

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, January 11, 2010, at 5:17 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, Andy Dulin, Patsy Kinsey, James Mitchell, Edwin Peacock III

**ABSENT UNTIL NOTED:** Councilmembers David Howard, James Mitchell, Warren Turner

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**ITEM NO. 1: CLOSED SESSION**

[ Motion was made by Councilmember Barnes, seconded by Councilmember Burgess, and ]  
[ carried unanimously to go into Closed Session pursuant to NCGS 143-318.11(a)(6) to ]  
[ consider the qualifications, competence, performance, character, fitness, conditions of ]  
[ appointment or conditions of initial employment of an individual public officer or employee ]  
[ or prospective public officer or employee, or to hear or investigate a complaint, charge, or ]  
[ grievance by or against an individual public officer or employee. ]

Mayor Foxx said I would like to say a couple of things on this before we have a vote. We are tonight, at least at this point, going to contemplate going into Closed Session to discuss a personnel matter, and it is a very difficult subject because we are talking about personnel records and we are talking about the fact that 99.9% of the time when an incident occurs with a City employee we wouldn't even be having this conversation. We typically leave that conversation to the staff and defer to them completely. This is still an issue that rests at the foot of the City Manager to ultimately make a decision on. Tonight the question is whether we, the Council, wish to learn more about the facts and have an opportunity to express our views to the City Manager about it in Closed Session.

**Councilmember Howard arrived at 5:18 p.m.**

I want to say a couple of things and then let's just go ahead and have the vote to go into Closed Session. First of all, I want to express that I believe the Police Chief and the City Manager have done an inordinately good job of letting the public know the facts and inviting more victims to come forward. That was the smart thing to do, and I applaud the Chief's work on that. The second point I want to make is that the vast majority of our police officers are good, hard working people, and no feature of this conversation has to do with those folks that have been out there working to get us to a 30-year low in crime and 10,000 fewer crimes this year than last year. That is the hard work of the folks in blue, and that's to be commended.

**Councilmember Mitchell arrived at 5:19 p.m.**

The third point is that while some might say there is no point to having this discussion I would disagree. I think regardless of how we ultimately shake this out the dialogue is important because as has been pointed out in many media accounts there is a confidence issue, and whether the confidence issue would be improved or not by the disclosure of these records is something that we should talk about. I think it's better to talk about it in Closed Session when we have the ability to hear directly from our staff in a closed environment. Ultimately this is about the Council having the discussion, and we should let it rest there.

The last thing I will say, however, is that we did have vigorous discussion about this the last time this came up, and we had a 6-5 vote to put this item on the agenda. If there are members of the Council – and I respect the views that have been articulated on both sides of this, by the way. If you feel strongly there is no way in which you would ever consider releasing these records, I would suggest that you express that vote in the decision to go into Closed Session. In other words, there is no point in wasting our time with this dialogue if your ultimate view is we shouldn't have the discussion in the first place. If you wish to at least have the dialogue in Closed Session, then obviously vote that way as well. I don't want us to go through a drill

without folks having weighed in on the front end, and if the vote is going to be the same either way, just go ahead and not waste our time.

Councilmember Dulin said, Mayor, I missed the first part of that. You asked that if we –

Mayor Foxx said if you are dead set against releasing the records then I would ask you to vote against going into Closed Session because that is part of what the Closed Session is about. With that, let's go ahead and have the vote. The motion has been made and seconded.

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

**AYES:** Councilmembers Barnes, Burgess, Carter, Howard

**NAYS:** Councilmembers Cannon, Cooksey, Dulin, Kinsey, Peacock, Mitchell

Mayor Foxx said let's see the nays. Seven – that carries. Very well, we will not go into Closed Session on this topic, and the decision of the City Manager will stand, and we'll move on.

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**ITEM NO. 2: ROLLOUT RECYCLING AND REFUSE CONTAINER SOLICITATION PROCESS**

**Curt Walton, City Manager**, said as we move toward single stream July 1<sup>st</sup>, as we briefed you before, we have a large container bid that will be coming to you on February 8<sup>th</sup>, so we wanted to keep you updated on the process as we move through that. I will turn that over to Chuck Robinson from Business Support Services.

**Chuck Robinson, Business Support Services**, said I'm here tonight to talk about the solicitation for the rollout carts for recycling – single stream recycling. As background, just to refresh your memories, back on June 23, 2008, the Council approved the Solid Waste Interlocal Agreement with the County, and the centerpiece of that was the single stream recycling program. On April 27<sup>th</sup>, Council approved the reorganization of Solid Waste Services to implement single stream. On July 7<sup>th</sup>, the County Board of Commissioners approved a modification to the Metrolina Recovery Facility to accommodate single stream recycling. On October 12<sup>th</sup>, the Council approved a contract with Inland Services to provide single stream collection for the City, which is to begin July 1, 2010.

Probably the most significant change around the single stream recycling will be how it's collected. The slide on your left shows how we are doing it today, which is sorting at the curb. The new process will be a semi-automated process where we collect a 96-gallon container, and the sorting of the recycling is actually done at the Metrolina Recycling Facility. Some of the switches that will impact our customers directly are that they will be receiving a 96-gallon container. We will go from an every-week recycling collection to an every-other-week recycling collection. We will actually be phasing in the delivery of the carts. That will begin in late March and will end once we have all 2010 carts necessary to begin the recycling program in place.

The program will include the ability to opt out. For those who don't have the space to have a 96-gallon container, they can keep the current bin that they have and set it out at the curb, and it will be collected every other week, and it will be permitted to have up to two of those bins for their recycling effort. So if they don't have the room for a 96-gallon container, we are not going to require them to have that. They can continue to use what they have, but it can only be up to two containers.

Councilmember Dulin said that's good news to me, and I have the example of sweet, little, old Miss Nora, who lives next door to me, and she doesn't consume anything. I mean she has got every week it's six neatly stacked newspapers. I know because I take hers out. Six neatly stacked newspaper and one bottle of wine, an empty bottle. Miss Nora, you know, she loves it. But I was thinking that if she had a big container that I would just get hers and put it in mine, so

how do we communicate to Miss Nora's and thousands of them like her that you don't have to take one of these; you can keep the same system?

Mr. Robinson said there is going to be an education effort on the part of the recycling program. Council will be receiving a briefing on that at their February 8<sup>th</sup> meeting, so there will be an education effort around that.

Councilmember Cooksey said while we are on the topic because somehow the ability to keep up to two of the bins had escaped me in this process, too, so two questions basically, and, Ms. Garland, you are probably the lead for this. What kind of estimate do we have on how many people would exercise that option, and what effect on our recycling contract – on the privatization contract will there be if that estimate gets exceeded?

**Victoria Garland, Solid Waste Services**, said we estimate about 10%, and we told them like up to 75% would have the roll-out containers, so we did keep it well in our range that if you have the two container, and that's why the semi-automated was so important as opposed to just the automated because they would already be getting out of the truck to begin with.

Councilmember Cooksey said I appreciate that reminder also.

Mr. Robinson said some of the other benefits that will be included in the single stream recycling effort is that we are actually expanding the materials we will be collecting. We will be collecting all types of plastic now with the exception of the clear cellophane wrap that you put over things before you stick it in the microwave, and Styrofoam will not be collected either. We anticipate an increased set-out rate – that is people actually putting things out at the curb – moving from about 60% to 75%. We also anticipate an increase of tonnage of about 20% from about 31,000 to 37,000 tons annually.

I want to talk about the procurement process now. We issued an invitation to bid back on December 11<sup>th</sup>. The scope of services included the manufacturing, assembly of the carts, delivery, distribution, and also replacement. The contract term was for an original term of seven years with an additional up to three, one-year renewals, so a total of a possible ten years in the contract life. We held a pre-bid conference on December 17<sup>th</sup>. We had six companies attend, four of which are generally local – three from Charlotte, one from Statesville, and then two from out of state.

Councilmember Carter said on the previous slide you mentioned that aerosol cans would be collected. It's my understanding that at high heat those things explode.

Mr. Robinson said they do, but it's not high heat like you set it out at the curb high heat. It would take much higher than a 97-degree day to set those off.

Councilmember Carter said will pressure?

Mr. Robinson said pressure, again, we don't anticipate any problem inside of the collection container. You may want to speak specifically to that.

Councilmember Carter said in the recycling process.

Mr. Robinson said, right, in the recycling process.

Ms. Garland said what it is that since we are collecting semi-automated the compaction rate of the truck is not the same as the compaction rate of the regular garbage truck, so it's less chance of that compaction causing the problem of the cans exploding, and it won't be like a truck of 10,000 cans in there. There will be other material to cushion it to stop it from exploding like that.

Councilmember Carter said as they move through the recycling process is there any chance of compaction there at the plant?

Ms. Garland said Mecklenburg County are the ones that gave us the list of the items they will collect, so this came from them directly, so they are probably dealing with it.

Councilmember Carter said just want our workers to be safe.

Mr. Robinson said at the pre-bid meeting we did identify some subcontracting opportunities primarily around the assembly and delivery of the carts. Because of that we did establish an SBE goal of 4% for the project, which came out to be about \$708,000 for the SBE goal. We reissued the invitation or issued an amendment to the invitation to bid on December 22<sup>nd</sup> stating that goal of 4% and extending the bid response deadline. We held a second pre-bid conference – yes.

Councilmember Mitchell said why is the SBE goal so low?

Mr. Robinson said what we did was we looked at what work was available for the SBE as related to the contract. The actual making of the cart there wasn't an SBE opportunity. The SBE opportunities really lay with the assembly and delivery. So what we did was backed out that amount from the contract. We held a second pre-bid conference on January 26<sup>th</sup>. The focus of this pre-bid conference was really on SBE education for the vendors. We had four vendors attend and four SBEs attend that conference as well. This slide is incorrect as of late this afternoon. The bids will be opened on January 27<sup>th</sup> – not January 26<sup>th</sup>. It will be opened Wednesday.

Next steps: Once the bids are open, the evaluation team, which consists of Business Support Services, Solid Waste, and the City Attorney's Office, will evaluate the bids. This process is monitored by the PCAC. Member Rick Warren will be monitoring the process. Internal audit, as they normally do, will perform a present value analysis. We anticipate a recommendation to City Council at their February 8<sup>th</sup> meeting, and as I said earlier, at that Council meeting as well, you will receive a briefing on the education campaign associated with the containers and Seigle Street recycling. At this time, I will turn it over to Victoria, who will talk about some of the savings associated with the program.

Ms. Garland said we did this presentation for you back several months ago. What this is that the savings from the single stream, converting the single stream from dual stream right now, our total, and I'm going to go with the total line unless you want me to go back up to the other line. But the total for our dual stream is \$8.08 million currently. Going to single stream will be the \$6.83. That will be minus the carts and the operating and the capital costs. The updated number of the single stream that is because the privatization of the collection part of the single stream program came in so much lower than what we were estimating, so we actually realized an additional almost – well, over \$1 million savings from what our proposed was and what our estimate came back as.

The original savings is going to be \$1.25. That's the difference between what we estimated and what the low bid came back as for collection. Now, our updated savings is the \$2.39, and that's an annual savings, but that savings has several numbers in it like \$2 million of it is cost avoidance. What that is is that we made an agreement with Mecklenburg County not to pay the \$2 surcharge going forward, and that went into effect. We realized some of those savings about two years ago, savings so far, so going forward with that. It also has the educational process. The letters for the bins that you can keep the red bin, the area of the week, sending out calendars, making sure everyone is aware of how we are going to be collecting the new and existing products. So, at that time, it will be a budgetary savings and cost avoidance of \$2.39 million for the first year.

This is the five-year and ten-year estimate. The lines are the same going across. It's just showing in five years we are estimated to save about \$12.12 million, and as it extrapolates over ten years that savings goes up because we have one-time costs in those first five years that we don't have to have in the second five years, so it allows us to save additional of the \$40.41 million and that's just for the single stream.

Councilmember Dulin said, you know, those numbers are fabulous. Are they realistic?

Ms. Garland said yes. The reason why I say that is that if you go back to what we projected and what the cost came in at we were ultra conservative of what we thought we could do because we wanted to keep it very realistic. When the bids came in from Inland and they were substantially lower than what we were estimating because we did not want to give you an unrealistic number that was not possible, so these are very conservative. We didn't really – we expect to hopefully save more, but these are very conservative, and we think we can meet them, and it's not a stretch or a fabrication of the numbers.

Councilmember Dulin said, Ms. Garland, thank you. I have met with the Inland folks. I went over to their yard. The morning I was there it just happened that one of their trucks got delivered, and it was good timing for them, and their number was low. I looked them in the eye, and that fellow from Texas, the owner of the company, looked me back in the eye and said he could perform that contract like he told us he could, and I told him I was going to hold him accountable to that. My only way to hold him accountable is to go through you. So, this is exciting stuff, and it's not sexy stuff, but it's one of the core things that this Council is charged with doing for our community. When will we know that this Inland fellow is going to make us all look good and come through for us? How long is it going to be before we get the first look-back?

Ms. Garland said we are going to be looking back at them starting after the first 30, 90 days when all the routes should be shifted, everyone should know their routes really well, and we are going to be looking at the cost factor and when they are getting it and according to the bill on an ongoing monthly basis. This is not let it go and just let the chips fall where they may. I have a budgeting division in my department that looks at it every month before we write them a check that they have to reconcile the numbers, send it to my office in order for me to sign it in order for them to get paid. So, we will be looking at those checks and balances. Not only that, but we rewrote the contract with Inland, and we do have very strong liquidated damages in there that we are going to hold them accountable to. We are going to make sure they are doing what they are supposed to do when they said they are going to do it, and when they don't, then they don't receive, you know, we actually penalize them for the payment of it.

Councilmember Dulin said I will be able to look at that guy and say, hey, you told me you could do it. You have got to talk to Ms. Garland. Thank you very much. That gives me some comfort.

Councilmember Burgess said Inland is going to do the collection, and we will be voting on who we will procure the carts from. Does this also involve maintenance and service?

Ms. Garland said the maintenance of service was run through a contract negotiation with our existing provider, Otto, Environmental Container. They will continue, if the votes pass, which it comes before you I believe on February 25<sup>th</sup>. We are bringing that to you to actually take a look at. What it is is that we did a renegotiation because of, if you remember, it was a question of who owns those 158,000 carts plus the 52,000, and how were we going to actually get possession of those. Over the next seven years -- if we go into that extended agreement, over the next seven years every year one-seventh of those carts are converted back to us, and at the end of seven years, half of the 52,000 that we got from them for annexation will revert to us, and if we extend it for ten years, the other half reverts to us. So we made it very clear in the new contract agreement. Also, we are currently planning 32 to 33 cents per month per unit, which will be going down to 18 cents per month per unit. So taking on double the number of carts, we are only paying an additional \$66,000 annually for double the number of carts that we were paying over the 228,000 carts. I would like to think we did a strong job of negotiating because it took several months to get it done, but we finally came to an agreement, which we thought was a win-win, and hopefully when it comes before Council, you will think so, too.

Councilmember Burgess said will we be voting on the service and maintenance or just procurement?

Ms. Garland said procurement is coming to you on February 8<sup>th</sup>, service and maintenance on February 25<sup>th</sup>.

Councilmember Barnes said, Ms. Garland, a question for you. Have you factored into these numbers the cost of educating the public?

Ms. Garland said yes.

Councilmember Barnes said what is that?

Ms. Garland said \$500,000 one time because of the fact that we have every-other-week collection. We have to send letters and mailings several times to all of the citizens and also we are going to the opt-out. If you don't want the 96 gallon, you call us so we don't deliver you one, and currently educating them on the new products that they can put in there.

Councilmember Barnes said have you determined the number of people who you estimate will decline the new containers?

Ms. Garland said we are estimating anywhere from 20,000 to about 40,000 out of the 220,000.

Councilmember Barnes said is that based on some algorithm? What did you do?

Ms. Garland said it was based on the number of calls we were getting about the program and how many people were saying I just don't have enough space. Let's say we got 200 calls, and out of those 200 calls, we had about 20 to 40 people say, listen, I don't want the bin. There is no place for me to put them, and this was ongoing since we started talking about the program because we have been talking to the community, and they have been letting us know very clearly whether they like the bin or whether they don't, so that's based on the number we used.

Councilmember Barnes said if you decline it you keep the red bin. You can have up to two of those, and you still only get the every other week or bi-monthly.

Ms. Garland said because we really want to encourage people to go to the 96 gallon, but we will not be providing the red bins. We will give them a dimension of the bin equal to what we will collect and tell them if your red bin – if you don't have two of the red bins, you need to replace them with a container of this size and dimension.

Councilmember Barnes said gotcha. So, you won't replace the red bins. If they have one or two, they can keep those until they break. You said the turn-down rate would be 20 to 40,000. Let me ask you this. So, if the 96-gallon bin is out or container is out, he just stops the robot and picks it up and dumps it.

Ms. Garland said he stops, gets out, and brings it over to a flipper. It's semi-automated, and then he flips it.

Councilmember Barnes said so it's not like the garbage trucks, okay. So, if the red bin is out there, he has to get out and dump that either way. Okay, all right. I have kind of been skeptical of this all along because I'm going to have to kill some fescue that I have spent a lot of time and money trying to keep alive in order to store another 96-gallon container, so I'm ambivalent, but we'll see where it goes. I'm probably the only person with that issue, but I spent a lot of time keeping that grass alive.

Ms. Garland said in addition to the single stream program this is the first time for us to look at the organization as a whole and look at restructuring and reorganizing, and we came up with ways to actually streamline and become more efficient in the three services we will be providing, which is garbage, yard waste, and bulk. Through that we believe that we will save an additional \$468,000 annually, and in the course of five years, \$2.34; and ten is \$4.68. Those savings are based on efficiencies because of the simple fact of it is that we will not be disbursing crews to four different zones. They will be systematically moving around the city in a systematic way, so we won't be having that cost. We also won't be having the cost that if one zone had to borrow a truck from another zone that they had to pay that cost, so those are the savings that we came up with those numbers to determine how much of that savings we can make. Between the single stream and the reorganization, we are estimated to – I want to say –

City Manager Walton said almost \$3 million.

bvj

Ms. Garland said thank you. I'm trying to get there -- \$3 million annually and going forward, so we feel these are realistic numbers and we can meet them.

Councilmember Peacock said, Victoria, on your third or fourth slide about anticipated increase in tonnage collected, 31,000 to 37,200. In other cities where this has occurred, is that a pretty difficult increase?

Ms. Garland said the 20% increase on not doing a whole lot of PR. That is just what generally happens, so that is what we estimated it on is the 20% increase of it. We don't expect to just do a one-time campaign. We expect to do more, but like I say, we wanted to be very conservative of the numbers and not get ourselves out ahead of it.

Councilmember Peacock said when we talk about the campaign to communicate is that in the beginning stages of developing that communications plan, or is it –

Ms. Garland said we will come back in two weeks to tell you about the whole communication plan that Solid Waste has planned, the steps we are going to go through, where we are going to be, how we educate the citizens, what types of events we are going to be to make sure that we reach out as much, the mailings and how those mailings will occur, the kick-off, and the whole proclamation and everything that goes with it. That is going to be on February 8<sup>th</sup> with a whole list of what we have planned.

Councilmember Peacock said is this system going to be able to handle programs like the Coca-Cola one where it was anticipated we were going to have a spike and an increase? We are going to be much more – especially with the way we are going to be organized, we are not going to have an east side versus west side collection issue and problems as far as controlling cost.

Ms. Garland said and the container will be able to handle it, and we'll still be able to collect, and we feel we will be able to collect it in a timely manner.

Councilmember Peacock said do you anticipate us being able to add business recycling as well as apartment complexes, multifamily?

Ms. Garland said we are doing a recycling campaign with the multifamily already where we actually provided totes to different – we have gone out to different associations and apartment complexes, and the ones that really wanted to do recycling Mecklenburg County gave us several thousand tote bags, and we provided them to the citizens that wanted to bring the recycling down in order to expand the recycling program. So we have been doing that simultaneous while we have been doing this, and we'll continue to do that. What we'll do is go back and assess if it's some way we can actually incorporate it in, if it's doable (inaudible – not near a microphone).

Councilmember Peacock said what about businesses in the uptown corridor?

Ms. Garland said that was something that we are looking at, and we are trying to see can we do that, and how it would look without cluttering up every collect because we collect during the daytime hours, and what would that look like, what would the containers look like. It's possible, but, once again, we are challenged with the economics of the city itself so how would that actually (inaudible) very low cost (inaudible).

Councilmember Peacock said are economics the only hurdle there – the cost?

Ms. Garland said I think it's not only that. It's what kind of containers because people get different types of containers. Do you get a container that compacts? I'm sure you aware of the baling due to solar compaction. What would that look like, what would that cost be, what would it cost to maintain them, and will they rust out, and how much would that be, so we are looking at the different areas of how we would do that.

Councilmember Barnes said I just wanted to applaud the Manager and his staff for working on ways to save us some money. I know it won't get a lot of ink. Certainly if we were sitting here talking about a \$3 million annual increase, it would be the leading story. I want to applaud you guys for actually working to try to find ways to save some money. I hope it works out as

anticipated. There are some other items that are coming up tonight that are intended to create efficiencies in City operations, which I will highlight, but this is a good thing. I hope it works out. Even if I don't take the bigger container, I will still recycle. I will just leave more in the garage for two weeks.

Councilmember Burgess said just real quickly. What is the result of the Harris-Teeter/Coca-Cola incentive for recycling?

Ms. Garland said through no fault of the Coca-Cola – recycling has been going down all over the country. We have been continuously going down for the last two or three years. So even if you did see a spike in some neighborhoods, it hasn't led to a spike in recycling overall. That's only because there has to be an education process of why is it beneficial for me to recycle, and that's what this will help do. It has probably helped generate a lot more.

Councilmember Carter said it seems to me there will be an increase in environmentalism, and perhaps the descending numbers for recycling means that people are doing things which don't need to be recycled, which means they are saving money for their families, which could be a balance there. Thank you for this pushing us forward environmentally. Paired with the economic, that is a win-win situation that pairs the economy and environmentalism, which should be a very tight pair.

Councilmember Cannon said I just want to be able to get with someone to be able to understand a little more about the partnership in the private sector that are to be a part of this. I'm hearing about the Coca-Cola program and things of that nature. I want to learn a little bit more about that, if that was open to other companies in the private sector to participate in terms of being a partner. If I could get that information, I would appreciate it.

Councilmember Barnes said, Ms. Garland, you just mentioned that recycling nationwide has gone down. Is there some empirical data that you could provide us briefly that would explain why that is happening?

Ms. Garland said basically it happened because of the recycling market and not having a market to sell the material to. It really got to be so cost prohibitive because of having (inaudible). They just did not want to do it anymore. (Inaudible). That has a lot to do with it. There was no market for it. The market is starting to come back. I just left a conference, and that was one of the things of how can we actually not only talk about bringing the market back but how can we talk about the producer of the materials to make sure that they actually do it in an environmentally friendly way to do it at the beginning instead of at the end.

Mayor Foxx said thank you for the presentation. City Manager, I echo the comments of Mr. Barnes about your push for efficiency here and also expanding the ability of citizens to recycle. We have not gone through Consent Items, so maybe take a few minutes here to maybe check and see if folks have questions.

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### **ITEM NO. 3 MAYOR AND COUNCIL CONSENT ITEM QUESTIONS**

Councilmember Barnes said I have a question regarding Items 28, 29, and 33. Item 28 is new software for budget planning and enterprise resource planning, and I wanted to have, if the Mayor will consent to this and the rest of Council, a brief word or two regarding the efficiencies we will realize from using the software. The write-up is pretty good, but if you could put it in second grader type terms that will be helpful. Also regarding 29, this is a month-to-month contract for staffing services at the Airport, and I want to get some clarification on parking revenue. It indicates that parking revenue at the Airport in FY09 was \$33 million, and I wanted to know how those funds were programmed. Finally, regarding Item 33, this is a contract for just under \$353,000 for the purchase of a portable explosives detection device for use on the light rail train. I wanted to know how this particular equipment differs from what we currently use for bomb detection purposes or explosive protection purposes.



Councilmember Cannon said same question on 33.

Councilmember Dulin said all I have got is No. 18, the wastewater treatment chemicals for community. I would like to let the community know that these are the chemicals that we buy to keep the smells down. I have a major waste water treatment plant right down the street from my house and lots of people's houses and down the street from SouthPark Mall, and I haven't smelled the thing in years, and I would like to let folks know we keep the smells down, but there's a cost associated with that, and this is that.

**Curt Walton, City Manager**, said we have the presentation that we were going to do downstairs on what the Transportation Committee recommended on the two transit grants if you would like to go through that now. It's not a very long presentation, but we can do it here, or we can do it downstairs.

Mayor Foxx said what's the pleasure of the Council?

Councilmember Burgess said there's so much interest in that in the community I would almost rather that we do it downstairs.

Councilmember Cooksey said I forgot to follow up and double check. How are awards and recognitions looking for this evening?

City Manager Walton said there are two on the Manager's Report, two awards and recognitions that the City has received – one for the Urban Street Design Guidelines from the EPA and one for the Charlotte Fire Department from the Social Media Group, so we will be recognizing both of those tonight.

Councilmember Dulin said for purposes of killing time and we never check our calendars and so forth, the Blue Star Awards is the highlight of my year, and for some reason I think that is rolling back on us here pretty soon.

City Manager Walton said it's in the spring, I believe – February, March.

Councilmember Dulin said that is the highlight of my Council year, and I had a guest in the building just last week and made a big point of showing them the flag and described the flag that is hanging in the lobby, and it's something I'm really proud of is the folks that work for us that are sitting on the wall.

Mayor Foxx said, thank you, Andy, because I was wondering about you because you said at first it was the highlight of your year, and I was going to call Kathy and let her know.

Councilmember Dulin said it is my 18<sup>th</sup> anniversary today, and I'm with ya'll, for goodness sakes. Those of you who have been married 18 years or longer isn't this the Domino Pizza year?

Councilmember Burgess said if we have some time I want to tell you, Mr. Mayor, how interested I was and pleased to see that you are having the two forums on unemployment. If you could take just a few minutes to describe that to us so we'll know how to help promote it.

Mayor Foxx said thank you. We are in a pretty unpredictable time when it comes to job growth. We have had some good successes in the last several months with job announcements, and I think we will continue to see some of those come through the system, but we have a long way to go. We are at 12% unemployment. Nationally it's at 10%, so we are ahead of the curve, and even in North Carolina, our area is a little ahead of where North Carolina is in unemployment – ahead meaning to the bad side of that.

So one of the things that I'm working to do and I encourage all of you to be part of it – come and be part of the dialogue. I'm doing two town hall meetings in the next several weeks that will be targeting the unemployed and underemployed citizens in our community. The idea is to bring the resources available to those citizens with us to the town hall meeting so that when people have issues we'll have the subject matter experts to try to help and also to listen. Those two sessions will fold into a third session, which will be with Charlotte area employers, which we are

calling a job summit. You know, private sector companies grow most of the jobs, so part of what we are going to do is take the feedback we get from the first two sessions to the third session and also listen to our employers and see if there are areas where government can be helpful. I better not say yet because I'm not sure that we have gotten it locked down, but we are looking to bring leaders at the federal, state, and local level to the table for the job summit, and so there will be more details coming out. We'll make sure everyone knows when they are and where they are, but I would love to have you be part of it.

Also, if I can take a second to update the Council on the conference last week, I went up to Washington on Tuesday of last week, and I had some very productive time with our Congressional delegation as well as listening and talking to some of our national leaders on the economy. A couple of observations. Number one, we continue to have a really, really great delegation from North Carolina. They work very well together, and they still are committed to our overall transit vision and to our transportation needs. There is a lot of work that has gone into repairing the Yadkin River Bridge, which is a regional project. It allows I-85 to be a southeastern corridor road. There is a program called Tiger that runs through DOT, and the Tiger Program allows \$1.5 billion of federal money to go in infrastructure projects across the country. They have received \$60 billion in requests, and the project that is probably getting the most traction among North Carolina's representatives is the Yadkin River Bridge. It's a \$300 million repair job. They are going to make announcements about that by February 17<sup>th</sup>, and my hope is that we see some progress there. That bridge, if it were ever to collapse, you talk about a shock wave to our economy – it would be disastrous – so that's a project that has gotten some traction.

I met with Sec. LaHood, who is the Secretary of Transportation, and I also met with Sean Donovan, who is the Housing and Urban Development Secretary. Sec. LaHood heard us on our transit issues. I talked to him about all of our transit projects – the green line, the red line, the blue line. They are very interested, and what is happening is DOT at the federal level, HUD, the EPA are all working together on a concept called Livable Communities, and they are going to be looking to support more transportation dollars, HUD dollars, EPA grants, energy grants to areas that are locating transportation infrastructure, housing, and energy efficiency in the same places, and the good news for us is that we have been doing that for a long time, and they recognize that. So I think we are positioned very well as the administration tries to get more collaboration across departments to really seize upon that.

Sec. Donovan talked a lot about – I mentioned three issues to him – community, economic development, Section 8 we continue hearing communities raise issues about the challenges of clustering poverty, and also about affordable housing and our homelessness strategies – and he was helpful in all three areas. There is some technical assistance that HUD is positioning to deploy out into the communities, and we are going to put our staff in touch. I know Councilmember Mitchell is very interested in this as chair of HAND, so I'm hoping we can see some progress on those issues.

Finally, on Thursday, we met at the White House. We met with Timothy Geithner, the Treasury Secretary; Larry Summers, who is one of the Chief Economic Advisors to the President; and the President. They talked a lot about jobs. They didn't talk a lot about Massachusetts. They talked a lot about jobs, and I think you are going to see some things in the State of the Union that bear on some topics that we need to talk about. One of them is that the administration is now looking to put more resources into regions. They are very interested in promoting a regional economy, so when we talk about things like unifying our MPOs, trying to deal with air quality issues across the region and so forth, those things are going to ring a lot more true now with this administration than would have had. I would say probably even more than devoting more resources in the cities they are probably looking more for opportunities to put resources into regions. So that is food for thought and something we need to continue working on.

They are going to put a small business initiative out to try to help catalyze job growth. It's going to have a component that expands loan availability with the FDA. In addition to that, they are going to be looking to provide more incentives for businesses to grow including tax credits and so forth, so we are just going to have to wait and see how this all shakes out. Meanwhile, we have a lot of work to do here with our own economy, and I look forward to working with you on that. If there are any specific questions you have about the week, I will be happy to answer.

Councilmember Cooksey said much of the coverage I read about the Mayor's Conference involved some serious criticism by mayors that the "Yes, I know. I vote no, but I can talk about it anyway – stimulus program." It delivered so much money to states and it overlooked cities, and thus the cities, which are the economic engines generally felt short-changed. Originally I was going to ask how involved were you in that level of conversation with mayors who expressed that kind of opinion because the headline, for example, the Atlanta paper and the mayor of Atlanta came back, and he was rather critical of the whole thing. But, this regional part is new. So, what was the response of mayors of that that instead of going to state governments or cities governments the effort would be more regional?

Mayor Foxx said it was well received. The closer in the resources come the faster we would be able to get them out, and there was a lot of conversation about something like the COPs Program, for example, or even the Energy Development Block Grants that we are looking at now. When those resources come in, they get deployed right away, whereas a lot of times when it gets to the state level it bumps around a little bit before it actually lands into projects. Specifically one of the areas where Sec. LaHood is going to be putting some emphasis is on MPO reform. That's what he calls it, which is strengthening the roles of MPOs and promoting more regionalism among them.

Councilmember Dulin said, Mayor, I didn't hear the term.

Mayor Foxx said MPO reform. So, for example, where in the stimulus package the bulk of the transportation money went to the state level you may see some effort to move even still money that is in the pipeline directly to MPOs. It's still kind of murky right now, but that's a conversation that is being had at the federal level, which would be good for areas like ours because we would probably see a greater share of it.

Councilmember Cannon said I want to thank you for your leadership, Mayor, going up there and doing what you did for us here on the local front to represent us well. We got excellent feedback, and just want to let you know we really appreciate you and your efforts and what you did for us in Washington.

Councilmember Barnes said, Mr. Mayor, I wanted to get from you, if you could, what sort of feedback you received from the HUD secretary regarding adjustments to the Section 8 Program - - what are they contemplating, and how it might be useful to us.

Mayor Foxx said Sec. Donovan's background as Housing Commissioner for the City of New York, and one of his deputies was present, who was the former Commissioner of Housing in Los Angeles. Both of them have had experience with the clustering challenge, and the solution they proposed is something called mobility counseling. It is something that runs through the Housing Authority, but essentially it promotes counseling voucher recipients on not only finding a place but also looking in places where they might not have looked previously because when someone has a voucher they sort of go where they think the units are, and they may not be looking at all the available opportunities. That is one strategy that he mentioned specifically that is working in the other cities, and it's something that I'm sure the HAND Committee will be exploring.

Councilmember Barnes said did they mention any consideration of limitations on the program except for the elderly and disabled?

Mayor Foxx said they have got competing challenges. The Fair Housing Act makes it pretty difficult to place a lot of restrictions on housing. On the other end, they are open to dialogue with us about the particular challenges we face here.

Councilmember Barnes said I'm sorry. I meant more from the standpoint of putting a cap on how long someone can use one of the vouchers.

Mayor Foxx said I think that's an opportunity we can open that conversation. In fact, I think the Move to Work Program that the Housing Authority has undertaken actually has a component like that in it. I think some of that strategy is being implemented today in Charlotte.

Councilmember Carter said two weeks ago I got to talk to Deputy Director Sims, the same topic, and asking him to look at reconsidering the voucher addition addendum that we used to have here in Charlotte that enabled us not to cluster our Section 8s, and I think that's really an important thing. May I make a statement about the North Carolina League's board meeting?

Mayor Foxx said sure.

Councilmember Carter said thank you. We had a really good discussion including about the mayors and the fact that it was a competing meeting, and they are going to look at that for next year and make sure it doesn't compete. But they are highlighting League Link, which is a grassroots program taking constituents to Raleigh with us to lobby on specific issues. They are again saying that the annexation battle has not ended and will be very vital in the coming year. June 2<sup>nd</sup> is our Town Hall Day, so hopefully we can all go.

Councilmember Dulin said can I change pivot a little bit to a different subject matter, Mayor?

Mayor Foxx said is it going to take 20 minutes?

Councilmember Dulin said pardon.

Mayor Foxx said if you can take 20 minutes that would be great.

Councilmember Dulin said actually it's not because it's a question to Mac, and he is pretty short. About the vehicle for hire memo that you sent out to us and the legalities of what was going on, can you explain that to us a little bit because it's complicated? Are you able to?

Councilmember Cooksey said summarize the summary, please.

Councilmember Dulin said maybe two sentences would do it. One would leave me blank still.

**DeWitt McCarley, City Attorney**, said we have authority for regulating vehicles for hire, and we have done that. Taxicabs are regulated differently from limousines, and the complaints you are hearing are from limousine drivers from out of town who want to do business inside the city but don't want to follow the regulations and pay the fees. That's the short version. We believe that all of our regulations are lawful.

Councilmember Dulin said I was pretty rough on that fellow from Clover the other evening, but I was correct then from what you are telling me in that he can't come and pirate into Charlotte, into North Carolina without paying his permitting fees. He was telling us that he can do that.

Mr. McCarley said he has a federally protected right to transport South Carolinians into North Carolina to do things in Charlotte and take them back to South Carolina. What he doesn't have a right to do is come up here and pick up people in Charlotte and take them around town and then he goes back to Clover. That's the part that he can't do and that he has been ticketed for.

City Manager Walton said, Mayor and Council, two calendar things. The Mecklenburg County Commission Natural Resources and Economic Development Committee has invited all of you to a meeting on February 9<sup>th</sup> at 1:30 on the 11<sup>th</sup> Floor of this building about the Reventure Project, which is a project under consideration out on our side of the river, the redevelopment of the old Clariant plant. So if you are interested in that, just respond back to that email. We can also do a briefing on that project for you here later if you would like to. I'm not sure at what stage that project is in, but it's a very large project, so they wanted to give that opportunity particularly to the Economic Development and Environment Committees, but since that's almost all of you, they invited all of you.

The other thing is the April Workshop is on Monday night, April 5<sup>th</sup>, and if there's not an objection, I would like to have that at the Airport to go through the Airport Redevelopment Master Plan, how it's going to relate to Wilkinson Boulevard with new access road. There's a lot to see at the Airport, so if everyone is okay with doing that, we will schedule that for Monday night, the 5<sup>th</sup> of April, at the Airport.

Mayor Foxx said just send us a reminder the day of.

City Manager Walton said we will.

Councilmember Barnes said I wanted to ask a question. I don't know if you guys covered this regarding the water rights dispute. I wanted to know from Mr. McCarley what our options are at this point to have a voice in that matter. I assume since we have been rejected that we don't have a place at the table. I assume you will continue to follow the litigation. Are we going to keep these \$8,000-an-hour lawyers we have got? What are we doing to be doing in light of the Supreme Court decision?

Mr. McCarley said I don't know the ultimate answer yet, but the process answer is we have several conference calls scheduled this week, the most of important of which is between us and the State of North Carolina, the attorney working on the case. What we want to do is forge a good relationship with them (inaudible), but the court said that we needed to have our voice heard through the state. We now need to forge an agreement to have that done.

Councilmember Barnes said I don't know if people know how big a deal that is. If we lose, my part of the city essentially gets shut off.

Councilmember Carter said and mine.

Councilmember Barnes said from fresh water supply.

Mr. McCarley said the only municipality in this county that is completely in the Catawba Valley is 5. Every other municipality has a piece of it on the other side of the ridge line.

Councilmember Barnes said it's a very big deal, and that litigation could have a drastic impact on us from a number of perspectives.

Mr. McCarley said don't know the answers yet. We have a process in place to work to work first with the State and then with the Special Master of what our role consists of, and we'll keep you posted.

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

**Curt Walton, City Manager**, said Mr. Dulin wanted to make a comment on No. 18 about the water chemicals downstairs. Mr. Barnes, on the budget planning software, I don't know if you wanted those to be on camera or not, but the efficiencies are increased ability at analyzing and compile information and financial information across the city, improve our performance measurements to make decisions, and consolidating lots of smaller budget systems into a single, more efficient system.

Councilmember Barnes said, Mr. Manager, was there a dollar savings that we were able to extrapolate from all of those?

City Manager Walton said I don't think we have quantified that yet, but we will do that through the development and implementation stage.

Councilmember Barnes said I may want to have Mr. Hall briefly explain.

**Ruffin Hall, Budget**, said I can get you more information about what we are going to do to generate savings through the implementation of the budget system. We can't quantify it today, but we do believe there are going to be cost savings (inaudible).

Councilmember Barnes said could we take five minutes maybe or four minutes or three minutes during the Consent portion, and I want him to explain that because it's a big deal. It's kind of dry, but –

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Mayor Foxx said just remind me.

City Manager Walton said I don't have the answer back on the airport parking and how that \$33 million is programmed. We will have that for you.

Councilmember Barnes said that's a nice kitty.

City Manager Walton said the Airport is a very large operation. Mr. Barnes asked about the explosive detection devices. The difference is this device will do air sampling for dangerous chemicals, so for right now CATS has to call Police if it's a traditional bomb. They don't have this information before they make that call right now.

Councilmember Barnes said does CMPD currently have equipment that does the air samples?

City Manager Walton said no. That's the piece that we are getting now – the air sampling capability.

Councilmember Barnes said with that CATS specific piece of equipment, but I'm saying in terms of our bomb detection program or whatever we call it.

City Manager Walton said I'm reasonably sure no, but I'll double check. So, the Airport programming, the camera for the water chemicals in the budget system, and I'll double check on that.

Councilmember Burgess said it might be on the Consent, but it was in the memo, and that has to do with the spill.

City Manager Walton said it's on the agenda tonight.

Councilmember Burgess said I would like to ask this question here before we get downstairs. How old is that system, and why did it break down so quickly?

City Manager Walton said you mean malfunction. It's a 2005. I believe it was installed as a part of the south corridor, and the part that it was supposed to – the reservoir that it was supposed to spill over into starting pumping instead. It permeated down into the rock.

Councilmember Burgess said I understand that, but do we assume all the liability for something that new?

City Manager Walton said we have to assume the liability to fix it immediately, and then we'll look at our recourse once we have done that. I'm not sure about a warranty, but it's certainly not very old, so we'll be dealing with the manufacturer on that. They have been very helpful on getting it to do exactly what it's supposed to do. We'll go after them next.

Mayor Foxx said let's go downstairs and get there a little early.

The meeting was recessed at 6:20 p.m. for the Council to go to the Council Meeting Chamber.

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### **BUSINESS MEETING**

The Council reconvened for the regularly scheduled Business Meeting at 6:32 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding.

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## INVOCATION AND PLEDGE

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

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## CITIZENS' FORUM

### CERTAIN TAXI DRIVERS BEING PROHIBITED FROM WORK WITHIN THE CITY LIMITS

Dianne Mason, P.O. Box 75, Pineville, said I just want to start off by saying thank you so very much for allowing us to come out and speak. Some of you I have already sent emails to. I have gotten responses back. I am with the Charlotte Taxi Drivers Association. I'm the president of that association. Behind me are a great deal of guys that are taxpayers, that are citizens of Charlotte. I simply come tonight in reference to a great deal of problems we are having here in the City of Charlotte. I ask that you look at that ordinance and see that there are things that are being done here in the City of Charlotte that need to be addressed. We have hotels where we are allowing limos to sit there, and by any means I'm not trying to keep anyone from working. I'm just simply saying that ordinance states they are not allowed to taxi, and that is being done. We have drivers that are paying \$30,000, \$40,000 a year just to operate their taxi, and they are not being able to get out and work and take care of their families. I have guys that have PhDs, Masters, Bachelors that are sitting back here behind me, and it's just not fair; it's not right, and I would ask that this board look at that ordinance and make sure the management in the PVH Department upholds everything that is on that ordinance because it's not being done. It's not being done at all. If I can go out as a taxi driver and see all the wrong debts going on here in the City of Charlotte, then why can't they? We have a manager as well as personnel that should be out on that road seeing all the illegal cars that are out on the road driving each and every day. If these drivers have to pay these company owners \$400 and \$500 a week, how can they take care of their families when they can't even get into some of the facilities that are allowing them to take the calls that they should take. And, once again, by no means – I welcome anyone to get with us so we can work this out. We are not trying to put limos out of business. We are not trying to put anyone out of business. We are just simply saying the ordinance and the paper that it's written on is worthless if it states that shuttle buses, contracted vehicles, non-metered vehicles are not allowed to taxi, then why are we not doing something about it? I mean I have gotten too many drivers that have lost their homes, can't feed their families. Like Mayor Foxx said there is a hurricane in Haiti, but the biggest hurricane that we have here in the City of Charlotte is behind me – all of these guys that go out every day working 18 hours a day – 18 hours a day, and they can't feed their families. This is the biggest hurricane. If I could be on a bus tomorrow, I would be in Haiti, but unfortunately this is where I need to be because this cause we are not going to stop. I welcome anyone. Once again, I have sent emails out to talk with you guys. I haven't heard anything. I have only had one person that's emailed me back. I won't mention that name, but thank you very much, but this cause is prevalent. Once again, I thank you guys for allowing us to come out.

Councilmember Carter said could we ask the president could you please send the email with the heading that acknowledges the difficulties and challenges that you find with the ordinance? That way we can refer it specifically. Thank you very much.

**Councilmember Turner arrived at 6:38 p.m.**

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### LINCOLN TOWN CARS IN NONCOMPLIANCE TO CITY ORDINANCE

Paul Neal, 10906 Oakside Court, said first I would like to thank you people for letting me have this time to speak. I served in the United States Marine Corps from 1969 to 1975, and I was honorably discharged. I love America. I have been driving a hybrid taxicab in Charlotte for the past six years – 21 years prior to that. I'm a cab driver. This is what I do, and our livelihood is being threatened. Well, it has been taken away as far as downtown taxies go. Twenty one years

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prior to that, I was on the limo side, and I drove anything that rolls here in Charlotte. I'm presently operating under Professional Cab of Charlotte. They are the newest kid on the block. Professional Cab is processing better drivers and promoting hybrid vehicles. They wear ties, and, no, you won't see them at the Airport. The Airport says it has no more room in the taxi lot for Professional Cab. Every other company has four spaces. This is not encouraging. Hybrid cabs should be at the forefront of Airport transportation and qualify instantly for the next available space. That would be encouraging. In New York, half of the cabs are hybrids now, and the other half must comply by 2012 according to the mayor. They probably have cleaner air quality than Charlotte already. I traded in my old hybrid last July for a new third generation hybrid. My old hybrid had 302,000 miles on it. Even though it was a 2004, it did not qualify as a clunker, so I got basically nothing for it. That's discouraging. The North Carolina Department of Motor Vehicles had no problem switching my new tag over to my new cab for about 15 bucks. That was encouraging. The Passenger Vehicle for Hire Office had no problem taking another \$190 to issue a new vehicle permit. That was not encouraging. Our government will give you 10% off suggested manufacturers retail price on your next tax return if you buy a hybrid. That's encouraging. Several years ago Bank of America gave its employees \$1,500 if they bought a hybrid. That was encouraging. There are no incentives for cab drivers to go green. Allowing cabs to be as old as ten years only keeps Charlotte ten years behind. With the new mayor in Charlotte, my hope is that we get to it. Clean air should be all our concerns. What kind of vehicle did you take to the Airport on your last trip? Did your company pay for it or just put it on the room bill? Do you know the difference between a hog and a hybrid? One is the problem, and the other is the solution. Let's build a smarter city together and encourage green cabs for all our sakes.

Mayor Foxx said very good presentation. I appreciate that.

Councilmember Carter said is there a way we could recommend this to the Environment Committee for discussion, please? I'm not sure of the legality of permitting decreases for environmental practices, but I think it warrants a discussion.

Mayor Foxx said I tell you what. Why don't we have that request pend until the end of the meeting tonight, and I would like, Curt, if you would take some time. I know we had a resource discussion about the allocation of staff time, so why don't you come back to us on that later. Is that okay, Ms. Carter?

Councilmember Carter said yes.

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## **PROPOSED SIDEWALK ON PARK ROAD IN DILWORTH AREA**

**Brian Fanis, 2814 Park Rd.**, began a PowerPoint presentation and said I am a Park Road resident here in Charlotte right on the outskirts of Dilworth and Sedgefield, and I am here tonight to speak about a mission that we have as a collective whole here to sideline the sidewalk. As you can see here, our mission is to save the City's money, save our trees, and to preserve Dilworth homes. Some of the bullet points you see on the screen are the residents on Park Road in Dilworth are dealing with a City committee trying to ramrod an unnecessary project through 14 neighborhood homes. They want to tear down or damage the historic tree canopy including nine old oaks and four magnolias. You'll understand where we are driving through is between Poindexter and Sunset, a very nostalgic area, something you look forward to on either the drive to or drive from on the way to work. We are talking about an area that is surreal when it comes to looking at the trees when there are so many streets in the City of Charlotte that are just lined with industrial sides. The estimated price tag for this project varies between 750 all the way to a million dollars depending on whom you ask. Again, we haven't had a straight answer from anybody from the City Council. Why would we want to destroy the trees? The committee wants to remove or jeopardize 24 of those trees again saying that nine of those are old oaks, four of those are magnolias. You will understand a lot of these trees have been around between 80 and 90 years. Again, we are talking about the Dilworth community. Those trees not only provide canopy, they provide protection. Think about this from the standpoint of a homeowner, from a City Councilman, or even more importantly as a parent. I'm worried about the safety of my home, my family, and my children, and here we are wanting to cut down those trees and put a



sidewalk that brings in anybody that would be walking up and down the street. Mayor Foxx, you ran on the platform that included protecting the environment and preserving Charlotte's tree canopy, and we ask that you stick to that. Why would you want to spend the money? There has been absolutely no study done to show the need for the sidewalk. A lot of times we build a school if there is a need because kids are needed to be educated. We will build a fire department if there is a community that needs to have some sort of protection. That would mean that we need to build a sidewalk if there were pedestrians that warranted this, yet there has been no study to show this. The sidewalk committee estimates – this is going to continue to climb. Again, the estimate has gone as high a million dollars, four times what a private construction firm came out to our community and estimated. This money could be reallocated and be used for other necessary public safety projects or to fund numerous police officers and elementary school teachers in our area. So why would you want to penalize city residents? The committee wants to take approximately 20 feet of each homeowner's property. Again, when I go back to that that means I have 13 feet from my front door to a five-foot sidewalk. Think about the jeopardy that it puts my family in. The average lot value in this block per Allen Tate Realty is \$93,500. That means the cost of this land for each homeowner would be well above \$10,000. We just ask that you stick to your platform, Mayor, and help us on this agenda.

**Robert Fitzpatrick, 1522 Lilac Rd.**, said I'm also a resident on Park Road, and that's the subject I want to speak to you about, and just to put it in as plain a language as I can ask each of you to consider putting yourself in our place in the experience that we are going through currently. You are told of a new plan to cut down most of the trees on your block, take 20 feet of your yard and all your neighbor's yards for a sidewalk that you and other local people never asked for. When you appeal the plan, no public discussion is required you are told, that this is a policy. The actual use of the sidewalk is not a factor regarding building it you are told. It won't matter if virtually no one ever uses the sidewalk, and it doesn't matter that virtually no one uses the existing sidewalk on the other side of the street. The sidewalk will be built because the City has a policy you are told. The impact on your neighborhood is not a factor for deciding whether to build it you are told. This policy does not take environmental damage into consideration once the decision is made to build. The number of trees cut down and the more water run-off from the cement are not criteria. The policy does not consider trees or water run-off you are told. You live on a fragile block facing heavy and high-speed traffic, which will be made even worse when the trees are cut down and more concrete is laid and part of your yards are taken, but that doesn't matter either you are told. The policy doesn't take into account traffic speed. What can you do you ask? Nothing you are told. The policy is not subject to debate. Then when you are also told the sidewalk will be wider, take more trees, and more private property, and will cost more than in any other section of the entire length of your street. The new block section will cost about \$1 million of your money. That's the new policy. What would you do? I would like to just end with one other statement. We fear this is about safety. We do have a major safety problem on Park Road. It's about traffic and the speed of traffic, and it is well established and documented that cutting down trees and laying concrete makes the road appear wider, tends to speed up traffic. Building the sidewalk will not make us safer. It will make it more dangerous on this section of Park Road. There are remedies for slowing that traffic down. Building a sidewalk is not one of them. It does the opposite. It actually increases the speed, and we were told that the City knows that, but that doesn't matter either. We are asking for you to please reconsider this policy to take it out of the realm of a computer program and talk to us as human beings.

**Rebecca Williams, 5801 Executive Center Dr., Ste. 101**, said I work with Disability Rights and Resources. We are a private, nonprofit agency. We are Center for Independent Living, and we provide right of services to individuals with disabilities in Mecklenburg, Gaston, Union, and Cabarrus Counties. My position there is on the ADA and the Community Education Coordinator, and I also chair two very important committees that you folks might not even know exist. One is the Transportation Committee and one is the Accessibility Committee, subcommittees of the Charlotte-Mecklenburg Advocacy Council for People with Disabilities. Those committees involve not only people with disabilities but other agencies that work with people with disabilities and people with disability to look at all the programs and services and Charlotte-Mecklenburg County to make sure they are accessible and usable by all citizens. I'm here actually to represent our agency and to talk again about the proposed sidewalk project. We hear very often how important sidewalks are to people, especially people with disabilities. I hear things such as there is not enough room for me to walk on the shoulders of the road, I can't walk with my children, rainy weather my wheelchair gets stuck in the mud, I can't access the

transportation system, so sidewalks are a vital link for people with disabilities. Oftentimes my consumers are socially isolated because there is no sidewalk to get to the community library, to get to the bookstore, to go visit their neighbors and friends. So lack of sidewalks can be a socially isolating situation for many of our consumers. I understand there is a lot of support not to have this sidewalk built along that section of Park Road, but that section is missing a sidewalk. There is a good bit of length of sidewalk on either side of that. Due to that sidewalk being missing, people would have to cross the street twice in order to continue on their way. The sections where the sidewalk are missing are non-signalized, no-crosswalk, so you have people walking across the street to continue along their way where there is no signalized intersection for them to cross safely, and we feel that the City Council should be concerned with the safety of all residents, and we support this project, which actually it is a City policy to have sidewalks built on both sides of thoroughfares. My agency will continue to advocate for the construction of sidewalks and other pedestrian features, and this was mentioned in the letter I sent City Council on the 12<sup>th</sup> for the following reasons: Sidewalks provide connectivity to many land uses. They provide a safer means to travel and exercise, which results in better health, and as we know, obesity has become an epidemic in our country. They are necessary for safer access to transit stops, and lack of sidewalks can discourage many people from using the CATS system. In addition, many paratransit or STS users may be able to become CATS users along the fixed route thereby decreasing reliance on a more costly door-to-door service the paratransit provides. Walkers experience increased independence when they are able to travel safely along streets, and sidewalks also allow for safer routes to schools and other public amenities like parks.

Councilmember Cannon said I just need to know. One, I have put forth the question to one of the assistant city managers, Mr. Manager, about getting information back with regard to any safety aspects in terms of what this may or may not cause if the sidewalks do go in, if they don't go in, etc. I would like to know in addition to that what can we do – why now I guess is the question? It's been out there for some time, and I'm just wondering. I would like to get some feedback in terms of why now at this point, but I think the information we get back hopefully will be telling in terms of the public safety issues that might be out there if we see indeed we need to move forward in this direction with what the policy states.

**Curt Walton, City Manager**, said we'll get you that information, Mr. Cannon.

\* \* \* \* \*

## **HOW THE INTERNATIONAL HOUSE HELPS THE COMMUNITY**

**Beverly Grant-Turner, 322 Hawthorne Ln.**, said I have come to you today just to make you aware of a resource available to you and your constituents. I am the executive director of International House, and our purpose is to really bridge all of the multicultural understanding in the City of Charlotte. Some of you may have thought of us from an immigration law clinic that handles family unification and citizenship. Some may have participated in our international leadership exchange programs and our home hosting. Others may be aware of all of our educational programs that help the community, so we are here to help you from both a social development side, an educational development side, and an economic development side. We have learned that one of the biggest barriers to people being productive and holding jobs is the ability to speak the English language. That is also the biggest barrier to citizenship, so we do a lot of work with children and adults to help them master the English language with not just classes but a whole array of services. We also have a program that helps low-income immigrants develop basic life skills for survival. Many times the children are coming through the school system, and the parents don't speak English, so we have programs that help the parents learn to speak English and learn the basic life skills to help their children through the process. What we are about is not just someone from one country. We are about people from all countries, and we are about people from Charlotte because what we are looking to do is educate the people of Charlotte about international and help us move forward in that rich fabric. One of the things we are looking at doing is creating a program where people who are not international can step into the shoes of those who are through a series of role plays and actually learn what it's like to be on the other side, and we hope that will help the understanding of culture expand. So, please call us if you need help, if you have any questions about your constituency and how we can help you, questions you have, and I thank you very much.

\* \* \* \* \*

## **ILLEGAL IMMIGRATION**

**Alan Miller, 5900 Florence Ave.**, said first off I want to say I have no problem with anybody coming to this country that comes here legally. We like people to come here to help this country to make it stronger, but I do have a problem with people who come here illegally. I used to be a person who was a live and let live type person, and I found out that is not the best policy in today's society. I met some people about four years ago, and I trusted them, and I helped them. In one case, I loaned some money for somebody who was in trouble with immigration, and it turned out that I was not very smart. I should have gotten them to sign things, but I had been over to their house many times, and I got shafted. When I tried to get money back, they took me to court. An illegal person can take somebody to court and lie, commit perjury. You can have proof of it, and nothing will happen to that person, so I have had a change of heart, and I have decided that we need to take a stand as to who is in this country and who is not. I believe it is our right to know who is in this country to protect ourselves, and when people come to work at our house or somebody comes to get a job that we need to know who these people are, and we need to start checking identification. I also don't believe that somebody who is illegal should be driving without a license, and the problem is the people who are here that have working papers can register more than one vehicle so many people in the household can be driving drunk and without a license. I knew these people, so I know the way of thinking is if I get in an accident I'm just going to run. It creates a danger on our streets. It raises our insurance. There are just so many problems that go with this, so I think we have to start taking steps to protect ourselves and protect our country. I think that when businesses hire people they should tell the people when they hire them that they are going to be checking identification on a regular basis because in some cases what happens is they have false identification. They get a job, and then after a few months the identification is used by another individual in another state. I think certain things have to be done so that doesn't happen, too.

\* \* \* \* \*

## **TAXICAB MEDALLIONS IN CHARLOTTE**

**William Dobbins, 7910 Waterford Ridge Dr.**, said I represent the taxicab drivers at the Douglas Airport, and I'm bringing that issue about the drivers again to you. I did have a discussion with that about a year ago in a different administration. Today our concern is about the medallion. What is a medallion? A medallion is a symbol which identifies that you actually have their permission to drive a taxicab in the city here of Charlotte. The difference we would like to see happen here is that the medallion is issued to the driver opposed to the company. The benefit to the driver at that point is simply they will have something that is tangible, that has a value, and continues to grow. This value will get to the point of a retirement. I'm sure everyone on this City Council has some type of retirement plan. Well, none of these drivers here have that. We are independent individuals. If we stop driving, the money stops. You can look around the nation. There are numerous cities that presently have the medallion system. It's been in effect for years. The benefit to the driver obviously is that he now has something that has value. It works the way regular capitalism does – supply and demand. If you have a large number of people looking for a few items, then the value of it goes up. This would be the benefit of having a medallion here in the city. We appeal to you to ask to have that process begin. We would give you more information on it. Right now the medallion belongs to taxicab companies, which really makes no sense to us. We pay for it. We pay for everything that we do, but because the taxicab companies have a lot of power they are running the show, and we would like to get a little more control of our own destiny, and this is what the medallion would actually do for us. That's the first phase of what I wanted to discuss tonight. The other thing is something else that is going on at the Airport, and that is that they are allowing Rose Bus Service to have a bus service coming out of the Airport. There is nothing illegal about that. The problem we have is that evidently Mr. Jerry Orr and PVH director, Mr. Burhan, are looking the other way because there are people walking around the Airport with signs that say we'll take you downtown for \$10. Now, we know that is not something that is going to benefit these guys that are driving these taxicabs out at the Airport. There are 144 guys out there. They have trouble just getting a few trips a day much less competing with the bus service. We would like to have that particular

issue addressed by those persons that are responsible, at least issue some tickets. Let's get these people accountable for their actions. It's not fair.

Mayor Foxx said appreciate you. The times up, I'm sorry. I think several speakers have made these points about the taxicab situation. Mr. Manager, I assume we'll develop a response to concerns that have been raised, so thank you very much. Thank you all for coming, too. You all are welcome to stay.

\* \* \* \* \*

## **TAXICAB MEDALLIONS IN CHARLOTTE**

**Amanuel Hagos** said I want to give my time to Mr. Williams. He didn't finish.

Mayor Foxx said, Mac, is that allowed?

**DeWitt McCarley, City Attorney**, said normally he would sign up and speak. If someone else wants to sign up and speak, they can do it at your next meeting. He can either speak or decline.

Mayor Foxx said you either need to speak or decline, and I'll move on to someone else.

Mr. Hagos said the ordinance is this one. Let me read the first paragraph. It says about the purpose. The purpose of this article is to let passenger vehicle for hire in order to preserve the health and welfare of the citizens of the city and the protection of their property. That is what it says here. Then if you go here on the second page it says about independent owner/driver means a person self-employed who engaged in the business of operating of a single passenger vehicle for hire as its owner and driver. So I am the owner and the driver. I pay for this city license myself. I pay for the vehicle myself. I pay for driver myself, but I am forced to be affiliated with a company in order to operate in the city. Why not I operate as independent driver because I am creating a job for myself? Our dear Mayor, last week I saw in the media you want to bring jobs to Charlotte, but you will find very soon unemployed from the city. So simply we are asking you, we are creating jobs for ourselves. We must be free, and as it is stated here under the article newspaper, for example, if one should finish a course the state exam after pass the state issues a license she is not forced to be affiliated with any hospital or any medical facility. But for us after we finish our course, we are forced to be affiliated. Then the company charge us \$100 minimum per month. Some of them up to \$1,000 a month. So we are suffering. I work 18 hours. I never follow my family. I never see my son. Our dear Mayor and dear member of the Council, please help us to end up this (inaudible) and in us. So we are just asking you we want to keep our job to feed our family. I don't want to go to the Social Service and ask for food stamp or something else. Thank you very much for giving me the time.

Mayor Foxx said I can't believe you were going to turn over the microphone to somebody else. Thank you very much, and we will have a response from staff and get this conversation moving, so thank you very much.

\* \* \* \* \*

## **PLANNING AND ZONING**

**Susan Lindsay, 6205 Rosecroft Dr.**, said I wanted to get the chance to bring before you a couple of issues that have been on our plate for some time. Before you go on retreat and start looking at your priorities, we would like to make sure you consider these two, and you should have it in writing on your desk. I gave it to the Clerk. Several years ago Charlotte east residents raised the issue of back zonings. That's the process by which properties that were conditionally rezoned with site plans that were never implemented, which after a three-year waiting period, Council can act on zoning them back to what they were. Staff had previously brought those up regularly, but Council rarely considered them, so it never became a priority of Council, and as a result these haven't been done since 1989. The only exception I remember is Albemarle Road. There was one brought up by a neighborhood, and staff brought that up and Council back zoned it. But more needs to be done. We believe there are key properties eligible for back zoning that need to be addressed and ask that City Council reiterate that this process is a priority and should

be presented to Council this year. When we brought this up last time, Council directed the Planning staff to work on this, and as far as I know, it has never been reported back to Council. I do not know if there is a list or if it has been completed or where it stands, and I truly believe that is something that staff needs to be working on but will only do so if Council reiterates it as a priority. The second thing is the City adopted the East Side Strategy Plan in October 2001. In that adoption, they adopted the vision and also numerous properties were targeted for corrective zoning. We believe the time has come that we do another phase of corrective zonings. If you recall, the East Side Strategy Plan addresses the major corridors along the east side except for Independence Boulevard, which is covered by the transit plan. That is Albemarle Road, The Plaza, Sharon-Amity, numerous other ones, Harris Boulevard. There are a lot of properties that are zoned totally different than what the plan calls for. Now that the economy has slowed a bit it's time to take a look at those properties and get those properly zoned. If you are serious about backing plans, then you need to back it up with the corrective zonings, and we hope that Council will take that under consideration very strongly at your retreat.

\* \* \* \* \*

### CONSENT AGENDA

Mayor Foxx asked are there items that have been pulled?

**Melissa Johnson, Deputy City Clerk**, said yes. Item No. 18, No. 28, No. 29.

[ Motion was made by Councilmember Burgess, seconded by Councilmember Cannon, and ]  
[ carried unanimously to approve the Consent Agenda as presented with the exception of ]  
[ Item Nos. 18, 28, and 29. ]

The following items were approved:

19. Low bid of \$258,000 by Country Boy Landscape Co. for security fencing for the new runway for Aviation.

#### **Summary of Bids**

Country Boy Landscaping, Inc.	\$258,000
Long Fence Company, Inc.	\$258,500
Henley's Construction Co., Inc.	\$267,000
Bullington Fence	\$271,600
American Fence and Supply Co., Inc.	\$287,280
US Fence and Gate	\$360,000
Dynateck, Inc.	\$387,400

20. Acquisition of a remanufactured Airport fire truck from Company Two, a private enterprise, in the amount of \$351,750, and Budget Ordinance No. 4347-X in the amount of \$351,750 from the Airport Discretionary Fund to be replaced with future grant proceeds, future General Airport Revenue Bond proceeds, and/or Passenger Facility Charge revenues.

The ordinance is recorded in Ordinance Book 56 at Page 518.

21. Low bid of \$798,881.40 by Sloan Construction Company, Inc. for the repair of city bridges.
22. Low bid of \$344,992.45 to Blythe Development Company for the construction of a new parking lot for the new Solid Waste Administration facility.

#### **Summary of Bids**

Blythe Development Company	\$344,992.45
Ferebee Corporation	\$422,395.32
OnSite Development, LLC	\$355,860.00
Scurry Construction, Inc.	\$438,760.00

23. Low bid in the amount of \$136,750 to State Utility Contractors for replacement of hot water piping at McDowell Wastewater Treatment Plant.

**Summary of Bids**

State Utility Contractors	\$136,750.00
Cam-Ful Industries, Inc.	\$209,000.00
Environmental Services Facility	\$249,900.00

24. Low bid in the amount of \$1,539,911.50 by Dallas 1 Construction, LLC for the installation of water and sanitary sewer services throughout Mecklenburg County.

**Summary of Bids**

Dallas 1 Construction, LLC	\$1,539,911.50
BRS, Inc.	\$1,573,181.00
State Utility Contractors, Inc.	\$1,702,174.25
Classic City Mechanical, Inc.	\$1,829,781.00
Dellinger Inc.	\$1,951,512.00
Propst Construction Co.	\$2,127,145.50

25. Low bid of \$1,110,134.78 to Dellinger, Inc. for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County under the Street Main Extension Program.

**Summary of Bids**

Dellinger, Inc.	\$1,110,134.78
Davis Grading, Inc.	\$1,112,767.80
RH Price, Inc.	\$1,123,306.30
Bullseye Construction, Inc.	\$1,147,476.30
Dallas 1, Inc.	\$1,172,439.40
State Utility, Inc.	\$1,298,853.30
UW2 Contractors, Inc.	\$1,344,654.80

26. Low bid of \$1,257,681.30 to Bullseye Construction, Inc. for construction of sanitary sewer and water mains along existing roadways in Mecklenburg County under the Street Main Extension Program.

**Summary of Bids**

Bullseye Construction, Inc.	\$1,257,681.30
Davis Grading, Inc.	\$1,260,717.80
Dallas 1, Inc.	\$1,261,783.25
RH Price, Inc.	\$1,271,756.30
Dellinger, Inc.	\$1,339,124.78
State Utility, Inc.	\$1,455,993.30
UW2 Contractors, Inc.	\$1,584,365.30
Propst, Inc.	\$1,850,353.45

27. Amendment #1 for \$158,419 with Camp Dresser & McKee for professional engineering services.

30. Contract amendment #4 with Kimley-Horn and Associates, Inc. in the amount of \$200,000 for design additions to the Dixie River Road Realignment Project.

31. Contract for roof inspections and maintenance with Corner Stone Construction Services, Inc. for an annual cost of \$79,200, and authorize the City Manager to approve up to two, one-year renewals.

32. Contract of \$109,756 with Verint Systems Inc. for hardware, software, training, and installation services to upgrade the Verint ULTRA version 9.3B call recording system to version 10.

33. Contract in the amount of \$352,993.37 with Safety Resources, Inc. to purchase portable explosives detection devices using Department of Homeland Security (DHS) grant and local matching funds.
34. Purchase miscellaneous industrial fasteners and related items under the federal government's Government Services Administration (GSA) contract with Barnes Distribution as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3) and for a total projected purchase amount of \$240,000.
35. Resolution authorizing the refund of business privilege license payments made in error of the amount of \$65,817.47.

The resolution is recorded in Resolution Book 42 at Pages 361-362.

36. Resolution of Intent to abandon a portion of Prospect Street and an alleyway off of Prospect Street, and set a public hearing for February 22, 2010.

The resolution is recorded in Resolution Book 42 at Page 363.

- 37-A. Ordinance No. 4348-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3719 Dawnhurst Lane (Neighborhood Statistical Area 109 – Moores Chapel Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 519.

- 37-B. Ordinance No. 4349-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3315 & 3315B Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 520.

- 37-C. Ordinance No. 4350-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1011 1 & 2 Andrill Terrace (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 521.

- 37-D. Ordinance No. 4351-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3401 Rogers Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 522.

- 37-E. Ordinance No. 4352-X authorizing the use of In Rem Remedy to demolish and remove the structure at 6508 Beatties Ford Road (Neighborhood Statistical Area 1239 – Moores Chapel Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 523.

- 37-F. Ordinance No. 4353-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2332 1 & 2 Dundeen Street (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 524.

- 37-G. Ordinance No. 4354-X authorizing the use of In Rem Remedy to demolish and remove the structure at 5931 Nations Ford Road (Neighborhood Statistical Area 199 – Yorkmount Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 525.

- 37-H. Ordinance No. 4355-X authorizing the use of In Rem Remedy to demolish and remove the structure at 6001 Nations Ford Road (Neighborhood Statistical Area 199 – Yorkmount Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 526.

- 37-I. Ordinance No. 4356-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2215/17 Rozzelles Ferry Road (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 527.

- 37-J. Ordinance No. 4357-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2816 Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 528.

- 37-K. Ordinance No. 4358-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3025 Walter Street (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 529.

38. Authorize the City Manager to execute an office lease with Rozzelles Ferry LLC, a subsidiary of the Charlotte Mecklenburg Development Corporation to occupy 2,607 square feet in the Greenway Business Park located at 2732 Rozzelles Ferry Road for the new Non-Residential Building Code Team.

39. License for hangar, office, and warehouse facilities with the Charlotte-Mecklenburg Hospital Authority d/b/a MEDCENTER AIR.

40. Five-year lease with CELLCO Partnership d/b/a Verizon Wireless for a telecommunications antenna and related facility site on the Airport's rotating beacon tower.

41. Lease for air cargo facilities with Federal Express Corporation.

- 42-A. Acquisition of 48,507 square feet in sanitary sewer easement plus 66,633 square feet in temporary construction easement at 9400 Plaza Road Extension from James Cecil Teeter for \$17,475 for 2009 Annexation – Hood Road North Sanitary Sewer Improvements, Parcel #1.

- 42-B. Acquisition of 4,362 square feet in sidewalk and utility easement plus 9,956 square feet in temporary construction easement at 500 North Sharon Amity Road from Charlotte Masonic Temple Association for \$23,175 for Sharon Amity Road Sidewalk, Parcel #3.

- 42-C. Acquisition of 2,666 square feet in fee simple plus 45,77 square feet in utility easement plus 4,208 square feet in temporary construction easement at 4600 Statesville Road from Grace Memorial Missionary Baptist Church, Inc. for \$12,525 for Statesville Road Widening (I-85 to Sunset Road), Parcel #22.

- 42-D. Acquisition of 5,172 square feet in fee simple plus 60 square feet in utility easement plus 10,400 square feet in temporary construction easement at 4613 Statesville Road from McKee Insulating Co, Inc. for \$70,165 for Statesville Road Widening (I-85 to Sunset Road), Parcel #23.

- 42-E. Acquisition of 14,062 square feet in fee simple plus 8,382 square feet in existing right-of-way plus 148 square feet in utility easement plus 9,203 square feet in temporary construction easement at 5626 Statesville Road from Oakdale Greenhouses, LLC for \$77,460 for Statesville Road Widening (I-85 to Sunset Road), Parcel #88.



- 42-F. Acquisition of 3,656 square feet in fee simple plus 89 square feet in utility easement plus 11,869 square feet in temporary construction easement at 6141 Statesville Road from Jimmy Parks McWhirter and wife, Nancy H. McWhirter, for \$28,525 for Statesville Road Widening (I-85 to Sunset Road), Parcel #112.
- 42-G. Resolution of condemnation of 1,148 square feet of sidewalk and utility easement plus temporary construction easement at 1222 Edgewood Road from Richard W. Stikeleather and any other parties of interest for \$700 for Freedom Drive Widening, Parcel #393.
- 42-H. Resolution of condemnation of 846 square feet of temporary construction easement at 2015 Erie Street from Timmy Drayton and any other parties of interest for \$150 for Lincoln/Wilson Heights Neighborhood Improvement Project, Parcel #144.
- 42-I. Resolution of condemnation of 1,843 square feet of sidewalk and utility easement plus temporary construction easement at 12201 South Tryon Street from SAR Groups, LLC and any other parties of interest for \$2,125 for South Tryon Street Sidewalk, Parcel #2.
- 42-J. Resolution of condemnation of 1,582 square feet of fee simple plus utility easement plus temporary easement at 4813 Statesville Road from Lashawn D. Middleton and any other parties of interest for \$21,800 for Statesville Road Widening (I-85 to Sunset Road), Parcel #32.
- 42-K. Resolution of condemnation of 3,530 square feet of storm drainage easement plus sidewalk and utility easement plus utility easement plus combined PUE & SDE plus temporary construction easement at 5416 Statesville Road from Jerry Lee Caton, Jr. and wife, Dina C. Caton, and any other parties of interest for \$7,175 for Statesville Road Widening (I-85 to Sunset Road), Parcel #75.
- 42-L. Resolution of condemnation of 1,930 square feet of utility easement plus temporary construction easement at 2504 West Sugar Creek Road from Sugar Creek Properties, LLC and any other parties of interest for \$3,975 for Sugar Creek Road – Rumble Left Turn Lane, Parcel #2.
- 43. Titles, motions, and votes reflected in the Clerk’s record as the Minutes of the December 14, 2009, Business Meeting.

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**ITEM NO. 18: WATER AND WASTEWATER TREATMENT CHEMICALS**

Councilmember Dulin said I pulled Item No. 18. This is just for information for the folks that are here. Actually there are some folks that are here that live near this particular sewer/water treatment plant on Tyvola Road, but for folks that live around water treatment plants all over Charlotte, this is a large number. This is a relatively small item in that it is chemicals for wastewater treatment plants, \$444,000. Those folks who live near wastewater treatment plants though what you don’t smell any more is wastewater treatment plants, and that’s a big deal, and it’s a quality of life issue for thousands of our residents. That no smell comes at a cost – I just want to let you folks know that this is the kind of non-sexy work that we do every week, and I move for approval of No. 18 for \$444,000.

[ Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and ]  
[ carried unanimously to rescind award to the low bidder of \$444,565 for sodium hypochlorite ]  
[ by Brenntag Southeast, Inc., approve a contract with JCI Jones Chemicals, Inc. for the ]  
[ purchase of sodium hypochlorite in the estimated amount of \$465,800 for the term of one ]  
[ years, and authorize the City Manager to renew the contract up to three additional one-year ]  
[ terms with possible price adjustments at the time of renewal based on the Producer Price ]  
[ Index for inorganic chemicals as authorized by the contract. ]

**Summary of Bids**

Brenntag Southeast, Inc.	Durham, NC	\$.6490
JCI Jones Chemicals, Inc.	Campobello, SC	\$.6840
Oltrin Solutions LLC	Hamlet, NC	\$.7500

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**ITEM NO. 28: BUDGET PLANNING SOFTWARE AND ENTERPRISE RESOURCES PLANNING**

Councilmember Barnes I pulled this one. This concerns budget and planning software and enterprise resource planning. It's a contract for roughly \$800,000 on the first part and \$250,000 on the second part, and it will create something that the public has asked for from their government, and that is efficiency and cost savings. I wanted our Budget and Evaluation Director to give us a brief explanation of how the software will work and how it will help improve City functions.

**Ruffin Hall, Budget and Evaluation**, said just a couple of quick comments about this. This particular software is a replacement for our budget system to cover operating, capital, and performance measurements for the City. What it really is is the ultimate pencil sharpener for us to get a lot sharper in analyzing and compiling budget data for the entire city. We have about a \$1.8 billion budget, and by making this \$800,000 investment one time – a one-time expense to buy the software and implement it – we should be able to get a return on our productivity within several years. Right now within the city there are a lot of little systems throughout the city trying to manage and compile financial data. By combining this, consolidating it into one system, we can better analyze and generate a lot of efficiencies. Once we do that, we can better identify things where we can cut some costs. For us, this is the ultimate pencil sharpener.

Councilmember Barnes said, if I might, Mr. Mayor. At some point, Mr. Hall, do you think we will be able to quantify in dollar terms the value of those savings?

Mr. Hall said we should be able to do that once we have implemented the software and applied it to the City's budget after the first year. So, we are looking at implementation for your 2012 budget process – not the one that is coming up – so it will take us a little experience to be able to quantify that, but we should be able to identify where we were to find some productivity savings once we go through implementation.

Councilmember Barnes said thank you so much. I move to approve A, B, and C.

[ Motion was made Councilmember Barnes, seconded by Councilmember Cannon, and ]  
[ carried unanimously to A) approve a contract with Clarity Systems, Inc. for the purchase ]  
[ and implementation of Clarity 7 Budget Planning software and services for an initial term ]  
[ of one year in an amount not to exceed \$800,165; B) authorize the City Manager to approve ]  
[ up to five, one-year renewal options for extended software maintenance, licenses, and ]  
[ support for budget planning software, and C) authorize the City Manager to approve ]  
[ contracts for procurement and change management services necessary for Enterprise ]  
[ Resource Planning (ERP) in an amount not to exceed \$250,000. ]

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**ITEM NO. 29: AIRPORT PARKING AND GROUND TRANSPORTATION SERVICES**

Councilmember Barnes said I pulled this one as well. This is a parking and ground transportation services contract for staffing at the Airport, and there was one part of it that I had asked staff about regarding the FY09 Airport revenue, which is projected to be \$33 million. I wanted to know how that money is being programmed.

**Curt Walton, City Manager**, said, Mr. Barnes, all the revenues for the Airport are going to the same fund, so they are not segregated. The total budget is about \$134 million, about 25%, so all

the revenues go towards Airport operations the majority of which are debt payments on Airport expansion, so it's capital, primarily capital.

Councilmember Barnes said so it finances the bonds.

City Manager Walton said yes.

Councilmember Barnes said we may take that one up during the Budget Committee, but I appreciate it.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Burgess, and ]  
[ carried unanimously to approve a month-to-month contract extension with EJ Services, ]  
[ Inc. d/b/a Balance Staffing Services for temporary personnel services for no longer than 24 ]  
[ months in a total amount not to exceed \$5,520,000. ]

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**ITEM NO. 4: PETITION NO. 2009-067 BY STACY M. MITCHELL AND JANET SAMATHA McMILLAN FOR A CHANGE IN ZONING FOR .85 ACRES LOCATED ON THE SOUTH SIDE OF SOUTH TRYON BETWEEN MOSS ROAD AND LIONS MANE STREET FROM R-3 TO O-1(CD)**

Mayor Foxx said we are going to some carry-over zoning petitions we had from the previous week. I think we have everyone present tonight. These are protested cases, and we have four of them, so let's start with Zoning Petition 2009-067.

Councilmember Cannon said that one is deferred until February 15<sup>th</sup>.

[ Motion was made by Councilmember Cannon, seconded by Councilmember Cooksey, and ]  
[ carried unanimously to defer Petition No. 2009-067 to February 15, 2010. ]

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**ITEM NO. 5: ORDINANCE NO. 4337-X AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING OF APPROXIMATELY 31.59 ACRES LOCATED ON THE EAST SIDE OF BEATTIES FORD ROAD ENCOMPASSING PORTIONS OF McCLURE ROAD FROM R-3 TO R-5(CD)**

Mayor Foxx said the Zoning Committee found this petition to be consistent with the Northlake Area Plan and reasonable and in the public interest.

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Burgess, and ]  
[ carried unanimously to approve the Statement of Consistency and Petition No. 2009-070 for ]  
[ the above rezoning by McAlpine-North Lake Landing, LLC as recommended by the Zoning ]  
[ Committee. ]

The ordinance is recorded in Ordinance Book 56 at Pages 487-495.

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**ITEM NO. 6: ORDINANCE NO. 4338-X AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING OF APPROXIMATELY .55 ACRES LOCATED ON THE NORTH SIDE OF FAIRVIEW ROAD BETWEEN PARK SOUTH DRIVE AND WINTERCREST LANE FROM R-3 TO O-1(CD)**

Mayor Foxx said the Zoning Committee found this petition to be consistent with the South District Plan and reasonable and in the public interest.

Councilmember Dulin said comment, Mr. Mayor.

Mayor Foxx said do you want to make a motion before the comment?

Councilmember Dulin said I would like to make a motion that we deny 2009-082, and I would like the opportunity to say why.

Mayor Foxx said is there a second?

Councilmember Burgess said I'll second for purpose of discussion.

[ Motion was made by Councilmember Dulin and seconded by Councilmember Burgess to ]  
[ deny Petition No. 2009-082. ]

Councilmember Dulin said this has been as difficult a zoning petition as has come my way in two times and the beginning of my third term, and we ought to do our part to get it right. We all try to get it right. I know everybody on here, we all try to get it right, and I have tried to get this right. I have worked hard to get this right. I have worked hard to listen to everybody, and it's pulled at me and pulled at me and pulled at me, and there are some conclusions that I have had to come to you. You sent me down here to make decisions, and they are not all easy. This is a tough one. It's really tough. Let me go through some of my notes here, and then we can get to my motion to deny.

There are a couple of things. There is a lawsuit still pending. We don't know what the lawsuit will go from the neighbors to the petitioner. That will be heard in May. We could rezone this tonight, and then it's thrown out in May, and that's an active lawsuit, and it has to do with deed restrictions, which do not affect what we do here. There is doubt in my mind about what happens if the deed restrictions and the lawsuit come together and get thrown out preventing commercial uses and how does the City move ahead then. It would be interesting, and I'm interested to see us and the City make good land use decisions that will enhance the value of the greater SouthPark area. This is important to this family that owns this piece of property, but it does not enhance this greater SouthPark area, and the area around there.

The bigger question to me is land uses and what's appropriate for this Fairview corridor. A major gateway to the SouthPark commercial center, and it's important that the zoning support continue health of this important tax base and revenue generator. This is a small rezoning to commercial in its scope, but it would seem to be of little importance to most of us. It's important to this family that is trying to get it rezoned. It's a major asset to them, and that's really hard for me not to support it, but the overall health of this corridor, and I do believe in this corridor, and I do thoroughly enjoy representing this corridor and this area of Charlotte on the City Council.

This request would set a new trend in a new direction, and it would prompt other small commercial rezoning requests either on Fairview or other major corridors in the area. Whether these commercial uses are mom and pops – this is a mom and pop operation here; no offense – or others located in converted houses along Park Road and Seneca. There is a strip there at Park Road and Seneca that has a lot of small commercial uses in old houses. The new construction is a departure from the small area plan prepared by the City several years ago that states the area was best served if Fairview was developed with multifamily, office, and large mixed-use developments such as the Piedmont Town Center. You might recall we rezoned a piece of property right down the street within two lots in the summer of '07 for a residential tower that has not yet been built but will be a good project some day. I'm still confident in that.

I think when the market corrects itself and the right developer comes along the Picardy neighborhood has said to me that they would be more amicable to working with that developer for a project that will be a nice entranceway into their neighborhood, somewhere between the Park Road and the Piedmont Town Center exchange for landscaping and buffers and neighborhood amenities. However, I think the possibility of packaging the land on Fairview

Road for a quality development becomes less realistic if every single lot is commercial use rather than the current multifamily zoning. It's difficult here, folks, with this understanding and strong opposition – a clear, strong opposition of the entire neighborhood. I am going to vote no on this. This particular zoning doesn't bring to that part of Charlotte, that part of our community, what I think it needs to bring to add to it and to better the neighbors. Now, the house is currently rented to a single family. There is an income stream to the petitioner, and it can stay rented for an extended period of time, and, Ms. Collias, folks, it's tugging at me hard, and I'm sorry, but my recommendation is to deny the petition.

Mayor Foxx said one matter. I will come back to you, but precisely because of what you just said, Andy, I would suggest that we rephrase the motion in the affirmative so that people understand that a no is a no and a yes is a yes because the way the motion is phrased right now – I know it may not be your motion – but the way it is phrased right now a vote in support of the motion that has been made, which is to deny, would be actually a no vote on the petition.

[ Substitute motion was made by Councilmember Howard and seconded by Councilmember ]  
[ Carter to render a decision on proposed Rezoning No. 2009-082 by Gina and Dean Collias ]  
[ for a change from R-3 to O-1(CD) for approximately .55 acres located on the north side of ]  
[ Fairview Road between Park South Drive and Wintercrest Lane. ]

Councilmember Carter said, Mr. Dulin, I really appreciate your sentiments and have been through this consistently in representing the district. On Central Avenue, there are two structures that were recommended to be businesses, and the facades and the content of those businesses remained – the presentation of those residences were maintained as residences, and I would like to read this addition to the items on the site plan. It's number five. The proposed development shall be restricted to office space. The existing residential structure shall remain. Furthermore, the structure shall not be expanded beyond that of the footprint of the existing structure. The existing carport and storage area may be converted into additional office space and be similar in character to the existing two-story structure. Additional parking shall comply as required. So this is absolutely essential if we pass this motion that the residential character is maintained and that the intent is prescribed here. Given that construct and the location of the site, that is why I'm going to support the motion.

Councilmember Burgess said when I first saw this petition I thought it was an easy call, but the more I read it and dug into it, Mr. Dulin, I appreciate your struggle with it. The adjacent property that is on the corner of Wintercrest and Fairview right now is a single family home; is that correct?

Councilmember Dulin said that's correct, Ms. Hiltz.

Councilmember Burgess said do you know of any plan to have that rezoned?

Councilmember Dulin said, no, ma'am. She lives there. She is of good health. She is a widow. She has four of her six children living in Charlotte, so I have no knowledge of that from Ms. Hiltz.

Councilmember Burgess said when I saw that it was inconsistent with the South District Plan what is in the plan, which is rather dated, is single family residential or multifamily, which probably would be more of a negative impact on the neighborhood than an office. I think my real struggle is that what is proposed seems very reasonable, but what could it become? What if the law office moves out and what else would be allowed in there that may generate a lot of traffic and be a real negative to the neighborhood?

Mayor Foxx said is there someone from the staff who might want to answer that?

**Tammie Keplinger, Planning**, said, Ms. Burgess, is the law office moves out, the site plan is restricted to office use only, so only similar uses could go in like an attorney's office, a real estate office, anything of that nature. No commercial could go in there. No single family or multifamily development because those are both restricted on the site plan, too. It would only be office use.

Councilmember Carter said with the current zoning, R-3, could it not change to an institutional use?

Ms. Keplinger said going through the rezoning process again it could if somebody applied to go to an institutional district, but because their site plan specifically says office uses only it would only be office under this zoning.

Councilmember Carter said I was trying to indicate the R-3 zoning. Would that not allow itself to be used as an institution?

Ms. Keplinger said some institutional uses are permitted in the R-3 district such churches and schools and things of that nature, but they are very limited.

Councilmember Carter said and that would include childcare?

Ms. Keplinger said it would include childcare in a home – not a childcare center.

Councilmember Carter said just to say there are other uses of R-3.

Ms. Keplinger said yes.

Mayor Foxx said are we ready to vote? I have also struggled with this petition, by the way. I spoke to people on both sides of this debate. One of the vestiges of a decision that the Council made just a couple of years ago to develop the property that is closer to the corner of Park and Fairview is that we have gone against the plan previously to create more density in that area, and this property sits between a very dense part of the SouthPark area and the corner of Park and Fairview. Had we not made that decision, we probably wouldn't be sitting here with a staff recommendation to support and approve the petition. I understand the neighborhood's interest and I have supported the neighborhood previously in requesting support of the prior rezoning case, and I now feel compelled to support this particular petition because it is consistent with my earlier vote, and that is just where I'm going to be on this one. I wanted to explain that. I see the complexity of this, and I see the hard choices, but I think if our decision was to vote for less density in that area or to kind of stop the snowball, we missed that vote a couple of years ago. Anyway, let's call it to a vote.

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

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

**NAYS:** Councilmember Dulin

The ordinance is recorded in Ordinance Book 56 at Page 496-497.

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**ITEM NO. 7: ORDINANCE NO. 4339-X AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING OF APPROXIMATELY 1.72 ACRES LOCATED ON THE SOUTH SIDE OF SMITH CORNERS BOULEVARD NEAR THE INTERSECTION OF WEST W.T. HARRIS BOULEVARD AND STATESVILLE ROAD**

Mayor Foxx said the Zoning Committee found this petition to be consistent with the Northlake Area Plan and reasonable and in the public interest.

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, and ]  
[ carried unanimously to approve the Statement of Consistency and Petition No. 2009-084 for ]  
[ the above rezoning by YM Management Group, LLC as modified and as recommended by ]  
[ the Zoning Committee. ]

The modifications are:

1. Part II (B) has been amended to state that the site plan amendment applies only to Parcel D and proposes a maximum of 52,500 square feet. Specified that the remainder of the unified development will have a maximum of 150,000 square feet.
2. The meeting room capacity has been specified as 24 seats in two meeting rooms.
3. Solid waste and recycling areas have been shown and labeled.
4. The number of meeting rooms have been provided, which negates the need for a parking count and shared parking agreement.
5. Parcel D/Envelope 5 has been labeled.
6. The note that storm water runoff will be managed by an existing off-site shared regional detention facility has been removed.

The ordinance is recorded in Ordinance Book 56 at Pages 498-499.

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### **ITEM NO. 8: CITY MANAGER'S REPORT**

**Curt Walton, City Manager**, said I'd like to bring to your attention two recognitions that the City has received recently, the first for the Charlotte Department of Transportation. In 2002, the Environmental Protection Agency created a national award for smart growth achievement to recognize exceptional approaches to development that protect the environment, foster economic vitality, and enhance the quality of life. This year the Urban Street Design Guidelines were selected as one of our recipients of that award by the EPA, and that award was accepted in December by Danny Pleasant from the Department of Transportation. So, I would like to recognize Danny to talk about that award and the achievement for the USDG.

**Danny Pleasant, Charlotte Department of Transportation**, said we were very pleased to have gone to Washington December 1<sup>st</sup> to pick up the award. The EPA Administrator Jackson was there to provide some encouraging words, and we were one of four reward recipients that received this award this year. As Mr. Walton said, it has only been an award given out since 2002. The award came with a very nicely produced video that I was planning to show to you, but due to technical difficulties, we are not able to share that with our television audience outside of this building, however, we do have a Web site. You can go to the EPA's Web site [www.epa.gov/dced](http://www.epa.gov/dced), and you will see to the side there is a place you can click for the Smart Growth Achievement Awards of the four awards. Each of them has a video produced. I think ours is the best in my opinion. It certainly has the best talent except for yours truly, but some familiar faces – Pat Mumford, Susan Burgess is featured there, Mayor Foxx, former Mayor McCrory, Todd Williams with Grubb Properties, who developed the Elizabeth Avenue corridor, the owner of the Dilworth Pharmacy had quite a few interesting comments on the video itself, so it certainly made me proud to see the video. It made me proud of our City Council for actually leading this effort. Remember that the Urban Street Design Guidelines came out of the Transportation Action Plan, which was fully led by City Council. Staff just pretty much did what you told us to do and put together this landmark document, the same with the Urban Street Design Guidelines. So, we are proud of that.

I think what really made the project important to EPA is that we could demonstrate where we have 32 projects actually on the ground designed to the Urban Street Design Guidelines, that the City supported, the City funded to do those, and we have several developers built such as NorthLake Parkway, IKEA Boulevard, some of those kinds of projects. The Urban Street Design Guidelines have become nationally recognized not just by the EPA. They will be featured in an upcoming Webinar by the Federal Highway Administration on contact sensitive solutions. They will be featured in an American Planning Association publication in Best Practices on Complete Streets. It has been cited by the Virginia Department of Transportation when they adopted their connectivity rules for state maintained roads and by the Institute of Transportation Engineers. It will also be shown in an upcoming New Partners for Smart Growth Conference in Seattle on February 4-6.

For the next few months coming up, we will have the challenge and the opportunity to draft ordinance language to present to you hopefully by the end of the summer for your deliberation that will actually make it legal to build the kinds of streets that Charlotteans have told us they like over a period of time to provide that kind of flexibility design in good streets to fit within the context for which they are planned. So, we'll look forward in the next months ahead to have more discussions on the Urban Street Design Guidelines and how we can fit those into our codes and ordinances.

City Manager Walton said the other award was to the Charlotte Fire Department for the Social Media Responder of the Year 2009 Award. If I understood more what that was, I would tell you a lot more about it. It was awarded by the PIO Social Media Training.com organization – PIO meaning Public Information Officer. We were one of six finalists. There were 123 nominees including the Los Angeles Fire Department; the Bellevue, Washington, Police Department; the Montgomery County, Maryland, Fire and Rescue Department. So, we would like to thank the Fire Department and congratulate the Fire Department, and if you would tell us a little bit more, so you and Mr. Cooksey can talk to each other.

**Captain Mark Basnight, Charlotte Fire Department**, said and Mr. Dulin also. This award was given to a public safety agency that demonstrated the use of social media to reach out to their community. I think it's important just to relay that our message hasn't changed but how we communicate our message has. We are not saying anything different, but we have been able to reach out to a very broad audience that we otherwise have not been able to communicate, and right now it's close to 5,000 people. We are pretty proud of our accomplishments. If they didn't know who the Charlotte Fire Department is, they know who we are now. Out of a little over 60,000 votes cast, I think we got about 20,000 of those votes, so we won it. It wasn't really close. Thank you, Mr. Cooksey and Mr. Dulin, for Tweeting for us, and thank you very much.

Mayor Foxx said thank you very much. I think a lot of our Twitterers are getting ready to comment.

Councilmember Cooksey said don't want to turn this into an awards ceremony night, but two factors I want to add in particular to the Captain's presentation is a local – I'm not going to get him glassy-eyed validation – a local Twitter named Lyle Peterson nominated the Fire Department after hearing a presentation about what they were doing in social media and was the initial driver of this, and then I did some tracking. I found almost 40 different Charlotte citizens on Twitter who constantly reinforce that this voting was going on in December of last year and that people should get out and vote on it. That's what drove the nearly 20,000 votes referred to. Not only was the nomination for the use of social media, but the award was won through the use of social media, and as a cutting edge technology that in many ways reaches people who do not seek out news in the traditional ways that we do. They don't read newspapers, they don't watch television news. They are looking for the news to come to them, and that's what at Charlotte FD on Twitter does for them. That's what the Charlotte Fire Department Facebook page does. It gets the news about what is going on to people who are looking for the news to come to them, and I'm real proud of you guys.

Councilmember Dulin said I wouldn't have supported you if you weren't putting out a good product. Number one, you are a heck of a fire department that I'm proud of and everybody else up here is proud of you. Number two, when I turn on my computer in the morning and there is information on Twitter from the Charlotte Fire Department, it is information I can use that helps me serve our constituents better; and, if it's in my district, I'm in my car getting over there real quickly, too. I wouldn't have supported you if I didn't know it was a good product, and Mr. Cooksey is right. We are all learning about this, but the Fire really marketed those votes. It was pretty neat. Congratulations.

Councilmember Carter said this is just outstanding, and, again, the message is wonderful. I would like to challenge CMPD. We have suspended the education about use of car seats and how to install them. How about YouTube and CMPD and car seats? This might be a marketable project and use your expertise in teaching.

Councilmember Burgess said in addition to protecting the health and safety of the people of Charlotte in getting this kind of recognition I just can't let it go that you also won the Chili



Cook-Off down in Ballantyne, and your chili was great, and it was really hot. Congratulations on all fronts.

Mayor Foxx said thank you everyone. Thank you, City Manager, and thank you, Charlotte Fire Department for all the work you do.

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**ITEM NO. 9: WATER AND SEWER EXTENSION POLICY**

[ Motion was made by Councilmember Barnes, seconded by Councilmember Burgess, and ]  
[ carried unanimously to adopt a resolution approving changes to the Charlotte-Mecklenburg ]  
[ Utilities' Water and Sewer Extension Policy. ]

The resolution is recorded in Resolution Book 42 at Page 358.

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**ITEM NO. 10: STREETCAR GRANT APPLICATION**

**Curt Walton, City Manager**, said we do have a presentation on 10 and 11. If you would like for us to do that, I will turn it over to Jeb Blackwell on Item 10.

**Jeb Blackwell, City Engineer**, said I'm going to talk briefly about the Urban Circulator Grant Program. He began a PowerPoint presentation and said we learned in early December about a grant opportunity that we thought would potentially be applicable to Charlotte. There is a \$30 million grant program made available by the federal government. There is a maximum available for any local jurisdiction of just under \$25 million, and it's set up with 80% maximum federal component to it. The grant has restrictions on how it can be used, but we have sufficient work in the project that we believe may be a candidate for that and would appropriately use that money. One thing that the grant does specify is that you need to be under construction within 18 months, and you must have an operable segment at the completion of construction. As stated a number of times through that grant, this grant does not affect eligibility for other grants, so this is a grant component that really would be in that way really good for the streetcar, wouldn't affect any eligibility for other grants, doesn't affect other corridors. The one challenge to us was on this that the grants – we were notified on December 8<sup>th</sup> about the grant availability. There was a 60-day window, so we have to have our application in, if the decision is made by Council tonight to pursue this grant, by February 8<sup>th</sup>.

The criteria for the grant are outlined here. Again, we believe that we have a segment that is a good fit for a lot of these criteria. The segment we are looking at has CPCC on it, a nursing school at Presbyterian, and also would be near the new UNC campus. It provides connection to CPCC for those folks at those schools. It works well with economic development with the work we have done in Elizabeth and also leverages current investment in Elizabeth as well as work we have done with the private sector in Elizabeth.

The proposed grant that we are looking at I'll show a picture of it next, but just to describe it, it begins at Presbyterian Hospital. It runs to the Transportation Center, approximately one and a half miles long. As I noted earlier, we already have a half mile of it built, which is how we are able to get that length instead of just a mile because we can take advantage of the half mile that is already constructed. It provides a lot of great connectivity for us, and there is also a connection with this segment to the existing Blue Line, which gives us some flexibility and also saves us a lot of money with the use of the existing maintenance facility. The existing ridership – we don't have any model of what the streetcar ridership would be. Existing ridership on the bus is about 950 daily riders. Our estimate for the project cost is \$37 million. You may recall at one point we looked at one that included the vehicles, and that was about \$8 million more, and we'll talk about that more a little bit later on. This version does not buy new vehicles but just constructs the segment. There is an operating cost of about \$1.5 million. The segment envisions where the total streetcar does provide some operational savings. This segment does not produce any

operation savings at this point. The seven and nine line are second and third busiest lines, and they go well beyond the length of this, and the Gold Rush Line also could not be removed with the use of this project.

Councilmember Cooksey said before we leave could you go back to that slide, please, because I find myself having to do this every time. On the bullet point about the ridership, please clarify. Is that 950 bodies being counted or is that 950 trips being counted?

Mr. Blackwell said that's 950 trips.

Councilmember Cooksey said so if I get on at one stop, go a mile down the way and then come back, that's two trips that one person has done.

Mr. Blackwell said that is my understanding, yes, sir. This is a drawing, a map that shows where we would travel. It begins or ends at Presbyterian Hospital as you describe. It goes to the Transportation Center. There is a light purple that shows the non-revenue single track that is the interline to the south corridor, which, again, allows us to use that maintenance facility, which is one way we are able to hold costs down because we are not building a maintenance facility for these cars. There is some versatility added by having that segment on there because if we did want to move cars – if we had a heavy load in one corridor or the other in the future – that would provide us with some ability to move cars from one of these lines to the other.

Again, we had talked about purchasing new vehicles for this. That was an additional cost. The other option was to use existing Gomaco cars that we have already purchased that are the streetcars that you see the picture that shows what they look like. They are older vehicles. The Gomaco has no lower entry. It uses lifts for meeting ADA. We have three of those. We envision using two at any given time with one in reserve to deal with maintenance issues and that sort of stuff. There is a significant savings of \$8 million by doing this. There was another option on the S-70s, which is Salt Lake City has those and was interested in leasing those to us. We don't know what that would be, and we could certainly explore that a little further, but for now we are intending to pursue using the Gomacos. One advantage to not make a commitment to cars is that is a fair amount of money, and by holding off on the cars it leaves us still open to consider future technology options, which, as you know, we are looking at into the current study.

The two pieces of the funding puzzle on this that we need to discuss are how to fund the capital component. What was presented to the Transportation Committee is what you see here, and I'll just quickly talk about what the funding solution that the committee voted to recommend. It's on the Council agenda item. The committee felt that the \$2.5 million that was allocated from the eight that was in the current streetcar CIP has eight in it. We are spending 5.5 with the current study, which gets 30% on the whole line with 2.5 available there, so the first 2.5 million is that 2.5. In ED reserve, the committee recommended using 5.5 million from that 10.5 and 4 million from Smart Growth was the committee recommendation. The annual operating expense we are not making a recommendation at this time. That's in the regular general fund and would need to be considered as all the general fund things that are considered at that time. We need to identify a revenue source for that, or we would have to look at dealing with it through the regular budget process.

This shows next steps forward. Depending on Council vote tonight, we would look at proceeding with the grant if the vote tonight is to go forward with the grant with the goal of making the deadline the FTA requires. The other thing that I would add is that we discussed a meeting of the Streetcar Advisory Committee. The Streetcar Advisory Committee is represented here tonight. There are a number of the members of the committee here tonight. This is that committee, and they have endorsed this grant application. I think they feel it is a good step towards the larger strategy of getting the streetcar in place. That concludes my presentation.

Mayor Foxx said thank you very much, Mr. Blackwell. We have a number of speakers. I would like to get to the speakers first. You want to go ahead, Mr. Peacock?

Councilmember Peacock said, yes, I do. Jeb, it's good to hear from you. I usually hear from you on things like sustainable facilities policies. Why am I hearing from you and not from Transportation – with all due respect absolutely? I respect your professional credentials as an

engineer and what you know as the city engineer, but why are we hearing from you and not from Transportation?

Mr. Blackwell said the Engineering Department builds projects for a lot of client departments. We build fire stations for the Fire Department, Hall of Fame for CRVA. We build road projects for the DOT, so this is a project that is being built through the City's normal construction process. The Airport, of course, builds a lot and CMUD does, but we do build a lot of projects for a lot of agencies. This is in that category.

Councilmember Peacock said, Mr. Manager, are we going to hear from anybody in Transportation? Are we going to hear from our new KBE there?

City Manager Walton said if you would like to. The decisions we made in 2007 after the completion of the south corridor was that Engineering would be the construction manager for all transit projects. Another reason, Mr. Peacock, in this case, this is City money. There would be no CATS money, no sales tax money involved in this project if we move forward.

Councilmember Peacock said, Mr. Manager, is that the same reason we are not involved with the MTC in this discussion?

City Manager Walton said exactly. There would be no MTC or sales tax money in this equation.

Councilmember Peacock said because we are electing to put our own money in it.

City Manager Walton said exactly.

Councilmember Peacock said but normal procedures be on any decision as far as which line to build or which line not to build as it relates to the half-cent sales tax that has to go through the MTC channels?

City Manager Walton said half-cent sales tax, yes.

Councilmember Peacock said who is responsible, Curt, for the ridership study? Is that Transportation or is that Engineering?

City Manager Walton said it would be CATS for the rider, but as Jeb mentioned on the 950, we don't currently have a model that would project ridership on that. That's just the existing ridership.

Councilmember Peacock said, Jeb, this question may not be for you, but I would like to know. We had the Streetcar Advisory Committee – they had reported to Council in a Dinner Meeting, I would suspect probably about nine, ten months ago or so. Do we have any public feedback from those sections that the streetcar's 10.5 miles we have not heard from – the east end, the west end? What kind of feedback are we hearing from them that this section will get the attention first? I also noted that you all did not respond to my requests as far as how much it would cost to do that section versus this section. We are picking one section because it's already "ready to go", but I'm just wondering what message does this send to Eastland Mall, what message does this send to the west end and Johnson C. Smith, who all are for the streetcar connecting with them, but we are starting here? Why?

Mr. Blackwell said I'm going to try to answer. If I miss one, let me know. The Streetcar Advisory Committee represents – I think you may have that in your handout, but they represent all sections of the corridor – the west, the central, and the east. They are all represented on that committee. So I think their endorsement represents recognizing that a ten-mile section is a lot to take on at once, and a good way to get one of these started, as Portland and others have found, is you build a segment, and that really can help you get the whole thing going.

Councilmember Peacock said just as we made a decision on which segment to build as far as light rail is concerned. Of course the advisory committee is going to be for it. They were charged to study and evaluate the streetcar. You would expect them to be consistent and for it, but we are at a different intersection now. We are being asked to receive federal money, or at

least apply -- that's what our vote is about tonight -- and have we gone back and checked with them? Have we gone back and actually gotten citizens' feedback on both ends of the corridor to ask them what they think about the Elizabeth corridor being the main benefactor of this when we know there could be a much bigger economic impact. There are lots of economic development studies that were started in the Streetcar Advisory Committee that were done well before the crash hit, so at the time when we were debating this last year, we also had evaluations or skepticism on our part about how much economic development this would really produce, and there is very little in our write-up here, there is very little about ridership, there is very little about what this would do. I only see two references to a very few -- I mean just two properties -- 800 block of East Fifth Street, 400 and 800 block of East Fifth Street.

Mayor Foxx said, Mr. Peacock, I'm going to have to suggest. I thought this might just be a couple of questions for the staff, but we have got three speakers, I guess all of whom represent the community, so maybe we should hear from them. I'm happy to come back to you after we have had the speakers.

Councilmember Peacock said thank you very much. I'm sorry for taking more time.

**Dwayne Collins, 4412 Oak Ln.**, said as you vote tonight on whether to pursue a \$25 million grant from the Federal Transit Administration to make the first 1.5 mile segment of streetcar service a reality, I feel it necessary to highlight some legitimate concerns relative to this issue. Number one, with the spike in economic development as a result of streetcar service being implemented along the Beatties Ford Road and Central Avenue corridors, how will this spike affect property values for homeowners in these areas? Also, if homeowners find it necessary to move as a result of higher property taxes, what will they be presented as relates to a fair price for their property? Lastly, where will they relocate? Number two, history unfortunately has shown us that too many times promises aren't kept. On the subject of streetcar service, a promise was made that a ten-mile streetcar line would run from the Rosa Parks Transit Center on Beatties Ford Road to Eastland Mall via Trade Street uptown. Myself, along with many others in this community, stand ready to work along side you to make this promise a promise kept. In closing, I want to assure you that I am a strong advocate for the streetcar service, but at the same time, I also advocate for all citizens to feel the glimmering sunlight of last July and not be left standing among the piercing chill of an alpine November in relation to this streetcar issue.

**Senator Malcolm Graham, 3404 Crest Ct.**, said my name is Malcolm Graham, Special Assistant to the President for Community Engagement and Government Affairs at Johnson C. Smith University and Chairman of the Johnson C. Smith University Beatties Ford Road Taskforce, and it is in that capacity that I stand before you tonight. We encourage the Council to vote in favor of the grant proposal for the streetcar and the bus facility grant. We believe that the City of Charlotte is uniquely positioned to apply for the grant and win. We believe that by applying for this grant, the City leverage already committed public funding for the streetcar project as well as to take advantage of the progress we have made in terms of our public and our private investment for the streetcar funding. We believe this is the right grant at the right time for the right project. We currently also know that, and I will address Councilmember Peacock's concern, this is a start, and we clearly understand and know that building the streetcar will be a marathon and not a sprint, but the journey of a thousand miles starts with one step, and we believe that you took the first step several months ago when you allocated \$4.5 million for the preliminary engineering design, and applying for this grant is yet another step forward towards completing the ten-mile line. We do agree with Mr. Collins that we want to see all the lines built, but we clearly recognize and know how government works. This is a unique opportunity for our community, it's a unique opportunity for public and private investment along the entire corridor. It gives us the opportunity to leverage the investment we have already made in terms of fulfilling this goal, in terms of trying to have a coordinated transportation initiative. This talks about bus, expanded bus service and enhanced bus service along the Beatties Ford Road corridor as well as the Eastland Mall corridor, and it gets the City in the game. We have reviewed the proposal from the federal grant, and Charlotte is uniquely qualified to apply and win. I also believe that there may be further federal allocations down the road, and once we identify the resources that we have locally that we have made the investment in ourselves, we have the opportunity to go back to Washington, DC, and Raleigh, NC, and ask for more because we have demonstrated that we are willing to invest in ourselves. This is a unique opportunity. I stand before you representing the Beatties Ford Road Taskforce, business owners, property owners,

others citizens who said yes. In November on our campus at Johnson C. Smith University, we had a public hearing with over 150 citizens attending learning about the streetcar proposal. We clearly understand and know just like when you wait for a train you wait at the bus stop. This investment makes sure that the train is coming, and we urge your support.

Councilmember Peacock said I like your look. I like that look – no tie, all black. That's nice. Secondly, how do you feel about the ridership numbers? Mr. Cooksey just asked a very good and very important question about what Mr. Blackwell's ridership questions were. How do you feel about what you are hearing about this segment being the journey of the first thousand miles? I would think the Streetcar Advisory Committee would want the best shot right out of the gate to have this be a success.

Senator Graham said speaking in reference to the Beatties Ford Road Taskforce, and, again, we believe that our goal is to develop the Beatties Ford Road corridor, and we believe that the streetcar is the mechanism for economic development and enhancement along the corridor. As I said earlier, this is a journey, this is a journey, and you guys, this City Council, have made the initial steps again by your initial investment for the preliminary engineering design. If you go down Beatties Ford Road and you see the pink and blue flags up, they are already working. We, at Johnson C. Smith University and some of our neighbors, see that progress is coming. Certainly we are going to hold you accountable. We are going to hold the Mayor accountable, but we believe that we want to work together with this City Council, this Mayor, this community for a long-term progress. The journey has started. We can see the train coming, and we can hear it, and we are willing to work with you to make sure that when it comes that we are ready.

Councilmember Cooksey said, Senator, our traditional payment pattern, the model for payment that we set up with the half-cent transit tax and the MTC, the regional model, of course, is half federal, quarter state, quarter local. This proposal currently as funded would be two-thirds federal, one-third local. Any state money to cut that into the standard 50, 25, 25 model we have been following, or are we breaking new ground here?

Senator Graham said, again, this is a different proposal, and I'm putting another hat on right now. I'm putting on my State Senate hat. I'm speaking on behalf of the Beatties Ford Road Taskforce, but speaking on behalf of Senator Graham, not for the General Assembly, I co-chair the Appropriations for Transportation for the State Senate, and certainly I want to make sure that we identify state funding not only for the streetcar but for your transit line going to UNCC as well as your community rail line going to Huntersville. All of these projects are worthy of state support. All of these projects are worthy of state funding. Certainly as your representative in Raleigh, I'm going to make sure that not only do we get funding for the streetcar but the other two proposals as well. Again, you know the situation in Raleigh in terms of fund and our state budget, but certainly you have a friend in me because these initiatives are important and not only for Mecklenburg and Charlotte but certainly for our state. Certainly we will do what we can to help.

**Martin Davis** said, Mr. Mayor, I can assure you that I am the only person in Charlotte that holds the views that I am about to express. As you think about wasting even more of our money that we don't have on an obsolete 19<sup>th</sup> Century form of transportation, I think it would be wise to review our recent history with light rail. The first thing to realize about any number given by CATS to the public regarding the costs and ridership of a transit project is that the number of a bald-faced lie. Mr. Mayor, in 1997 CATS, Pat McCrory, City Council, the Chamber of Commerce, and *The Charlotte Observer* all promised us that if we voted to raise the sales tax by a measly half cent the revenue generated would build the entire light rail system, which would only cost \$1.1 billion. The citizens believed what they were sold and approved the tax, so CATS began the first leg of the system on South Boulevard, which they promised would be done by 2003 at a cost of only \$229 million. By the time the South Boulevard project was completed in 2007 four years behind schedule, CATS claimed the final cost was \$465 million. Of course, that was a lie, Mr. Mayor. In addition to the \$465 million CATS admitted to spending, the City had secretly diverted \$50 million from infrastructure funds from 2002 and 2003 bond issues, \$6.6 million in Char-Meck Utilities funds, \$10 million from the Storm Water Services Capital Improvement Fund, \$5.3 million from the Smart Growth Fund, and \$1.3 million from the NCDOT South Boulevard Takeover Fund. All this malfeasance totals \$73.2 million, which brings the total cost to build the South Boulevard line to \$538 million, a mere 235% over the

budget CATS promised us. Mr. Mayor, back in 1997, CATS told us they could build the entire light rail system for only \$1.1 billion. By 2007, there was a ballot initiative to repeal the half-cent transit tax. At that time, CATS told the community they had made a very slight miscalculation, and they discovered instead of \$1.1 billion to build out the system it would actually cost us \$9 billion. Of course, there was still nothing to worry about because again the revenue from the half-cent tax would still provide enough funding to build out the system even if the cost was \$9 billion, which is exactly what you and Pat McCrory and John Lassiter told this community, Mr. Mayor, and once again the community believed you and CATS and *The Observer* and voted to keep the tax.

Councilmember Cooksey said I noticed on the standby speakers list earlier that Jack Brosch was listed as speaking on the subject of the streetcar, and I was wondering if his discussion of the streetcar that he signed up for the general forum would apply to this agenda item, and, if so, could he be transferred from that line to this one.

Mayor Foxx said that's a question for the Clerk.

**Stephanie Kelly, City Clerk**, said I think when he called he asked to be put on the Citizens' Forum rather than this particular part of the agenda.

Mayor Foxx said we can make that accommodation. That's fine. We'll make the accommodation, but we have Diane Langevin first.

**Diane Langevin** said I'm speaking ad lib. I had not planned to speak. I am on the advisory committee for the streetcar, and I live in eastside Charlotte, and you all know me. I am a diehard eastside person. I will do anything to better eastside, and we need the streetcar. We need to build up east Charlotte. The phoenix has got to rise again, and that streetcar is what will do it. We have Eastland, which is a beautiful piece of property that can be redeveloped. I work for a dentist who is so into east Charlotte that he bought two dental practices and totally remodeled the building in east Charlotte. He has faith in east Charlotte. I have faith in east Charlotte. As Malcolm said, this is a start. We have to start somewhere. Let's make east Charlotte as great as it can be. We have beautiful neighborhoods in this area, and we do have a lot of retired people in east Charlotte. It is unfortunate when we look at the quality of life and we see that our neighborhoods the income is so low. It's not low because people don't work. It's because we have so many retirees that are on fixed income. I know some of you are not with the streetcar. I think it would be such an added bonus. Just want to tell you please vote for east Charlotte. Keep east Charlotte strong. It's a wonderful, wonderful place to live. I don't care what anybody says. You know I'm a diehard east Charlotte proponent. So, thank you for letting me have my little say, and I'm looking forward for the streetcar. It's going to be right at the end of our street, so we're really excited.

**Jack Brosch, 3502 Marionwood Pl.**, said I would like to remind the Council that whether it's city, whether it's state, or whether it's federal, the government has no money except for what it takes from its citizens through taxes and through fees, and during these tight economic times I would like to see the government go through the same austerity program that I, as a citizen, have to go through. During the fourth quarter of 2009, there were two segments of the economy that grew. One was the state government in North Carolina, which grew by 7.2%. The other was healthcare that grew by I believe 0.4%. I would like to see government go through the same belt tightening that the citizens have to go through. As I said to you back I believe in October, I don't have anything against the streetcar. I don't have anything against transit. Two years ago I would have been here supporting it. Five years from now I hope that I would be supporting it as well, but now is not the time to spend the money.

Mayor Foxx said that concludes our speakers. We have a number of Council members who also wish to speak. I did promise Mr. Peacock I would come back to you, if you want to start, but there are others who also want to speak.

Councilmember Peacock said I was going to break mine into two parts. I really simply wanted to get some questions asked of Jeb, but he provoked me to want to ask him more questions, which I took up other Council members questions, so, Jeb, if you want to answer a few that I have asked, and I don't if other Council members have any other questions just as a follow-up,

but I was just responding to what I read, and I had some curious questions that you are answering.

Mr. Blackwell said one question you asked is about the other segment, and we had that question, and actually I have a slide about that question. When I saw it on the board, I thought the projector guy had gone backwards one. He actually went forward, so I skipped the slide that answered the question you had about looking at a segment that went from the CTC to the transportation center, the proposed transportation center. We did spend some time looking at that option. There were a couple of reasons we did not think it was the best option for us. The Gateway Station doesn't have a clearly identified timeframe at this point, so right now that wouldn't actually go – there isn't a Gateway Station to go to right now as opposed to we think a fairly logical end there at the hospital and CPCC.

The project cost – they are both a mile in length, so there would be some similarities in the cost. We are a little bit worried about that cost because the section we are building actually has surprisingly few utilities, and that section has more utilities, which are, of course, potentially risky and can be very expensive. That segment would only be a mile long because we wouldn't be able to use the half mile that we already have, so you would end up with a shorter segment. We would have four stations instead of six under the alignment that we are looking at. Again, some of that savings is because of that reuse, and, in addition to that, having two bridges instead of one to deal with on that segment. One of those bridges is the one where we go under the south corridor and that is the lowest bridge in the whole segment, so that will be a technical challenge. It will be a little bit more expensive to deal with.

Future ridership – what our numbers show is the busiest segment we believe we will have is the segment we are proposing to build, so it is both the lowest cost and we believe will be the one that has the most potential for use and for economic growth. The uptown area won't really change the character or timing of development that might happen in the uptown where out Elizabeth and that direction we have some better economic development opportunities. We did look at the segment as you had asked. I had a slide about it. I skipped the slide, and I apologize for that. That was my error.

Councilmember Howard said just a few comments. As you know, you guys referred this to the Transportation and Planning Committee or the TAP Committee. I started calling it that a couple of weeks ago, and we met and came out of it with some pretty strong feelings about how this should work. Actually I want to share a few of the comments that I made at that meeting. The first thing I want to point out is we need to remember that we are building one system. We are not pitting one side against the other, one line against the other. We are trying to build a uniform system for this complete county.

The second thing I pointed out at that meeting is that I believe the one thing we are going to have to do to build out the system is have flexibility -- flexibility as it relates to how we move forward. Because of the change in the economy, the change in administration, the change in just overall patterns, what we need to do when we are building out this unified system is have some flexibility in the way that we approach it. In this particular situation, we were presented with an opportunity to apply for \$25 million worth of funding that would help us leverage our other funds and start this streetcar system, which we have been talking about for a while.

I would also like to point out the environmental benefits of this project as well. What we are talking about is replacing two of our highest ridership routes with a cleaner source, and that would take buses off the road over time. Also, the economic development benefits. Right now, like Councilmember Peacock pointed out, it does point out there is redevelopment potential in the 400 block and 800 block of East Trade Street as well as the 800 block of Fifth Street, and I would like to remind you, Mr. Peacock, we are talking about redevelopment opportunities downtown, so anything that would go on those properties wouldn't be small projects. We are talking about opening up the possibility of redeveloping an area that has essentially been government buildings, and then just to remind you going out over time, we have the potential – and these are studies that CATS had commissioned some years ago – the potential for \$600 million worth of redevelopment along Central Avenue – over 600 and over \$400 million of redevelopment along Beatties Ford Road – just to reiterate that.

Ridership – I think to repeat what Jeb just shared with us, and that is that this segment has the highest ridership of the whole line, but let's talk about the ridership for just a second. Staff actually shared this with me. Right now between the CTC and Presbyterian, we are talking about 950 trips, but what we are doing is starting to invest in a process that would take on Central Avenue 5,000 people or 5,000 trips to correct myself, Mr. Cooksey, which is the highest route for the city, and then on Beatties Ford Road taking 4,000 trips, which is the third highest in the city, along with what it would do with replacing the Gold Rush, which is 2,500, which gives you a total of over 12,000 a day, which is exactly the same type of ridership we are talking about for the south rail line. So, we get a lot of benefit out of this over time, and what we are doing is starting this process now.

Just to kind of end my comments, I think the message we are sending tonight has already been said is that City Council is serious about starting the streetcar project. This is a project that was supposed to start way off into the future, and what we are doing is starting it now, and we are going to continue to show the flexibility to look for other opportunities to continue to build it as we go forward. So with that, I would hope that my colleagues would support the committee's recommendation to support this.

Councilmember Burgess said I will try not to repeat points that have already been made, but several years ago when we did lay the tracks on Elizabeth that was a real leap of faith that we would eventually build the streetcar line. But last year in our budget process when we put aside money for planning and engineering, it was to take advantage of an opportunity of a grant that we hoped would come about from the federal government, and that actually is what happened. So now we have this opportunity to apply for this grant, almost \$25 million, and it really protects our investments that we have already made with our rail on Elizabeth and also our planning and engineering. We are very fortunate that we have those three vintage trolley cars that we can start our trolley project with that we don't have to buy cars, and that actually buys us some time, as Jeb said, because we may eventually use a different technology, but we don't have to invest in new cars right now. We have the maintenance facility that we can use.

Everything is just coming together. When we talk later about the source of funds, we can afford this. We can afford this. We can afford our local match with money that we have, so we are fortunate that we had some money left over in our streetcar planning and design. We have money that we had reserved for economic development, and certainly that is this, and then also we had money for Smart Growth, so all of this comes together. We can afford it, we need it, we can take advantage of an opportunity we hoped would come, and it did. I am excited about applying for this grant, and I think we are in a tremendous position to be chosen because we are ready to go, and we are ready to go because the Council made some pretty gutsy decisions in the past.

Councilmember Carter said over the past ten years what we have recognized is a plan for an entity. This is mass transit, and there are lots of different lines feeding in, and we have all supported all the lines. That's not a problem. This is an opportunity, and what this line potentially creates is synergy. It connects other lines and other lines that will be built, and by so providing those connections, we enhance the opportunities for those other lines, so it is a mutual promotion. Number four, it buys us time, and it's time for when the federal government passes the new transportation bill. That's important to us because the new transportation bill has the potential to look at two more items when they make their decisions about which lines to support in the United States. They can add current ridership, and they can add economic development to the criteria, and those would be very important entities for Charlotte because they would push forward our case.

Number five, technology – this is a potentially environmentally friendly solution to our air quality problems. We have to take cars off the street. We have to put people at their jobs in different modes in more efficient and more environmentally friendly fashions. This is exactly what the streetcar does. And, number six, I would be remiss if I didn't say this. It brings economic development to both ends of the corridor. That's friendships developments as they are moving forward on social issues and potent of the arts corridor that have been mentioned, and it also looks at 90 acres of land at the terminus in the east side, and that is huge as well as supporting the many small businesses along the corridor, which is a target for the City Council in its efforts to maintain, support, and create new investment and innovation for our city. I think



this is a magnificent solution, again, of coming together with the priorities that we can support very effectively.

[ Motion was made by Councilmember Howard and seconded by Councilmember Carter to ]  
[ approve the Transportation and Planning Committee recommendation to authorize the City ]  
[ Manager to submit an application to the Federal Transit Administration (FTA) for up to ]  
[ \$25 million of unallocated Federal Section 5309 Urban Circulator Program Grant Funds ]  
[ for a \$37 million streetcar project. ]

Councilmember Barnes said is that with respect to only Item 10?

Mayor Foxx said that's correct.

Councilmember Barnes said may I make a comment?

Mayor Foxx said, yes, sir.

Councilmember Barnes said during our Transportation Committee meeting last Thursday I expressed some concern about whether or not the debt portion of this funding would come from what we called on the south corridor the south corridor improvement funding, which is the money we used to improve the areas a half mile away from the south corridor rail line, and on the northeast side I call it NECIP, the Northeast Corridor Improvement Program. We got clarification from staff that in the 2010 bond there will be money specifically set aside for those northeast corridor improvement needs, so that concern has been addressed, and I appreciate everyone's support for our continued efforts to get the northeast corridor developed.

I have been supportive of the streetcar project since our first votes started and continue to be supportive. There is one item that I want to mention that I think we should keep in mind, and that is that when we voted for the \$5.5 million last year to begin the planning for the streetcar one of the components of the planning was to determine ultimate price, so my concern is that if we are successful with this grant application and get this one and a half miles built and then get feedback from our consultants that the rest of the line will cost, say, 25% or 50% higher than what we originally protected then we are in a financial pickle because of north border and some other funding issues because there has been no independent revenue source identified for this project. I hope that does not happen, but to some extent because this grant opportunity just popped up on us, it has put us in a position where we may have something to contemplate down the line, but I'm going to support Item 10 and 11. In fact, 11 is a no-brainer.

Councilmember Mitchell said I will be very brief in my comments. Number one, I must thank the chairman of the Streetcar Advisory Committee. He also served as president of one of our historical black colleges. Dr. Carter is here, and thank you, Dr. Carter, for your leadership. Mr. Peacock, I think you raised an excellent question when you are saying why are we not hearing from citizens on District 2 side about the streetcar. Mr. Peacock, I think if you look in the audience those young ladies holding up the "yes" represent the west side and Beatties Ford Road, and we have some folks up there in District 2, so we are in this as a team because we really believe it has to start somewhere, and this is a great beginning. This is one we hope will be successful. We know it will be successful, and then we'll just bring it on up West Trade Street and Beatties Ford Road, so I will be supporting Item No. 10 tonight.

Councilmember Dulin said some comments. Just like we had a zoning decision a little while ago this is not without a lot of thought, and, again, I am positive that everybody on this dais has put a lot of thought into this and has only the best intentions in their hearts and in their heads. I happen to have a different view, a different opinion on this issue, and I appreciate you all letting me go through some notes I have made. I really think this goes against our MTC and the regional planning that we have been working on for at least ten years. I have in my notes 1998 when the MTC was founded; is that correct?

Mayor Foxx said, yes, sir.

Councilmember Dulin said a full decade, one full decade of collaborative work with the Metropolitan Transit Commission on regional transit issues, and this goes against that. The

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MTC was founded to represent the six small communities that circle Charlotte and Charlotte and Mecklenburg County in transit issues, in transit decisions, and this goes against that.

The University City and the folks in the northeast have a right to be a little bit spooked because as I made a point last year when y'all were passing the \$8 million study money this is taking our eye off the ball, and this is taking our eye off our northeast plan. Now, Jeb Blackwell, our Engineer, is going to tell us he has plenty of time to do this, but he doesn't. Every hour he spends working on streetcar or his staff is an hour they can't be working on the northeast line or the north line, and we know that Jeb Blackwell, like other managers in our organization, are strapped. He has had a hiring freeze, he has unfilled positions, and I don't think he has got time to be working on a streetcar project that is fourth in the line.

We paid professionals to tell us how we should go about these transit decisions and in which order – south line, northeast extension – and, Councilmember Barnes, I will support changing that bad boy to the green line when it goes up that way. I look forward to riding it. And, the north going to the north – the people in the north and those towns of Davidson, Cornelius, and Huntersville have the right to be a little bit spooked because we have our eye off the ball. We have got now in a rogue fashion the Charlotte City Council has decided they are going to go out grabbing some money and making grant applications, and then they are going to go, and they have asked the City Manager to find pots of money.

The City Manager, he's a budget guy and he's a smart guy, he knows where to go get it because his bosses, the Charlotte City Council, told him to go find it, and he has found \$2.5 million here and \$4 million there, and sure enough, he has come up with \$12 million that y'all are going to be able to spend – I'm very confident that the majority on this Council are going to vote to spend that money tonight, but y'all are going to spend that money, and it's money that we could be spending on something else. It's money we could be spending on a streetscape project, a sidewalk, an intersection project, crossing markers for kids at schools. We could be spending it on community safety and supporting things that make our community safer and our kids safer.

Now, we have got a North Carolina delegation of legislators, both House and Senate, with all respect to Senator Graham, and it's nice to see him back in the Chamber where he served our community well – serving his community well in Raleigh, too, Senator. But we hear from that delegation, and we heard a clear message last year from our delegation that they want to know what our priorities are and they want to know how those things line up and they want to know in a succinct manner what do you all want. This is telling them, well, are we going to hear from you from the MTC, are we going to hear from you from CATS, or is the Charlotte City Council going to bypass those organizations and just start making grant applications and start building streetcar lines? That is not a clear message, and that is something our delegation can't go back to the people they work with in Raleigh on the House side and the Senate side and say, yeah, you know, that Charlotte crowd, they got their act together. They know exactly what they want.

But then again, you have the folks in the north so spooked, they have made their own trip to Washington to go lobby the congressmen without the MTC, without us. So they don't know what is going on, so they are having to go out to cover their own self. They say, look, if y'all aren't going to cover us, and if you are not going to listen to the MTC, we'll take care of business ourselves. I don't blame them. That's getting business done the wrong way and making a cloud over what we are trying to get done here with the MTC.

As I said the MTC was founded in 1998 to handle the transit and to get this exact thing out of the way, to get the City Council and our pet projects out of the way. We have got Mayor Foxx and City Manager Walton sit on the MTC, and I'm glad to have them there because they are both smart guys and they represent us well, and it keeps me from having to come to an extra meeting once a month. But the MTC was founded to make these decision; not the Charlotte City Council, and this is in direct opposition to what the MTC, the Metropolitan Transit Commission, was chartered to do. I think it's a slap in the face of our regional efforts. There are a lot of us, Ms. Carter, who spout regionalism. If you are not talking about environment or Eastland Mall, you are talking about regionalism and supporting regionalism, and this is not supporting your regional organizations that we pay. By the way, this is really putting COG back in play.

The Towns of Davidson, Cornelius, Huntersville, Mint Hill, Matthews, Pineville, and the community of UNC-Charlotte ought to be real – this ought to put them on high alert that the Charlotte City Council is going to go out and do whatever they think they want to do without coming to them and surpassing their authority. Again, MTC, one voice, and we have got the MTC to be our voice – not only here in Charlotte but in Raleigh and in Washington. We are sending a pretty cloudy message to the delegation for folks that work for us in Washington, DC, tonight, too, that, hey, we are going to ask you for help getting some projects done around here, but we are more than willing to surpass you and do it ourselves.

Three things – financially it doesn't work. There is no funding source for this streetcar line after you go and build it. We have \$1.5 million a year, year after year after year, until that price goes up of maintaining this streetcar after you build it. We don't have that money. It's not in the budget. By the way, you are getting ready to spend all the extra cash. Number two, regionalism – we worked hard, and this is going to put a dink in the armor of ten years of hard work, regional work. Number three, we are breaking a promise to the taxpaying citizens of Charlotte that we would not go outside that half-cent sales tax. We told them not only once, but we told them give us the half cent and then we told them again don't let them repeal, and we will stay within our means. This is way outside of our means. This is a ten-year-old kid found some money in his sock, and he has got to go somewhere and spend it.

Then former Governor Jim Hunt and McCrory led the charge, and they lived within their means, and this community has built that first line. It was way over budget. I supported it. I fought the repeal. I support the extension. With reservations, I support the north line. I mean it's still sort of crazy to have two train stations in downtown Charlotte, but that's a whole another problem that we won't go into tonight. But we got the MTC to take the politics of transit projects out of it, and this is exactly what shouldn't happen. This is political and shouldn't have been happening. We promised the voters we would let the experts make the decision. This is fourth in the line, and it should not go forward tonight. Those of you who are going to vote for it, and I'm sure you will, you are not doing your job. You are not looking after the people's money, and you are not looking at the facts that we don't have the cash to run this thing. In conclusion – I'm sorry. I'm going to conclude now, Mr. Mayor, and, my Council members, thank you for listening to me. I appreciate it. I plan to vote no on the grant application if you hadn't gotten that message.

Mayor Foxx said I'm surprised.

Councilmember Dulin said thank you very much. I can roll back, if I need to, but thank you for your time.

Mayor Foxx said thank you, Mr. Dulin. We have Mr. Cooksey, who has been waiting patiently over there.

Councilmember Cooksey said thank you, Mayor. I'm looking through my script and see that Andy read most of my lines.

Councilmember Dulin said I stole his notes during dinner.

Councilmember Cooksey said this is no way to run a railroad. We are approaching a major project, and again, none of this argument is new. We have had it before, and I'll tie that in as well. This is not how to carry out a major capital project, bit by bit, piecemeal, hoping for the lucky break, hoping that if we do this bit then something else will change and then we'll – I'll date myself. It's Frogger. We are leaping from one bit to another hoping the car doesn't run us over, hoping we don't jump into a lake.

Mayor Foxx said what's that again?

Councilmember Cooksey said Frogger, a 1980s video game that was a phenomenal success. Some of us didn't spend all of the '80s reading, Mr. Mayor. Some of us were dumping coins into arcade games. But, to continue to proceed piecemeal with a transit system that replaces an existing transit system that as Councilmember Howard pointed out already is carrying large numbers of people. Keep in mind for many of the transit projects historically that we have

looked at, the incentive is do we build ridership. Do we take it to areas that build ridership? We don't have that for this case here.

The environmental argument has been made. We have been told by our staff that when the EPA evaluates transportation systems in a nonattainment transit is a yes or no question – not what kind. Again, we have two significant bus lines that exist – Central Avenue and Beatties Ford Road. We don't get credit with the EPA for being streetcar oriented. We don't get credit from being anything different from what we have even the next project, which I agree with Councilmember Barnes is going to be a no-brainer, and we'll do that one, but it's not going to improve a thing from our nonattainment.

If you look back at the plan that the state submitted for how to get Charlotte out of nonattainment, by far the majority of the programs were road oriented, and we, ourselves, have quite a number of priorities we keep adopting whenever that motion is before us that is a priority to deal with bike lanes. We have a Bicycle Action Plan that doesn't have any funding to build more bike lanes. Sadly, I won't be able to be at the CABA Annual Meeting on the sixth of February, but somebody please show up to CABA and tell them that \$12 billion we could spend on bike lanes we are going to spend on a mile of streetcar. Tell them that. I would be interested to see that.

Go to CDOT. Look at the stack of sidewalk projects awaiting funding and go to the neighborhoods that unlike Park Road and Dilworth, the neighborhoods that do want their sidewalks, and tell them instead of spending \$12 million on the sidewalks so you can walk to places, combat the obesity epidemic by encouraging walking, no, no, no, we are not going to build \$12 million of sidewalks in the city. We are going to build a mile of streetcar where there is already a bus. The inching along has been happening ever since the economic development study, which actually I voted for because I don't believe in making a decision without information, and the economic development study the previous study paid for told us some fascinating things. It gave us some estimates about economic development; it gave us some options for paying for it. We seemed to have paid attention to the economic development side but not how we are going to pay for it, and that's the crux of the matter.

Then we had the engineering study -- \$8 million set aside. Fortunately we needed only five and a half of that, but that was so we would have a plan that would have a shelf life for five years so when we figured out how we were going to pay for the streetcar we would have the 30% engineering done, and this isn't taking that dramatic step forward. This is just making sure we have some information. Well, now, we have the grant program that is up to \$24.99 million. Mr. Blackwell, is this a yes or no grant, or can the federal government – can the FTA decide you get part of what you asked for?

Mr. Blackwell said within the rules my understanding is they can give you what they judge is appropriate. We haven't had experience – I haven't – where they gave us less than the grant amount, although I have not been in as much the grant business as the CATS folks have, but I believe they typically give what the request is. It's a yes or no, but the rules do allow them that, and they could certainly cause us to have to rediscuss this in that case.

Councilmember Cooksey said I'm not going to try to make a case that a no vote should be based on the fact that our obligation may wind up being more than \$12 million, although I think I just heard that.

Mr. Blackwell said it's a possibility.

Councilmember Cooksey said I think the no vote here is based on the fact that we are not planning this well, and possibly the sole consolidation, if I have to take a mean, vindictive, bitter, optimistic approach to this is that perhaps it will put an end to discussions about what mode might go along the streetcar, whether it's a centenary electrical devise or hydrogen or some other type because once we build a mile and a half of electric wire to run it, oh, we have chosen a mode, and we are going to stick with that mode because if we go forward with the remaining 8.5 miles with some other mode, we are going to have to look at everybody and say, yeah, we voted, but we are now going to tear one part down and redo another one, and I think it would be far more difficult to do that. So, that, to me, again highlights why this is a mistake. We are not

planning the whole line like we ought to be. We are desperately grabbing at a straw and looking at our partners in transit saying if you don't do what we want to do we are going to try to do it ourselves, and that is going to be an interesting message to build on. Thank you, Mayor.

Councilmember Cannon said on the contrary I think we are probably doing just the opposite. We are planning for Charlotte's future. We are not planning for Charlotte's present. When we looked at the eastern-western portion of the city many years ago, and we got down to some of this debate, if you will, with regard to should we do light rail east and west, it got to be problematic. Instead of moving forward with that, we went with what we had in the way of an investment, an investment whereby we had already been purchasing rail line along the south corridor. In having that, that allowed us to be able to save some dollars, put in place what we would hope would be the start of what would hopefully be a mode of transportation that could be enjoyed all throughout the City of Charlotte or at least for options to be provided.

But it seemingly always gets down to why is it that the eastern and the western portions of the city have to always be last or not included, secondary, forgotten about. We got ours; you have got yours to get. Why does it have to be that way? We shouldn't be a community that is about that. We should be a community of balance, making sure that there is opportunity all throughout this city for people to have mass transit, for people to have safe and decent affordable housing or regular housing – when I say regular, I mean market rate – for people to be able to have an opportunity to enjoy and for us to be able to help them in that process of building. That is what this helps us to do. It helps us to build Charlotte, to build the fabric of this community the way that it should be. We might not get it all right now, or I might not have it all right now, but God willing I hope in the future if I make it to 70-something or 80-something or whatever the Lord provides me to be in age that I can look back and say, you know what, Charlotte is a great place, a place where balance was taken up, and we allowed for people to be engaged to have options before them.

It's not where you start, as we talk about Elizabeth, it's where you end up. We could start right there. As long as we are expanding and we are trying to build what I would hope would be expanding the tax base, creating job opportunities that we all say that we are supposed to be about, but when the Retreat comes, maybe somebody might change their mind about that, but ensuring and making sure that we are not kicking other sides of town to the curb. We have gotten beyond that. If we would just work and figure out how to try to do things rather than try to figure out how not to try to do them, we might just get somewhere. There are options out there. We can look at different levels of revenues and dedicate them any place we would like to. Jeb, I simply want to ask you a question. Do you have time to work on the streetcar project?

Mr. Blackwell said, yes, sir, I believe that I do.

Councilmember Cannon said you think that you do?

Mr. Blackwell said, yes, I do.

Councilmember Cannon said I just want to be clear about that. There is nothing to say we can't do both, and I think that is what we are trying to do here today. We ought to try to find a way to do what we can to help the northern tier, where I think many of us are already committed to trying to help the northern tier, and we ought to do what we can, of course, to help the eastern and the western portion of our city. I think this is a step in the right direction because, one, we made the investment. What are you going to do with what you have put down there already that you have approved? Call it a write-off? Go dig up the lines? That's taxpayer investment. Those are dollars that we have committed to, so we have to find a way. So, I think to not let something like that that could be a plus for us to make it a minus. So, I would hope that we would move forward on this. I think my support is going to be here for it because I think we already have invested taxpayer dollars in it. My hope would be that we would monitor the situation and that it won't be like what we experienced with the south line when it got down to asking how much money we were spending and people just kept spending and kept spending and kept spending, and I asked the question. I said is this the last time, Mr. Tober, that you are going to come before us on the City Council and ask for additional dollars, and he said, yes, Councilman, this is the last time; and he came back again and asked for additional money, and it was at that point where I just threw up my hands. I saw the vision. I understood it all, but come

to me, come correct, and tell the truth about where we really are going to fall in a line of how much this is going to cost the taxpayers. If we can't be upfront about that with the taxpayers, we don't need to be moving forward.

I'm just saying understand what your escalators are, forecast this thing right, make sure the numbers make sense, and I think we can move forward, but if we start trying to harvest things or create sandbags somewhere and we are not honest and open with the general public, Mr. Manager, we are going to be right back to where we were before with a few unsatisfied members of this Council on cost-related issues. That's all I have to say about that, and I call the question, but I guess you have some other people to speak, Mr. Mayor.

Mayor Foxx said we do have other speakers.

Councilmember Peacock said, thank you, Councilmember Cannon. I appreciate your openness and willingness to talk about this because I think that is what is really missing here. I think that we, as a Counsel right now, just before we are getting ready to go to our Retreat have been presented an opportunity that many had forecasted last year as we were all running for reelection. We began that conversation, and I think you all know that we did not come to a conclusive, yes, we have a funding source. We saw the choices that the Streetcar Advisory brought us as far as how we go about financing everything, and I think it's so important what Councilmember Cannon has just said here. This is not where you start; it's where you finish, and we are choosing this is the place to start, and where I differ from my colleagues here is that I'm very reticent about whether this is going to be the most successful first start to have the most success in order so that we can continue to build on the success we have had with the light rail.

I think all of us, including Mayor McCrory, who was a strong advocate against getting this ahead of other things, had mentioned that we are for this. So if we are all for moving forward with the streetcar, then why are we accelerating this because we have now been given an opportunity that more money is coming to us? I have equated this to the equivalent of us having a two-car garage. We have two cars already – excuse me. We have a three-car garage, and now, Mr. Cannon, the third part of the garage is not filled up, but does that mean you have to buy a Mercedes when it's half off. I feel like we are making this decision right now –

Councilmember Cannon said a Yugo is fine.

Councilmember Peacock said it may be, but I just feel like we have to think through this, and I feel like we are moving forward at a very accelerated pace. I feel like it would be much more productive for us to speak about this in great detail at the Retreat to bring back the fact that we heard from the Streetcar Advisory Committee how you finance the whole project. So we finance a small part of the project, but it's not a success. I think everybody here would agree that is not what we are looking for. I certainly hope that is the sentiment across this dais here.

Ms. Carter or Ms. Burgess, you mentioned we can afford it, and that's really what I – I want to assertively say we can afford it, and I think that's what we knew when we began the light rail project. The comment is it buys us time, but time for what? A time that we can think through the other parts when one part is failing? I would rather think conclusively about the entire project and be successful from the very beginning. I'm not so certain, you all, that both ends of this spectrum will benefit within a timely manner. I'm not certain their patience will be there.

My final comments on this really are simply that I think that this body may be misreading what the public is wanting us to do right now. The public is suffering. The public needs to know that we, as a body, are maintaining fiscal control of what we are doing here, and we are moving forward with a project amidst our highest unemployment in 30-plus years. We have not gotten through the budget process. We don't know what we are looking at fully as far as the numbers are concerned. We have revenues down on the streetcar – excuse me, on the light rail, down almost 17% on the sales tax. It's put in jeopardy whether when and how we can complete the northeast and the north line. I just would want to feel a lot more assertive about what we are doing here with the streetcar so we can say with great success to Dr. Carter at Johnson C. Smith and we can say to Heather Ferguson on the east side and to Darrell Bonapart and all the leaders there that we are going to be able to connect all the dots here and have it be a full plan. I just feel like this is very, very half-baked right now. So, Mayor Foxx, I know you are going to wrap this

up. This is your job as the mayor to bring this baby to a rest. I know where the vote is probably going to lie.

Also, by the way, we are at part one here on this discussion. We are just applying for a grant, so if we are applying for a grant, I want the community to get engaged in this discussion in a positive dialogue to let us know whether this is what they want us to do right now. I'm not so certain that they want us to do that.

Councilmember Barnes said I just wanted to clarify the statement that Mr. Dulin made regarding who is responsible for the northeast corridor. Mr. Blackwell, is it true that CATS is doing the northeast corridor?

Mr. Blackwell said they are the lead on that project, yes, sir.

Councilmember Barnes said so it's not the case that EPM is undertaking both the streetcar and the northeast corridor. CATS is doing that. They have done a very effective job thus far with the south corridor and have done a very effective job with regard to planning for the northeast corridor. There is a lot of work going on there that people don't see and don't know about because it's not necessarily ready to be public, but all the planning work is happening now, and I think we are going to get an update from staff regarding a federal appropriation for the northeast corridor in the next few weeks or so. Just wanted to make that point.

Councilmember Dulin said I have a small point, sir. Somebody mentioned the other day about the technology that the streetcar would run on, and it's the overhead wires. I'm going to be real upset when those overhead wires are strung through Trade and Tryon, our main streets. They are really going to junk up our main intersection in our town. Just the unsightliness of those things – anyway, that was my point. Thank you. I'm not going to like that.

Councilmember Cooksey said Councilmember Cannon chasing me a bit there with his statement because I neglected to leave out – or I left out, neglected to mention a couple of key points that had been said but given what I exhibited earlier I should make sure I add, and that is that indeed at the risk of disappointing everybody in the audience, yes, I am in favor ultimately of the streetcar being built. Don't get my opposition to this action incorrect. I said that before, and I try to remember to say that each time. I do want it to be built. My counter-contention is that it should be built either according to the MTC plan that has been adopted or that will have to be modified because it will have to be modified to maintain itself within the half-cent transit tax, or I am actually not completely adverse to the City of Charlotte taking on the project provided we can fund it within the corridor itself, which was part of the elements of the financing recommendations that came out of the Streetcar Advisory Committee. If we can fund it out of the corridor, then go forward with it. The issue I have in terms of the pledge to the voters is we told the people of Charlotte as a whole the half-cent tax pays for transit, and to start paying for a transit program using tax dollars from all across Charlotte for a corridor within outside of a plan that they agreed to bothers me considerably. So, let's find a way to pay for it within, or in some other way as Councilmember Peacock referenced, take the subject of going outside the half-cent tax plan to the people.

As a final note, also to Councilmember Cannon, I appreciated your observation at the end about the frustration with the south corridor where every so often Mr. Tober came back and said, well, we need to spend this much more and this much more and this much more, and it got frustrating. That is my frustration with how we are handling the streetcar project is by doing it piecemeal. Well, this much more, and we'll vote again on it maybe another mile or another mile. Far better to have a complete and totally planned out project with a financing program in place and build that out -- whether the MTC does it or whether we do it – than to do this piecemeal approach that we are now planning for and risks so much for us fiscally.

Councilmember Howard said just real quick. I won't add anything else to the comments that have been made because everybody I think knows where I am on it. I just want to make sure that I call a little caution to us sending the wrong message to our friends up north. We need to make sure that we are 100% behind making sure that we work with them that we build this line out so much so that we are even willing to invest in a piece of it ahead of time now to make sure that we take advantage of opportunities. That is in no way a slap at the north. That is actually saying

we are working with you, and I want to make sure that I'm on the record saying that because I don't want to go away from this meeting saying anything other than we are willing to work with our northern partners and Pineville, Matthews, and Mint Hill to do whatever we need to do to make sure that this unified plan is built for the betterment of this whole community.

Mayor Foxx said unless there are other folks that have other comments I think we have debated this pretty extensively tonight, and I appreciate the perspectives of everyone who has made a statement on both sides. I think everyone is trying to grapple with this in their own way, and that's what we are up here to do. Let me say a couple of things. First of all, we wouldn't be here having this debate tonight if there hadn't been an announcement by the Federal Department of Transportation that grant funding would be available nationally for streetcar projects – only streetcar projects – and that cities and communities that wished to apply for that funding had to apply by February 8, 2010. So the driver of the timing here isn't a local push from us. It is actually being driven by the federal rules that have been promulgated around this project. The simple question for this Council is whether to apply or not apply.

Now, here are the facts. The facts are the top side of this grant, the most you can get, is about \$25 million. What we would have to put in locally to get to that number is 12, so for every local dollar that goes into this grant, if you get the grant, you get two federal dollars back. So, a project that would have been wholly on our ledger a year ago if we had decided to actually build it out or a year from now if we had decided to build it out now is shared cost with the federal government, so it is a really important decision because I take the point of those who have spoken against it that if we devote money to the project there will be by definition be other things we can't do. I think everyone has given that fair consideration.

Here are a couple of other points. There is a lot of consternation in our community about employment. A lot of people are looking for jobs -- jobs, jobs, jobs. Many of those people are in industries like construction, like architecture, like the real estate development and building industry, and there is still opportunity along this mile and a half track to generate a substantial investment. I have heard estimates somewhere in the higher ranges of the millions of dollars in terms of economic investment that may be catalyzed because of this action tonight if the Council approves it. I'm talking about industries that today don't have a lot of projects going on. So there is a jobs aspect to this as well.

There has been a lot of conversation about regionalism, and I have been on the phone today with a couple of mayors from the northern Towns about that very topic. I would caution this Council against pouring gasoline on a fire unnecessarily because the truth of the matter is that the resource we would be seeking for this mile and a half stretch is not a source that would support the north line or support the northeast line. This is dedicated streetcar money. In addition to that, I spent a few days last week in Washington, and I sat across the table from the Secretary of Transportation, Ray LaHood, great guy from Peoria, Illinois, former Congressman. I was lobbying for the northeast line, I was lobbying for the north lines, and all of us ought to be trying to make the entire system work.

Now, the challenge with all of that is that our system is underfunded. It is underfunded across the board, and that is why we need federal support to help the system get built out. We ought to be opportunistic, in my opinion, about looking for ways to get our transit plan funded, and this is an opportunity that has arisen. It clearly means that we are making a choice about how to use capital dollars today that will take away choices that we have later in the budget process, and we need to be clear-eyed and keep our eyes open to that fact because that may impact us down the road. But I stress this point that we are applying for a grant, and there are a lot of steps along the pathway of this that will have to be taken and we'll have to see how they play out, but it is a step along the process.

I have heard a lot of the concerns that have been expressed about the financial model for this over the long term, and frankly I can't think of a streetcar system in this country right now that had a fully funded approach at the outset. You look at a place like Portland. Portland has had to break its project down into five different stages, and only at the last stage did they actually get a significant amount of federal money. The environment for streetcars has changed since then, and I think we may find ourselves in a friendlier environment. But this is an iterative process. It remains fluid. There may be opportunities to move on some of the other lines through the MTC,



but I take the point of Mr. Howard, who has pointed out that this is actually taking something off the plate of the MTC that otherwise would be on the plate of the MTC, and so I think we need to be thinking about this as how it's being helpful to the region and not taking away from the region.

I have communicated all of that to our mayors around the region. I really think the concerns about the threat to regionalism posed by this action are overblown. I think they understand what we are grappling with. They understand the opportunity that is in front of us, and I feel strongly that ultimately that they will support. I also will point out another piece, too, and that is while we have joined the other regions across the I-85 corridor in support of the Yadkin River Bridge, this Council not too long ago approved a resolution supporting the north corridor as an alternative to the Yadkin River Bridge should that project not be funded, which is another expression of this body's interest in promoting a regional transportation system. So I don't think anyone up here is against the full vision that we have carved out, and I think what we are talking about tonight is simply moving a piece of that vision forward and hoping to address our communities in a real way. At any rate, I think we have talked about this ad nauseum. I think it's time for us to make a decision, so I'm going to call this vote.

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

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

**NAYS:** Councilmembers Cooksey, Dulin, Peacock, Turner

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**ITEM NO. 11: BUS AND BUS FACILITY GRANT APPLICATION**

Councilmember Burgess said, Mr. Mayor, I know that you have a conflict on Agenda Item 11, and I move for your recusal.

[ Motion was made by Councilmember Burgess and seconded by Councilmember Cannon to ]  
[ recuse Mayor Foxx from Item No. 11. ]

[ Motion was made by Councilmember Barnes and seconded by Councilmember Kinsey to ]  
[ approve the Transportation and Planning Committee recommendation to authorize the City ]  
[ Manager to submit an application to the Federal Transit Administration (FTA) for Enhanced ]  
[ Bus Projects up to \$15 million from "Bus and Bus Facilities Livability Initiative Program" ]  
[ Grant Funds. ]

Councilmember Barnes said I did not think the Mayor was going to be voting on Item 11.

Councilmember Burgess said he's not. I'm going to chair it.

Councilmember Barnes said so the purpose of the recusal is so he is not chairing this particular item.

Councilmember Burgess said that's right.

Councilmember Peacock said I just want a quick point of clarification. Have we committed to a transaction with the company that now employs our mayor? Is there confirmation of that? Mr. McCarley, I'm just curious where we are on this.

**DeWitt McCarley, City Attorney**, said the mayor and I have had extensive conversations about whether this violates any federal, state, or local ordinance or law. It does not as long as he recuses himself, and that's required by the grant provisions on the federal money. If he is recused from the issue, he is clean and the Council is clean, too.

Councilmember Cooksey said does he have to step away from the dais?

Mr. McCarley said Mr. Cooksey asked if he has to step away from the dais. The answer to that is no, but part of the rule is that he can't lobby or discuss the issue with other members of the elected body.

Mayor Pro Tem Burgess said are there any questions on Agenda Item 11, the Bus and Bus Facility Grant Application?

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

Mayor Pro Tem Burgess said that passes unanimously.

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**ITEM NO. 12: FEDERAL STIMULUS CLEAN WATER GRANT AWARD AND BID AWARD FOR WILORA LAKE REHABILITATION**

[ Motion was made by Councilmember Cannon and seconded by Councilmember Kinsey to: ]  
[ A) adopt Budget Ordinance No. 4346-X allocating federal stimulus funds to the Storm Water ]  
[ Stimulus Fund in the amount of \$1,319,982, B) award the low bid of \$611,081.10 to United ]  
[ Construction, Inc. for the rehabilitation of Wilora Lake contingent upon State approval, C) ]  
[ adopt a resolution authorizing the Water Quality Manager to accept stimulus awards in an ]  
[ amount of \$1,319,982 from the NC Division of Water Quality thereby providing assurance ]  
[ to the State the City will comply with the terms set forth by the State and the American ]  
[ Recovery and Reinvestment Act (ARRA), and D) reserve the remaining \$708,900.90 of the ]  
[ appropriation for qualifying reimbursable expenses including inspections, testing, and ]  
[ engineering services as approved by the State. ]

Councilmember Burgess said I have a question for the Manager. We're applying for \$1.3 million. The low bid is less than half of that. In the write-up, it says any funds not spent on the project will be directed to another qualifying ranked project somewhere else in the state. Can we realistically expect the \$708,000 to stay here for reimbursable expenses, or do we expect that to go someplace else in the state?

**Curt Walton, City Manager**, said I expect that to go somewhere else. It's project specific, so it would go back to the state, and they would go down their priority list for other projects that applied.

Councilmember Burgess said do we have any other projects on that list?

City Manager Walton said no.

Councilmember Burgess said I support it. I just wondered how we were going to handle that.

Councilmember Carter said my question was if there is any stream restoration that needs to be done on the stream that feeds this, and if the money could be funded for such stream restoration both above and below the dam?

**Darryl Hammock, Engineering and Property Management**, said to answer your question the state has an application process, and we have gone through that process for the funding of the Wilora Lake project. That application did not include any stream restoration upstream of the pond, so it's not a chance we can get any funding for that particular area upstream of the pond.

Councilmember Kinsey said there's no way to addend?

Mr. Hammock said the state does allow for changes to the plan that are necessary during the phase of construction but not for the expansion of the project, so there would be no way to do that.

Councilmember Dulin said to be consistent this has been on our books so long at one point we were going to let the citizens of Charlotte pay for it. Now we are going to let the citizens of

Topeka, Kansas, pay for it with federal dollars. I have a hard time with us going and remediating private spillways, private dams, etc. I understand and have been told, I have done a lot of study on it, I have gone to cities, I have been to Wilora Lake, but I'm going to vote against this because to be consistent I voted against it now for three or four years. It's not the taxpayers of Topeka, Kansas, to come in and fix this man's lake. It's a private lake.

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

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

**NAYS:** Councilmembers Cooksey, Dulin, Peacock

The ordinance is recorded in Ordinance Book 56 at Page 517.

The resolution is recorded in Resolution Book 42 at Page 359.

**Summary of Bids**

United Construction, Inc.	\$611,081.10
Ferebee Corporation	\$662,860.80
McCollum Trucking and Grading, Inc.	\$713,450.56
Blythe Development Company	\$733,608.75
Dellinger, Inc.	\$734,009.85
L-J, Inc.	\$783,834.98
Scurry Construction, Inc.	\$816,135.44
Monroe Roadways Constructors, Inc.	\$839,819.12
On Site Development, LLC	\$847,177.28
Blythe Construction Inc.	\$877,884.00
Sealand Contractors Corp.	\$963,645.90
ICES-Carolina, Inc.	\$1,133,442.83

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**ITEM NO. 13: GOVERNOR'S CRIME COMMISSION GRANT APPLICATION**

[ Motion was made by Councilmember Cannon and seconded by Councilmember Carter to ]  
[ approve an application to the Governor's Crime Commission for a Community Prosecution ]  
[ Program. The grant application is for \$360,589 with a 25% local match of \$120,196. ]

Mayor Foxx said I just want to say for the viewing public this is an application to approve about \$360,000 with a 25% local match to help us implement a Priority Offender Strategy Team. It is also money that is going to allow us to pilot some public safety projects to try to deal with community prosecution in some of our areas across the city including the Metro, Eastway, and North Tryon Divisions. This is an idea of taking prosecutors out in the field and working with our CMPD to address crime in targeted areas, and it's a great pilot project. I want to applaud the City Manager, the Police Chief, and the Public Safety Committee for the work on it.

**Curt Walton, City Manager**, said, Mayor, we actually left out Westover. There are four, and Westover should have been there.

Councilmember Cannon said move approval with the modifications of Westover.

Councilmember Howard said second.

Councilmember Cannon said do we know if we have all the appropriate signatures on this grant in order to move it forward or not?

City Manager Walton said we do.

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

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**ITEM NO. 14: EMERGENCY PROCUREMENT FOR MITIGATION AND CLEANUP OF SOUTH TRYON BUS FACILITY FUEL DISCHARGE**

[ Motion was made by Councilmember Burgess, seconded by Councilmember Barnes, and ]  
[ carried unanimously to adopt a resolution finding the discharge of diesel fuel at the South ]  
[ Tryon Bus Facility to be an emergency, and ratify and approve a contract with Haz-Mat ]  
[ Environmental Services, LLC in an amount not to exceed \$200,000 for emergency initial ]  
[ abatement actions. ]

The resolution is recorded in Resolution Book 42 at Page 360.

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**ITEM NO. 15: EXPLORE POSSIBLE MERGER OF KEEP CHARLOTTE BEAUTIFUL AND KEEP MECKLENBURG BEAUTIFUL COMMITTEES**

[ Motion was made by Councilmember Barnes and seconded by Councilmember Cannon to ]  
[ consider directing the City manager to work with the County Manager to determine if any ]  
[ efficiencies and/or synergies could be gained by merging the Keep Charlotte Beautiful and ]  
[ Keep Mecklenburg Beautiful Committees. ]

Mayor Foxx said my only point on this one would be just the more general issue of I do think, Mr. Manager, that the more we can work with the County to look at ways to consolidate other areas of opportunity in operations – not just committees – the better off we are. I know you are having those discussions, so I appreciate getting some feedback from you on how that discussion is going.

**Curt Walton, City Manager**, said we actually have an approved process between the City and the County, and the number of operational, functional duplications is very small, but we'll continue to look at those.

Councilmember Carter said there is one concern I have about consolidating here because we tend to concentrate the services of Keep Charlotte Beautiful on areas of blight where there is true need, and I hope that will not be diminished or diluted.

City Manager Walton said this doesn't consolidate them. It just basically asks us to look, and there are pros and cons, so we'll bring you that back.

Councilmember Carter said so that to me is a very big issue.

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

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**ITEM NO. 16: APPOINTMENTS TO BOARDS AND COMMISSIONS**

**Privatization/Competition Advisory Committee** – The following nominees were considered for one appointment:

1. Christopher Brown, nominated by Councilmember Carter
2. Joseph R. Carr, nominated by Councilmember Mitchell
3. Paul Hurlburt, nominated by Councilmember Cooksey
4. Karen Labovitz, nominated by Councilmember Kinsey
5. Sophia Matthews, nominated by Councilmember Barnes
6. Edward L. Smith, II, nominated by Councilmembers Burgess, Cannon, Howard, Mitchell
7. Thomas W. Turner, nominated by Councilmembers Dulin, Peacock, Turner

**Melissa Johnson, Deputy City Clerk**, said we have four nominees, who each received one vote. Thomas Turner received two votes, and Edward Smith, II received five votes. So, if you would like to have a runoff between the final two – Edward Smith, II and Thomas Turner.

Results of the first ballot were recorded as follows:

1. Christopher Brown, 1 vote – Councilmembers Carter
2. Joseph R. Carr, 0 votes
3. Paul Hurlburt, 1 vote – Councilmembers Cooksey
4. Karen Labovitz, 1 vote – Councilmembers Kinsey
5. Sophia Matthews, 1 vote – Councilmembers Barnes
6. Edward L. Smith, II, 5 votes, Councilmembers Burgess, Cannon, Howard, Mitchell, Turner
7. Thomas W. Turner, 2 votes, Councilmembers Dulin, Peacock

Results of the second ballot were recorded as follows:

1. Edward L. Smith, II, 7 votes – Councilmembers Barnes, Burgess, Cannon, Howard, Kinsey, Mitchell, Turner

Mr. Smith was appointed.

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#### **ITEM NO. 12: MAYOR AND COUNCIL TOPICS**

Councilmember Mitchell said this is a big thank you for those who attended the Intelligent Leadership Conference. I would like to make sure I get it right -- Councilmember Barnes, Councilmember Cannon, Mayor Pro Tem, and yourself, Mayor, for dropping by. It was very successful. Thanks to all the City staff, Manager Walton for dropping by, the rest of the members, and I must give a special thank you to Kim Pearson-Brown, who did an excellent job in all the evaluations. Truly it's a reflection of her hard work, so thank you, Kim.

Councilmember Dulin said two things, Mr. Mayor. Number one, got an update from the Retreat Planning Committee. We have completed our work, and we have something that I'm pleased to say that I'm proud of and that I believe we are going to get a lot of work done. As most of you have on your calendars, it starts Wednesday, February 3<sup>rd</sup>. Each of you have the agenda for two and a half days of good work in front of you. It says "Leadership for Charlotte's Future". We will arrive in Tryon between 2:00 and 2:30 on Wednesday, and be out of there promptly at 12:00. In the spirit of Mayor Foxx's new emphasis of us being on time and us being prompt, I would ask each of us to plan appropriately for the 90-minute drive so we can be there by 2:00 that Wednesday and get started. Actually we have zero free time involved in here. We are going to go up there and get a lot of good work done, and I wanted to report that to you, Mr. Mayor.

Councilmember Cannon said, Mr. Dulin, I think you wanted to remind the people also, members of Council, I think you said earlier that the facilitator – you have some information about that that Council needs to complete.

Councilmember Dulin said thank you very much. The facilitator sent each of us by email a questionnaire we need to fill out for a team building exercise we will do Wednesday night. Now, I don't do things well on the email, so I requested a paper copy, and each of us, I believe, have a paper copy as well, and you can fill those out. It won't take but just a few minutes and get them back to the staff, but it's important that we each do that so we can get that portion of our work done. Thank you, Mr. Cannon.

Councilmember Cannon said it's due today, the 25<sup>th</sup>.

City Manager Walton said he extended the deadline until Wednesday.

Councilmember Dulin said, secondly, Mr. Mayor, Mr. Cooksey, each of us by being a member of the Charlotte City Council gets this Southern Cities National League of Municipalities newspaper, and Ms. Newsome with this, and there's a big, two-page article in here about social media, and our very own Warren Cooksey in two pages of this newspaper is not mentioned once or twice but Warren Cooksey is mentioned 21 times, so I would like for the ten people that are watching at home where there is yellow there is Cooksey. And, that fellow has done a good job of being the grandfather, the godfather of social media. Congratulations, Mr. Cooksey.

Councilmember Cooksey said, thank you, Andy. I wasn't going to count. The irony of being in an article about social media is that particular article is not available on line. I don't know if the Mayor was going to do this part, but if he is, I'll steal his thunder this year. I do wish David Howard a happy birthday today.

Councilmember Howard said I'm still sitting here, as Councilmember Dulin pointed out that Mr. Cooksey is in the paper but says he doesn't like the Internet. He doesn't like the Internet, but he Twitters. Interesting. As I stated a couple of weeks ago, at the end of every meeting I wanted to support the efforts of the Total Count Committee with a fact about the census, so I'm going to call this my census minute that I will take after each meeting, and that's just to remind the public that every ten years the federal government is mandated by the Constitution to count its people. Why is this important? I will just give you a couple of points tonight. It's about power in DC. It decides how many of the 400 or so seats in the US House of Representatives will receive, number one. Number two, money. Over \$400 billion is allocated annually to things such as schools, hospitals, parks, shelters, job training programs, transportation, emergency management, libraries, roads, senior centers, and more. The forms will start going out in March, so more than anything I'm just encouraging the public to participate.

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## **ADJOURNMENT**

The meeting was adjourned at 9:22 p.m.

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Melissa T. Johnson, Deputy City Clerk

Length of Meeting: 3 Hours, 53 Minutes  
Minutes Completed: March 2, 2010