

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, February 8, 2010, at 5:18 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were: Michael Barnes, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey

ABSENT UNTIL NOTED: Councilmembers Patrick Cannon, James Mitchell, Warren Turner

ABSENT: Councilmembers Susan Burgess, Edwin Peacock, III

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Councilmember Barnes said I want to pull Items 18 and 20 for discussion downstairs just as a matter of public notice.

Councilmember Carter said I had none last time, Mr. Dulin, so we are working together. I would like to pull 25, please, for celebration.

Curt Walton, City Manager, said 18, 20, and 25 for discussion downstairs.

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ITEM NO. 2: SINGLE-STREAM RECYCLING PUBLIC EDUCATION

Curt Walton, City Manager, said the next item, the Special Transportation Services Facility Rezoning, we would like to defer that item for tonight, so after this item, we would move straight to Closed Session. This is the public information campaign that would get us towards July 1st when we implement single stream, and Victoria and Charita are here to talk you through that process.

Charita Curtis, Solid Waste Services, said I'll give a little bit of background on our program. The City of Charlotte has had a residential recycling program for nearly 20 years now, and not much has changed over those 20 years. She began a PowerPoint presentation entitled, "RECYCLE IT!", a copy of which is on file in the City Clerk's Office. She said, as you can see, the set-out rate has held steady over those years as well. In 2005, it was at 43%, and Mecklenburg County just did a study for this year – well, for last year – that 42% in 2009. The recycling program supports the City's environmental focus area, which states, "Charlotte will become a national leader in environmental initiatives to preserve our natural resources while balancing growth with sound fiscal policy." In the FY10 approved plan, it was to implement single stream recycling by July 2010.

In June 2008, Council approved Solid Waste Collection Interlocal Agreement with Mecklenburg County. April 2009, Council approved the reorg of Solid Waste Services. In July of 2009, the Board of County Commissioners improved the retrofit of Mecklenburg County's recycling facility. In October of last year, Council approved Inland Services as the service provider for our citywide recycling program. In July of this year, we will be implementing the improved recycling program.

The program improvements include residents will be receiving a 96-gallon rollout container, and residents may opt out of receiving this container and choose to keep the red bin. If they choose to turn in their red bins, those bins will be recycled. We plan to do a phased distribution of the 96-gallon rollout cart starting in late March, and we are moving to every other week recycling collection. Benefits also include the additional materials we will be collecting, which includes empty aerosol cans and all plastics except plastic number 6. Currently we accept plastic 1 and 2, but in July we will be accepting all plastics except for 6.

Councilmember Barnes said what is 6?

Ms. Curtis said No. 6 is Styrofoam products.

Councilmember Dulin said to a dad with three sons will you be accepting pizza boxes?

Ms. Curtis said pizza boxes are still in there only because the grease, the contamination that occurs with pizza boxes.

Councilmember Dulin said we sure throw away a lot of pizza boxes.

Ms. Curtis said we expect increased anticipation and tonnage with the improved recycling program. We expect an increase of 20% in participation and also an increase in tonnage from 31,000 tons to 37,200 tons. The goals of the program we really want to stress to residents the environmental benefits of their improved recycling program, which includes improved air quality, waste reduction, and also resource conservation. The cost savings over the next five years will be \$12 million. It will reduce costs by \$12 million. It also offers several other benefits for citizens. They will be able to recycle more with the larger wheeled contained. It will be easy for them to maneuver that container to the curb, and also with the lid that will be on the container it will improve neighborhood aesthetics – no more littering of the recyclables around the neighborhood.

The key messages that we will communicate with residents include that for nearly 20 years they have helped us by participating in the recycling program. We are improving the program in July, and those improvements, as I mentioned, are the larger wheeled cart, a new collection schedule, and also improved air quality. We have a Web site – recycleit.charlottenc.gov – and that Web site contains all the information pertinent to the improvements to the program. With communication externally, we will be doing a press kickoff with the Mayor this Friday at 2:00 p.m. at our new facility, 1105 Otts Street. We will have ads on the radio. We will going to do presentations for neighborhood groups. We will be at community events such as Earth Day and Neighborhood Symposium and the Great American Clean Up. We will be at sporting events as well. We were at the Charlotte Checkers Go Green Night this past Friday night, so we will be doing more partnerships with them. We have direct communication. We will be distributing letters to all City residents on February 13th, which will inform them of all the changes to the recycling program. We are going to do a water bill insert. We are going to do packages when the carts are delivered. We are also going to be on the Government Channel. We are going to include information in CMail, and also, as I mentioned before, our Web site.

This is a sample of our Web site as it appears now. It has the FAQ with program information for residents to view, and the residents can also click the “Notify Me” link that you see there in red at the top, which will generate an email to them when we update the page so they will know when new changes have been made, and they can check those changes out on our Web site. Our communication timeline last month and this month we are going around to 311, Keep Mecklenburg Beautiful, Keep Charlotte Beautiful, just to inform those leaders there about our improvements to the recycling program. As I mentioned, this month we are going to have the kick-off with the Mayor. We are going to do the first mailing to residents, and throughout the spring and summer, we are going to be in the community at different festivals and meetings. In March, we are going to send a second mailing to residents about the timeline for cart distribution.

As a summary, the RECYCLE IT! Program represents a major change to our current recycling operation. We have benefits that I alluded to earlier about reducing waste that is going to the landfill and reduced emissions as a result of our smaller vehicle fleet. We will actively engage the community through direct mail and media relations.

Mayor Foxx said great presentation. One piece of advice or recommendation or whatever. I have talked to many people out in the community about this, and I think there is a fair amount of interest and excitement in going to single stream. I don't know that there is a lot of information out there about household best practices, how you actually operationalize this in your own household, so as part of the education campaign, I hope it's not just going to focus on how to get it into the right container but how do you manage your household so that you can maximize the recycling activity.

Victoria Garland, Solid Waste Services, said (inaudible – not near a microphone) you can use a smaller bin (inaudible). How you can make sure that those products get into the right stream and how (inaudible) get them to the curb in a way that they won't contaminate (inaudible).

Councilmember Carter said this is really exciting and great presentation. About three points, three questions. Are we separating out the newly annexed areas to know how well they are cooperating and see if we need to target them for information? Then also dealing with apartments, so that is one set of questions? Two, are we recruiting businesses since we will have heightened recycling? We have the insulation that is taking the cardboard and newspapers, making insulation here, and I'm wondering if we have small businesses that might be able to do this, to use the recycled materials to make something else and keep that here in Charlotte close to the collection point. Then, three, are we going to the Neighborhood Night Out in August? I think you all would be great partners there as the Police do their Neighborhood Night Out. So, it's annexed areas and apartments, small businesses, and Neighborhood Night Out.

Ms. Garland said annexed areas, one, is when we (inaudible) cart has a chip in them to actually know where that participation rate is (inaudible) and we can streamline our mailing and cut costs and mail to the areas that really need additional information and help in recycling. That RFID chip will help us do that. Apartment recycling we do have that, and it's done by (inaudible). We do go out and do presentations to apartment complexes encouraging them to recycle. We do give them the bags that they can carry the stuff down from the apartment to the recycling bin, and that is a part of the ongoing program, too. Small business, the County does handle the business recycling, and as they retrofit their vehicles (inaudible) much material in there as possible, and they will be working to go forward with that program (inaudible).

Councilmember Carter said that is really recruiting small businesses that can make something from the recycled material to a product that would be sold here in this area. I'm thinking it's an opportunity for jobs and new businesses. I think that connection could be very strong and very productive.

Ms. Garland (moved near the microphone) said I will be more than happy to talk with them because that's a disposal aspect of the recycling, actually using the material in order to stay. That's a part of the larger national organization of how can you get businesses to reuse the material back in their own area instead of going back out and using raw, virgin material. Did I get all?

Councilmember Carter said Neighborhood Night Out.

Ms. Garland said, yes, we will because we would like to know how well we are doing and how well it's being received even after the program starts and ongoing as the program continues.

Ms. Curtis said we participated in years past, the National Night Out, and we do get invites from different neighborhoods, so we split up into separate neighborhoods and participate in their activities.

Councilmember Dulin said we voted to award the contract for picking up to Inland.

Ms. Garland said, yes, sir.

Councilmember Dulin said this doesn't have anything to do with them, but we have to assume that while we are doing this portion of the equation that those guys are out there ramping up. Are they communicating with you that they are on schedule to step in and take over as per their contract?

Ms. Garland said, yes, sir, there have been ongoing communications because they have to get routing maps from us and different things. Matter of fact, we have a meeting that was scheduled next week to make sure that them and the cart vendor and all of us are on the same page and what our needs are and that we have the right equipment to communicate and get the kind of data that we do need, so that's ongoing. They are a willing participant in that.

Councilmember Dulin said I'm glad you are on top of it because you are the right person to be doing that, but we all have skin that game to make sure they step up and we don't get 30,000 complaints the first two weeks. If we get three, it will be okay.

Mayor Foxx said if there are no more questions, we will thank you for that report.

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Mayor Foxx said let me also say – Andy, you reminded me when you spoke. I want to thank the Retreat Planning Committee as well as the staff for a great couple of days. Saskia is not here. I know she spent a lot of time on it, Curt, but thank you and your team for working through the details of that work. We are going to go into Closed Session now.

Councilmember Kinsey said, Mr. Mayor, would you want me to go ahead and make my request now before we go into it.

Mayor Foxx said, yes, I sure would. Thank you for reminding me.

Councilmember Kinsey said I have just a reminder and a request. I sent everyone an email yesterday about Item No. 9, I believe, and asking if we could defer that for a month. Actually we should, if it's okay with you, open the hearing and then continue it. So that's what I will request. I hope that works out for us. The other item is I have been contacted by the representative of the new owner of The Park Condominiums – the development that we look out on all the time.

Councilmember Dulin said, I'm sorry, Ms. Kinsey, I didn't hear that.

Councilmember Kinsey said I have been contacted by a representative of the owner from The Park Condos, and they are asking for a site amendment and would like to have it put on the March meeting rather than April. It's schedule for April. They are trying to get started on it. They would ask that we put it on the March 15th meeting and possibly make a decision that night. I'm okay with it. Normally I don't like making a decision the same night, but I think in this circumstance that if they request it I don't have a problem with it. I wanted to ask if you would be willing to put it on the 15th of March.

Councilmember Dulin said a couple of questions on both of those. Are The Park Condominiums the ones right here in front of the building?

Councilmember Kinsey said, yes, the unfinished.

Councilmember Dulin said on the first one I read this article about that alley closing. I read all the information about the alley closing. Why would the Elizabeth neighborhood care if they closed the alley underneath Memorial Stadium?

Councilmember Kinsey said it's not a closing. It would be abandoning the road, and the Elizabeth neighborhood cares greatly about what happens in Elizabeth. There was just some miscommunication.

Councilmember Dulin said this is under, behind the football stadium.

Councilmember Kinsey said a portion of it is. That's not the whole question. They want to have the opportunity to meet with Park and Rec, with Central Piedmont, and get the information so they will be clear. It's a connector to the greenway, but I'm on that action committee – the Greenway Action Committee – and I didn't realize. I was not informed of this. I knew there was going to be a connector, but they just have some questions about it, and I think both sides thought the other had communicated, and they hadn't. Obviously if you don't want it –

Councilmember Dulin said that's fine. It doesn't make any big difference. I just wanted to know. They sure seemed riled up about something that is under a football stadium.

Councilmember Kinsey said it's really not under it. It's a connector along the side.

Councilmember Dulin said I'm looking at the picture.

Councilmember Kinsey said it's just a little portion under it, but that's not the main thing.

Mayor Foxx said so there will be a request to continue the hearing?

Councilmember Kinsey said yes. Also, the other issue is to put The Park on the March 15th meeting.

Mayor Foxx said is somebody going to make the motion for Closed Session?

[Motion was made by Councilmember Barnes, seconded by Councilmember Cooksey, and]
[carried unanimously to A) go into Closed Session pursuant to NCGS 143-318.11(a)(4) to]
[discuss matters relating to the location of an industry or business in the City of Charlotte]
[including potential economic development incentives that may be offered in negotiations,]
[and, B) adopt a motion pursuant to NCGS 413-318.11(a)(3) to go into closed session to]
[consult with attorneys employed or retained by the City of Charlotte in order to preserve]
[the attorney-client privilege and to consider and give instructions to the attorneys concerning]
[the handling of Hazrati v. City of Charlotte.]

DeWitt McCarley, City Attorney, said this part of the session will be recorded. It's economic development.

The meeting was recessed at 5:38 p.m. for Council to go into Closed Session.

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The Dinner Briefing reconvened at 6:25 p.m.

The Council continued the discussion of the rezoning for The Park Condominiums.

Councilmember Barnes said raze the current structure?

Councilmember Kinsey said, no, they will not have to do that because that was my question, too.

Councilmember Barnes said we had heard reports about the concrete and ironwork deteriorating due to exposure to the elements.

Councilmember Kinsey said I asked the architect. He said no. He said it they did not anticipate having to tear it down.

Councilmember Barnes said I assume the City and County inspectors haven't been in there to look yet.

Councilmember Kinsey said I don't know. I didn't ask. They were just wanting to move it up to try to start the project.

Councilmember Howard said my question is probably more for you, Curt, since Debra is not here. Can her department do a site plan amendment that fast?

Curt Walton, City Manager, said I don't know. I wondered if you had talked with Debra or anybody from Planning.

Councilmember Kinsey said they are okay with it.

City Manager Walton said then, Mr. Howard, the answer is yes.

Councilmember Kinsey said, in fact, they were the ones who told the architect to call me as the District 1 rep.

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Councilmember Carter said do we assume any liability of approval when we get into the construction and the structure of this building if it's a retrofit?

City Manager Walton said, no, that would be the traditional building standards role.

Jim Schumacher, Assistant City Manager, said, no, that's a building code issue.

Councilmember Barnes said are they going to be adding to the top of it or operating in the current?

Councilmember Kinsey said my understanding it would be in the current configuration, but I don't know.

Mr. Schumacher said (inaudible – not near a microphone) part hotel, part condo, and a restaurant on top.

Councilmember Barnes said within the current structure adding.

Mayor Foxx said we don't know.

Councilmember Barnes said I'm just imagining what that is going to look like adding new concrete onto old with a parking deck underneath and adding something to the top of it.

Councilmember Kinsey said that's their problem.

Councilmember Barnes said, no, it would be ours if it fell over here.

Mayor Foxx said I just want to see some skin on the building. So, any objection to adding that to the March 18th agenda?

Councilmember Cooksey said I want to clarify the motion. Is this to move the hearing only at this point with the possibility of a decision to be determined later?

Councilmember Kinsey said, well, they would love a decision the same evening. I probably don't have a problem with that, but they are okay going to April for the decision if that's what Council decides to do.

Councilmember Howard said they will circle with all of us before then.

Councilmember Kinsey said I don't know.

Councilmember Dulin said I'm fine with March, Mayor, and April. That thing has been sitting there for two years.

Mayor Foxx said without objection we'll just go ahead and have that added.

Councilmember Kinsey said that's fine.

Mayor Foxx said anything else for the good of the order?

The meeting was recessed at 6:28 p.m. for the Council to go to the Chamber for the regularly scheduled Business Meeting.

BUSINESS MEETING

The Council reconvened for the regularly scheduled Business Meeting at 7:01 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor

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Anthony Foxx presiding. Council members present were: Michael Barnes, Nancy Carter, Warren Cooksey, Andy Dulin, Patsy Kinsey, James Mitchell, Warren Turner

ABSENT UNTIL NOTED: Councilmembers Patrick Cannon, David Howard

ABSENT: Councilmembers Susan Burgess, Edwin Peacock, III

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INVOCATION AND PLEDGE

Councilmember Barnes gave the Invocation and the Cub Scouts Pack 8 and Boy Scouts Troop 8 from St. Matthew Catholic Church led the Council in the Pledge of Allegiance to the Flag.

Councilmembers Cannon and Howard arrived at 7:03 p.m.

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AWARDS AND RECOGNITIONS

RECOGNITION OF BOY SCOUTS' AGENCIES ANNIVERSARIES

Mayor Foxx recognized the Boy Scouts of America in Charlotte to highlight the 100th Anniversary of the founding of the Boy Scouts of America, 80th Anniversary of the Cub Scouts of American, and the 95th Anniversary of the Mecklenburg County Council Boy Scouts, and Councilmember Dulin read a proclamation and recognized several scouts who spoke to Council and recited their pledges.

Councilmember Carter said I would like to say something of appreciation to the Scouts as well. As a former Girl Scout leader, it's an important to see our youth involved and engaged, and looking at all the badges and the achievement of these young men is just very impressive. But I chaired Charlotte Has Heart one year, and I know the vital impact of our Scouts on Loaves and Fishes and feeding hungry people, so I want to say a very personal thank you to these young gentlemen. You all did a wonderful thing this past weekend. Please keep it up. It's a grand tradition.

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CONSENT AGENDA

[Motion was made by Councilmember Dulin, seconded by Councilmember Cannon, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of]
[Item Nos. 18, 20, and 25, which were pulled for discussion; Item Nos. 29-C and 29-E,]
[which were pulled by staff, and Item No. 29-F, which was pulled for a speaker.]

The following items were approved:

16. Contract to the lowest bidder for providing miscellaneous repair and replacement parts for a term of one year to the following: 1) Auto Supply Co., 2) Carquest Auto Parts, 3) Dale Jarrett Ford, 4) NAPA Auto Parts, 5) O'Reilly Automotive Inc., 6) United Parts Supply, and authorize the City Manager to extend the contracts up to four additional one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The FY2010 expenditures are anticipated to be a combined total of \$150,000.

Summary of Bids

Auto Supply Co.	Bid 46 of 75 items
Carquest Auto Parts	Bid 62 of 75 items
Dale Jarrett Ford	Bid 30 of 75 items

NAPA Auto Parts	Bid 72 of 75 items
O'Reilly Automotive Inc.	Bid 67 of 75 items
United Parts Supply	Bid 6 of 75 items

17. Contract to the lowest bidder, Delta Railroad Construction, Inc. in the amount of \$181,300 for South Boulevard Light Rail Facility Track Installation for Transit.

Summary of Bids

Delta Railroad Construction	\$181,300.00
R.D. Harrison, Inc.	\$197,315.00

19. Contract to the lowest bidder, W.M. Warr and Son for the construction of sidewalk on Iverson Way and Lyndhurst Avenue for Engineering and Property Management.

Summary of Bids

W.M. Warr & Son	\$108,333.50
Alpha Development	\$108,575.92
Husky Construction	\$110,961.40
Carolina Cajun	\$118,184.00
Ferebee	\$128,849.88
Red Clay	\$130,209.75
R Black & Associates	\$131,447.08
United Construction	\$132,330.00
MH Graves	\$139,777.00
Blythe Brothers Contracting	\$142,466.50
On Time Construction	\$150,771.50
Oliver Paving	\$173,767.00

21. Informal low bid contract with The Bowers Group, LLC in the amount of \$208,800 for the construction of the AeroClinic medical office in the Airport Terminal Building for Aviation.

22. Contract with Post, Buckley, Schuh & Jernigan (PBS&J) in the amount of \$315,000 for design services for Hope Valley/Oak Forest Neighborhood Improvements.

23. Change Order #5 to the contract with Terrell Hundley & Carroll, Inc. in the amount of \$375,000 extending the contract until December 2010 for relocation assistance services required for the Airport's land acquisition programs.

24. Contract for \$50,000 with Avioimage for topographic mapping services, and authorize the City Manager to negotiate and execute up to two additional 12-month option periods not to exceed \$100,000 each.

26. Budget Ordinance No. 4361-X appropriating \$212,800 received from the City's Business Master Services Agreement (Continuity Award) with AT&T to fund labor and materials required for operations and maintenance of telephone and technology network infrastructure.

The ordinance is recorded in Ordinance Book 56 at Page 532.

27. Resolution authorizing the refund of business privilege license payments made in the amount of \$28,730.61.

The resolution is recorded in Resolution Book 42 at Pages 377-378.

28. Resolution of intent to abandon a portion of Edenbridge Lane, Vanderhorn Lane, Banfield Place, and set a public hearing for March 8, 2010.

The resolution is recorded in Resolution Book 42 at Pages 379-380.

29-A. Acquisition of 2,150 square feet in fee simple plus 183 square feet in temporary construction easement at 9806 Steele Creek Road from Sidney L. Suggs, III for \$14,250 for Dixie River Road Realignment, Parcel #18.

29-B. Acquisition of 4,709 square feet in fee simple plus 10 square feet in utility easement plus 3,000 square feet in temporary construction easement at 5522 Statesville Road from Blessed Harvest Institute of Charlotte, NC for \$17,000 for Statesville Road Widening (I-85 to Sunset Road), Parcel #82.

29-D. Resolution of condemnation of 681 square feet of temporary construction easement at 1515 Newcastle Street from David Lee Williams, August Channing Williams, and Melanie Dawn Williams, and any other parties of interest for \$125 for Lincoln/Wilson Heights Neighborhood Improvements, Parcel #164.

The resolution is recorded in Resolution Book 42 at Page 381.

29-F. Resolution of condemnation of 3,095 square feet of fee simple plus sidewalk and utility easement and temporary construction easement at 4100 Joyceton Street from Shenova Hill and any other parties of interest for \$1,475 for Thomasboro-Hoskins Neighborhood Improvements – Phase 3, Parcel #209.

The resolution is recorded in Resolution Book 42 at Page 382.

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ITEM NO. 18: JOHN KIRK DRIVE AT UNIVERSITY CITY BOULEVARD PEDESTRIAN IMPROVEMENTS

Councilmember Barnes said I pulled that item. This is a contract for \$463,000 for the construction of pedestrian improvements at John Kirk Drive and University City Boulevard. That area has a growing number of students in it. It has been important to me and to the University over the last several years to make improvements, if we can, to make it safe for students to cross the roads in that area and to get around in the area, and I wanted them to know that an improvement is coming or improvements are coming, and I would like to move approval.

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and]
[carried unanimously to award the low bid of \$463,072.23 to Ferebee Corporation of]
[Charlotte, NC, for the construction of pedestrian improvements at John Kirk Drive and]
[University City Boulevard.]

Summary of Bids

Ferebee Corporation	\$463,072.23
Callahan Grading	\$507,815.00
Carolina Cajun Concrete	\$520,593.15
Pedula Trucking & Grading	\$527,890.00
Blythe Development, Inc.	\$535,700.00
United Construction, Inc.	\$553,879.70
Sealand Contractors, Inc.	\$556,000.06
W.M. Warr Construction	\$606,458.60

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ITEM NO. 20: LIGHT VEHICLE MAINTENANCE FACILITY

Councilmember Barnes said this is a \$5.4 million contract for construction of the new light vehicle maintenance facility, which will be at the northwest corner of Atando Avenue and Graham Street, and this is a good improvement to a corner that has needed some redevelopment, and I believe this project will go a long way in enhancing the area and perhaps anchor some new

development down the line that will help improve the area as well, so I wanted to make people aware that is coming, and I would like to make a motion to approve that project.

[Motion was made by Councilmember Barnes and seconded by Councilmember Cannon to]
[award the low bid of \$5,425,190 to G.W. Liles Construction Co., Inc. for the construction]
[of a new Light Vehicle Maintenance Facility located at 1031 Atando Avenue.]

Summary of Bids

G.W. Liles Construction, Inc.	\$5,425,190.00
Murray Construction Company of Monroe, Inc.	\$5,461,651.50
Beam Construction Co., Inc.	\$5,657,629.00
Shiel Sexton Company, Inc.	\$5,686,400.00
Matthews Construction Co., Inc.	\$5,726,200.00
John S. Clark Company, LLC	\$5,736,654.16
MV Momentum Construction, Inc.	\$5,745,200.00
Choate Construction Co.	\$5,761,205.00
J.G. Coram Company, Inc.	\$5,990,650.00
Edison Foard, Inc.	\$6,230,700.00

Mayor Foxx said it also would release some space in the Belmont area that could also be used for redevelopment, so that's a very good thing.

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

ITEM NO. 25: LANDSCAPE MAINTENANCE SERVICES

Councilmember Carter said I am delighted to see what staff has done in creativity in this contract. It's landscape maintenance services for the east and north districts and three of our cemeteries. I would like to read one sentence in here that was a very key one for me. "For each contract, staff contacted SBEs, small business enterprises, to consider submitting proposals as primes." So what we are doing finally is stepping out as a city encouraging small businesses in positions as primes. Thank you very much, Mr. Manager, and I do move approval.

[Motion was made by Councilmember Carter, seconded by Councilmember Cannon, and]
[carried unanimously to approve contracts for three years of routine landscape maintenance]
[activities with: 1) Ruppert Landscape, Inc. for East District Grounds Maintenance in the]
[amount of \$129,948, 2) TruGreen Landcare, LLC for North District "A" Median Mainten-]
[ance in the amount of \$119,996.64; 3) TruGreen Landcare, LLC for North District "B"]
[Median Maintenance in the amount of \$349,439.76; 4) Sho-off Lawn Care for Evergreen]
[Cemetery Grounds Maintenance in the amount of \$102,000; 5) Sho-off Lawn Care for]
[East Elmwood Cemetery Grounds Maintenance in the amount of \$112,200, and 6) Sho-off]
[Lawn Care for West Elmwood Cemetery Grounds Maintenance in the amount of \$171,360.]

Councilmember Barnes said if I could go back to Item 20, the Light Vehicle Maintenance Facility. I just wanted to highlight that the SBE goals on that project is 11%, and the general contractor achieved a commitment of 18.97%, which is excellent, so I wanted to applaud Ferebee for that commitment – I'm sorry – G.W. Liles Construction.

Councilmember Carter said they were 50% in this, Mr. Barnes, three out of six contracts, so I'm delighted.

Councilmember Barnes said that's landscaping. This is actually building something.

Councilmember Carter said it's jobs.

Mayor Foxx said as long as we can fight about things going in the upward direction.

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ITEM NO. 29-F: RESOLUTION OF CONDEMNATION AT 4100 JOYCETON STREET

[There being no speakers either for or against, motion was made by Councilmember Cannon,]
[seconded by Councilmember Howard, and carried unanimously to approve a resolution of]
[condemnation for 3,095 square feet of fee simple plus sidewalk and utility easement plus]
[temporary construction easement at 4100 Joyceton Street for \$1,475 for Thomasboro-Hoskins]
[Neighborhood Improvements – Phase 3, Parcel #209.]

The resolution is recorded in Resolution Book 42 at Page 382.

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ITEM NO. 8: PUBLIC HEARING ON RESOLUTION TO CLOSE A RESIDUAL PORTION OF THRIFT ROAD AND FREEDOM DRIVE

The scheduled public hearing was held on the subject item.

[There being no speakers either for or against, a motion was made Councilmember Mitchell,]
[seconded by Councilmember Barnes, and carried unanimously to conduct a public hearing to]
[close a residual portion of Thrift Road and Freedom Drive, and adopt a resolution to close.]

The resolution is recorded in Resolution Book 42 at Pages 370-372.

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ITEM NO. 9: PUBLIC HEARING ON RESOLUTION TO CLOSE A PORTION OF ARMORY DRIVE

The scheduled public hearing was held on the subject item.

Mayor Foxx said on this item there has been a request to conduct the public hearing and leave the public hearing open, so if someone could make a motion to that effect. Mac, do we need to specify that we are holding it open until a certain point in time?

DeWitt McCarley, City Attorney, said, yes, sir, if you would have a motion to continue this open public hearing to your next business meeting. Is that the one we are shooting for, Curt?

Curt Walton, City Manager, said I think it's 30 days.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously to open the public hearing and continue the hearing for 30 days.]

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ITEM NO. 10: PUBLIC HEARING ON RESOLUTION TO CLOSE A PORTION OF NORTH MYERS STREET

The scheduled public hearing was held on the subject item.

[There being no speakers either for or against, a motion was made Councilmember Cannon,]
[seconded by Councilmember Dulin, and carried unanimously to conduct a public hearing to]
[close a portion of North Myers Street, and adopt a resolution to close.]

The resolution is recorded in Resolution Book 42 at Pages 373-376.

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ITEM NO. 11: CITY MANAGER'S REPORT

Curt Walton, City Manager, said at your place is some information from the Whitewater Center. I would like to introduce Jeff Wise and Alan Dickson to come speak to you. When they were here last, they talked about restructuring the debt component of their operation, and they have successfully done that now, so we wanted to give them this opportunity to talk to you about what they have done and how they have done it and how they will move forward.

Mayor Foxx said welcome Mr. Wise and Mr. Dickson. I understand there is some really, really exciting news with Whitewater today.

Alan Dickson, Board Chair, Whitewater Center, said in real life I'm a retired businessman, and this has been a civic duty that has been full of many challenges. The good news that we have to report is that the debt has been restructured after really over a year's endeavor. It's a major result here. Of the \$38 million of debt that we were carrying, we are now down to \$12.4 million, and that's made up of banks – seven banks – that have forgiven part of their debt, 35 to 36 civic organizations from individuals, corporations, foundations, educational endowments have forgiven over \$15 million of subordinated debt. So this is a remarkable civic contribution to this facility. At the end of the day when all is said and done, it will be almost 2:1 if you look at it as an investment because this requires the continuing payments of the LGSA contracts for the remaining five payment periods – not quite five years – a little over four years actually. But it does require that, but after all that is paid and all of the governments are in – that includes the City of Charlotte at \$2 million, County of Mecklenburg at \$7 million, the Gaston Consortium, the two communities and the county, of \$3 million, so when you add that all together, they are \$12 million of this total \$38 million of debt. When it's all balanced out at the end, the civic component is almost 2:1 investment in this facility which serves the greater Charlotte area. So, from that standpoint, we are proud to present this outcome. We think it is a strong turn of events for our community. Now, Jeff would like to maybe give you a quick update on the operations because they are positive as well and gives us a lot of confidence that the Whitewater Center will be successful in the years to come.

Mayor Foxx said, Mr. Dickson, I just want to say that what you have just said is absolutely amazing. It's another indication of the wonderful civic spirit of this community, and I would just like to say thank you to you and all the partners who have made it possible for this announcement today.

Mr. Dickson said thank you, Mr. Mayor. The board will be pleased to hear that.

Jeff Wise, Whitewater Center, said one of the things to mention, too, is the \$12.4 that is still remaining owed will be paid over a five-year period. As you know since the Whitewater Center first opened its doors approximately three years ago, on a net operating business, we have been actually operating a little over on a surplus basis. As a not-for-profit, we use that term surplus. This year in FY09, which ended the end of October, we generated a net operating profit of \$120,000. So, the good news is we continue to operate on a net profitable basis or net surplus basis, so the good news is we think with the reduction in the debt we stand on pretty good footing here going forward, so in about five years we should be able to come to you and say that all this debt has been paid off. The audit for the '09 year has just been delivered to everybody, and so we feel like even though it was a tough year out there we had a remarkably good year.

Councilmember Carter said one of the benefits you all have provided to us and the municipalities around this area is training our emergency services. Can you give us an idea of how you accomplished this goal?

Mr. Wise said one of the things, Councilmember Carter, that you mentioned is, as you all know, as part of the LGSA payment that the City of Charlotte pays in exchange for that one of the things that we provide is swift water rescue training at no cost to the City of Charlotte and all the

other participants in the LGSA. That is estimated, and it varies from year to year depending on how much the Charlotte Fire Department and other emergency services personnel use it. On average though, it equates to about 80 to 90,000 per year in training that we are providing to the Charlotte Fire Department. It is a fantastic partnership we have with the Fire Department. We love having them out there. Our folks learn from them. Hopefully they are learning from our folks, so it's been very, very beneficial to us.

Councilmember Dulin said thanks gentlemen for coming down. Jeff, you have come down multiple times when it's been very, very difficult, so I know you are probably pleased to come down with good news tonight. This body and the other bodies that are your partners out there are banking on you to stay busy, to stay on top of it, and to come through for the communities. It is a fabulous amenity you have out there, but let it keep your head down there and kill it this next year.

Mr. Wise said I appreciate it, and I can't tell you how much we appreciate the support of the City staff, the County staff, all the folks in Gaston County, but there are a lot of organizations that you all support including the Charlotte Regional Visitors Authority, the Chamber, the HTA, the Hospitality and Tourism Alliance, Sports Commission. There are so many organizations out there that y'all work with very closely that have been wonderful supporters of ours, and I cannot tell you how much we appreciate the support they have provided, and we appreciate you providing the support that y'all do as well as us directly.

Councilmember Turner said, Jeff, I was told at last year's Retreat – myself and the past mayor, Pat McCrory, Mr. Peacock, and Warren. I was told we are probably due to the reason that you have had so much more participants wanting to do the climb that we took on. They said after we did it anybody could do it, so that might have a lot to do with it.

Mr. Wise said we would love to give you all the accolades and all the credit because certainly a lot of people realize exactly what you said.

Councilmember Turner said we took the small one now. We didn't try to go up to that new one I think we just finished, but I think Mr. Cooksey said he is coming back out to do that with our new mayor, so I'm going to come out and take pictures of this one.

Mr. Wise said we are counting on it.

Mayor Foxx said, Mr. Turner, I actually did see you and photograph you going down the zip wire. I have pictures.

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ITEM NO. 12: ROLLOUT RECYCLING AND REFUSE CONTAINERS

[Motion was made by Councilmember Turner and seconded by Councilmember Kinsey to]
[A) adopt Budget Ordinance No. 4359-X amending the FY2010 Annual Ordinance approved]
[by Council on June 8, 2009, to include funds not to exceed \$7,486,950 for the purchase]
[of rollout recycling and refuse containers for solid waste collections, B) award the low bid]
[fixed unit price contract to Otto Environmental Systems, LLC for the purchase of rollout]
[recycling and refuse containers for the term of seven years, and C) authorize the City]
[Manager to extend the contract for up to three additional one-year terms for an overall ten-]
[year expenditure estimated to be \$11,998,200.]

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

AYES: Councilmembers Barnes, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Turner

NAYS: Councilmember Mitchell

The ordinance is recorded in Ordinance Book 56 at Page 530.

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ITEM NO. 13: BUSINESS INVESTMENT GRANT FOR HUSQVARNA

[Motion was made by Councilmember Dulin, seconded by Councilmember Howard,]
[and carried unanimously to approve the City's share of a Business Investment Grant to]
[Husqvarna for a total estimated amount of \$85,443 over five years (Total City/County]
[grant estimated at \$241,703).]

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ITEM NO. 14: ONE NC GRANT AND BUSINESS INVESTMENT GRANT FOR ELECTROLUX

Councilmember Barnes said I hope this project will lead to continued development and growth to the University Research Park.

[Motion was made by Councilmember Barnes, seconded by Councilmember Dulin, and]
[carried unanimously to A) approve contracts with the NC Department of Commerce]
[NCDOC) and Electrolux for a \$1,200,000 One North Carolina Grant from the State to]
[Electrolux, B) adopt Budget Ordinance No. 4360-X appropriating \$1,200,000 from a]
[One North Carolina Grant to Electrolux, and C) approve the City's share of a Business]
[Investment Grant to Electrolux for a total estimated amount of \$453,910 over five years]
[(Total City/County grant estimated at \$1,284,034).]

The ordinance is recorded in Ordinance Book 56 at Page 531.

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ITEM NO. 15: MAYOR AND COUNCIL TOPICS

Councilmember Carter said I do want to express to the City Manager, to the staff, and to the committee that has planned our Retreat my appreciation. It was really a breakthrough session. Much good business was conducted there. Mr. Mayor, I thank you so much for your topics and the way you managed our priorities, and most of all I want to say thank you for opening the door to our staff, listening to proposals for Eastland. I thank you very much for that opportunity to my fellow colleagues and to the staff for their work.

Councilmember Turner said I want to bring to our attention, and really this is for this Council and our City Manager, and I don't think it's any fault or responsibility of Ms. Garland, but this is what frustrates me. This morning I reported to Emerald that there was a garbage spill northbound at South Tryon and Rivergate, two bags of garbage that generally Monday morning is our collection day in the southwest quarter. Now, when citizens call in complaints, the first place they call is City Council and their elected. They don't know to call the state. I make sure that staff understood this is a state road, but it's our garbage. All we should do is go out and pick up the garbage versus giving us excuses when, one, we took the time to send staff out there to observe there was garbage up and down the street. There were two whole bags, but after cars run over them, of course, the garbage is going to be blown up and down the highway. Well, we then put off our responsibility and said let's call the state and have the State DOT come out and get it. Well, as of tonight it's still there, the garbage is still up and down the street, and folks are still concerned why didn't we pick up this garbage. It doesn't matter to me if it's a state road. It's our garbage, and the solution was that we should have picked it up before it ever got to that point. Now I'm reported that at Township Road there was a city garbage can that belongs to the City of Charlotte with our garbage inside of it at Township Road southbound at South Tryon and Westinghouse right before you get to the Auto Bell knocked over in the street. Now, a good citizen I'm sure from the Auto Bell pulled it out of the street, but the debris that was in the garbage can is still on the street. That didn't get cleaned up. My concern is that the easy

solution is to pick the garbage up. It really doesn't matter to me who it belongs to or who has the right-of-way. The solution was to get it up. We were there. We should have gotten it up. After hearing at our Retreat that our service is going down, well, this is one good indication that the quality of time was spent going back and forth who's responsible, and to me the preventive was to pick it up, clean it up. Nobody cares. The people who pay us and pay these taxes they don't care if it's a state road, city road. All they know is we have garbage in the middle of the road, and it should have been cleaned up. I'm just disappointed to read, and I'm going by what was reported back to me tonight, and I'm very disappointed on the person that went out and did this inspection, and I won't call his name out, but I will make sure, Mr. Manager, you see this. I was back out there again tonight, so I'm telling you what I know and what I have seen and what I called in, and you would think that would have had a little more importance to it, but obviously it does not. I just question some of the integrity of one that would go out there and then say, well, we are going to notify the state, and that didn't happen. That's just the bottom line, the garbage is still there, and that shouldn't occur.

Curt Walton, City Manager, said if I could respond. That is a difficult situation, Mr. Turner, because we did pick up litter on a number of state streets over the years and have cut that back considerably partly because the state wasn't honoring their part of the equation. If that were an isolated incident, you are absolutely right, we should go ahead and pick it up. We get dozens of those every day. So, we can't really go to North Tryon or South Tryon or any state road. We got one today -- I think it was Brown Grier Road. That's a state-maintained road -- asking for the exact same thing, and so if we are going to get into that business then we are going to have to be honest with ourselves and say where we are not going to be providing service that day. Because if the inspector went out the inspector may or may not have had the capacity to pick that up particularly if it got strewn up and down a street. I would like to have -- I don't know about either of those locations and will certainly look at that, but I don't know that I can apologize for us not picking up the state's responsibilities and particularly since there are so many different opportunities for us to fill in that blank whether it's the court system or whether it's the educational system or whether it's the road system. So I hear your frustration and we share that, but it's a very difficult thing to get into because it has no end.

Councilmember Turner said I hear you, Mr. Manager. I guess the gist of it for me is this. The southwest corridor, and I understand our relationship with the state and our litter pickup, to me is just a very simple issue that could have been handled in a more timely manner when the bags were obviously garbage. As I said, this is our pickup day in that area, and Inland oftentimes overfills those small trucks. If the bag is not all the way down in there, it blows off the truck. Well, you had two bags of garbage in the northbound lane. When I called it in early this morning as of 4:00 when I was back out there the bags, of course, had been run over. The most simple thing would have been to call Inland when they are still out in that area and say, hey, we got a report that you lost some of your debris. Go back and get it. Or we could have picked it up, but instead we decide to say whether it's a state road, it's a state issue, we will notify them, and obviously we did, and obviously they didn't get out there to get it up. But when garbage comes out of our containers that has been set out for pickup, and I don't know if someone ran into the garbage can or did it fall over. All I know it was in the southbound lane this morning. That is our responsibility. It's our container, and we could have resolved that matter. But, again, obviously a good Samaritan pulled it out of the street but obviously didn't pick up the garbage. That is an isolated incident, and the amount of time we send someone to inspect it to give us a report back they could have just went prepared to get it up.

City Manager Walton said, again, not the only one that we get, and so I guess we would certainly need policy direction if we are going to get into that. We get -- I don't know if it's dozens but multiple requests a day to pick up litter on state-maintained streets.

Mayor Foxx said I think the point has been made. Maybe at a later point if there is a request for action on that item, we can have the Council look at it.

Councilmember Howard said I want to continue what I started a couple of weeks ago just sharing with the community what they can do to help with the census. Tonight I will talk about the churches, how they can help, five points. Churches can help by putting information in their newsletters, in their bulletins, on their Web sites multiple times between now and April 2010. They can also devote time during their programs to build a greater understanding of the purpose

and benefits of the census, which I shared a couple of weeks ago, to share the message of the census participation in that it's both important and safe. Safety is one of the most important things. Number three, establish door-to-door outreach efforts to include information about the census. Four, provide space for the Be Counted sites. Be Counted sites are places in the community where people can pick up census forms if they feel that they did not receive one at their home address. The questionnaire assistance center is sites where citizens can go to get assistance with filling out their forms. These sites will be manned by census workers, and they will be open from March 19th through April 19th. Lastly, identify volunteers interested with helping with the questionnaire centers particularly ones that are bilingual in Spanish. Again, just information about how important it is to get involved with the census this year and be counted.

Mayor Foxx said I just want to remind the Council that this is a big week for our city in another way. This Friday we will open the third parallel runway at the Airport, and I want to encourage all the Council members to come. It's a big deal. There are only seven airports in the country that can have three flights landing at the exact same time. It's a big, big, big deal for us, so please make a point of getting out there.

Councilmember Dulin said, Mr. Mayor, I have another appointment and will not be able to attend. I'm sorry.

Mayor Foxx said that's okay.

Councilmember Mitchell said what time is it, Mayor?

Councilmember Dulin said 11:00.

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ADJOURNMENT

The meeting was adjourned at 7:37 p.m.

Melissa Johnson, Deputy City Clerk

Length of Meeting: 1 Hour, 46 Minutes
Minutes Completed: March 3, 2010