

The City Council of the City of Charlotte, NC, convened for a Workshop on Monday, January 4, 2010, at 5:23 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were: Michael Barnes, Susan Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, Patsy Kinsey, James Mitchell

ABSENT UNTIL NOTED: Councilmembers David Howard, Edwin Peacock III, Warren Turner

CLOSED SESSION

[Motion was made by Councilmember Cannon, seconded by Councilmember Burgess, and]
[carried unanimously to go into Closed Session pursuant to: A) NCGS 143-318.11(1)(4) to]
[discuss matters relating to the location of industries or businesses in the City of Charlotte,]
[including potential economic development incentives that may be offered in negotiations;]
[and B) NCGS 143-318.11(a)(3) to consult with attorneys employed by the City in order to]
[preserve the attorney-client privilege and to consider and give instructions to the attorneys]
[concerning the handling of a claim.]

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

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Councilmember Howard arrived at 5:27 p.m. during the Closed Session.
Councilmember Peacock arrived at 5:36 p.m. during the Closed Session.
Councilmember Turner arrived at 6:28 p.m. at the end of the Closed Session.

The meeting reconvened at 6:29 p.m.

Mayor Foxx said I wanted to talk to y'all a little about meeting times. We have a meeting time that is on paper that we really don't observe as closely as we might perhaps. My interest is in making sure that we can move as efficiently as we can, so I would like to start whatever the start time is that we set. I would like to start at that time. Hopefully we can make some of our meetings a little shorter and get back home to our families. The question I have is we have a lot of meetings that start at 5:00. Is that still a good time to start a meeting – not to show up and eat but to actually start, and do we want to push it back or leave it the same? I'm just asking.

Councilmember Kinsey said I have thought about this and talked to you about it, too, Anthony, because I think we need to start as close to time as possible. Eating any earlier than 5:00 is just terrible, but if we came at 5:00 and got our dinner and got in here and started at 5:15, I think we could – with the Manager's help in putting together the agenda, but we would need to be here at 5:00 to get through the line and be sitting in our seats by 5:15.

Councilmember Peacock said start at 5:15.

Councilmember Kinsey said I would suggest that.

Councilmember Peacock said second that.

Mayor Foxx said is that fair? All right, that's what we'll do.

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TRANSPORTATION: PREPARATION FOR WINTER WEATHER

Curt Walton, City Manager, said at least it's dry this week, so in case it's still really cold next week and it's wet, we won't have to review with you what we review annually about our snow removal.

Councilmember Kinsey said aren't we suppose to have some this weekend?

City Manager Walton said it's possible.

City Manager Walton said we wanted Layton to update you on our procedures for removing.

Mayor Foxx said, City Manager, I do want to say that we had a little ice cake on the road a couple of weeks ago, and I want to applaud the staff because the roads actually looked pretty good the very next day. Looks like a lot of hard work had gone into that.

City Manager Walton said there's a lot of preparation that went into that ahead of time.

Councilmember Barnes said may I echo that and say that I was actually coming back to Charlotte at midnight from Georgia and saw both CDOT vehicles putting their brine or whatever the chemical is out and NCDOT. They had tractor trailers on 85 spraying this stuff all over the place, so kudos to them and to CDOT.

Layton Lamb, Street Maintenance Supervisor, Charlotte Department of Transportation (CDOT), said I'm here tonight just to give you a quick overview of our snow and ice program that we run trying to clear streets of snow and ice. He began a PowerPoint presentation entitled, "Street Snow/Ice Removal Plan Overview," a copy of which is on file in the City Clerk's Office, and said I want to talk a little bit about the elements of the program. Basically what we are going to be talking about is the weather forecast, the preparedness that we do, items that the program does not include, and then answer any questions you may have about the program.

We contract with a commercial weather services provider to give us forecasts. Of course, it's important that we get as much information as possible so we can schedule resources appropriately and have appropriate equipment and materials on hand. Information we get from Telvent DTN, who is our commercial weather service provider – they give us weekly and hourly forecasts. They also give us pavement and bridge deck forecasts for temperatures, which is important in trying to get our equipment and people scheduled at the right time. They also use the ASTM standard for recommended pavement condition treatments that we go out. We don't always follow those, but they give us a good guideline to use and measure our effectiveness. They contact us. They give us emergency contacts so if we all of a sudden had a winter storm and 3:00 in the morning it is predicted to come at 6:00, I'm going to get a phone call and wake me. Hopefully we don't cut it that short. Also they give us on-line consultation with a meteorologist, so a lot of times we need that information to read between the lines of a forecast so we can get a good feel. Sometimes we don't get a good feel from just the graphics or the verbiage, so we can talk to a meteorologist on line.

Another element of the plan is employee training. We spend a good rigorous three days going over City policies, procedures, going over where the employee needs to be and the time he needs to be there. We spend a good three days in doing that, also evaluating our equipment to make sure it is ready to go and appropriately working, so when we get the call to be there. Our material storage is evaluated making sure we have enough materials on hand for the predicted winter that is coming up. We use basically brine, as you probably heard and read in the papers. It's a liquid material. We also can use calcium chloride when we need it in those very freezing temperatures such as we are experiencing right now when we have ice on our roads. It kind of drops the temperature that melts and helps us get the ice and snow off the streets. We store about 8,000 tons of rock salt, which we use extensively in our material approach.

Another element is an interagency coordination group. We call it the Hazardous Roads Group, but we meet once a year at least to go over each agency's needs, what Police, Fire, MEDIC would expect from Street Maintenance, what equipment Maintenance would expect from us, so we get in a room, we talk about these things so we make sure we are meeting each other's expectations so we can continue to deliver City services to the public. We also have an electronic notification system that once we feel confident that the forecast is right, that we have winter weather predicted, we can send out a notification to keep people in these organizations, and they are on guard that we are expecting winter weather and take all the necessary preparations that they need to be ready.

Another part of the plan is communications. We send out news releases and advisories to the public when we feel confident that the forecast is right, and we are taking steps to prepare for

winter weather and snow and ice on our streets. We have news briefings to update citizens with what we know and what we are doing. We also have our routes and information about our program on the Internet. Also 311 has information related to our program, what we cover and what we don't.

Another important part is selection of streets for our salt and plow routes. They are based on the concept of the thoroughfares first, connector streets second, and collector streets third. The idea is the streets that have the most traffic counts on them are open first. What we don't want to do is open those lesser streets or residential streets and have them come out into a thoroughfare street and it's not clear, so we kind of work backwards by taking those thoroughfares first, the spokes that come in and out of the city. Then we work on the connector streets that connect these spokes, and then we work on the collector streets that are the next in line for traffic counts. That is pretty much the priority we use in selecting routes. We have 31 of these.

The next probably most important part of our plan is the service level targets that we have developed. Here we have kind of categorized the storms. A light storm or Condition A refers to when we may have ice or snow buildup on bridges. That's usually the coldest surface, so that's where the ice or snow may build up. We probably run this condition 75 to 80% of the time in Charlotte because typically that's what happens as our bridges freeze. Here again, our coverage is just snow and ice on bridges. We have nine routes -- nine trucks -- that take care of those.

Moderate storm, the next level up, which we refer to as a condition B, this generally is described when we have a half inch or less of ice or less or eight inches of snow or less accumulated on the streets. Many situations we will put salt out on that condition first especially and may not plow it because we may have temperatures following that will melt it, and if we make a decision to plow, we take all that salt off the road and have to reapply it, so it's a matter of economics. Which is better -- to let the sun help you melt it as long as you have the material there, or do you break out the plows and plow it off the road? So that's a call that we have to make many times. When you plow, you get into a lot of property damage. You have a lot of hidden infrastructure out there such as medians, signs, and those type things, so the decision to plow doesn't come easy, but if it's necessary, we'll make that decision and do it. Under the moderate storm, coverage, again, is arterials, collectors, and connectors. Our target is to clear 90% of those within 48 hours, and sometimes we can exceed that goal if the temperature is with us. Sometimes that goal is a challenge when the temperatures are way down and we have a lot of ice on the streets. We have 31 routes, again 31 trucks with plows and spreaders that we use in this condition.

Severe storm is the next level, similar to the one we experienced in 2004, the one right after Hugo in '89. I think I have been here there have been three severe storms. We call that a condition description of half an inch of ice on the streets or above eight inches of snow, and our goal there is a full combination of plowing and salt. The coverage, the do the same coverage as we do in the moderate storm with the arterials, collectors, and connectors, but we have the option of adding residential streets as needed. So if we have to go into those neighborhoods, we will do it or can do it, but it's very expensive. It's a lot of streets that can be a challenge for us, so we have the option of calling in additional equipment from the contractor to help us depending on that storm. If we make the decision to go into residential streets just blanket, our goal is to make 75% of them navigable within 72 hours of the start of the storm.

Councilmember Turner said, Mr. Lamb, can you tell us on this recent event how many miles did we cover in treating for the storm we were going to have?

Mr. Lamb said there's roughly 1,500 lane miles of streets that we cover in salting and plowing.

Councilmember Turner said recently? I'm talking about the last treatment we just had when you did the salt, and you stated CDOT was out putting liquid salt on the bridges and streets a couple of weeks ago when we thought we were going to have bad weather.

Mr. Lamb said you want to know how many lane miles we covered with the brine?

Councilmember Turner said in that particular storm.

Mr. Lamb said we covered in the brine about 800 miles.

Councilmember Turner said do we have a cost for that yet?

Mr. Lamb said we have spent in snow and ice thus far about \$166,000, but let me qualify that. A good portion of that money is already budgeted in salaries and equipment. When we are doing snow and ice, we are not doing street work, but we are still using those resources. So, here again, we have spent on snow and ice \$166,000 to date. The cost of the brine ran about \$10,000. Brine is very economical, and if you can get it down in the right storm, it allows you to use a lot less salt and salt applications. Now, the last storm was very challenging. It was very difficult to predict where the freeze-thaw line was going to be, and typically our storms happen like that.

Councilmember Turner said can you tell us whether or not we have done anything to update your maps of roads? I know we came up with this service level target plan based on the storm we had in 2004. Can you help us out in regards to new facilities such as the Steele Creek Carolinas Medical Center out there in that area? Normally we would not have gotten that kind of service. Have we changed those road services based on now that we have a hospital in that area that we will need to have access to?

Mr. Lamb said, yes, sir. We cover all roads to the hospitals as well as the emergency exits and entrances to those hospitals, yes, sir, we do. As they build them, we add them.

Councilmember Turner said thank you.

Councilmember Carter said I see that we interface via communication with NCDOT. Do we also coordinate our approach with them in clearing street?

Mr. Lamb said with NCDOT, yes, ma'am. Every time we are going to have a news briefing, we call and ask them to participate with us. Is that what you're saying?

Councilmember Carter said, no, I'm asking if the clearance of the streets is coordinated as well as the communication?

Mr. Lamb said, yes, we do. We do a number of their secondary roads like Providence Road -- they pay us to do them -- Morehead Street, Eastway Drive. We do a number of their streets for them, and they pay us for it.

Councilmember Carter said are they covering our costs completely?

Mr. Lamb said, yes, ma'am. We have got an inflation clause in there, which we started in 2004, and we have that covered, yes, ma'am. He continued with the PowerPoint presentation with the top slide on page 6 and said things you may hear that may be a challenge for all of us is we don't do private and commercial drive entrances, however, when we choose to plow, a lot of times what will happen is that ridge of snow will close that driveway, and I feel sorry for a lot of citizens. They will get out and clean that driveway, and here comes a snowplow along plowing that ridge of snow in front of the driveway, and we get a lot of concerns from citizens of us doing that, but we just don't have the resources to go back and clean those driveways out, so we do get some calls regarding that if we have to go to a plow situation. We don't clean sidewalks or put salt on sidewalks except for Tryon Street Mall. The Solid Waste Services takes care of Tryon Street Mall, and they have some special material that melts ice and snow that they use on those pavers uptown, but they do clear the sidewalks there. Most of the commercial establishments I think building maintenance takes care of the sidewalks around city buildings, and the county as well does that. Now, we do work with them to supply them any material that they might need in the course of doing that. Then, here again, NCDOT interstates, freeways, ramps, and major state arterials, examples such as U.S. 75, I-277, I-485, 85, 77, all those are taken care of by NCDOT.

Councilmember Cannon said that would also include 521 and 49 where the City may participate?

Mr. Lamb said 49 we take care of inside the city limits for the state. The other one you mentioned?

Councilmember Cannon said 521.

Mr. Lamb said 521 we do not take care of.

Councilmember Cannon said they maintain that one.

Mr. Lamb said yes, sir.

Councilmember Cannon said regarding weather forecasts I'm curious to know is there a charge for that?

Mr. Lamb said, yes, there is.

Councilmember Cannon said how much is that to the taxpayer?

Mr. Lamb said that contract is about \$3,500 a year.

Councilmember Burgess said where in our budget is your line item for bad weather roads?

Mr. Lamb said we have a line item in Street Maintenance budget. It's \$100,000 is what the budget for snow and ice is.

Councilmember Burgess said is that over and above what we would pay anyway with personnel costs?

Mr. Lamb said, yes, that would go for purchase of salt and those type things we would need throughout the year.

Councilmember Burgess said I know several years ago I had heard about other cities putting snow plows on garbage trucks. Did you ever do that?

Mr. Lamb said we have talked about it. We have never seriously considered it. I don't know. It would probably take quite a bit of retrofitting for our garbage trucks to run snow plows, but we have pretty much taken care of that in the Charlotte Department of Transportation because of our responsibility for streets. Thirty thousand dollars is what it takes to mount a plow and a spreader on a dump truck, so I would imagine somewhere 15 to 20 may be the cost to mount them on garbage trucks. Also, one thing we would have to look at and be concerned about is if we are plowing residential streets with those garbage trucks do we have the thoroughfares and collectors open to manage that traffic. What we have found is that the traffic can get out on our streets, and it impedes our ability to clean and put out salt on our streets. So it has to be a coordinated effort in how you manage that.

Councilmember Burgess said so your trucks that you put the plows on you use for other purposes.

Mr. Lamb said, yes, ma'am.

Councilmember Cannon said on the forecast, just one more time, is that \$3,500 a year does it go to them regardless of if we have bad weather or not?

Mr. Lamb said, yes, sir.

Councilmember Cannon said it does, and why?

Mr. Lamb said because it's available to us. Let me add a little footnote to that. I can save that ten times over if I have got some predictions of temperatures. For instance, if I know that my temperatures are going to fall and there is going to be an event at 1:00 a.m. tonight, based on what they tell me, I am going to put in my request for resources and schedule a number of resources there. The better forecast I have allows me to comfortably cut those resources down if the prediction is that just my bridges are going to freeze, but if the predictions are that everything is going to freeze, so I can manage my resources and not pay them additional money or more

money, overtime, based on good forecast information and pavement predictions. So I save that money ten times over every year.

Councilmember Cannon said I hope so because to pay somebody for a service they aren't providing in a year where you just don't know when every half cent counts, I would want to be conscious about that.

Mr. Lamb said I can see where you are coming from there, but it's something that we have dealt with – I have dealt with over 25 years. The better forecast really affects how many people, how many resources you are going to schedule to come in. If I have got as good a forecast as I'm getting right now with pavement temperatures, I save the City money by being able to manage those resources.

Councilmember Cannon said I hear you.

Mayor Foxx said just want to repeat what I said in the beginning. Just in the one ice situation we have had this year, roads looked very good, and I'm very pleased with what you have got going.

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UTILITIES BILLING UPDATE

Mayor Foxx said the next item is one of great interest to many of us here. I think Mr. Barnes was one of those that asked for this briefing. It is on utilities billing issues in northern Mecklenburg.

Denise Foreman, Charlotte-Mecklenburg Utilities, said thank you for the opportunity to speak with you tonight and bring you up to speed on some of what has been going on with our utility billing concerns and some issues that have come up maybe recently. I want to get you all up to speed and let you know where we are and what's next. First we are going to talk a little bit about what high bills concerns are, what do we mean when we are talking about high bill concerns, our role in responding to those high bill concerns, and then specifically in the Peninsula and North Mecklenburg, and that's what has driven a lot of this recent attention and some of the concerns we have heard have been specific to the Peninsula and North Meck, and then to talk about what we are doing and what our next steps are.

High bill inquiries are not uncommon in a system our size. We have about 260,000 customers that we bill monthly, and we have an average of 2,500 high bill investigations we conduct annually. So it's not uncommon to have a high bill concern, so some of what has been going on recently is not unusual for us. When we talk about a high bill, typically what we hear from customers are one of two things. They have an unexpected spike in their bill, so they got a recent bill that just jumped up, and they don't know what the reason was or what the explanation was, or they had unexpectedly high charges. They look at their consumption that made some sense, but it cost more than what they thought, and so some of that is about reading the bill and some information about our tiers and things like that. That's typically two broad categories for what we experience when a customer contacts us regarding high bills.

There are a lot of things that can cause a high bill. I have listed some of them, but there are a number of things that can cause a high bill. The one that is most prevalent is probably leaks. They can be public or private leaks. A leak there at the meter can cause a customer's bill to go up. Most of the public's leaks are on the City side of the meter, so they don't impact meter reading, but there are a few types there at the meter that can result in a high bill, and then leaks inside the customer's home or the irrigation or somewhere between the meter and the customer's home can result in a high bill.

A lot of confusion regarding the bill, and we try to take care of that when the customer contacts us. Regarding our tiered rate structure in which you enter those third and fourth tiers, they really do jump. Your bill level will jump because of those tiers. Our bill date causes a lot of confusion. Some customers have as much as a window of up to 20 to 30 days between the date that we read the meter and the date that they get their bill, so the consumption doesn't always match what

they think their most recent usage is. That causes some confusion. We have electronic transmitters, and I'm going to talk a little bit more about that. That's our automated meter reading that we went to back in 2002. Those automated transmitters sometimes malfunction, and we'll talk a little bit about that. Sometimes we have incorrect billing information, and that simply happens. We have a lot of our properties are automated, and we don't have as much opportunity for error as we used to, so we still have people that touch the system, and we enter things incorrectly sometimes and get bad information. Then delinquency can result in high bills, so those are kind of the top categories that result in high bills, but it's by no means an exclusive list.

Typically the way things get started is the customer contacts Utilities or contacts 311 about their concern, and we worked closely with 311 to develop a list of questions to ask the customer as they start this. What is your recent bill, and we look at that information. Have you had company that might have caused your bill to go up a bit? Have you started your irrigation system? Did you run your sprinkler? Did you have a leak that you repaired and you forgot you repaired it, or because of the delay there might have been a repair? So, there are a number of questions, and most of them are very basic questions, and sometimes the customers respond well to that, some of them get a little frustrated that maybe they are a little too basic, but that's how we start out the conversation with the customer and review the account data with the customer trying to determine were some of those causes that I talked about is what was happening here. Did we have a transmitter issue? Did we have inaccurate entry into the system? Things like that, so we start that at 311.

Then if it's determined that it's not one of those common things, then we do a site investigation, and we have a technician at Utilities that will go on site, and they confirm the meter reading, make sure the data we have in our billing system is actually what the meter is reading us, and then we check the electronic transmitter for accuracy, and, again, there is a little advice that we use to make sure the transmitter is actually giving us the meter reading, and there is some confusion about that little transmitter and how that relates to the meter, and I'm going to talk a little more about that specifically in just a few minutes.

Our technician inspects the meter and around the meter box to see if there are any leaks. Like I said sometimes the little bolts that connect the meter to the pipe can leak, and that can result in a high bill, and we'll go ahead and get that fixed and get the customer's account adjusted if that's what's happened. Then we conduct a flow test, and if the premise permits, we will conduct a flow test, and what we are looking for there is just to make sure that the meter is responding when water flows through it. It's not an accuracy test. We are not looking to make sure it doesn't exactly – we don't know at that point exactly how much water is going through the meter, but we are looking to make sure that the dials are moving and the meter is responding, so we are looking to conduct a flow test. At that point, that's basically all our technician can do. Everything beyond that point is really up to the property owner. If we can't find anything there, the responsibility is mostly on the property owner.

I wanted to talk a little bit about meter accuracy. There has been some question and some of the concerns that we have heard is about the meter accuracy. Can we trust our meters? We feel very confident that we can trust our meters. Our meters are tested for accuracy before they are installed, and our system has very new meters. Meters typically are replaced every 15 years, but because of the automated meter reading program, we reinstalled meters in 2002, and it took us four years to get them all replaced, so we have pretty new meters in our system, so we are very confident in their performance.

This type of meter has been used around the nation and many different places for about 40 years. The technology of the meter itself has not changed substantially. The meter itself is a mechanical device. The water flows through, and the dials turn. You can't program the meter electronically to tell it to turn. It doesn't respond to changes in static electricity and things like that. There have been lots of theories about what is going on with our meters, and they are a mechanical device. They move as water moves it. They move as air moves it. If air goes through and you turn your spigot on, you get all that spitting and sputtering with that air moving through, so response to those two things. If there is air going through, you are going to know it. So we have a lot of confidence. We have done some recent tests of our meters, and we have still

found they are performing accurately at low, medium, and high flows, but we are going to continue to do some more testing, and, again, I'll talk about that in just a few more minutes.

The electronic transmitters, when we install those, we test them at the time of installation to make sure they are accurate and give us an accurate reading on what the meter says. Then when we do a site inspection – like I said, if we do a high bill investigation or if we do other types of investigations, we test to make sure the electronic transmitter is performing and giving us a good read. But these little things can mess up. The transmitter is an electronic device. You can see it's attached to the meter with a wire, so the transmitter has got a battery in it that has about a ten-year shelf life, but they mess up. You know how they do. If your watch is supposed to work a little longer than it did, and batteries don't always perform the way we hope for them to.

This little wire can get moist or it can get broken, so the transmitter can mess up. If it messes up, which means we don't get an accurate reading from it, we then go back to the meter because the meter is always going to be accurate. Remember it's not going to respond to electronics. It's always going to be accurate, so we can find those incorrections when they happen and make adjustments to customers' bills.

We aggressively replace those. Like I said, they can mess up, and we have a high-low parameter, so every time we do a meter reading we look to see if it is within the customer's average consumption, and if it's not, because we are driving by in a van to get this information – if it's not within that parameter, we send a technician out to get an actual reading from the meter before we actually send that customer a bill, so we are getting a visual verification if it hits our exception report. Then if we find it's malfunctioning, like I said, we get it replaced and get a new one in place. So we are trying to aggressively address some of those issues that are causing some of the electronic problems.

Like I said, most of these are very, very new. We began installation in 2002, and some have asked if you are having problems with the electronic transmitter is it still really worth it, and we estimate an annual savings of about \$1.6 million because of the staff reductions and the capital reductions as a result of this. We have two meter readers. We used to have over 38, almost 40 meter readers before we did this electronic, so we certainly see a lot of savings because of that.

One of the other things I talked about is some confusion regarding bills, and I think that this is what we are hearing mostly about now are the rates and the way the rate increases are impacting customer bills. As you know, we started our tiered rates back in 1994. We have been using this philosophy for quite a number of years, and the philosophy is to minimize the cost of essential usage. If you all recall, the way our charts look when we compare them in regional and national our essential usage is always in the lowest quartile and one of the best as far as costs go. It encourages conservation. As we saw two years ago, conservation is critical, and it's expensive to continue to build a system, so conservation is both good for the environment and good for our bottom line.

Councilmember Turner said I appreciate this information, but I want to go back to a point. You indicated and the reason we are having this discussion is because of the complaints that came in regards to high bills. What procedure have we used since the complaints to go out to remove any of these water meters to test them or take them back and replace them to see whether or not these individuals that had very high bills whether or not they were malfunctioning or – now, you said something that the battery can go out, moisture can cause it, but you also said without a doubt the dial was going to be correct, accurate, 100% accurate, no wear and tear of plastic parts, internal wear and tear, breakage, easy flow turning faster than it should.

Ms. Foreman said the meter wouldn't cause a high bill. We don't have any test results that we have conducted or any research that we have found nationally that would suggest that the meter would run high, but they do run low. They slow down, so over a number of years, which is why we replace them every 15 years because we lose revenue when they slow down, so we change them out, but they do slow down over time, but we haven't found any test results and we haven't found that they speed up.

Councilmember Turner said have we been able to identify any particular cause that has been consistent with why we had so many people with high bills?

Ms. Foreman said we have not.

Councilmember Turner said so we have not resolved the issue.

Ms. Foreman said correct.

Councilmember Turner said you want the citizens to believe that because of our tier now that I think it's pretty common -- the tier has been in place for a while now -- that if they use a certain ccf, and they go over, they are going to the next tier and the cost goes up. If they look at their bill, and they saw they had 22ccf, and they know what 22ccf is going to cost them because the amount is already on that bill, and you can multiply and come up with that cost. But their argument is that they are not using 22ccf, and if you look at their history previous that charts from month to month, they had an average of 10ccf, so they basically have doubled their use. How in the world do we convince these folks there is nothing wrong with the equipment we are using if we are not taking it out, replacing that equipment, just to satisfy that customer and more importantly to make sure that we can stand here and you can tell us without a doubt our equipment is operating correctly.

If there is no leak, they haven't been able to substantiate a final leak, we haven't found one on our side of the line, they haven't found one on their side of the line, but the water is going somewhere, somebody is using something, and these folks have high bills. Have we been able to substantiate whether or not any of these individuals who have filed complaints or concerns with us that they have an additional high bill since their initial complaint? Was this a continuation, or was this one time? I guess that's what I would ask for. If you would have had some information in here tonight that would have identified those individuals by complaint and then said in here, well, this is their bill when their first concern was. Well, this month's bill was actually very, very low. We didn't fix anything, we didn't find anything. We just simply saw that there was a difference in the use. Then I think we have a different argument. But if they are having a consistent high bill, and they are saying they are not using the water, well, nobody is watering grass right now, there is no pool being filled. Where is this water going, and how are we going to come to a conclusion to resolve this matter to satisfy them?

Ms. Foreman said on that point I'm going to show you an example in just a few minutes of a customer bill from the Peninsula area, the first 32 that we investigated, and it's a common -- and I can walk you through that in just a minute when I get there -- of most of the customers that we investigated in the Peninsula. You are right, I didn't bring a breakdown of each of the customers, but I brought an example of a common one. About 25 or 26 of the 32 have very, very similar charts of which I'm going to show you. But you are exactly right. There are exceptions to that. Not everybody follows the same chart, and that's where we get into some of the other questions. Did that particular customer have a leak? Was there a transmitter going wrong? Something happened with those customers, but we believe the other ones everything was functioning right, and then it went back down. The one-time spikes are also a huge question we would love to know the answer as well as everyone of why are they having those one-time spikes, but once we test that meter and we test that transmitter, if everything is working, we don't have an explanation for that.

I will pick up where I left off. In the 2008 rate increase, one of the things that we talked that was very intentional. If you all remember, we were coming out of the drought, and one of the things we were trying to do in conservation, more of a lifestyle and not just something that had to be enforced, and Tiers 3 and 4 were significantly increased. We had an average increase of 14%, but that was for the average 8ccf residential customer. Tiers 3 and 4 were significantly increased, and I think we are seeing the impacts of that here. Our average residential customer is still 8ccfs or less. That seems to be declining. It was significantly lower during the drought when the restrictions were in place, and it hasn't picked back up as much as some might think. Over 65% of our customers never reached that Tier 3 and Tier 4 level, so most of our customers still maintain in the 1 to 2ccf level, and they don't get impacted by those higher rates. This slide is just a reminder of what our current rates are, and you can see that they moved from \$1.45 at the lowest, at the first 4ccf. Then when you get up to that upper tier there really is a significant increase. It goes over \$5. Our sewer stays the same. It's \$4 per ccf, and we cap sewer charges at 24ccf.

This is an example, Mr. Turner, that I think gets to one of your points. What I have got here, the left side here, these are the rates we had prior to that increase in May that was a response to the drought. We had that 14%, so there were two rate increases in this chart – two fiscal years of rate increases in this chart. I think this gets at some of the concerns that we have heard. Our 8ccf user what I'm illustrating here is it went from \$36 to \$44, so you see it has minimal increase, and we are really trying to keep those rates low for those essential uses or for essential uses for all customers. Once you get into the upper tiers of where the irrigation customers are going to kick in, before the rate increase in FY09, it was \$105 for 24ccf. Now it's up to 172. For the exact same consumption, it's gone up to \$172, and that's a pretty significant change. The 50ccf was \$217 total, and now that's up \$310. So for a customer that might not have changed their irrigation practices from pre-drought – they just turned it back on to the levels they had before the drought – there would be a pretty significant change in their bill even though their patterns might have stayed the same. Again, that's not the case for every customer, but we believe that is some of what we are seeing.

Specifically to the Peninsula, several of the residents of the Peninsula contacted the homeowner association president about some of the concerns, so he contacted the homeowners association and said we are hearing some concerns – anybody else having anything – and report to us initially 32 residents there that were having concerns. We conducted a follow-up investigation to see this high bill investigation as I described earlier to see if we could find anything that might be going on there, and of the 32, we found 31 homes where everything was working correctly. We did find one transmitter that was not working correctly. We replaced it and adjusted the customer's bill as appropriate.

To Mr. Turner's point, this is an example of customer usage of those 32, and about 25 or 26 of them have very, very similar five-year histories. What we see is they are very low in the winter months. It goes down to what our average customer uses in the winter months, and this is over a five-year timeframe. But then in the summer months when you get into the May through October summer months, it spikes up every year. This year was the drought year when they were allowed to do one day a week – that summer when they could do one day a week. This customer really reduced their consumption but still was probably irrigating, and this summer is back up, and then, Mr. Turner, you can see that it's already on its way back down, and this is as of October/November. I can't remember the meter reading date, but you can see it's already on its way back down. And, that's true for most of the customers that we investigated, which may be an issue as we move forward trying to figure out if anything is going on with the meters or what is going on. Like you said, they are not irrigating at this time, so many of them aren't experiencing the problems that they were concerned about, so getting to a resolution may be –

Mayor Foxx said, Denise, just to interrupt for a second. A lot of the concerns that I have heard have been relatively recently made to me about this, and I don't know what the timeline of the actual bills that are being complained about are. Is what you are saying as you have investigated some of these complaints that the bills they are complaining about were actually summer bills and not fall and winter bills?

Ms. Foreman said that's right. For most of the ones that we had from the Peninsula they were summer consumption. Their bill is actually a month delayed from the date we get the reading, so their August 1st bill would have come to them September 1st, but, yes, sir, we started getting these complaints late October, early November, so that would have been late summer, early fall. In response to this, we met with the homeowners association and other concerned customers in a meeting back in early December. We talked about and the citizens expressed a lot of concerns regarding meter accuracy, the performance of our electronic transmitters, the role of Utilities in determining the cause of the high bills, customer service and communications, and some of that was again about the questions we asked and the way that process works, and then about our rate structures. Those were basically the discussion points at that meeting.

As an outcome of that meeting, the Cornelius mayor has established a taskforce that we are going to be working with to further review the causes of these high bills. The taskforce has their first meeting scheduled for next week, so they haven't developed their scope and charge of their work. Some of the taskforce members actually are in attendance tonight, but they will begin their work next week, and we are helping them get some information together in preparation for

that. We are conducting a follow-up with the meeting attendees. They signed a roster, so we are following up with them to see if they have continuing, ongoing bill concerns or if it was something in the past that now we are going to be following up on, or if something else is going on.

So the next steps that we have are to continue the high bill investigations. All the recent attention to the high bills has resulted in an influx – not huge – but it has caused about a 30-day backlog for us to actually conduct the site investigations, so we are going to continue those and see what we can find. We will be conducting meter testing. We will be pulling the meters that are in service and conducting more of the test inhouse and sending some to a third party, independent tester to make sure our testing is accurate and to give us a third party perspective.

We will continue to work with our electronic transmitter manufacturer. As I said, there are a number of things that can cause a wrong read, and our manufacturer has been working closely with us for about the last six months or so in particular to try to help find out what those are and mitigate those as much as possible. We will be updating our communication tools. One of the things we heard loud and clear with the questions were a bit frustrating, so we want to work on the questions and make sure we are working with those customers. Some of our letters were confusing or not as clear as we think that they or the citizens in particular think they should have been. Then we will obviously be working with the taskforce.

Mayor Foxx said we have a few minutes here for questions.

Councilmember Kinsey said I may have not heard you correctly, Denise, but earlier in the presentation you said something about the meter registered the water with air flowing through it?

Ms. Foreman said yes.

Councilmember Kinsey said are we paying for that air?

Ms. Foreman said you would know if you were. If you turn on your spigot, and it spits and sputters, then you have air going through.

Councilmember Kinsey said that's when we call you.

Ms. Foreman said it's very unusual if you hear it spitting and sputtering.

Councilmember Kinsey said I was just wondering. I was under the impression that most of the letters we have gotten recently were not from the summer. I need to go back and check that, but I have to tell you District 1 is pretty much in town, and I get an awful lot of complaints, too, about spiked bills, so I don't think it's just in one area of the city, but I do get a lot of complaints.

Ms. Foreman said you are right. It's throughout the system.

Councilmember Kinsey said sometimes I fear that our public service is not quite as friendly as it should be.

Councilmember Peacock said, Denise, most of the calls I have received have been from people that have a big, long history of bills that have been very consistent and then they have this spike there. Don't they have the bulk of evidence to prove this isn't them? After you guys have ruled these things out, what does that citizen do at that point?

Ms. Foreman said that's kind of the issue. We don't know. If this meter tells us that number, that means the water went through it, right? It's a mechanical device. The water went through it. So what is baffling us are baffling the citizens. We don't have an answer for that.

Councilmember Peacock said as elected officials we generally are going to side with the customer and say the customer is always right unless we prove otherwise. I have seen a lot of people give some pretty conclusive evidence of what their bills have been, and then all of a sudden this is what we are experiencing. This is what we are seeing right now in a lot of our email traffic. How do we respond to those, and what are the next steps here? These are some

broad next steps here – update communication tools. You are talking to some pretty big communication tools here right now because we are receiving a lot of emails. We either respond or we don't or we just send them to 311 or what do we do?

Ms. Foreman said I don't have another option for you. I guess that's our dilemma.

Councilmember Peacock said what should the citizens be prepared for? Should they have their bill history, their number of phone calls they have made to 311, the communication they have received back from you or not? How am I supposed to help them through that? Plus I want to also ask you. You said the recent influx has led to a 30-day backlog. You have only told us about 32 cases here, so about how many are we dealing with right now to create the backlog?

Ms. Foreman said, like I said, we have 2,500 typically annually. We have two high bill investigators to do that work, and that's okay – 2,500, two investigators can get the work done, but because of the recent coverage, we have had even more lately, so it's going to take us a couple of weeks to get caught up.

Councilmember Peacock said but 32 more – is it not 32 more?

Ms. Foreman said it's only 32 in the Peninsula. That's just that one homeowners association. That's not the universe of our entire system, no, sir, and I don't know the number, but, yes, sir, there are probably a couple of hundred in the backlog.

Mayor Foxx said I think that's a fair question. If there is some metric you can give us to show us what you typically see in terms of complaints about this time of the year versus what we're seeing now because the sense is that it's higher now -- at least that's how it feels on this end – than usual.

Councilmember Peacock said those citizens are thinking I haven't done anything; why is my bill going up? We need to have a process that we can help people through on this because I know this is probably going to lead to an increased number of calls to you all. I guess what this Council is asking you all is what type of resources do you need to shorten the backlog and be more efficient at getting these issues resolved? What type of resolution process are you going to be coming back to us with? If there is one way to improve it – I'm hearing from people that they are not getting responded to quickly enough, that they have written and they have not heard back, and I can only tell them we will be getting to you soon enough or just direct it to me, but I imagine you all don't want to see a lot of requests coming through Council members every single week.

Mr. Foreman said I think some of it is going to depend on the actual complaint from the customer. If it's in response to some of the recent coverage, again, some of them are historical complaints – not recent complaints. I'm calling today because I had a high bill this summer that I want more information on. I want to see if you can fix it. Some of it is historical, and so for them, there's not as much of a sense of urgency but still a need to respond obviously. But for some of the ones that are more recent, if I just got a high bill yesterday and it's a new consumption charge, then obviously we want to get out there. So they are prioritized, but we think we can handle the backlog. We don't have a lot of additional resources because of the vacancies that we have, but we think we can handle the backlog. It just kind of depends on how much this attention continues. Some people are calling – may not have as legitimate concerns as other people may, and so there is a balancing act of trying to respond to the ones that are, in fact, legitimate.

Councilmember Cooksey said you have given us two useful tools that I think we can apply in the chart of usage and changes of water rate table because what I found, and I think the common theme for a lot of contact has been I haven't changed my behavior significantly, but my dollar amount is high. We have always got to remember that is going to be the case because we raised the rates especially for someone – My most recent email today was from someone who averaged out 18ccf a month because they were giving me their annual ccf consumption that averaged out to 18 a month. Now, we all know that was going to follow this spike chart here, so I can only imagine what their consumption was summer of '09, which, of course, would have created a huge bill higher than summer of '08, summer of '07, summer of '06. I think the dilemma we

have to face on the subject of communication is frankly in budget season we try to minimize the impact by talking about the overall impact. We did a 5% across-the-board increase, so in other words, Charlotte-Mecklenburg Utilities is getting 5% more revenue than they did the previous year. Well, for 65% of our customer base, that's going to be non-noticeable, but when you get up to 10%, 20%, when you are talking 250,000 customers, that's a big percentage – we walloped them, and we have just got to continue to communicate that is our policy, quite frankly, until and unless we change it.

Councilmember Cannon said, Denise, the complaints that I get have been really not so much year-to-year, but the calls I'm getting are month-to-month. So as you start talking about what are red flags to the general public, what do you say to them? Obviously they see a big jump in the rate from – I don't know – from June to July or from October to November. What are we saying at that stage?

Ms. Foreman said unfortunately their answer is not a very popular one. Most of the time we find that the customer has a leak. That's not always the case, and I know customers always cringe, and they get upset with us, but the reality is most of the time we have found that when a customer's bill spikes they suddenly have a leak. It's easy to fix, it can be expensive, and depending on the type of leak, it could really cause the bill to go up. Some of them have a minimal impact, but some of them unfortunately what we really encourage is please do due diligence and make sure you get a qualified plumber. We have had customers that have had two and three plumbers, and the third one really finally found it. The first two they wasted their money. Unfortunately, that's not a popular answer, and we can't track that.

We don't know how many of them actually found a leak and repaired it. We don't know what happens after we have conducted our investigation, so I don't know exactly how many, but we hear from customers that is, in fact, what caused their high bill. The other thing, like I said, is these things can cause a high bill, and that's a pretty easy find for us, but that certainly some of these that have made the media, and they have been very sensational -- \$200 and \$300 spike – some of them are a result of this, and we are able to find those and get those fixed. We certainly want to follow up if there is a concern.

Councilmember Cannon said if you see there is no matter are you doing what you can to relax how people are able to pay for their water bill?

Ms. Foreman said we do. If they call us – they have to call us. We have a payment arrangement program that we work with customers to try to help them get that paid for, and we feel (inaudible) what utilities do to allow them to that bill paid for.

Councilmember Cannon said I want to ask you more about that program, but now wouldn't be the time because I know, Mayor, we have some other questions and another subject matter, so thank you, Denise.

Councilmember Burgess said why do you have up to a month's lag in billing? It seems to me that's costly to us. It also doesn't really show the cause and effect to the customer.

Ms. Foreman said you are right. That is something we are currently working to address. The way our meter reading routes go some of our routes have 8,000 customers to read, some of them have 18,000, and to cover that entire service area takes us 20 days a month to read the bills. It just takes us that long to get them read. So a project that we are currently doing is to optimize those routes and take advantage of some of the technology that we have so that we can shrink that window. Our goal is about a ten to 15 day. We don't want to bill immediately after we get a reading because we want to check and run some reports and make sure that those readings are correct, so we want a little bit of lag time, but you are absolutely right. Thirty days is too long, and we are working to improve that.

Councilmember Burgess said the other thing is that in part we raised the rates of Tier 3 and 4 to encourage conservation, but I don't think we were effective in getting that message out to our customers. Their bills obviously have gotten their attention, but we really need to do more I believe even now to prevent those Tier 3 and 4 usages. I don't know how we do that. We can put some information in the water bills, but if we can be helpful, let us know. I know with

district meetings or whatever, getting the message out, but we do, I think, need to improve our communication about the extraordinary increases in Tiers 3 and 4.

Ms. Foreman said that's a great point. One thing I should have mentioned is this is out in the customer's front yard for the most part. It might be inside or backyard, but it is out in their yard, and if they have questions about the actual reading, the reading is on their bill, and they can go and look in the meter box and verify that they are being billed for their actual meter reading, and there has been a lot of questions about are you estimating, am I getting my neighbor's bill and things like that, and you can verify it yourself by actually looking at that.

Councilmember Burgess said when people have talked to me about their water bill, and I try to explain Tiers 3 and 4, they have never heard of it, so I would say most people don't – most of our customers have no idea how their rate is structured, and that is what I think we need to do a better job of.

Mayor Foxx said, Denise, it sounds to me like at the end of the day the best way for us to really understand what is going on is for people to call in their complaints, have them investigated. I would ask the staff to keep tabs on what we are seeing. If you see some trend lines there that suggest that there are some unexpected causes of these high bills that you get back to us as promptly as possible. The second question is if I'm talking to someone or those of us around the dais are and they ask us how long will it take once I make a report for someone to get back to me, what's the answer to that question?

Ms. Foreman said typically it's five to ten days. We usually can get an investigation done within a week – maybe a little bit longer, but now, like I said, it's up to 30 days. I think as of today we have about 18, 19. As of this afternoon when I was looking, I would estimate our backlog as really 18, 19 days. I put 30 because that's what we are telling customers when they call into 311 that it may take up to 30 days to respond to your complaint, but our actual backlog right now is about 18 days.

Mayor Foxx said the final point I will make, and I will get to you in a second, Mr. Howard, is there may be opportunities to do some PSAs on this just to let people know if they have question where to call and that sort of thing, and I would urge that because I'm hearing enough in the community that I know it's a creating a lot more calls probably, but that's what you want. You want the customer to ultimately be informed about what is going on, so that's another suggestion.

Councilmember Howard said just to piggyback on what you and Mayor Pro Tem said is to also talk about the lag in time. I mean that would be another important part. It's not what you did this month. You get this bill when this happens – just so people understand.

Councilmember Cooksey said just two quick ones for me. All of this information – the rate structure and the data reading – are on the bill, right?

Ms. Foreman said right.

Councilmember Cooksey said you can learn a lot just by reading the bill.

Ms. Foreman said right.

Councilmember Cooksey said, secondly, this question is for the Manager. To what extent is some kind of customer service evaluation or customer service response part of how you, as the Manager, evaluate the performance of the Utilities Department?

City Manager Walton said it's part of our corporate scorecard and part of the annual evaluation process, too, for individual businesses, so it's definitely incorporated in there as part of the metrics.

Councilmember Dulin said, Denise, do we ever estimate bills or estimate usage to round up, round down?

Ms. Foreman said I got that question earlier today. Last month we billed two hundred and sixty some thousand customers. We billed 99.7% on actual readings that we got through electronic transmissions or for visual confirmations – 0.3% were estimated. That's about 750 customers were estimated last month. That's about a typical month. We do have to sometimes estimate.

Councilmember Dulin said why would they be estimated – left out, fixing the meter?

Ms. Foreman said usually it's two things. One, the meter is not able to be located right now. It might be covered up, so the signal isn't coming out over the leaves or the mulch or whatever it is that has got it covered up, so we are not getting a signal, so we would estimate until we get that located. When we do that, we then put in a service request to get that meter located. Then the other one is depending on the location we sometimes if a vehicle is parked over a meter it can interfere with the transmission from the transmitter, and we may not always get a reading from that meter if something is parked over on top of it. That's a short-term thing. The vehicle can move, and we can get one the next month. If we do an estimation, we take the average consumption. There's a rolling average on the customer's account, and if we do an estimation, it's based on a rolling average for that customer's bill.

Mayor Foxx said with no further questions, Ms. Foreman, thank you very much. I know we are going to continue hearing about this from our citizens, so we'll keep open lines of communication.

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CITIZENS' FORUM

NO CHILD LEFT OUT ON THE STREET

David Jarrell said I'm speaking on behalf of Derrick Clark, my neighbor in the Enderly Park neighborhood. Derrick has been hard at work developing some ideas to address a need he sees in our neighborhood and across the city, namely, children and youth who receive neither adequate nutrition nor adequate supervision during their out of school time. So, Derrick sees, and we, as his neighbors, see what has been well documented around the country that well designed, well run programs during out of school time increase the capacity of children to achieve in school, to break cycles of poverty, to lower gang participation, and to establish healthful lifestyle habits that can be effective in preventing the health disparities common in high poverty neighborhoods. So among the ideas that Derrick is seeking to put forward are to provide a healthful meal to each child during these programs that he is coming up with. Currently most after-school programs provide only a snack. In my personal experience as an employee of one of these programs, the snacks are never fresh food but instead highly processed carbohydrates that train children to eat diets that only propagate the health disparities affecting our neighborhood and others like it; also to provide trained staff with a low staff-to-child ratio in order to achieve the maximum effectiveness of the program, and to make supplemental math and reading an essential part of this program. Derrick has done a lot of work in putting together some petitions of support from our neighbors. We have approximately 190 signatures with us here tonight, and also have a document to distribute to you with some contact information. We are seeking to employ some ideas about how to create a partnership specifically with the City and whatever other ideas we may need in order to build a program like this in conjunction with the City of Charlotte.

Mayor Foxx said thank you both very much and particularly thank you for the time and the energies that you spend with our kids in this community. It's a great need, and we appreciate it. We'll take a look at what you have given.

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PUBLIC SAFETY IN THE COMMUNITY

Vivian Mitchell, 3425 Valerie Dr., said I have a wish list for my community. I live on Sunset at Linda Vista. I'm here tonight to bring to your attention two concerns, two major concerns that are going around my community. I have been living in this community since 2004, and I feel we

have been abandoned and neglected. There's about 121 homes in this community, and the community has a severe drug problem. We have several homes that drugs are being sold out of. The police have been called several times by members of the community to report the drugs that are going on in our community, and really nothing has been done. There is a lot of youth that hang out and just loitering around in the neighborhood, and they are openly smoking marijuana right in front of our faces. I'm really, really concerned about the safety of my two small children, okay. I'm concerned because when I walk out of my house what is going to happen to them. My neighborhood is very, very dark. I guess if you turn the lights out you will see what I mean from here. It's very, very dark. We have no lights at all in the community. The community has been in existence since 2003. I would like to request that the bond be opened up regarding the lights in my community. I called 911 once, and I said it to them that there were a lot of youth hanging out across the street from my house, and they asked me did they have guns and did they have drugs on them, and I said I didn't know. You know, I found out the answer to that. They do have guns. I found this bullet in my driveway. I'm here tonight to plead with you that you help me, help my community, give me the contacts that I need, do away with the red tape, the running around that I have been getting, other members of my community have been getting, and help us to get rid of the drugs in our community. Help us to be more safe in our community. The year 2010 that is what we hope, that is what our wish is for the new year is that we become more safe and that I'm not intimidated by these youth that are just walking around harassing the citizens of my neighborhood. It has really fallen on deaf ears because this is not a new issue.

Mayor Foxx said I'm sorry, Ms. Mitchell, you are out of time, but we have gotten your complaints, and what we'll do is try to get our Police Department to respond directly to the ones about crime in your community and also have someone from Neighborhood Services respond back to you about the lighting issues.

Councilmember Dulin said, Ms. Mitchell, I missed it. The name of your community. We do have a guy who does nothing but work on streetlights, and lighting up a neighborhood is a great way to flush those bad guys out of there.

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BARRIER TO CLOSE OFF VEHICULAR TRAFFIC

Elizabeth Phillippi, 8650 Getalong Rd., said three people from our neighborhood signed up, but only one of the three of us is going to speak to try to help preserve some time this evening, so Cindy Drozd is going to speak, and I'm going to distribute some things.

Cindy Drozd, 8315 Getalong Rd., said Elizabeth is going to distribute a petition that we signed in our neighborhood and a Google map of our street and the connecting community we are talking about for this evening. Thank you, Mayor Foxx and the members of the City Council, for allowing us the opportunity to discuss our ever-growing concern of our little neighborhood called Eastern Highlands. Larry and I have been residents for almost eight years, and what drew me to the area was how beautiful, quaint, and really tranquil the neighborhood was. Until three years ago, our little neighborhood consisted of only one road, and it was a dead-end street, and that name is Getalong. Getalong now connects to the Seven Oaks community, which is next to ours, and it's connected by a small little road named Bull Run. We are here today to request your help in addressing what we consider a quality of life issue, which involves closing this road. As Seven Oaks has developed and grown, the traffic has become almost unbearable. Even though Seven Oaks has a main entrance at Rocky River and an entrance at John Russell Road, Getalong now seems to serve as the main entrance and entryway for the Seven Oaks community. I have been told that the community will eventually consist of 230 homes to our small little neighborhood of 26. With the major influx of heavy traffic, there is an increase of crime, there is drunk driving, property damage, and our once bucolic road has become a major thoroughfare. As an example of just how back it has gotten, I was recently at home recovering from surgery, and I was really bored, so I started counting, literally counting, the cars that passed my house on the road, and I counted over 200 vehicles in just one afternoon. That really just astonished me. My neighbors and I are well aware of the City's connectivity, which encourages this kind of connection which we are so concerned about. I truly believe there is an exception that can be made with your help for the following reasons: Seven Oaks has an entry and exit point that leads

to a signaled light at Rocky River and Grier Road. The State told us it's supposed to install another light at John Russell, which will give Seven Oaks two safe ways to get in and out of their neighborhood and Eastern Highlands, and there's groups all over the room here who have come. We'll pay to install the wooded area barrier with flowers and trees and shrubs, and we will incur that cost on our own if we can stop this.

Councilmember Cannon said, one, I just want to thank the speakers for coming and anybody else represented of the community. I want to let it be known that I have gone over there I guess three times – once on the weekend, twice during the week – and have actually witnessed what we heard tonight. There have been racing cars through there in light of and in spite of a speed bump in the neighborhood, and a lot of cut through to say the least. Mr. Manager, it's my belief, and I have always felt this way, that connectivity should be based on merits by the neighborhood and/or the neighborhoods and not based on a mandate. We have to be careful, I think, when we start talking about connecting neighborhoods that lead to public safety issues like cars – not just cutting through but speeding through neighborhoods. Secondly, also the potential of drug trafficking that does take place in some area neighborhoods. Not this one per se, but we have to be very, very careful about where we allow connectivity to take place.

So, it's my hope that we will look at this very closely where this cuts through to Bull Run Road. I know about the cut through because I cut through it myself, but only just to see what was going on where, of course; not on a regular basis. I just want it to be known that it is problematic for that community, and I would hope, Mayor and Council, that we will look at this in a way of potentially trying to find some way to barricade, and I don't mean barricade like what we have seen before. Those barricades are kind of aesthetically non-pleasing to the eye. To put a big piece of concrete up, I don't think is the answer. It may be that road has to be taken out and dirt put down and you have some planting strip or something there to separate it. Now, I don't want to get too far ahead, Mr. Mayor, but I just want to put there that we do need to do something with regard to this issue of connectivity in a community where it has really, really gone bad.

Mayor Foxx said I will just advise Council that one of the things the Transportation Committee has been working on is further drilling down on connectivity, and that will be coming actually to the Transportation Committee and through it and back to the full Council so there will be a chance to take a policy look at this. Curt, you may want to respond.

Curt Walton, City Manager, said I just want to remind Council only Council can close a street. This was part of a rezoning that Bull Run and Getalong were connected, so if you want to disconnect it, only Council can do that. So there is not a process that the staff can go through that results in a closure. So I think that part of the reason the folks are here tonight is to ask you to consider that on a future agenda.

Councilmember Cannon said I move that we do that, Mr. Mayor, if at all possible – to put that on a future agenda for Mayor and Council to consider.

[Motion was made by Councilmember Cannon and seconded by Councilmember Mitchell to]
[place this issue on a future Council agenda to explore the process that needs to be taken for]
[future requests on street closures.]

Councilmember Burgess said I would rather wait until we work through the policy implications and see how the policy would apply. It actually might be very instructive in getting the policy set. But I do have a question, and that is where will the new traffic light be?

Ms. Phillipi said it will be right there at Rocky River and John Russell Road.

Councilmember Burgess said this is the one -- Councilmember Barnes, is this the one you have been working on with Rep. Mackey?

Councilmember Barnes said, yes, the State is going to be putting a light at John Russell and Rocky River in the next few months, I believe. Is that right, Mr. Manager?

City Manager Walton said, yes, sir, I think that's right.

Councilmember Burgess said I happened to run into Rep. Mackey at a basketball game this weekend, and if this is the same light, he said the City actually is going to do the work on the light.

Councilmember Barnes said they are reimbursing.

City Manager Walton said we have an interlocal agreement.

Councilmember Barnes said when will that happen?

City Manager Walton said I have forgotten the timeline, but it is the spring; is that right, Mr. Barnes?

Councilmember Barnes said that's what I understood.

City Manager Walton said I think it's within the first half of this year.

Councilmember Burgess said, okay, so it will be within the next couple of months. Is this going to be built out? Is the rest of Seven Oaks going to be built; is that what you said?

Ms. Phillipi said yes. There's heavy construction right now up in this area. There is a lot of construction going on – I'm not sure what the name of that road is, but there must be ten, 15 houses under construction.

Councilmember Burgess said so when this is built out would it not be connected with a road that would connect with a light intersection? In other words, when it's connected to that traffic light, this may actually solve itself.

Ms. Phillips said I don't know that it will solve itself because I believe that people are choosing to sidestep the light.

Councilmember Burgess said but they don't have a light.

Ms. Phillips said the light that is currently there. There is a light at Rocky River Road and Grier Road already.

Mayor Foxx said there is a motion and a second. More discussion.

Councilmember Howard said just a word of caution. One, we are talking about setting somewhat of a precedent here, so in the future, what are we talking about? We are talking about what standard do you use to close a road that was approved because of a neighborhood being built? This was one of the ways in and out of that subdivision. Our subdivision ordinance obviously said it needed to happen when they did this neighborhood. What precedent are we setting, and what standard are we going to be looking at when other people come and ask us about closing roads that they think are problematic. The other thing that I'm wondering is why wouldn't we have the neighborhood go through the abandonment process if that's what they want? They want it to be closed. If they have a section of it abandoned, then we are not setting a precedent. We are actually just going through a normal process, and the neighborhood has that right, if I'm not mistaken. Anybody can request abandonment of anything. I mean my only thing is if this is what the neighborhood wants, why wouldn't we just stay in the framework of what we have in place already of going through abandonment, and I'm wondering what standard or what problems do we have neighborhoods come in the future to say I want to close it because of X, Y, and Z. What is that standard? Just a bit of caution.

Mayor Foxx said I think that was very well put.

Councilmember Carter said I had written Ms. Szymanski, who controls some of these things with us, asking about speed humps. There is obviously one there, and I remember now riding over it. It's a challenge to me if the State puts a light at John Russell and Rocky River. I think, and I agree with the citizens, that the traffic is going to be pushed to them on Getalong to avoid the light. Consequently, what I would like to see is a traffic count there on Getalong to see if a traffic

light is warranted at that area, and then you would equalize what is going on – the dynamics with the three roads that are access roads. I am concerned this is exactly what we predicted when we did connectivity – that you divert some of the traffic – you equalize it. If it is excessive, then you try to address the subsidiary issues and make all of those entrances equal. That's my suggestion about looking at a traffic light for Getalong there at State Road 2828. I am concerned, and looking further to the north, there is another stub street. Is it Sardlyn, and it's just at the number 24, and there's a stub on the other side that leads over to State Road 2831. Then you would box in the entire area with connectivity, so equalize again.

What I'm trying to do is make it so it's not oppressive to any one citizen or any one homeowner or any one section but to have a good flow, and I think that is the intention, and I really am concerned about looking at policy as we did with Wright Avenue – establish the policy and then take action. I think that is a very good precedent. I don't want the neighbors to suffer through that, but I think if we act in a reasonable way then we'll have a better approach to continuous problems that come before us.

Mayor McCrory said we still have a motion pending, and I just, for the neighbors' benefit, I think we all appreciate the concerns you have. The question for this group is just trying to figure out how to best manage them in a way that doesn't create a precedent where we have every week 15 neighborhoods asking for streets to be closed or whatever, so that's the conversation you are hearing.

Councilmember Burgess said I was not prepared to vote on this tonight. I had no idea that might come up. In addition to waiting until we get a policy and then looking to see if we could use another process like abandonment, I think it's completely unfair to Seven Oaks to take an action that they don't know is being taken tonight and they have not expressed an opinion one way or the other. I think in fairness to the other neighbors around Getalong that we ought to inform everyone that this is under consideration and let people express an opinion one way or another. It may be something I would support with more information, but I certainly can't support it tonight. This just came out of the blue to me anyway.

Mayor Foxx said I think the request is to put it on a future agenda.

Councilmember Cannon said that's simply it.

Councilmember Cooksey said ordinarily I will vote to put anything within the purview on Council either on a future agenda or for a Council committee study just because that is what we are for, but in this case, I think the proposed alternative solution of a petition for an abandonment works within a procedure we have rather than a special request for a street closure, so I'm going to vote no on the motion and encourage the owners of the property adjacent to follow our procedure for a street abandonment of Bull Run Road.

Mayor Foxx said we have got a motion to place an item relative to this on a future agenda. It's been seconded.

Councilmember Cannon said which could include abandonment, Mr. Mayor. All we are doing is allotting an opportunity for the process to be just that – a process where you can have that dialogue, determine if indeed you want to move in that vein that you are talking about, Mr. Cooksey, as well as other members of the Council – Mr. Howard and Ms. Burgess and others. A new precedent is often set by governing bodies. There had to be a precedent set to establish connectivity when Mayor McCrory fought for that issue to be what it is today. I'm just saying that I think it's important that we pay some attention to what this neighborhood is beset with and maybe other neighborhoods like it and do some ground work and get those studies we are talking about regarding traffic and whatever else you want to get to help us to make an informed decision, Mr. Mayor. Again, I'm just asking that it be placed on a future agenda, and I think that's why Mr. Mitchell seconded it.

Councilmember Barnes said, Mayor, I want to recuse myself from this vote.

[Motion was made by Councilmember Dulin, seconded by Councilmember Kinsey, and]
[carried unanimously to recuse Councilmember Barnes from this vote.]

Councilmember Cooksey said for what reason? What's the reason for the recusal?

Councilmember Barnes said what do you mean?

Councilmember Cooksey said is there a conflict of interest?

Councilmember Barnes said yes.

Mayor Foxx said I want to ask to have the motion restated because I'm unclear whether we are asking for the Council to seek to close the street or whether we are asking to open up a process by which the neighborhood can seek an abandonment petition, which they can do anyway, so I just want to make sure I understand what the nature of the motion is.

Councilmember Cannon said the motion would be to explore the options of what might be in the best interests of that community by way of looking at an abandonment and that process to be followed, Mr. Mayor, or any other said action that the Council would like to take regarding it.

Councilmember Dulin said I don't mind looking at the options, but I made the conclusion that doesn't need to come to Council. That needs to go to committee, and I would like to make a secondary motion, if I could, please, to send the study of the options then on a timely, quick basis to the Transportation Committee. That way we can get our arms wrapped around this before it comes back to complete Council. I'm assuming that there are not bulldozers going out there warmed up to start knocking this thing through, but as far as Seven Oaks, Seven Oaks is in construction now. I would like to get this thing to committee. It's not something for the Council to study.

Councilmember Cannon said is that a friendly amendment, Mr. Dulin?

Councilmember Dulin said if it can be.

Councilmember Burgess said a substitute motion.

Councilmember Dulin said if you want me to amend it to send it to committee rather than Council.

Mayor Foxx said are you requesting a friendly amendment? Would you accept that?

Councilmember Cannon said, yes, sir, Mr. Mayor, I would.

Mayor Foxx said that's accepted. We have a motion and with the friendly amendment.

Councilmember Turner said I had a couple of questions before we go any further for me that I need a clear understanding on. In regards to Seven Oaks, I'm looking here at your entrance. I can't really read the names of some of these streets here, but I want to go to Getalong, and I guess that would be Bull Run that somebody wrote in pen here pointing to that. That is the connector street we are speaking of tonight. You indicated that Seven Oaks is still under development?

Ms. Phillipi said, yes, I think there are probably 100 – there might be 100 houses there now.

Councilmember Turner said but are there vacant lots for future houses?

Ms. Phillipi said yes.

Councilmember Turner said and that connector street there are there homes on Bull Run and Fern Spray Road?

Ms. Phillip said there are no homes that face Bull Run. There are a couple of homes that are on the corner of Bull Run and Fern Spray, but they face Fern Spray.

Councilmember Turner said, Mr. Manager, I don't want to get into a public hearing here, but it appears that is what we are doing because I would be very concerned to ask Ms. Campbell when we were petitioned to approve this zoning was that a part of the rezoning requirement that we approve that based on that connector. Then secondly I would ask you to consider, Mac, what are the legal ramifications here for someone that is futurely looking at buying a home that was under the impression that road was a connector or have bought in that neighborhood to allow them to have another exit out of that community for safety purposes. Now, I'm looking at the Fire Department right there. I don't know what input did we get from the Fire Department for response time getting in and out of this neighborhood. Is that an advantage or a disadvantage if we close that road off, allow this petition to go through by a vote tonight to have this put in as a study in conflict of what we decided as a Council previously, so that is a concern for me. Before I vote to go any further with any of this discussion, I would like some clarity on that, and can you comment on any of that in regards from a legal perspective.

DeWitt McCarley, City Attorney, said I would interpret the motion at this point to be a motion for study of options and with no action ready to be taken. Staff will report on each of the issues you have mentioned.

Councilmember Turner said can we make sure that the Fire Department has some input in that regards.

Mr. McCarley said yes.

Mayor McCrory said we have to remember this a Workshop. There are a number of speakers that are waiting to speak.

Councilmember Howard said I just want to make sure that the maker of the motion, my fellow Councilman, Mr. Cannon, if the committee came back with we recommend the citizens file an abandonment that could be one of the options.

Councilmember Cannon said, yes, sir.

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

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

NAYS: Councilmembers Burgess, Howard, Turner

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FORECLOSURE REMEDY SUGGESTION

Jeff Brown, 5929 Suite N Oak Dr., said our company is (inaudible), and we are a bank foreclosure cleanout agency. It's pretty big out west, which we are not out west, but that is where a lot of foreclosures are, and it's really hit our city hard. There are no jobs, so we can go in and get the house cleaned up, get it back up to Code and standard, but there is nobody working as such to occupy the home. So what we propose to do is to partner with the City and have it be sort of a bridge between the bank and the actual person that has actually been displaced through the foreclosure crisis. If you turn the page, but the program is called "Charlotte Labor for Home Program," so if they make \$12 an hour with our company, then \$2 an hour goes into an account, and it actually puts their rent off into an escrow, and it pays it, so it's always there. So, if they make an extra dollar more, than fifty more cents will go towards rent. We also have a program out here as well. But the concept is we can do this for Fannie Mae and all the banks, and that's fine, but they don't have jobs, and we want to create jobs for our city. So, if you are employable, you don't have felonies, you haven't harmed our city in any way, we can give you a job, and, in turn, put you into a foreclosed home because right now they are sitting vacant. We have got pools that are just full of – we have seen it all – full of furniture. I mean it's really, really bad in our city. I haven't seen it this way before, and frankly it's quite scary. I don't want to go anyplace else. There is not another city for us to move to. This is our home, and we have to clean up our home. I don't want us to become the modern day Detroit and don't want you guys to be elected officials of a ghost town, you know, because that is what it's turning into. That's

our plan is to put people that are able to come back to work meaning if you don't have any felonies, you haven't harmed our city, you haven't spray painted it, you have done nothing to harm us at all, we will give you a job and put you in a home, and we can be that bridge between the City, the people that actually live here, and the bank. Right now, let's face it, if I'm a millionaire with good credit, I couldn't get a loan. They just are not loaning money. If the job is going to be your credit, and if you are working for the company, and we have first position on that house – I mean we know the situation on that house, we know the in's and out's of it, what's going on with it, why it should be up to code, and if it's not, they can't live there. You can't have anybody in that home that has harmed us in any way, so you can't have a girlfriend per se to get the house and then you move in. It's just not going to work that way. We need to occupy these communities with people that have not harmed our city, and, furthermore, we also have a plan for Eastland Mall.

Mayor Foxx said your time has run out. I'm sorry. I appreciate this. This is really helpful information, and what we'll do is ask our Neighborhood Services Department to take a look at it and get back. I will ask you to take a look at the Neighborhood Stabilization Program, which is one the City is using some resources to go out and try to take foreclosed communities, build them back up, and get people into these homes, but we'll take a look at this.

Mr. Brown said you got any questions?

Councilmember Peacock said I have got one. Mr. Brown, on the last page, you say our rise, former Eastland Mall. What do you mean?

Mr. Brown said the mall is closed now – well, pretty much closed now. It's pretty much an eyesore to most people now, and that's where I grew up. It's just an icon for kids. What we propose for that is to change it to Eastland Soapbox, the world's largest indoor skate arena, and there is going to be no money inside the place. You have to pay at the front door. We are going to give you a card. Whatever you want to load it as parents or whatever, you can load it, and once you go inside, we are going to pad the walls for about six-foot high so you can skate all around the mall and not just in a circle. They will come for miles, and we can actually – I mean it will great change. All the escalators that are going down, smooth. An easy road surface where you can skate down. We can keep the skating ring in place, right? We can have ESPN tournaments, you know, for skating, so it's just going to be a nice place. There is going to be no standing in the parking lot, no driving through. If you are not getting dropped off or picked up, you are not welcome. Your pants have to come waist high. You have to be respectable. You know, we are not going to have none of this. We are not going back to the old terms. This is going to be a family environment if you guys agree. If you take a look at it and agree, it will be the best thing here, and they will come from miles and it will put our city back on the map. Y'all don't want Upton's to be down. Man, this hurts. These are buildings we grew up in, and it's our city, and we have to preserve it at all costs.

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MONEY THAT IS BEING USED FOR DEPARTMENT OF HIGHWAYS/PASSENGER VEHICLE FOR HIRE (PVH)

Mayor Foxx said I have it down for two different subjects.

Curt Walton, City Manager, said I think probably nine, ten, 11, and 12 are all together.

Mayor Foxx said collectively three minutes. Mr. Payne, you have three minutes, but you are using the same three minutes that David Smith and Amy Eubank could otherwise use.

Bill Payne, 3047 Arundel Dr., said I appreciate the opportunity to address our concerns about Charlotte PVH supporters. My name is Bill Payne. I own American Limousine -- it's a South Carolina LLC – since 2002. I have been in the limo business for ten years. Background – 85%

of limo companies are small businesses with one to three vehicles, 44% gross less than \$250,000. Without a quality product on the street with trained, responsible drivers, start-up companies typically last less than 18 months. A limo company can be in compliance with all federal and state requirements, have a federal certificate of authority, and still run afoul of Charlotte's PVH ordinance. My company is a certified South Carolina Public Service Commission limo company and also holds a federal certificate of authority, and thus is legal for multistate passenger transportation. Charlotte has been enforcing the Passenger Vehicle for Hire Ordinance, which is clearly in violation of N.C. General Statutes as well as the Riot Act. The Riot Act was passed unanimously by both houses of Congress and signed into law by President Bush. The Riot Act was passed to eliminate duplicate licensing requirements. NCGS 168-304 is the enabling statute for the PVH ordinance. The purpose of this article is to regulate passenger vehicles for hire in order to preserve the health and welfare of the citizens of the city and the protection of their property. While noble in intent, the City did overstep their authority in writing and enforcing this ordinance. NCGS 20-97 specifically says, A, no county or municipality shall levy any license or privilege tax upon any motor vehicle licensed by the state. Indeed, cities and towns may levy a tax of not more than \$15 per year upon taxicabs – not limousines, taxicabs. B, no county, city, or town may impose a franchise tax, license tax, or other fee upon a motor carrier unless the tax is authorized by this section. Nowhere does it allow the PVH ordinance funding or anything else. Tickets have been issued to limo companies who entered the city with clients from other counties and states, which is in clear violation of state and federal law. In a 2006 meeting with statewide members of the North Carolina Limo Association to explain the impact of Charlotte's PVH ordinance, attendees were advised it would be okay for your company to bring clients from Raleigh to a Panthers game, drop them before the game, wait, pick them up after the game, and leave the city. If you carry them to a restaurant or a club or a bar in Charlotte, you and your driver will be in violation of the PVH ordinance and subject to fines of over \$1,000. Did anyone involved – bars, restaurants, club owners in the PVH ordinance formulation –

Mayor Foxx said, Mr. Payne, that's your time.

Mr. Payne said questions?

Mayor Foxx said are there questions?

Councilmember Barnes said, Mr. Mayor, I think we have gotten a presentation about this from the City Attorney before or at least some analysis. Mr. Attorney, could you – not tonight – but refresh us in a memo as to whether or not our current policies are constitutional and legal?

DeWitt McCarley, City Attorney, said, yes, sir.

Councilmember Barnes said I thought you concluded that they were, but just to be clear.

Mayor Foxx said thank you, Mr. Payne, and I apologize to the other speakers. I don't think you all understood that when you were under the same topic heading you all got a combined three minutes, so you didn't get three minutes, three minutes, three minutes. You just got one slate of three minutes. We are going to Mr. Randy Bush.

Randy Bush, 9518 Rocky River Rd., said I would like to defer to David with my three minutes.

David Smith, 106 Vance St., Clover, said I'm the owner of Royal Limousines based in South Carolina, covering most towns, cities, and municipalities located in both North and South Carolina. I have one of the finest limousine companies in the state. I would like to take the next few minutes, and I will be as quick as I can -- I appreciate the time – to enlighten the Council as to my experiences that I, my chauffeurs, and my vehicles and clients have been forced to endure over the last ten years. The PVH have harassed us constantly and issued illegal tickets throughout this period to myself and staff. As a company responsible for bringing clients into the Charlotte area and creating revenue for local businesses, we have been told unconditionally to leave the city if our clients wish to visit another venue, otherwise face a \$600 fine. We receive many harassing phone calls and letters from a Durham collection agency demanding money. We are followed and ticketed regularly and told by inspectors themselves that they have been following us throughout the evening. Clients have been waiting on their limousine while our

chauffeurs are dealing with these interruptions throughout the evening. When pulled over, my staff is forced to show a client manifest with confidential client information such as costs and our client's credit card information, otherwise, we also face a \$600 fine. In September of last year, one of my vehicles was pulled over and ticketed on four Saturdays in a row. These tickets were for clients we brought into the Charlotte area and were looking at spending money in all of your Charlotte businesses. Due to the exasperation of the harassment, we have sought legal counsel, and we have been advised our case against the PVH and the City of Charlotte is most certainly not without foundation. However, we were also advised that sending registered delivery letters requesting the PVH stop the harassment and dissolve their illegal actions would naturally be a more cost effective option. In these letters, questions were asked concerning the legality of the PVH, and to date we have received no answers to these questions. Also in these letters were questions raised such as how can a limousine receive a \$600 ticket for not having a manifest when a taxi will not. Where is it written in the PVH ordinance or indeed in North Carolina state law that we can only take clients to one location in Charlotte, North Carolina? Where is all the revenue going that is being created by the PVH? The North Carolina statutes demand that money go towards the Highway Fund. Where is that money going, please? Still we have received no answers to these questions.

Mayor Foxx said thank you, Mr. Smith.

Mr. Smith said I'll take any questions, if you have any.

Councilmember Dulin said, Mr. Smith, why are you getting pulled over four weekends in a row?

Mr. Smith said because the PVH harasses. They sit on College Street. Any limousine that comes past they just pull us over and try to give us a ticket.

Councilmember Dulin said do you have your permits?

Mr. Smith said, sir, we didn't need permits. I'm federally stated, and my colleague, Bill Payne, just mentioned to you something called a Riot Act. We are totally legal, so, yes, sir, I have all my permits.

Councilmember Dulin said may I ask the attorney something, please, or somebody that would know about this? I don't know anything about the permitting process for these guys, but we make the cabs get permitted. This has been through the Community Safety Committee over the last couple of years. Are these guys able to operate their business in our community without their business privilege license?

Mr. McCarley said, Mr. Dulin, we fundamentally disagree with the description he has given of what has been occurring. They do not have the permits that we would require for operation in the city. It comes down to a difference between how we regulate taxicabs in the city and how we regulate limousines. They need to be one or the other, and then they need to be permitted for the one they choose. They have done neither of those.

Councilmember Dulin said, sir, is that American Limo, and, sir, I didn't catch the name of your company, Mr. Smith.

Mr. Smith said my company is Royal Limousines, and Bill Payne is from American Limousine.

Councilmember Dulin said this is a guess. Are there 50 limo companies in this town?

Mr. Smith said probably somewhere around there.

Councilmember Dulin said my guess is some of them are permitted up to the ceiling and some of them choose not to get permitted and continue to do business here.

Mr. Smith said that's not quite accurate, sir.

Mr. McCarley said I wouldn't want to guess at the answer to that, Mr. Dulin, but we'll be glad to put that into the list of questions that we'll be looking at for Mr. Barnes and the Council.

Councilmember Dulin said, Mr. Manager, how can I get this to where we can fairly and equitably take a look at it and require people that are doing business here to pay up like the others?

City Manager Walton said I think the start is what Mac is committed to you to address the concerns and update you based on what Mr. Barnes said, and then going from there, that would hopefully address the question of whether they are operating legally or not. I can't answer what would happen from there, but I think the report will give us the basic information we need.

Councilmember Dulin said I know that the folks at the Airport are trying to cull that herd some – still working on that. It's contentious. It's a hard decision to do. I mean people are making their living out there. I suspect you guys are working the Airport, too, is that correct?

Mr. Smith said actually I don't, sir. I'm from South Carolina, but with the greatest respect, one thing you are misunderstanding here – I understand you are talking about permits, and that sounds all very good. The concept to the ordinance that has been set up, the PVH, it's illegal. It's against the North Carolina state law. I have a copy –

Mayor Foxx said we are going to get a legal opinion on this.

Councilmember Dulin said I have to give you a specific question though or we get outside of what we are supposed to be doing here in the context of what we are doing. I just feel for all those folks that are out there permitting their cabs and their limos and their drivers. You are coming in from Clover during the day – you live in Clover, and you have got limos rolling into North Carolina, and apparently, according to my attorney, aren't properly permitted to come into North Carolina and do business.

Mr. Smith said, yes, sir, they are indeed. They are entitled to go anywhere in the country.

Councilmember Dulin said I would like to get this to the Community Safety Committee, if I could somehow, to re-up our efforts on maybe we push on through on the work we have not yet finished at the Airport for the cab for hire, and we work on some of this limo stuff, too. I don't think I need to make a motion to do that to the Community Safety, do I? Could I ask the chair of Community Safety if he would mind having it?

Councilmember Barnes said I think it would be critical for the Council to get a briefing regarding what past Public Safety Committees have done on this issue before sending this to the new committee because I believe this issue has been vetted and analyzed thoroughly by prior Public Safety Committees, and I think the attorney's memo to us will resolve a lot of the issues. One of the issues I'm cautious about now is I don't want to expose us to unnecessary legal issues where there aren't any before this memo comes to us.

Councilmember Cannon said, Mr. Barnes, what I say to that is you are absolutely right. I think previous Councils have had this item. In fact, I think Manager Burch was the staff person several years back, and, Curt, you recall that when we actually first went through this process. Patsy, you were part of that, and I believe Susan as well. But, I have no problem with that coming before the full Council. I think what is going to end up happening though in the future I think Councilmember Dulin's ask is going to end up leaving it to the committee largely in part because it is sort of outdated probably in terms of the ordinance. I don't know, and maybe some of the things in there address some of their concerns. I don't know, but I'm open, Mr. Mayor.

Councilmember Barnes said that was the only reason I asked for the memo.

Mayor Foxx said why don't we do this, Andy, if it's okay. Why don't we wait for the report to come from Mac, and then at a Business Meeting or something if you feel like we need to do a referral –

Councilmember Dulin said that would be fine. I recall from my work on Community Safety four years ago maybe that this is sort of unfinished business. That would be good work if we could get that tidied up on both ends.

Mr. Smith said may I make a proposal as well?

Mayor Foxx said, no, sir. Thank you very much. I appreciate you.

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WATER BILLING ISSUES

Bob Watson, 18903 Covese Ln., Cornelius, said I'm with the Mayor's Water Taskforce in Cornelius with Mayor Tarte. Some of the questions that were brought up in a meeting up there – there were 70 to 80 people up there that were complaining about their water bills. It went on for over two hours. During that two hours after the end of the session, the mayor asked the people – the 70 to 80 people – what they thought about did CMUD answer their complaints, and their answer was 100% no. We had water bills that were 1,600 gallons a day. Mayor Tarte had a \$225 water bill at his house – the water was shut off. There were numerous questions that went on for two hours, and I think it needs to be looked into well. CMUD is coming up next week to meet with the group again next week, but I just want you to know the information. One question I have is they said they increased the rates 5% approximately a year. If you look at their charts, their rates increased 22 to 64% in the last year, and I have no idea how anybody can increase their rates at this time when everybody else is decreasing the rates. That's a question I would like the City Council to look into is their rates.

Councilmember Cooksey said I would like to ask a question of the speaker, and this is a bit of a parliamentary slight because it's a question designed to convey information. Is the speaker aware that the rates that Charlotte-Mecklenburg Utilities set are adopted by this body?

Mr. Watson said I'm not sure of the structure of it. I just want you to be aware. We are all in the same county, and there is 22 to 64% rate increase. I just want you to be aware of it.

Councilmember Cooksey said I just want to let you know that this is the group that sets the rates. It's not Charlotte-Mecklenburg Utilities or somebody else. It's us. We are the group you need to speak with.

Mr. Watson said how did it go from 22 to 64%; that's your question then.

Councilmember Cooksey said we can talk about that off-line.

Councilmember Barnes said, Mr. Mayor, on that point, I think this is a question, well, I think it will be for Mr. Bean and Ms. Foreman. Regarding the increase in rates that he mentioned to us, there are obviously cost drivers that create revenue, and you could either do it now or do it later, but it would be interesting, I think, for us to know what you all are spending our money on. For example, I know there are some major sewer line projects in the southwestern part of the city. I think there is one in the Rocky River area, and I believe there is a line going to the north of the city, and it would be interesting for us to hear from you. It would be interesting and informative to know what those costs look like, if you can tell us.

Doug Bean, Charlotte-Mecklenburg Utilities, said very quickly to kind of go around the county. On the east side for the annexation area, there is about \$50 million being spent for lines in the annexation area and to get the service there. The southwest, the major line that is going down the southwest part of the county, is an \$80 million project to provide for the economic development in that area, and we currently have programmed a line that will be about \$60 million to push more water into north Mecklenburg to take care of the high demands we are experiencing there, and on and on and on. Those are the types of cost that we have.

Councilmember Barnes said I'm not asking that question to suggest that people should have these spikes in their bills. The reason I asked you the question in part is because you all are clearly taking in a lot of money but also spending a lot of money, and that side of the story needs to be explained at some point as you all work to figure out why these spikes were occurring. People do deserve to know.

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Mr. Bean said I understand.

Mayor Foxx said any other business for the good of the order tonight?

Councilmember Burgess said we are smoke-free. Have you noticed?

Mayor Foxx said I couldn't tell by tonight.

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ADJOURNMENT

The meeting was adjourned at 8:33 p.m.

Melissa T. Johnson, Deputy City Clerk

Length of Meeting: 3 Hours, 10 Minutes
Minutes Completed: January 29, 2010