so it would continue to come out of that.

Mr. Dulin said this \$1.5 million is for the first year, to which Mr. Walton said right. Mr. Dulin said the \$17 million is going to run out someday, where is the money come from then?

Charles Robinson, Director of Business Support Services said right now we have vehicle modems in our police cars, we have USB dongles in our fire trucks and these things get upgraded as we go through time. The first devices that we will buy, we will buy with grant funds. In the future as we replace these old devices we will use operating funds to replace the devices as we normally would.

Mr. Walton said that is a cost that is built in our budget now for replacing radios and that sort of thing.

Mayor Foxx said this is a big deal. We are one of two communities across the country that got this BTOP grant.

Mr. Robinson said actually there are 7 across the country that got them. We are the only city that was awarded the BTOP grant.

Mayor Foxx said 7 communities, but we are the only city.

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

YEAS: Council members Autry, Barnes, Cannon, Fallon, Howard, Kinsey, and Pickering.
NAY: Council members Cooksey and Dulin.

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ITEM NO. 16: AWARD LOW BID CONTRACT OF \$2,808,750 TO NATIONWIDE CONTRACTORS, INC. TO UPGRADE AND EXPAND THE DAVIDSON STREET BUS FACILITY FUEL SYSTEM.

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

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

Summary of Bids

Nationwide Construction	\$2,808,750.00
Jones & Frank	\$3,249,705.00
Momentum Construction	\$3,563,700.00

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ITEM NO. 29: (A) AWARD THE LOW BID CONTRACT OF \$1,077,365 TO ONSITE DEVELOPMENT, LLC FOR STREAM RESTORATION AND FACILITY MAINTENANCE SERVICES FY2012, AND (B) AUTHORIZE THE CITY MANAGER TO APPROVE UP TO TWO RENEWALS EACH IN AN AMOUNT NOT TO EXCEED THE ORIGINAL CONTRACT AMOUNT.

Councilmember Dulin I will be a note vote on No. 29.

[Motion was made by Councilmember Pickering, seconded by Councilmember Howard, to]
[approve the subject contract and authorization. The vote was recorded as follows:]

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

Summary of Bids

OnSite Development, LLC	\$1,077,365.00
Eagle Wood, Inc.	\$1,217,062.72
Blythe Development Company	\$1,240,335.00
Backwater Environmental, Div. of Osbourne Company, Inc.	\$1,499,997.00
United Construction, Inc.	\$1,986,575.00

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ITEM NO. 32: AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE ALL NECESSARY DOCUMENTS TO COMPLETE THE ACQUISITION OF PROPERTY RIGHTS FOR FOUR PARCELS IN THE AMOUNT OF \$416,000 FROM NORFOLK SOUTHERN RAILWAY COMPANY OR AFFILIATES FOR PURPOSE OF THE BLUE LINE EXTENSION.

Councilmember Barnes said I pulled Items 32, 33, and 34 which all related to the Blue Line Extension. They relate to the purpose of railroad property, utilities relocation and procurement

of legal services with respect to the Blue Line and I want people in my District and Ms. Kinsey's District and beyond to know that we are making progress on the Blue Line.

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

* * * * *

ITEM NO. 33: (A) AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A UTILITY RELOCATION AGREEMENT WITH DUKE ENERGY FOR THE LYNX BLUE LINE EXTENSION PROJECT AND (B) AUTHORIZE THE CITY MANAGE TO NEGOTIATE AND EXECUTE A UTILITY RELOCATION AGREEMENT WITH AT &T FOR THE LYNX BLUE LINE EXTENSION PROJECT.

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

* * * * *

ITEM NO. 34: APPROVE THE FOLLOWING CONTRACTS FOR ON-CALL LEGAL SERVICES AT THE LISTED UP TO AMOUNTS FOR A TERM OF FIVE YEARS:

1. MCGUIRE WOODS, LLP, \$100,000
2. HAMILTON, STEPHENS, STEELE & MARTIN PLLC - \$200,000
3. PARKER, POE, ADAMS & BERNSTEIN, LLP - \$200,000

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

Mayor Foxx said I want to applaud the work of staff on the BTOP and the Blue Line Extension. We've still got a long way to go on both of them, but there has been an awful lot of hard work done on both of those areas. Curt, I want to tell you and staff, thank you for the work you are doing.

* * * * *

ITEM NO. 17: NOMINATIONS TO BOARDS AND COMMISSIONS

A. Keep Charlotte Beautiful - The following nominations were made for two appointments for unexpired terms beginning immediately with one ending June 30, 2012 and the other ending June 30, 2014.

Richard Flanagan, Jr. nominated by Council members Autry, Barnes, Cannon, Cooksey, Dulin Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Christopher Lackey, nominated by Councilmembers Autry, Cooksey, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously, to appoint Mr. Flanagan and Mr. Lackey.]

* * * * *

ITEM NO. 18: APPOINTMENTS TO BOARDS AND COMMISSIONS

A. Bicycle Advisory Committee - The following nominees were considered for one unexpired term beginning immediately and ending December 31, 2012:

Benjamin Baldwin, nominated by Councilmember Fallon

Haley Beaupre, nominated by Council members Barnes, Cooksey, Howard, Kinsey and Pickering.

Keith Sorensen, nominated by Council members Mayfield and Mitchell.

Results of the first ballot were recorded as follows:

Benjamin Baldwin, 0 votes
Haley Beaupre, 8 votes – Council members Autry, Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey and Mayfield.
Keith Sorensen, 2 vote – Councilmembers Fallon and Pickering

B. Charlotte Housing Authority – The following nominees were considered for one appointment beginning immediately and ending December 17, 2012.

Linda Morant, nominated by Council members Barnes, Cooksey, Fallon and Kinsey
Marcia Simpson, nominated by Council members Howard and Pickering
Tawanna Wilson nominated by Councilmember Mayfield.

Results of the first ballot were recorded as follows:

Linda Morant, 5 votes – Council members Cooksey, Dulin, Fallon, Kinsey and Pickering.
Marcia Simpson, 5 votes – Council members Autry, Barnes, Cannon, Howard and Mayfield.

Tawanna Wilson, 0 votes

A second ballot was taken between Linda Morant and Marcia Simpson and recorded as follows:

Councilmember Howard said that Ms. Simpson was recommended by the Charlotte Housing Authority Board.

Mayor Foxx said we will have to bring this one back.

C. Charlotte international Cabinet (Open Category) The following nominees were considered for two appointments for unexpired terms beginning immediately and ending June 30, 2012 and June 30, 2013.

Douglas Bowman, nominated by Councilmember Dulin
*Nancy Carter, nominated by Councilmember Howard
Ronnie Devine, nominated by Council members Barnes, Mayfield and Mitchell
Molloy Hedrick, nominated by Council members Fallon and Howard
Tamara Johnson, nominated by Councilmember Fallon
Sherry Li, nominated by Councilmembers Cooksey and Kinsey
Joseph Mercier, nominated by Councilmember Barnes
Scott Mickle, nominated by Councilmembers Cooksey and Pickering
Troy Peishak, nominated by Councilmember Dulin
Charles Prendergast, nominated by Councilmember Kinsey
Jian Zhang, Nominated by Councilmember Mitchell and Pickering
Zin Zhang, Nominated by Councilmember Mayfield

* Ms. Carter was recently appointed to the Cabinet as a Mayoral appointee.

Results of the first ballot were recorded as follows:

Douglas Bowman, 2 votes – Councilmembers Barnes and Dulin
Ronnie Devine, 4 votes – Councilmembers Autry, Barnes, Howard and Mayfield
Molly Hedrick, 3 votes – Councilmembers Fallon, Howard and Pickering
Tamara Johnson, 0 votes
Sherry Li, 2 votes – Councilmembers Cooksey and Kinsey
Joseph Mercier, 0 votes
Scott Mickle, 1 vote – Councilmember Cooksey
Troy Pelshak, 2 votes – Councilmembers Cannon and Dulin
Charles Prendergast, 2 votes – Councilmembers Fallon and Kinsey
Jian Zhang, 0 votes
Xin Zhang, 3 votes – Councilmembers Autry, Mayfield and Pickering

Mayor Foxx suggested that since they have two members absent that they hold this over until the next meeting.

- D. Charlotte International Cabinet (Education Category)** – The following nominees were considered for one appointment beginning immediately and ending June 30, 2013:

Charle' LaMonica, nominated by Councilmember Cooksey, Fallon, Howard and Pickering.

Sara Smith, nominated by Councilmember Dulin

Bahlyyayh Walker, nominated by Councilmember Mayfield

Jian Zhang, nominated by Councilmembers Barnes, Kinsey and Mitchell

Results of the first ballot were recorded as follows:

Charle' LaMonica, 6 votes – Councilmembers Barnes, Cooksey, Dulin, Fallon, Kinsey and Pickering.

Sara Smith, 1 votes – Councilmember Dulin

Bahiyah Walker, 0 votes

Jian Zhang, 2 votes – Councilmembers Barnes and Kinsey

None of the above, 1 votes – Councilmember Cannon

Mr. LaMonica was appointed.

- E. Charlotte Mecklenburg Development Corporation** – The following nominees were considered for one appointment for unexpired term for a non-profit organization representative beginning immediately and ending October 31, 2012:

Charle'on Macon, nominated by Councilmember Barnes, Cooksey, Kinsey, Mayfield and Pickering.

Cedric McCorkley, nominated by Councilmembers Fallon and Mitchell

Results of the first ballot were recorded as follows:

Charle'on Macon, 6 votes – Councilmembers Barnes, Cooksey, Dulin, Fallon, Kinsey, and Pickering.

Cedric McCorkle, 2 votes – Councilmembers Cannon and Mayfield.

Mr. Macon was appointed.

- F. Citizens' Review Board** – The following nominees were considered by one appointment for an unexpired terms beginning immediately and ending July 31, 2012:

[Motion was made by Councilmember Kinsey, seconded by Councilmember Cannon,]
[and carried unanimously, to recuse Councilmember Barnes from voting due to a]
[conflict of interest.]

Trevor Fuller, nominated by Councilmembers Cooksey, Fallon, Howard, Mayfield and Pickering.

Sonnie McRae, nominated by Councilmember Kinsey

Results of the first ballot were recorded as follows:

Trevor Fuller, 7 votes – Councilmembers Autry, Cooksey, Dulin, Fallon, Howard, Mayfield and Pickering.

Sonnie McRae, 2 votes – Councilmembers Cannon and Kinsey

Mr. Fuller was appointed.

Councilmember Cannon asked if this was the same Mr. Fuller who has filed to run for the County Commission and if so I'm concerned about his ability to be fully committed to this committee over the duration of the time that the committee will be meeting and what it calls for in attendance. Nothing against Mr. Fuller, I'm just trying to be sensitive to the fact that he is going to be out on the campaign trail, really dedicating his time to be of service to the people in another capacity. I really wish we would hold this one over and

have some conversation with Mr. Fuller to see if he indeed really still a candidate for this, given he is a candidate for the County Commissioner.

Mayor Foxx said there has been a vote on this is it possible to go to Mr. Fuller before the letter goes out to see if he feels he is capable of taking on the responsibility?

Ms. Kelly said he has previously served on the Citizens' Review and one thing of note with this particular Board, they only meet on an as needed basis, when someone files an appeal is the only time that they meet. A prerequisite for serving is that citizens have completed the Citizens' Academy and that list of persons is fairly short, but Mr. Fuller as completed the Academy, as have others.

Mayor Foxx said is it possible to check in with him before the letter goes out to confirm that he is willing and able to serve, and if there is a problem you can come back to us and we will do it over again.

Ms. Kelly said sure.

G. Community Relations Committee – The following nominees were considered for one appointment for an unexpired terms beginning immediately and ending June 30, 2013:

Robin Baldwin, nominated by Councilmember Barnes
Veronica Jones, nominated by Councilmember Mayfield
Sue Korenstein, nominated by Councilmember Kinsey
Melvin Lowrey, nominated by Councilmember Howard
Kathleen Odom, nominated by Councilmembers Cooksey, Fallon and Pickering

Results of the first ballot were recorded as follows:

Robin Baldwin, 1 vote – Councilmember Barnes
Veronica Jones, 2 votes – Councilmembers Autry and Mayfield
Sue Korenstein, 1 vote – Councilmember Kinsey
Melvin Lowery, 2 votes – Councilmembers Cannon and Howard
Kathleen Odom, 4 votes – Councilmembers Cooksey, Dulin, Fallon and Pickering.

City Clerk, Stephanie Kelly, said we can bring this one back if you like. We need a run-off five of the candidates.

G. Neighborhood Matching Grants Fund Review Team – The following nominees were considered for one appointment for an unexpired term for a business representative beginning immediately and ending April 15, 2012, and then continuing for a full two-year term ending April 15, 2014:

Wofford Boyd, nominated by Councilmembers Barnes, Fallon, Mayfield and Pickering
Kim Graham, nominated by Councilmembers Howard and Mitchell
Karen Labovitz, nominated by Councilmember Kinsey
Jason Tuttle, nominated by Councilmember Cooksey.

Results of the first ballot were recorded as follows:

Wofford Boyd, 5 votes – Councilmembers Autry, Barnes, Fallon, Mayfield and Pickering.
Kim Graham, 2 votes – Councilmembers Cannon and Howard
Karen Labovitz 1 vote – Councilmember Kinsey
Jason Tuttle, 2 votes – Councilmembers Cooksey and Dulin

Ms. Kelley said a run-off is needed for this one and can bring it back at next meeting.

H. Tree Advisory Commission - The following nominees were considered for one appointment for a three-year term beginning immediately and ending December 13, 2014:

Fred Dodson, nominated by Councilmember Howard
Charle'on Macon, nominated by Councilmember Mayfield
Scott Mickle, nominated by Councilmember Cooksey
Oliver Sherman, nominated by Councilmembers Barnes, Fallon, Kinsey, Mitchell and Pickering.

Results of the first ballot were recorded as follows:

Fred Dodson, 3 votes – Councilmembers Autry, Howard and Mayfield
Charale'on Macon, 0 votes
Scott Mickle, 5 votes – Councilmembers Cooksey, Dulin, Fallon, Kinsey and Pickering
Oliver Sharman, 1 vote – Councilmember Barnes
None of the Above, 1 vote – Councilmember Cannon

Ms. Kelly said a run-off is needed on this one as well so they will bring it back next meeting.

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ITEM NO. 19: MAYOR AND COUNCIL TOPICS

Councilmember Barnes said I wanted to briefly thank Chief Monroe and US Attorney, Tompkins and ATF for some good work they have put into addressing some issues we've had at the I-85 Sugar Creek corridor. We had a press conference earlier in the afternoon and announced several indictments that will help some residents who live near that area. It will also help a lot of the businesses in that area so I applaud them for their efforts and their work, and thank you Mr. Manager for your leadership with that.

Councilmember Cannon said me had an incident to take place recently off of Shady Lane and I know during the Retreat we had some level of discussion about sidewalks in neighborhoods and I'm just curious if we can get some information back because I know there have been some area residents who recently came out over the week-end and said we'd love to be able to dedicate our sidewalks to that area or any other area that is on a high priority, but obviously there has to be some level of understanding about the ability to do that or not. Would you be so kind as to bring back any options that the Council might have in the way of actions that have already taken place to go in put in infrastructure, in this case, sidewalks or have not put them in areas yet to see if they can be placed in others? Is that something we can get back?

City Manager, Curt Walton said yes, since safety is usually the first criteria, it could be moving it from an even higher safety priority need, but we will be glad to look at that and report back.

Councilmember Howard said just a few months ago the Transportation and Planning Committee heard a report from C-DOT where we talked about the fact that we were changing the way that sidewalks got picked anyway. It was going to lean more towards what the community requested so we may want to also get an update on those changes that were made several months ago where that is actually geared more towards communities now than it was before.

Mayor Foxx said I appreciate you bringing that up Mr. Cannon. I was going to mention that as well. Our community really does grieve over the two very young children who were killed last week and I've expressed that publicly, but I also want to say that back in 2006 when several of us took a very difficult vote to triple the investment in sidewalks it was done with some knowledge that the safety of our community was at issue. Quite frankly we probably could have quadrupled or quintupled it and we still wouldn't catch up to the need we have across our community for the infrastructure. I do think that to the extent that we are putting dollars into sidewalks we should make sure to the best of our ability that it is going where it is going to make the biggest bank of its buck in terms of safety because this was an avoidable situation and we

obviously don't know more about the truck and the other pieces of this that made this tragedy happen, but to the extent we can eliminate sidewalks as an issue I think we ought to do that. We will keep working on that as we go through the budget process.

Councilmember Barnes said we have a Budget Retreat on Wednesday, the 29th of this month at 3:00 p.m. and during our first Budget Committee meeting last week I was asked to make an announcement to the full Council to essentially request that everybody be there as close to 3:00 as possible because this is going to be a very involved budget season and if we could get 100% participation by Mayor and Council that would be great for the city. Just asking everybody to be there and I know some folks have an ethics training so if you can there as soon as you can after that it would be great.

ADJOURNMENT

The meeting was adjourned at 9:05 p.m.

Stephanie C. Kelly, City Clerk

Length of Meeting: 5 Hours, 1 Minute
Minutes Completed: April 25, 2012