

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, April 12, 2010, at 5:16 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were: Michael Barnes, Susan Burgess, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey

**ABSENT UNTIL NOTED:** Councilmembers Patrick Cannon, James Mitchell, Edwin Peacock III, Warren Turner

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#### **ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS**

Councilmember Dulin said I have no Consent items tonight. Y'all take that as a thought that I didn't read it.

Councilmember Carter said I think it would benefit all of us to have something of an outlay of our water treatment and services delivery system. I would love to have a map of it and the names of the plants and the lines of feed and the way they flow, if that could be arranged. I think that would be a very helpful thing. Not for tonight, but it's something that would help all of us particularly some of who have been here for a while and then some of us are new. On Item 29, the magnetic passes, are these sold at other places than the buses themselves and the entrance into the LYNX system? That, to me, is a service we could offer our citizens as well as asking if this is a control for unmonitored ridership.

Mayor Foxx said, Curt, do you want to do that now or do you want to wait?

**Curt Walton, City Manager**, said we'll get back with it.

Councilmember Carter said on Item 37 does the contract with the Time Warner Cable logo run for the 15-year guarantee contract with the roof. See if they are matched together.

City Manager Walton said I'm not sure if we'll know that off-hand, but we'll try to find that out.

Councilmember Carter said because if we are painting them in the Time Warner colors or the explicit Time Warner information then it could be tied in with that guarantee.

Councilmember Dulin said I would like to piggyback on 37 and the roof. You have to maintain your buildings. If it's a big building, you have to maintain it in a big way. I understand that. We are going to put a new roof on it, and then let those guys get up there and start painting it. I really either want to have our people on site with them, or we really have got to make sure we are covered with them damaging our new roof.

City Manager Walton said we had a lot of discussions even when that was going through the rezoning process about that. We agree.

Councilmember Dulin said I'm still against the name on the roof, but I just want to make sure we do it right if we are going to do it.

Councilmember Kinsey said since we are talking about 37, I'll start that and then go back. I just have two. I guess my question is is it more economical for us to go ahead and spend this half million dollars for putting the roof on than it is just to have them repair it every time it leaks? It seems like – it's costing us a half million dollars. Dow Industries is putting in \$117,000 and the construction company 64. I know there is a fund that has that money in it, but once it's spent, it's gone. I was just curious.

City Manager Walton said I'll go ahead and address that, if I could. I think the real risk is the interruption of a game or an event or a concert, and there would be damages associated with that if a leaky roof proved that it was unsafe to move forward with those, so there is a risk there.

Independent of that risk what you are saying would be correct, but I think when you factor in the risk, we ought to go ahead and move ahead.

Councilmember Kinsey said, okay, may I do the other one? No. 25, CMUD generators and associated switch gear, and this is about a \$3 million project, but that doesn't include the cost of designing and construction of the buildings that would house these generators. I guess my question is how often would we need 100% backup for the entire waste water treatment at peak load, and is this not something that possibly could be delayed just given the economic conditions? It just seems a little bit extravagant. If indeed, we do have 50% backup, do we need to go ahead to 100% right now?

Mayor Foxx said good question.

Councilmember Barnes said I had a question, a few questions, regarding Item 37 as well, Mr. Manager. I wanted to know what the building code changes have been since 2003 that would necessitate the upgrade for the roof. Secondly, it appears that the \$500,000 or \$491,689 is for labor costs, and that is based upon the fact that Dow is apparently paying for the value of the new roof and that Hunt Construction will be covering the building code requirements. If you can clarify all that, if you can, that would be fine. I want to know how long it will take for the work to be done, how many workers will be hired to do it. I also want to know why Dow or someone else did not anticipate or help us anticipate the need for this roof before now because it seems to me that at some point in 2003-2004 somebody had an idea that whatever roofing membrane system we were using would not be sufficient, and if they didn't, why not? Also, to Councilmember Kinsey's question, it seems that someone is trying to save warranty costs by getting us to spend more money upgrading the roof materials. Finally, just a comment – it seems like we are paying them to fix their mistake, which concerns me.

Councilmember Dulin said it might be interesting, Curt, to have somebody from our staff describe to us how the building codes have exaggerated, have grown. It's us doing it. We are having to play by our own rules, which I like, but that might be interesting because that's a major part of the \$400,000.

City Manager Walton said, yes, sir, it is. We'll be glad to do that.

Mayor Foxx said we'll come back at the end of this Dinner Briefing and hopefully have answers for those questions.

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## **ITEM NO. 2: CHARLOTTE RAILROAD IMPROVEMENTS**

Mayor Foxx said one of the most exciting things that has happened in the Charlotte region within the last six, seven months has been the announcement of these funds for high speed rail, and we have been hearing a whole lot about it and reading a lot about it, but tonight we are actually going to get a much deeper dive into what this project is and how it will impact Charlotte, so we have some representatives from the North Carolina Department of Transportation, Rail Division. Pat Simmons is here. Curt, you may want to say a few more words of introduction, but I just want to say as Mayor of the City that this is one of the most exciting opportunities for our area to simultaneously speed up travel times between here and Washington, DC, but also it's going to hire people and it's also going to create better access through rail for many, many people in the area. I'm going to stop there, and, Curt, if you have any further words you want to say.

**Curt Walton, City Manager**, said, no, only that you are absolutely right, Mayor. Danny Pleasant is going to introduce Pat to talk about these three projects that impact Charlotte.

**Danny Pleasant, Charlotte Department of Transportation (CDOT)**, said I would like to introduce my colleague, Pat Simmons, who is director of the North Carolina Department of Transportation Rail Division, and I think he has been doing that since about 1994. He spent a little time in the private sector developing transit software, from what I understand, before that. I knew Pat a long time ago in his earlier carrier at NCDOT in the Public Transportation Division,

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and I think before that even he was in the Boone-Blowing Rock area operating the transit system there, which I believe they call Apple Cart. Pat is the guy who has really been the vision and energy behind NCDOT's significant progress in advancing rail throughout the state both from the passenger side and the freight side, and, with that, I will turn it over to Pat and let him talk to you about the high speed rail project, some funding that has come to North Carolina for that as well as some of the safety upgrades and improvements. I believe you are going to cover that, too, Pat. Take it away.

**Pat Simmons, NCDOT Rail Division**, said I do feel welcome to be back in Charlotte, and thank you for this opportunity to be before the City Council. Before I start the presentation, I do want to ask Michael Shumsky and Allen Paul to stand up. Allen has got gray hair from working on this project, so you can see how quickly we have gotten here, and Michael is our new face that will be working with a project element that we call CRISP or Charlotte Rail Improvement and Safety Program. He began a PowerPoint presentation entitled, "NCDOT Rail Division," a copy of which is on file in the City Clerk's Office.

He said when we look at Charlotte and look at the rail projects that are envisioned for Charlotte or the projects that will impact Charlotte there are many, and they are connected, and they stretch from Charlotte Douglas International Airport with our friend, Jerry Orr, and the new Norfolk-Southern Intermodal facility that is here on the far left of the screen all the way north through Center City both north and south and east and west and stretch northward. We see a lot of projects in Charlotte. Many of these are connected. We have some funding to carry those projects forward. We were very excited to receive the ARRA funds but really blown away frankly to receive the funding to do the main line grade separation, which is the center there, Project No. 1. So it has been our task to work with City staff, to work with CATS, to work with the Class 1 railroads and imagine the range of solutions that will modernize our transportation network.

SEHSR – Southeast High Speed Rail. I know, it always gets smiles. In order to get funding, you need to have a project name, so SEHSR is it for southeast high speed rail. That actually stretches ideally from Atlanta to Washington, DC. We have worked most productively between Charlotte and Washington, DC, thus far.

**Councilmember Cannon arrived at 5:31 p.m.**

The ARRA grants were competitive grants. If we didn't ask for them, if we didn't compete for them, we wouldn't have gotten anything. President Obama air-dropped – that's a technical term -- \$8 billion into the Recovery Act for development of inter-city and high speed passenger rail. The year before, in October of 2008, President Bush signed a bill called Passenger Rail Investment and Improvement Act. That's sort of like SAFTELEU or Iced Tea – the authorizing bill for investing these program funds, and there is a little bit of a misnomer that these are for high speed and inter-city passenger rail.

We did receive a grant award of \$545 million. We had asked for \$5.4 billion, and \$5.4 billion is what we could cost out as every project between Charlotte and Richmond, Virginia, and we did that in partnership, so we presented the federal government with a full build-out plan. They actually funded the first two of our five applications, so they funded all of our first two applications. Going forward, there will be an annual appropriations process for PRIIA and HSIPR funds. Later this month and into the summer, we will make two more sets of applications. There is a further \$2.5 billion available nationally, and before Congress leaves and adjourns for this year, we think there will be at least another billion dollars. Among our partnerships are many companies you recognize from the private sector that we worked with to design and develop these projects. As we look at these transportation solutions, we take care to consider safety, capacity, and how we add throughput, the ability to add freight and passenger trains and to operate them safely, reliably, and so on.

There are three principle projects we have in Charlotte. The first is 12 miles of double track between places called Haydock and Junker. Railroaders name things by switches, so this is, if you will, the northern part of Charlotte. This is one of three double track projects that we receive funding for between Charlotte and Greensboro. Late last year we completed nine miles of double tracking between Greensboro and High Point. When Haydock to Junker is completed as

well as the other double track projects, then we will have double track railroad between Charlotte and Greensboro, which will give us a lot more capacity. We requested and received funding for a mechanical facility in Charlotte. We will need to acquire some right-of-way and build that project to maintain our train sets that will operate to and from Charlotte. And then the main project, CRISP Phase 1, again the Charlotte Railroad Improvement and Safety Project.

The double track – when we put in double track on the railroad, our view is to modernize the railroads and to modernize the highway crossings over the railroads. As North Carolina projects growth and as the new citizens come here, many of them will drive. They will drive increasingly. As our population grows, our rate of travel increases at four times the rate of population growth, so we will have more conflicts with at-grade crossings, so we evaluate closure of at-grade crossings and build new grade separations or bridges. Those bridges can go over or under the railroad. It just depends on the topography.

Something that is a little bit unusual about our program is that we also evaluate and we do have some funding to improve private at-grade crossings. By statute, we can't spend state funds nor normal federal funds for that kind of work, but here we can. We will also look to maintain the throughput of the highway system as we make these improvements that will be improvements at intersections. Sometimes we will need to add turn lanes and that sort of thing.

If there is an upcoming opportunity, then we look for these opportunities actively with your staff, both with CDOT as well as CATS, where we might could take responsibility for developing a project, and, on the other hand, they could take a responsibility, and together we'll move forward multiple projects. The City is looking at a master plan for an eastern circular road that will cross the North Carolina Railroad that happens to be at about the same spot where we will be looking to double track the railroad, so we will look to coordinate that work and minimize the cost to the public.

On the double track between Haydock and Junker, we'll complete the environmental assessment, and get a finding of no significant impact, we think that will be completed later this summer. We'll have the preliminary engineering completed later this summer. Over the next year, we will acquire the right-of-way that needs to be acquired for that project, and we have targeted completion of construction by 2015. As with all our refunds, when we put forward a schedule and we put forward a budget, we just, like you, are held to that. You can't go back to the well, so we have got to make every effort to complete not only this project but all the ones in our portfolio.

**Councilmember Mitchell arrived at 5:32 p.m.**

Councilmember Barnes said I had a question for you what you described as the modernization of the railroad. A good portion of the double tracking beginning at Orr Road heading north is in my Council district, and there has been a great deal of residential development along the Old Concord corridor and the Back Creek Church Road corridor over the last few years. I have been working with Mr. Gibbs for quite some time to explore having a quiet zone established in that area. If, in fact, we are going to have obviously more trains with the double tracking with the potential for high speed trains, I think it would be even more important to find ways to keep it quiet in order to maintain quality of life, preserve quality of life. Within this \$95 million funding, I imagine there is a capacity to establish the quiet zone. I also imagine that because of the work the state is currently doing at Back Creek, at McLean, and I believe will do at Newell-Hickory Grove Road that we either can easily turn that into a quiet zone or are prepared to do so, but what's your response?

Mr. Simmons said I'll give you a "yes" and a "no", and I don't mean to waffle, but here is the point. The short answer – the "no" part is a quiet zone is a particular category that is awarded by the Federal Railroad Administration where you have certain safety amenities installed, so it wouldn't be a capital letter "Q" quiet zone with that blessing, however, there will be no need to blow the horns because you are required to blow horns at at-grade crossings, and you blow a certain pattern, and that's required by law, and if those crossings are gone, and you have bridges, then you would not have that. So it wouldn't be technically a quiet zone, but it wouldn't require that the whistles be blown.

Councilmember Barnes said if I may follow up will Newell-Hickory Grove and Back Creek and McLean go under the tracks or will the train be raised?

Mr. Simmons said we are early in the development of the design. We think preliminarily that a new eastern circular road that would serve Charlotte would go under the tracks, but we have our engineers working with your engineers to make sure that does fit, and that we can coordinate development of those projects in the same timeframe and again to try to minimize the budgetary impact of that and get the most bang for our buck.

Councilmember Barnes said just to put it on the record, Mr. Gibbs, I hope you all will continue to work towards making sure that a small "Q" quiet zone is established in that corridor.

Mr. Simmons said anything further on Haydock to Junker? The large project, the CRISP Phase 1. This is a cornerstone project. You remember that busy second slide I showed you that had all the different colors and different rail projects around Charlotte. We can either start with this one or we build around it for generations to come. Today the crossing of CSX, which is the east-west railroad, and Norfolk-Southern, the north-south railroad effectively is a four-way stop sign for railroads. Now, Norfolk-Southern controls the diamond. They are the superior road that was there first, so they dispatch it and they operate straight through. The CSX trains stop on either side of that and they await opportunity to cross. As more trains are entered into the system, partly as a result of what is built out at the Airport, partly as a result of our additional passenger trains, partly as a result of just growth in business, there will be more and more conflicts. So, forever more, unless we unravel this knot and do it at that point, then we will have trains stopping and waiting on each other.

Charlotte is built on somewhat of a dome. Between Interstate 77 and Tryon Street, there is about a 21- or 22-foot difference in grade, and we are looking of taking advantage of that by dropping, lowering the CSX into a trench and allowing Norfolk Southern to run freely over the top of it. Now, both railroads would operate independently. They would both operate without having to stop or be concerned about coordinating each other's operation. One additional benefit that this would provide for the Charlotte area is that as you look at the north corridor or "O" line operation for CATS, you, too, or CATS also has to get across that diamond. So when we design this, it would be designed to accommodate future CATS traffic as well. It's not going to build the "O" line, but it certainly makes it a simpler operation to build.

It's a complex project, and we will need to build detour tracks because ADM, Archers, Daniel, Midland, their mill, requires to remain in service. They produce about 1.3 million pounds of flour daily. It's the home of all Lance crackers and all Krispy Kreme doughnuts, and I know that is near and dear to the hearts of all of us, but their business requires to continue working. We do propose the closure of Ninth Street, Johnson Street, and Church Street. We would also be relocating the CSX Transportation yard here in Charlotte, and we are working with ADM to consider relocating the ADM mill outside of Center City Charlotte.

This project gives me great pause. I know there are tremendous considerations about the impact of something of this scale. I don't think any project of this scale could be built in the center of a city without their being some impacts. I pledge to you tonight and as we go forward to work with your citizens, your businesses, and your neighborhoods to minimize and mitigate those impacts wherever we can. We have work underway, and, again, we believe we will have an environmental assessment or FONSI completed in the summer of this year, likewise, with preliminary engineering. We will be undertaking right-of-way acquisition to actually continue some of the right-of-way we have assembled in Charlotte, and we have an ambitious construction schedule to complete this by 2015. The good news -- the funds are available, and we do not lack for challenges. We have three major corporations that we have to work with to coordinate this, and we have to keep everyone in business and keep commerce flowing. We look forward to continuing to work with them and with this community to bring this project forward.

Mayor Foxx said I just want to ask a quick question about the \$8 billion that was in the Recovery Act for this. Do you know offhand how much was requested nationally by other localities?

Mr. Simmons said, yes, sir, something more than 40 states requested \$57 billion, and of that, we received the 545. There was only \$8 billion available, and those are one-time, 100% monies, but

we do have the program that will continue this year, and under this president will continue during this administration.

Mayor Foxx said I wanted to point that out because there was a lot left on the cutting room floor, and for North Carolina to have gotten this kind of grant is a huge, huge, huge statement.

Mr. Simmons said, yes, sir, we are very proud of that, and we are proud of what that will do not only in this community but across our state in helping us to provide improved transportation.

Councilmember Burgess said I had the opportunity to represent Mayor Foxx at an announcement in Durham for the high speed rail. At that gathering, I got a real appreciation about why we got this grant, and the reason we got the grant is because we were ready, and we were ready because the Rail Division of NCDOT has been working for years giving us so much attention and planning and really brought all this together. Sometime in the past, we complained about what we have gotten from state government, but I want to thank you for all your good work in getting this grant possible for our high speed rail between Charlotte and Raleigh. Without your work and the partnership with our own Department of Transportation, this would have never happened, so thanks so much.

**Councilmember Peacock arrived at 5:44 p.m.**

Mr. Simmons said thank you very much. I appreciate the recognition, and we are respectful of that. We are looking forward to our future. You will recall it was EPA administrator, Lisa Jackson, who came to Durham and made the award announcement, and that is a signal. That tells us where our administration is going in linking communities, sustainable growth, livability, transportation, environment, and energy policy all in one step. We don't lack for challenges going forward, but, boy, we are pleased to have this opportunity, and I am very proud of the people that I have worked with over the years both on our staff, in this community and the business community here in Charlotte, and with City staff and with CATS. We are going to make some progress with this opportunity, and we'll make some more.

Mr. Mayor, I want to make two quick points before I close out and see if there are any further questions, and the first one is we have had a lot of questions about what did we receive and what are we going to do with it and when. First of all, we posted some of that information on our bytrain.org Web site. We are hosting SEHSR.biz, Southeast High Speed Rail dot business opportunity workshop. It's in Greensboro on Wednesday, April 21<sup>st</sup>. We invited local government as well as businesses, some of whom have worked together before and some have not. We are leading with developing of minority and women-owned businesses. We are leading with bringing together our highway contractors – those that typically do highway work – with folks that typically do rail work. There we hope to do some problem solving and also provide some networking opportunities. I believe you have a handout on that, and there are some over here in the corner if anyone else would be interested in participating.

Then I need your help. On Friday, June 4<sup>th</sup>, we are going to inaugurate two new trains – not one, but two. One will originate in Charlotte. One will originate in Raleigh. They will go to Greensboro. We will invite the local and state elected officials and some business leaders to accompany us on that day of celebration. We will pick up folks in Kannapolis, Salisbury, at High Point. We'll get to Greensboro. We'll meet folks from the other end of the state. We'll have tea and cookies. We'll have a little speech. We'll talk some. We'll celebrate a day of progress. Then you get on the opposite train and come back home. Then the next day, Saturday, June 5<sup>th</sup>, we'll operate service daily thence forward, so you'll have more service. That's as a result of these grants. When we applied, we had to produce an outcome -- not just to build projects but to operate service, and we believe that with good favor we'll continue to inaugurate trains every three years or so henceforth, and that will enable us like transit to provide more service frequency. We'll continue these kinds of projects that bring Charlotte closer together with our center of business, with our center of government. You may not always want that, but that's helpful, and we'll have Piedmont residents across North Carolina having new service opportunities. Mr. Mayor, I will be pleased to respond to any questions that anyone has.

Mayor Foxx said, thank you so much, Pat, and I want to echo Mayor Pro Tem's statements of thanks to you. I know you have been in the trenches for a long time on this issue, and this is a huge, huge step forward for the state and Charlotte as well.

Councilmember Dulin said I have made three separate father-son train trips to Washington and back and have had all of that I need. I'm looking forward to you speeding that up some for us. Then two trips – I don't do it anymore, but we used to take the train up to the State Fair, and it drops you literally right at the front. The two times I did it the darn thing broke on the way back, and we had to get bused. These are needed projects for the transportation needs of folks – not just father-son trips to Washington, DC, but for business people, which will help our economy. I have checked my calendar, by the way. That Friday is clear for me. I would like to participate. It would be nice to get a free one off of you after paying for them the last five times.

Mr. Simmons said this is a tough Council.

Councilmember Dulin said those trains will have Internet Wi-Fi and ready to go for the business folks using them?

Mr. Simmons said they will not have Internet Wi-Fi yet. You can plug in your computer, but Wi-Fi on American trains is still in the development stages. As soon as it's a stable platform, then yes. That would be an amenity we would want to add onboard our trains.

Councilmember Dulin said that's an important miss then.

Mr. Simmons said we have challenges and opportunities, so we will get to that, and that is something we have actually tracked very closely, and if we could deliver that as part of our product, we certainly would, but we want to do it reliably and with a level of quality that we all feel good about.

Councilmember Howard said I wanted to make sure that Andy knew that your Blackberry will still work on it though. Question for you about the Gateway Station. To me, that is a real important not only connection to this line but for this city as well – a real economic development opportunity. I was wondering if you could take a few minutes to talk about where that project is and how that plays into this.

Mr. Simmons said thank you for that. Charlotte Gateway Station is a project we have worked on for a long while. We are proud to have assembled the property that we have that can be used to support the station activity but also as a greater development opportunity for the City. We need to construct or complete our track projects first. We need to get the main line grade separation well under way. I mentioned that we will be applying for funding later this year. Part of what we will be applying for is for the track south of the main line grade separation down to a place called Charlotte Junction, which is between Charlotte Gateway Station and the Airport. It is where we would turn our trains and how some of the trains would get to the Airport. So we will continue that project development.

We have had two meetings today with, first, Charlotte Center City Partners and then with some folks that are interested in the development to sound out when would be the right opportunity for a public/private partnership to do the development on the land side – not the rail component but the property we have assembled there. We are not quite ready yet, but we look for the market to come back and for folks to have the confidence to partner with the state and city to make the investments that will help us to build not just the station that will serve our trains, serve CATS, serve a variety of purposes but also make the investments so those other vacant blocks can blossom into some mix of retail, residential, whatever the appropriate mix is.

Councilmember Howard said I would just like to say publicly I would love to work on that process with you along the way. To me, that is just a real important component of really making a statement for downtown and the economic development around those blocks that you are talking about. So I just wanted to kind of publicly say that and say that I'm here to help in any way I can. If it's trips to Raleigh, whatever that is, I just really want to make sure that is a special place for the city.

Mr. Simmons said there is a special place, and I'll underscore that by reporting that on Wednesday of this week Secretary Conti will be testifying before Congress on innovative finance in transit, and one of the elements he will be talking about is our approach to developing of the Charlotte Gateway Station project. So it's high up on our list. We have got a long list right now, and we are trying to progress everything that we can, but we are very excited about that project. It's a unique opportunity for us all.

Councilmember Dulin said I have another one that is good for us to know. We had talked about it before about the added right-of-ways, the high speed needs as opposed to regular and as opposed to light rail. Obviously, we are working very hard to extend the northeast line up through UNCC, etc. Where do those two projects cross? What will happen to the right-of-way? I think it's 100 feet or more as opposed to 30 or 40 feet for normal stuff.

Mr. Simmons said it's on this sheet. The short answer to your question is we have worked closely with CATS as they have developed the Blue Line extension. We have worked closely with Norfolk-Southern Railway and with North Carolina Railroad to coordinate that. The short answer is it will all fit within the existing right-of-way and operate freely. We have an ambitious use for the full use of the right-of-way. That will be required, but by and large, we will not be acquiring new railroad right-of-way.

**Councilmember Turner arrived at 5:55 p.m.**

Councilmember Dulin said a follow up. One of the things that has made the south line successful is that we have been able to build right up to it. There are condos and businesses and shops right up to it. The high speed thing, of course, it is going to be slowing down by the time it hits that area so it can get stopped, but are we going to be able to have the economic development opportunities along the light rail line along the same stretches where the light rail is sharing with other rail including high speed? I would hate for us to miss an opportunity to fill in gaps where those things are sharing each other.

Mr. Simmons said I think the short answer to your question is yes. As we have worked with the CATS' staff, it's clear that a critical part of their evaluation is where do we have properties that are suitable for development and how can we bring that forward because that's what creates the jobs, the activity. Is that a fair characterization?

Councilmember Dulin said, yes, it's a great answer.

Mayor Foxx said I really appreciate you coming down. Please give our regards to Secretary Conti, who I know has also worked very hard on this.

City Manager Walton said, Mayor, while that math is still up there, the intermodal is one of two topics on the Manager's Report tonight just to give you an update on the progress of the intermodal.

Mayor Foxx said very important project and look forward to hearing that.

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**ITEM NO. 3: 2010 STATE LEGISLATIVE AGENDA**

**Curt Walton, City Manager**, said if I could just make one introduction first. I would like to introduce Dana Fenton, our new intergovernmental relations manager. Several of you had a chance to have dinner with Dana when we were at NLC in Washington, and Dana's most recent position was intergovernmental relations manager of Prince William County, Virginia, which is in northern Virginia, so today is his first day, and he's still here. We are looking forward to working with Dana and coming at a time that is exactly a month until the state – is that right – May 12<sup>th</sup> – when the state goes into session, so he comes at a great time.

Mayor Foxx said welcome, glad to have you here, look forward to working with you.



Councilmember Carter said I just want to say thank you to the committee: Vice Chairman Warren Turner; Susan Burgess, Mayor Pro Tem; and Councilmembers Patrick Cannon and Andy Dulin. Thank you all for participating and going along with some very innovative and creative thinking by our Deputy City Manager Ron Kimble.

**Ron Kimble, Deputy City Manager**, said we could have really indoctrinated Dana Fenton really well by having him come up here and try and make this presentation, but we didn't figure it was very fair to him today. We have spent the last 60 or 90 days working together on the Governmental Affairs Committee. Remember that the short session is just that – a short session of the legislature every other year. As Mr. Walton mentioned, it begins May 12<sup>th</sup>. The rules are more restrictive for a short session. For local bills, you have to have unanimous consent of the local Mecklenburg delegation; you have to have at least a Bill that has passed at least one branch of the legislature in a prior year to be considered for the short session. There are different rules for the short session, which makes it much more restricted, therefore, your legislative agendas of municipal government and counties in the state should be briefer during the short session period of time.

He began a PowerPoint presentation entitled, "2010 State Legislative Agenda", a copy of which is on file in the City Clerk's Office, and said the City's package we have a few items we are asking for but more of it is maintaining, defending our turf, making sure that as they balance the budget watching every step along the way, and we are monitoring their activity. You will notice in the attachment – and I hope everybody has the PowerPoint in front of you – but there is a longer attachment in your materials. We have a recommended list that is seven items long, and then we have another list called "Items to Monitor". We are simply saying that your recommended agenda is the first seven because it needs to be a slimmer set of initiatives during a short session, but we wanted you to know that the Government Affairs Committee wanted you to know we were paying to many other issues during the session. So we are going to walk you through the seven recommended items, and we are not going to spend a lot of time on the other items to monitor, but we put that information in your packet so you could see the other work that the Governmental Affairs Committee has done.

Remember last year's issue about preserve business privilege license? It's a \$17 million annual revenue source for the City of Charlotte. The next largest city in the state, Raleigh, it's a \$7 million annual number. We became one of those that stood out above and beyond everybody else. As they were figuring out proposals to eliminate the business privilege license, Charlotte always seemed to be harmed by that. We don't think that anything is going to happen in the 2010 short session, but you can never be sure. That's why we put it on the list to preserve it and protect it. It's more likely in the long session next year there will be proposals in tax reform that tend to go after business privilege license tax, abolish it, eliminate it. We want to make sure that if they do that in the 2011 session in tax reform that Charlotte is held harmless like all other municipalities if that \$17 million goes away. You had a lot of conversation about this last year. We simply want to make sure we are protecting it for this short session.

Councilmember Peacock said, Ron, what did we learn from that last discussion we had on this when we had that Legislative Breakfast, if you will, here that was held by Mayor McCrory? What lessons have come through that and what progress since then on that subject?

Mr. Kimble said you made good points. You let the legislators know you expect Charlotte to be held harmless. They went back and worked on some proposals that would try to make you held harmless. They never could get over the hump with one final solution, therefore, nothing happened in tax reform last year, nothing helping the business privilege license tax, and those actions are likely to be held until the next long session. I think you make your point. You asked for Charlotte to be held harmless like all other municipalities. There is no guarantee that will happen. We need to continue to be in front of our local delegation and other legislators to make that point to them.

Councilmember Peacock said I also remember Senator Clodfelter being quite critical of how the City of Charlotte is receiving and collecting that sum there, and he also went on to describe the discrepancies across the state, which I guess in his broad description made some sense, but at the same time, I don't believe Greg Gaskins was in the room to refute, but maybe he responded in writing, if I recall. I'm wondering are we getting closer to understanding what some of his

mindset was as to how we, Charlotte, were going about this and are we going to keep this divide this far apart?

Mr. Kimble said we did make progress. We have had numerous conversations with Senator Clodfelter and other members of the Mecklenburg delegation over this past year. The business privilege license tax is an older tax in North Carolina that the authority was given to local cities and towns. A business has to pay that business privilege license tax in all jurisdictions in North Carolina. That's the hard part of it because if you are a business it forces you to do business in each one of the counties. If it's to go away, and it's a local revenue source that you here in Charlotte are locally in charge of and can work with this tax with the business community – if it goes away, we were fearful that you lose local authority and local autonomy, and we need to watch that as tax reform starts to occur for 2011. We don't want it replaced with something that later on the legislature could then take away and you lose all \$17 million as a result, but we made some great progress with your help this past year in talking about the importance of the business privilege license tax.

Mr. Kimble continued with the PowerPoint slide on Preserve Annexation Authority. You have heard a lot about this. You have been involved in this. There was a detrimental house bill, detrimental to municipalities last year. House Bill 524, Mr. McCarley sat on the committee that looked at this from both the House and the Senate. The Senate has not yet acted, so it's passed one branch of the legislature. It could be taken up in this session. We don't think it's going to be taken up in this session, but we need to watch it, we need to be monitoring the activity. Charlotte has been held out to be a very model city when it comes to annexation in the State of North Carolina.

In fact, a lot of the amendments in House Bill 524 were amendments of things that Charlotte does that are good in the process and they were adopted and embraced in House Bill 524. However, there was at least one thing in House Bill 524 that was detrimental. It required a vote of the people, a referendum vote of the people, to improve an annexation of a quadrant of the city, and I think there were some issues with that that would be very detrimental long term to municipal authority annexation. It remains one of the North Carolina League of Municipalities highest priorities to preserve and protect our annexation authority.

The next three are transit related, and they come from the Metropolitan Transit Commission's legislative agenda. One of the things the Governmental Affairs Committee did was to say we need to be supportive of the MTC's legislative agenda, too, as a member of the MTC and make sure we are piggybacking on their initiatives. This one is just a reminder. As the state goes through its budget balancing act in a very tough budget year, we want to make sure they preserve and maintain the relationship of 50% federal government share, 25% state share, and 25% local share. This is again a defensive, maintain, preserve kind of approach, and we are simply saying it's important to keep this balance. It helps us build out our 2030 transit plan as aggressively as possible. The state budget situation is going to create great pressures on the amount of money, and this is an MTC legislative priority.

The next two are a little bit new, but they are on the MTC's legislative agenda -- state participation in nonfederal transit projects where the federal government may not choose or the project is not eligible for federal participation. The goal is to secure state's participation with local governments when the project is not eligible for federal funding. It's important for the north commuter rail line, and this is an MTC legislative priority that has been there since last October, and it is important for us to continue to be partners with the state even when a project may not be eligible for federal funding, to make that point and impress upon the state how important that priority of funding is and that partnership is with local government.

State maintenance funding of rail projects – another MTC legislative priority. The state currently provides maintenance funding for bus projects, but the state does not allow state maintenance funding for rail projects, so this is advocating that the state also consider rail projects of local governments for maintenance funding. Our bus system as it accommodated the rail infusion, and if you couple these two together, we lost \$800,000 last year of state maintenance because it only funds bus projects and not bus and rail projects. So it's real important for us to encourage the state to include rail projects, and we also want them to encourage a large enough funding source that there are sufficient maintenance funds to handle

the maintenance responsibilities in this formula for all local units of government in North Carolina. The fund continues to shrink. That has an effect on how much money we get for maintenance and the fact that rail projects were not eligible was another impact on that reduced amount of money that we received.

Councilmember Cooksey said, Ron, I have a question about this particular item. What is the source of the maintenance funding from state government?

Mr. Kimble said I may need to call on Carolyn Flowers or John Muth or Dee if you know the source of state funding.

**Carolyn Flowers, Charlotte Area Transit System**, said it comes out of the state's general fund.

Councilmember Cooksey said it's general fund money?

Ms. Flowers said yes.

Councilmember Cooksey said thank you. I'll mull that over.

Mr. Kimble said which makes it real critical that it could be affected by actions to balance the state budget this year. The last two are unique local bills, so to speak, that the City of Charlotte may not be exactly responsible for, but they are agencies that we have worked with over a long number of years – the Charlotte Firefighters Retirement System. They have a separate pension plan from the rest of the employees of the City. This is a technical amendment that we are asking you to support that provides fairness to retirees. When a firefighter retires, they can choose one of two methods to receive their pension payout. One is a basic benefit that allows a higher amount to be paid to a firefighter, and there's another benefit they can choose – a different distribution – that allows the pension to be paid to the employee and then if the employee dies the spouse can receive that funding from the pension plan.

There is a little bit of a quirk in that when the pensioner dies and they have chosen the benefit that the spouse would receive the residual, but if the spouse and the pensioner die at the same time what happens to the remaining payout of the funds. This technical amendment would allow the payout to go beyond the firefighter and the spouse and to the beneficiaries getting the payout in a situation where both of them die simultaneously. We have been assured that this will not adversely affect the pension plan actuarial numbers. It's a technical amendment, and it's a fairness issue based upon which of the two methods a firefighter may choose for pension payout. Barbara Avard, Greg Gaskins, and Scott Grier are here if you have more questions about the technical side of that. I have done the best job I can in explaining it based on what they have told me.

Finally, there exists an emergency fund locally for Mecklenburg County law enforcement officers. The fund was established in 1931. The payout from this fund is meant to provide short-term immediate financial assistance to Mecklenburg County law enforcement officers who are either killed or disabled in the line of duty. The fund currently has approximately \$2 million balance in the fund. It's separately managed, separately maintained. This would allow for an increase in the cap from the current amount of \$10,000 for each law enforcement killed or disabled in the line of duty to the survivors and allows the cap to go from \$10,000 to \$25,000, and it also would provide for a \$100 annual stipend to dependents of an officer, a Mecklenburg County law enforcement officer, killed or disabled in the line of duty.

Sheriff Chip Bailey is here tonight if you want to hear any more about the philosophy, why this is important. It does provide immediate upon the death or disability funds before other funds that take longer to put in place would kick in, so this is a short-term very immediate benefit to the family. The fund is healthy. It would take a long, long time for \$2 million to be utilized for any of these because the number of times that this happens is very, very short, narrow, and slim. Thank goodness that it's not a very long list of individuals.

Councilmember Dulin said, Ron, I was in all those meetings, so it's familiar to me, but I'm wondering if we need to dial that in a little bit. Is Mecklenburg County law enforcement officers too vague? Does that include – and I don't know. I'm asking the question; I don't know. Does

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that include our small town officers? Does it need to say Mecklenburg County, Charlotte, and small Towns, or the Towns within Mecklenburg County law enforcement officers to dial it in a little bit for our delegation?

Mr. Kimble said it does mean sworn law enforcement officers that work for public jurisdictions within Mecklenburg County, so, yes, it includes all of those persons.

Councilmember Dulin said I'm glad. Do we need to dial it in a little bit more for clarification?

Mr. Kimble said I think it's dialed in in the actual act, and you would simply be amending the act, and this would be maybe the third time this act has been amended since 1931, so it does describe it in the act itself. The origin of this money was long ago before you had to turn over fines and forfeitures to the school system. It predates all of that, and this fund was established from all of those violations, fines, and forfeitures dating way back in the 1930s, '40s, and I think the law changed in like 1958 or something like that. So this is an accumulation of money that is in the fund from long ago. There have been no additions to this fund since 1958, but it accrues interest, and it's the compounding effect of that interest on the principle that creates a larger balance in the fund.

Councilmember Burgess said \$100 annual stipend for dependents seems like a very small amount. I don't think that's significant or going to help their hardship. I guess my first question is who is considered a dependent, and my second question is can that be increased?

Mr. Kimble said I'm told this comes from the Sheriff and the Chief. It is meant to be as much symbolic as anything else to let dependents know we have not forgotten the service that their loved one gave to this county during their time of service, so it's more symbolic than it is meant to give them a healthy sum of money.

**Sheriff Chip Bailey, Mecklenburg County Sheriff's Office**, said the important numbers in the Emergency and Relief Fund for Mecklenburg County are actually the Mayor and the chairman of the County Commission, the Sheriff, and the Police Chief. We made most of the decisions of who does what, but to allow a dependent defined – right now the only thing that is defined in the law is a \$10,000 payout to the survivor of an officer killed in the line of duty. To define anything else in the law, and in this case, Chief Monroe and I talked and thought it would be good to give the children up until I think age 18 \$100 on their birthday and also to increase the payout to \$25,000. Before – three or four years ago when we actually changed the \$10,000, it was only paying \$500 to the survivor because it goes back to 1931. In the early, I guess, mid-'70s the fund had \$90,000. Since that time, we had it invested mostly in AAA rated bonds and that type of thing, and it survived the recession. It's not going anywhere, so we decided in the best interest for the survivors with all the costs going up, we decided to do \$25,000 and to pay \$100 for the kids. If it's the wish of the Council and then the Board, the Mayor, the Chairman, and myself, and the Chief, more for the children at their birthday, but that's what we thought. Something to recognize them.

Councilmember Burgess said have you considered replenishing the fund? I know this community is so caring, and the last time we had the shooting of our two police officers, there was an outpouring of support for their families. I don't know if there was a special campaign for this emergency fund outside a tragedy if the community would respond.

Sheriff Bailey said this money came before corporations. One dollar for every court case went into this fund, and it was in 1960. It was really given to the County Police and said manage this until it runs out and then let's make it go away because it was paying the difference between workers' compensation and annual salary, and it soon became a disincentive for officers to come back to work, so we had it changed. Replenishing the fund – I mean it's not going anywhere. We are just not paying out – we haven't paid out anything since Shelton and Clark. The only other provision in the bill was to pay the person who oversees the fund, who actually writes the checks, \$600 a year. That's me, and we don't need \$600 a year, so it just stays like it is. If we do anything, eventually somebody is going to have to take that fund and manage it, but all of it is invested in the stock market and brokerage in AAA municipal bonds.

Councilmember Dulin said I'm all for the \$100 annually, but that's the first time I had heard year 18, so, again, do we need to dial that in some?

**Councilmember Howard's microphone was muted at 6:16 p.m.**

Mr. Kimble said we will. When you take action on April 26<sup>th</sup> – that's your scheduled time to adopt this legislative package – we'll make sure we're dialed in on it. You are not taking action tonight. This is the briefing, and you have had some good questions and good comments that we can take into consideration.

Councilmember Dulin said one more comment. Being on the committee, Madame Chair, this is important stuff, and we hope that we never, ever pay another penny. It would be everybody's best day if we never pay a penny of this out. This is – for everybody's education – this is not extra. There is already life insurance, and they are covered. This is an immediate check to the family for funeral services, for getting out-of-town family members into town, for hotels for those people. This is immediate help for the surviving spouse in troubled times. This is – you use the term “no brainer” pretty often, but this is a “no brainer” to help those families.

Councilmember Barnes said I wanted to ask a question regarding the “or disabled in the line of duty” piece. Are we using the North Carolina Workers' Comp statute to rate the disability? Is it permanent disability, permanent-partial, total?

Sheriff Bailey said total disability.

Mr. Kimble said good point.

Councilmember Barnes said is that spelled out in the legislation?

Mr. Kimble said, yes, it says total disability.

Councilmember Barnes said as defined by a licensed physician or something?

Sheriff Bailey said the attorney is sitting here, and he says yes.

Mr. Kimble said your next steps are Council consideration on April 26<sup>th</sup> to approve this state legislative agenda. We have scheduled your breakfast meeting with the Mecklenburg delegation at 7:30 a.m. on May 3<sup>rd</sup> in this room. The short session begins May 12<sup>th</sup>, and, Ms. Carter, would not want me to forget about mentioning Town Hall Day on June 16<sup>th</sup>, which is Raleigh on that day.

Councilmember Burgess said I have a question about state participation in non-federal transit projects. As I understand it, the Obama administration has expanded what projects would be eligible for federal funding and the north commuter line would be eligible; is that correct?

Mr. Kimble said I think there are proposals to do so, but I don't know if anything has passed yet.

Ms. Flowers said (inaudible – not near a microphone).

Councilmember Burgess said is the proposal to expand the program so that the north commuter line would qualify?

Ms. Flowers said they are changing the criteria. It's not being changed specifically for the north commuter line, but the north commuter line might benefit (inaudible).

Councilmember Burgess said when will that decision be made?

Ms. Flowers said we are not expecting a change because first they asked for a comment on the rule changes, so it probably won't be until the fall.

Councilmember Burgess said the reason I'm interested in that is that qualification for federal funding is a good objective standard by an outside agency. If it passes in the fall, I'm not sure

that this is really necessary. I know it's an MTC legislative priority, but I don't know why it should be the City of Charlotte's.

Ms. Flowers said I think we put it there because the state has in the past given us the funding (inaudible) in terms of the funding sources that we are getting from the state. So we just put it there to ensure that in the future it may not just be this project; it may be other projects, possibly the streetcar may not have federal funding, but there may be other projects in the funding where we may need this type of support.

Mr. Kimble said in closing I would like to also thank a particular staff member who has helped us tremendously this year in the absence of Boyd Cauble, who retired in December. I would like to recognize Keith Richardson from Corporate Communications, who spent a lot of time working with staff on this and did a great job, so just wanted to publicly thank Keith, and the committee did a great job on coming up with kind of a new strategy on your short session legislative agenda.

Councilmember Carter said this, I think, was inspired by our Deputy City Manager, and he really did bring this to the table and made it a facilitative discussion, and it comes to you all with the consensus of the committee who was there and voted.

Mayor Foxx said thank you very much. There is a lot going on with legislative issues these days, and I'm trying to keep my ear close to the ground on education because there is a lot at the federal and state level going on right now. I may be weighing in. I may ask the Council to weigh in at some point on some of those initiatives.

Councilmember Carter said I believe that Councilmember Mitchell has an issue that he wants to bring to the committee as well, and I'm wondering about our policy about polling electronically or by telephone to get consensus on an issue. Do we have a policy on that?

Mayor Foxx said, no, not really, but I tell you what, can we talk about it on the way down and maybe we can figure out a way to bring it up. I want to make sure we get the Safelight, SafeSpeed issue dealt with and get down on time.

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#### **ITEM NO. 4: SAFELIGHT CAMERA PROGRAM**

**Curt Walton, City Manager**, said at the last meeting you had a discussion about whether to direct staff to begin working with the County and CMS staff to revive the Safelight program. I think the decision at that point was to bring back an evaluation that we could get accomplished in about two weeks to discuss the results of the program and review some of the literature that had been circulated about the program, so we are in a position to do that tonight. I will turn it over to Bob Hagemann, who will lead off with the legal issues.

**Bob Hagemann, Senior Deputy City Attorney**, began a PowerPoint presentation entitled, "SafeLight and SafeSpeed Update", a copy of which is on file in the City Clerk's Office and said I'm going to briefly cover the chronology and legal background that brought us to this point, and then Doreen Szymanski with the Department of Transportation is going to talk about the assessment work we have done. Finally, of course, we will look to you to determine next steps.

Councilmember Burgess said did the School System ever acknowledge the \$4.7 million, and have they told us how that has been spent?

Mr. Hagemann said I have not seen anything. Obviously they accepted the money.

City Manager Walton said no on both accounts, I believe.

**Doreen Szymanski, Charlotte Department of Transportation (CDOT)**, said I'm going to go along with the assessment that we did. She continued the PowerPoint presentation with the top slide on page 3.

Councilmember Kinsey said what is the difference between an angle crash and all crashes?

Ms. Szymanski said an angle crash is the one you would typically see with red light running meaning someone is going straight through an intersection and someone who is going straight through on the side street, you know, they hit at an angle.

Councilmember Kinsey said like I was hit last August.

Ms. Szymanski said there are a lot of other crashes out there. It could be a side swipe, it could be a left turn, all sorts of other crashes, but that angle crash is what you see with red light running.

Councilmember Barnes said as I look at the information it strikes me that the reduction in crashes is probably most attributable to a reduction in traffic volume and higher police visibility. One of the things we hoped to accomplish by looking at this information is whether or not we are actually going to be in a position to prevent more accidents going forward, and until we return to the traffic volumes that we saw three or four years ago I don't know that it makes any sense for us to move forward with this now. During one of our Transportation meetings, we got some feedback regarding the fact that our air quality has gotten better in part due to the reduction in traffic as a result of the downturn in the economy. Also there is the thought that once we – if and when we get back to that time, that we may have a need for a lot of the things we have been trying to prepare for – the additional lanes and the SafeLight cameras and so forth. But it doesn't make sense to me right now for us to do anything with this program other than to receive this as information.

Councilmember Carter said at the Queens University luncheon, I had informal discussion with some School Board members, and it seems like that position is simply solidified at least informally that they are not willing to talk to us about mitigation of the costs. Even if this were passed by state legislature, I think they would resist.

Councilmember Burgess said I want to refer you to the latest edition of *Governing Magazine*. I don't know if you take it. It's free; you should take it, but there is an article about how cities are going toward cameras for lots of reasons including congestion relief. Chicago has a goal of putting a camera at every single intersection – not just for this but for lots of other reasons, but Chicago really likes their cameras. My question though was any analysis done of the SafeSpeed cameras? Was there ever any baseline into the accident rate change at all?

Ms. Szymanski said I know that the Police Department had a study done during and after the program, but I don't have those results myself, but I know they are available.

Councilmember Howard said I just wanted to ask Councilmember Carter if she could expound a little bit on why the members from the School Board you talked to would not be open to it. Is it just because of the split?

Councilmember Carter said what was voiced to me was the concern that citizens would express over the schools not receiving the entire compliment due them seeing that 90% would go to the schools, and if they saw any reduction of that 90% that they would be held accountable by the citizens.

Councilmember Howard said just to address something Councilmember Barnes said. When I looked at the numbers, I kind of saw it differently. I kind of saw that what happened was that the behavior changed significantly while we had the cameras up and maybe that just maintained. I guess it could be a lot of those things you talked about, but we see that the three years we had it they went down to half and even more so. I still see the benefit. I wish we could work out something with the schools and with the state on this one because I still think there is some benefit to it.

Councilmember Barnes said I don't mean to sound like a recent former Secretary of State, but let me be clear. The way I read this is during the program the number of rear-end collisions went up. The number of angle collisions went down.

Councilmember Howard said that's correct.

Councilmember Barnes said after the program the number of rear end collisions has dropped almost by – not quite half but significantly. So I would submit to you that reduction has a lot to do with the fact there are fewer cars on the road. I will tell you folks something, and many of you will probably agree. Driving around Charlotte now in morning rush hour and evening rush hour is a lot less of a headache than it was three years ago, and once we get back to – Huh? What I'm saying is once we get back to that time two or three years from now imagine how tough things are going to be with all the jobs we have brought to the city and jobs we continue to bring to the city and people we bring to the city, so we have got to get kicking on our transportation funding and planning because things are going to be bad in a few more years.

Councilmember Cannon said I would agree. I think that even beyond that another reason why we are seeing the reductions is largely in part because of behavior of the driver. We have had some people to be able to get those tickets and have not wanted to receive them another time. So there has been a culture now, if you will, and/or mindset where people are more conscious today about making sure they are driving safe, respecting the idea of not breaking a law, and we are seeing the benefits of that. I will concur with Mr. Barnes that we ought to give it a little more time, I guess, in terms of maybe looking at some things, but Mayor Pro Tem Burgess brings us something different away from red light cameras. She brings up safe speed cameras, and that's something we need to have some dialogue about.

Councilmember Burgess said we wrote a letter to the Board of Education signed by every single one of us, and I expect them to have the courtesy to answer it rather than anecdotally telling individuals that they don't think it's a good idea. We had \$4.7 million that was rightfully theirs. They never requested it. It was actually at the initiative of Mayor Foxx that we gave it to them. They never acknowledged receipt of it, and the School Board is really strapped now financially, and we all want them to succeed. It seems to me like this is something that they would at least be willing to consider and give us a response in a timely way.

Councilmember Barnes said just a point of clarification. The legislation allowing the SafeSpeed cameras has sunset, so we would have to get the legislature to reauthorize use of those cameras.

Mr. Hagemann said that's correct.

Mayor Foxx said I have some thoughts on this, but I'm letting everybody else go first.

Councilmember Dulin said, Bob and group, if the legislation has sunset and we are going to have to do it again, why do we have to pay the School Board? Why can't we use that money for potholes?

Councilmember Barnes said the court says you have to.

Councilmember Dulin said aren't we going back to the court? If we have to start anew –

Mayor Foxx said it's a state Constitution issue; it's not a statutory issue. It sort of trumps the statute. Look, I think some of this issue is public safety oriented, some of it is we are trying to help the School System, and based on the data, I don't know there is a case overwhelmingly either way on whether we could actually see further reductions in accidents due to the cameras. Let's assume that we could. It seems to me that there is some benefit to at least having the issues ferreted out with the School Board attorneys as well as the County attorneys to see if we can figure out a way to preserve or reinitiate the program. There may not be. Bob, I think one of the questions I would have asked you is given the constitutional constraints on this could you fashion a way to get the program reinitiated that would pass constitutional muster, accomplish our goal of getting this program started again at a neutral cost to us as the other program was, but then accomplish the goal of any net proceeds above the operating and capital costs of the program's deployment going to the School System?

Mr. Hagemann said, Mayor, when we worked on this right after the court decision came down the approach we were trying to take with the schools is to explore areas where they might be able to pay us for services that we provide for the schools. I cautioned them then and I'll caution now



that even if we struck an agreement with the schools it doesn't preclude a taxpayer lawsuit, and to the extent that any payment coming back to us is tied directly to our payment to them, I think it creates some vulnerabilities. Now, more recently New Hanover County and Wilmington, without the schools entered into an interlocal agreement where they are sharing the costs of the program. We have never had conversations with Mecklenburg County about whether they would be interested or receptive to entering into an interlocal agreement where it would be a shared City-County program, but if you did ask us to pursue it that would be one of the things I would be interested in discussing with them.

Mayor Foxx said that would then incur some outlay on this end. The beauty of the other program was that the operator absorbed the cost of deploying the cameras and recouped that through the operation of the program. The problem with that was that 70% of the revenues went to the operator, which created the problem of not getting 90% to the School System. If what you are saying is any way to fix that problem short of an additional outlay from the City to get the program up and going would create some liability that is a whole different kettle of fish.

Mr. Hagemann said, again, I described to you what Wilmington and New Hanover County chose to do, which is a 50-50 cost share. If you think about it, if 90% of the proceeds are going to the schools, well, the County funds the rest of the School's budget, and it's my understanding that all of the penalties that the Schools get from the court system the County takes into account in deciding how much to provide the Schools through general fund County revenue. What they do is, in essence, do a reduction based on the penalties coming to the schools. If you follow that logic, that 90% that is paid to the Schools, if the County were to recognize that money and decide to reduce what it otherwise would have provided by an equal amount, the County on a net basis is now holding that 90%. Using your example, it would cost 70% of the civil penalties to pay the contractor. It seems to me logical that even if the County paid the entire program that 70% they saved by not funding the schools achieved the 90%, and they would actually have the funds to pay for the whole program. Again, we have had no conversations with them because you have not asked us to, but there are ways like New Hanover County and Wilmington to possibly put this together.

Mayor Foxx said to me it seems like there is no harm in trying to at least try to further the conversation and let some work get done on it. The worst that would happen is the status quo, but maybe you find a way to get it done that is acceptable to both other boards. But we have to come to a decision and give the staff some direction here, so I'm hearing at least a couple of different perspectives on it. Mr. Cooksey, you haven't spoken on this yet, so I'm going to recognize you.

Councilmember Cooksey said as Ms. Szymanski pointed out there are a lot of studies available. I dug more into them after signing the letter, which was a mistake. I should have read them beforehand. But, I have really lost most, if not all, interest in pursuing the camera strategy as a way of reducing crashes. The literature I'm seeing from Michigan, NC A&T did a study, Virginia, but it seems to be a pile of literature that is combed through that suggests that you get equal or better results from your larger signals in certain intersections and longer yellow light time. So, if the goal here is truly about reducing crashes, I think we would be making a mistake to commit what has sometimes been called the politician's fallacy to say we must do something; this is something, therefore, we must do this.

We could consider camera strategy and costs, and all the problems we have got to do to get that done versus perhaps some other swifter, easier items that are fully within our control instead of having to work out a three-way agreement between local governments and then go to Raleigh. The first one I would be interested in if we are going to pursue this kind of strategy at a Council level is look at it from the perspective of all the possibilities out there – not simply cameras – but if the goal is to simply say how do we do cameras, I'm not on board with that anymore.

Mayor Foxx said that's a fair point.

Councilmember Turner said a couple of things I wanted to bring to our attention here. I recall we have been down this road, and I think at the time when we initiated this program it was focused around our high density crash areas. We have accomplished some things obviously by looking at these reports. What I express my concern here is that everybody can take a jab at this

and say what we think the information is telling us. We have spent a lot of money in supporting our chief to add more officers on the street, and I believe that it would be counterproductive to spend this much energy in seeking to bring back a like process for ticketing individuals when right now we have no dialogue with the main entity of this, which is CMS. Secondly, I believe that we have yet to get any information from our Police Department to date identifying those high crash areas, what are the crash percentages even today. Do they define those to be those areas? If they do, then I believe that our new chief has clearly sent in his initiative to address issues as they arise or prevent those being proactive by looking at the data. I don't think the data supports us today to put this much energy in seeking these cameras again.

Now, it would be wonderful if we had this conversation with CMS and we knew exactly what they were willing to do. Then I would say if they were in favor and wanted to work this out with us from a 50-50 standpoint or even making it feasible for us to be able to operate these cameras at the cost that it would cost us to do so and not incur upon us to pay that cost, and that's not what they are saying and wasn't what they said then. That's why we had to give them the \$4.7 million based on law. So, I would ask us to clearly look at this as something to continue to look at and leave it up to our Police Department and Sheriff's Department and other law enforcement officers to keep us abreast as we move forward with all these other things.

It also was mentioned that we have improved our transportation system. That has a significant impact as well. I just think everybody has made some excellent points, and I think now you have to give those things a chance to continue to develop and work, and we have added a lot more officers on the street and will be in the future, and I think they also will be more visible as was indicated in this report tonight that will allow us to bring down those numbers. I think it's important to allow those things to occur and not get ahead of ourselves to go back down a road, which we have a lot of resistance.

Councilmember Kinsey said I'll just weigh in and say I don't believe the statistics right now warrant staff time to do any research. Might not take much staff time, but I have a feeling it probably would, so I think we should keep it perhaps on the radar screen but not right now.

Councilmember Dulin said with a 16-year-old driver in my household now – actually he is a better driver than his mom – but, Mayor, I'm going to support you in trying to talk and trying to find the dialogue and trying to move this forward. If we can make one intersection safer for one 16-year-old driver, male or female, that the kid doesn't hit somebody or somebody doesn't hit them, I'm willing to spend some time – my personal time and some staff time – trying to save a kid's life. I think we are going to lose this vote tonight – welcome to the party, pal – but I really want you all to think about the safety of your 80-year-old mother driving through an intersection or your 16-year-old kid, and that's the life we are going to save if we spend the time and resources to try to do this.

Councilmember Burgess said just real quickly. One, we have only evaluated one half of our program, and evidently the data exists to look at SafeSpeed cameras. I can speak from experience. Those signs really made a difference. I didn't get a ticket, but nonetheless, it was constant reminder. Also I want to say that I agree with Councilmember Turner that before we make any decision I think we ought to ask Chief Monroe and the Police Department to weigh in on this because as far as I know they have not really given us an opinion, but I think that's important.

Mayor Foxx said, Curt, have they weighed in on this?

City Manager Walton said they are more associated with SafeSpeed, which again we don't have the authority for, than with SafeLight.

Councilmember Cannon said I was going to simply say the Chief does have perspective in the house with us right now. We have a deputy chief over here right now if we wanted to get some feedback from him with regard to their position.

Mayor Foxx said I'm also concerned about our time.

Councilmember Cannon said just thought you might want to get that perspective.

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Mayor Foxx said appreciate it, but, look, I have a couple more people, and let's try to make a decision and get on.

Councilmember Howard said I want to go on and just ask that we refer this to the Public Safety Committee. There are clearly safety issues, and I couldn't have said it any better than Andy did, so I won't even try. Then there is the whole funding thing. I think what Mayor Pro Tem Burgess said about continuing at least to see what the dialogue and the outcome could be with the School System is worth pursuing. I would like to refer this to the Public Safety Committee.

[ Motion was made by Councilmember Howard and seconded by Councilmember Burgess to ]  
[ refer this item to the Public Safety Committee. ]

Mayor Foxx said it is clear based on what we heard tonight about the sunseting of the legislation that this is not going to move forward in the next 30 to 60 days. I mean we are not going to see this program come up overnight.

Councilmember Howard said can I be clear? I'm talking about the SafeLight and the SafeSpeed, if I said that right, both programs.

Mayor Foxx said I do think there is some misunderstanding out there even among some of our elected on the other boards about what the possibilities are, and I just don't think we have really made an effort to try to ferret those out. I hope y'all will at least support making this referral. The motion has been made and seconded.

**The vote was taken on the motion to refer to the Public Safety Committee and recorded as follows:**

**AYES:** Councilmembers Burgess, Carter, Howard, Mitchell, Peacock, Turner

**NAYS:** Councilmembers Barnes, Cannon, Cooksey, Dulin, Kinsey

Councilmember Carter said is it referral or deferral.

Mayor Foxx said it's actually both. It's actually a referral and a deferral because I think we are really going to take a longer period of time to work through the details. It is going to have to happen sometime after we get through the budget cycle, I'm sure.

Councilmember Carter said referral is what I was supporting.

Mayor Foxx said yes. Raise your hand again if you support. Okay, it's been referred.

\*\*\*\*\*

Councilmember Burgess said one quick thing. I got a call from the County Commission Economic Development chair. He wanted to know if it was okay with the Council if their committee met with our committee on small business strategy. I told him it was fine with me. He didn't know if his committee was interested, but if he does have a quorum of his committee that is interested in coming to the next Economic Development Committee then it will be advertised as a joint committee meeting, and I just didn't want you to be surprised about that.

Mayor Foxx said I think that's a great idea. Let's go downstairs.

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The meeting was recessed at 7:01 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 7:10 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding.

\* \* \* \* \*

## **INVOCATION AND PLEDGE**

Councilmember Barnes gave the Invocation and Councilmember Howard's nephew led the Council in the Pledge of Allegiance to the Flag.

\* \* \* \* \*

## **AWARDS AND RECOGNITIONS**

### **FAIR HOUSING PROCLAMATION**

Mayor Foxx recognized Lyn Kessie, President, Charlotte Regional Realtor Association; Judy Williams, Manager of Kingspark Apartments on behalf of Greater Charlotte Apartment Association; Angeles Ortega-Moore, Acting Chairperson of the Charlotte-Mecklenburg Community Relations Committee; and Willie Ratchford, Executive Director of the Charlotte-Mecklenburg Community Relations Committee, and Councilmember Mitchell read a proclamation proclaiming April 2010 as Fair Housing Month in Charlotte and Mecklenburg County.

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### **STAND AGAINST RACISM PROCLAMATION**

Mayor Foxx recognized Kirsten Sikkelee, Chief Executive Officer, YWCA Central Carolinas and Councilmember Carter read the proclamation recognizing Stand Against Racism.

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### **ARTS AND SCIENCE COUNCIL 2010 CAMPAIGN**

Mayor Foxx recognized Scott Provancher, CEO and President, Arts and Science Council, who reported on the 2010 fundraising campaign and highlighted the campaign contributions made by the City workforce.

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### **CHARLOTTE INTERNATIONAL CABINET**

Mayor Foxx recognized Alina MacNichol, Executive Director; Alexis Gordon, Program Directors; and Dr. Maha Gingrich, Cabinet Chair, Charlotte International Cabinet, who presented a summary of the international organization's meeting.

Mayor Foxx said I have to say that I have been very, very impressed with the work of the International Cabinet and the enthusiasm of all of the cabinet members in the larger international community. It is absolutely a joy to be involved with it, so glad to do it.

Councilmember Carter said, Mr. Mayor, Ms. MacNichol and I just returned from a Sister City trip. My husband and I feel so strongly about the success and importance of these trips that we

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both paid our own ways to participate in this. I don't know whether Council knows that or not. There is usually a fund from the Mayor's travel budget, but I paid my own way because I think this is one of the most important that we, as Council members, can do. Now, what we came back with was something from Limoges, France, and we have a tape and a present for the mayor -- just the beginning -- to say thank you for supporting this program. I met with nine departments in their City Council and came back with at least three to four good ideas for our city, and we had wonderful discussions so they know what Charlotte is doing. They have a development center. They have 54 of them, and this is one around ceramics, and they develop ceramic prostheses, and this could be helpful for our hospitals, so there are lots of different things that we came back with. Ms. MacNichol has already written a summary; I'm going to be writing a summary to circulate with Council, and we are very grateful for this opportunity and the relationship that has developed. Not only that, we had two wonderful teams of basketball -- young men, academic all stars, who won the international championship.

Ms. MacNichol said there were six different countries represented at this basketball tournament, and both our boys' team and our girls' team won the tournament.

Councilmember Carter said hopefully we'll be able to see them coming to Council to be recognized.

Mayor Foxx said this is fantastic. Thank you very much. I will show it to the viewing audience. What exactly is it? Is it what I think it is?

Councilmember Carter said, yes, it is, unfortunately, but it is a lovely piece of porcelain from the mayor himself, and they excel. They are known for their ceramics.

Ms. MacNichol said Limoges is famous for their porcelain and also for their enamel work, and their porcelain companies have supplied a lot of the White House porcelain over the years, so this was a gift from their mayor to you.

Mayor Foxx said I appreciate that very much. Is it an ashtray?

Councilmember Carter said yes.

Ms. MacNichol said I think it may be, but it probably has a lot of other creative uses as well.

Mayor Foxx said my grandfather would have loved this, but I will enjoy it, so thank you very much.

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## CONSENT AGENDA

[ Motion was made by Councilmember Cannon, seconded by Councilmember Burgess, and ]  
[ carried unanimously to approve the Consent Agenda as presented with the exception of ]  
[ Item Nos. 25, 29, 37, and 40, which were pulled by staff; Item No. 44-J, which has been ]  
[ settled; and Item Nos. 44-F-44-G, 44-H, and 44-I, which have speakers. ]

The following items were approved:

20. Contract to the lowest bidder, Onsite Development, LLC of Charlotte, NC, in the amount of \$811,700 for construction of Storm Water Maintenance FY2010-A, and authorize the City Manager to execute up to three renewals of the contract for \$811,700 each for Engineering and Property Management.

### Summary of Bids

Onsite Development, LLC	\$811,700.00
Showalter Construction	\$844,525.00
Bullseye Construction	\$871,625.00
Blythe Development, Inc.	\$889,600.00
United Construction, Inc.	\$1,313,450.00

21. Contract to the lowest bidder, Red Clay Industries, in the amount of \$199,685.97 for the construction of the Sugar Creek at Rumble Road Left Turn Lane Project for Engineering and Property Management.

**Summary of Bids**

Red Clay Industries	\$199,685.98
Granite Contracting	\$199,784.04
Blythe Development	\$202,149.66
Carolina Cajun	\$221,256.30
Ferebee Corporation	\$229,051.62
Sealand Contractors	\$239,937.90
United Construction	\$287,253.84

22. Contract to the lowest bidder, Red Clay Industries, in the amount of \$126,394.49 for the construction of the Elm Lane Sidewalk Project for Engineering and Property Management.

**Summary of Bids**

Red Clay Industries, Inc.	\$126,394.49
Carolina Cajun Concrete, Inc.	\$169,055.75
Husky Construction Corp.	\$174,028.93
United Construction, Inc.	\$193,852.63
Blythe Development Company	\$204,088.78
WM Warr and Son, Inc.	\$210,450.58

23. Contract to the lowest bidder, Whiting Construction Co., for traffic signal installation at Fred D. Alexander Boulevard and Brookshire Boulevard for Transportation.

24. Contract to the lowest bidder, W.M. Warr & Son, in the amount of \$215,398.75 for repair of concrete and asphalt throughout Mecklenburg County for Utilities.

**Summary of Bids**

W.M. Warr & Son	\$215,398.75
Bullseye Construction	\$271,018.75
The Huffstetler Group	\$273,998.54
Red Clay Industries	\$297,639.62
Custom Paving	\$317,501.62
Blythe Development Co.	\$360,118.90
LCI, Inc.	\$377,247.80

26. Reject the low bid of \$185,976 by Baker-Mitchell Co. for submission of a nonresponsive bid, and approve a contract with Murray Supply LLC, Charlotte, NC, for the purchase of copper tubing in the amount of \$204,340 for the term of one year.

**Summary of Bids**

Murray Supply Co.	\$204,340.00
Ferguson Enterprise (Concord, NC)	\$229,400.00
Ferguson Enterprise (Charlotte, NC)	\$233,465.42
The Boys, LLC	\$234,796.00
HD Supply	\$240,740.00
Metally Industries, Inc.	\$257,396.00
Central States Mfg. & Sales Corp.	\$273,032.00

27. Reject the low bid from Alpha Development Company, Inc., and approve contract to the lowest bidder, Red Clay Industries, Inc., in the amount of \$248,780.94 for the construction of the Lawing School Road Connectivity Project for Engineering and Property Management.

**Summary of Bids**

Alpha Development	\$200,361.15
Red Clay	\$248,780.94
JO Flowe	\$265,260.30
Ferebee Corporation	\$274,683.83
Carolina Cajun	\$275,635.45
Bullseye Construction	\$276,161.00
McCollum Trucking	\$292,037.67
Sealand Contractors	\$305,928.18
WM Warr & Son	\$326,947.00
Blythe Development	\$334,955.90
8 Star Construction	\$342,704.60
United Construction	\$373,447.55
Granite Contracting	\$385,970.19
Showalter Construction	\$408,319.00
Monroe Roadways Contractors	\$426,439.19

28. Reject the low bid from Landsdown Earth & Pipe as nonresponsive, and approve a contract with Scurry Construction in the amount of \$284,607.90 for the installation of a sewer line for Aviation.

**Summary of Bids**

Landsdown Earth & Pipe	\$221,981.00
Scurry Construction	\$284,607.90
Advanced Development Concepts	\$296,779.56
BRS, Inc.	\$373,449.75
Blythe Development	\$386,250.00
Siteworks, Inc.	\$389,464.07
State Utility Contractors	\$404,213.00
RF Shinn Contractors	\$427,762.00
Sanders Utility Construction	\$447,046.43
LeChase Construction Services	\$454,000.00

30. Purchase of Smeal fire truck repair parts as authorized by the sole source exception of G.S. 143-129(e)(6), contract with Metrolina Fire and Rescue for the purchase of Smeal fire truck repair parts for the term of five years, and authorize the City Manager to approve possible price adjustments as authorized by the contract.
31. Purchase of heavy truck and equipment parts and services as authorized by the sole source exception of G.S. 143-129(e)(6), contract with Covington Power Services for the purchase of Allison transmissions, parts, and services for Detroit Diesel and Mercedes Benz engines for the term of five years, and authorize the City Manager to approve possible price adjustments as authorized by the contract.
32. Resolution authorizing the Utilities Key Business Executive to execute a Municipal Agreement with the NC Department of Transportation for design of water and sewer line relocations and adjustments along Mallard Creek Road and Harris Boulevard in the amount of \$219,520.
33. Month-to-month extension of Bank of America's advertising agreement in the amount of \$35,416.67 per month.
34. Contract with BNP Associates, Inc. in the amount of \$880,000 for baggage handling design services, and Budget Ordinance No. 4405-X in the amount of \$880,000 from Airport Discretionary funds to be repaid with a future Transportation Safety Administration (TSA) grant and future General Airport Revenue Bond proceeds.

The ordinance is recorded in Ordinance Book 56 at Page 592.

35. Contract to the lowest bidder, FCS Systems in the amount of \$574,038 for the purchase and delivery of six preconditioned air units, contract to Starr Electric Company, Inc. in

the amount of \$63,300 for the electrical infrastructure upgrades to accept the six new preconditioned air unit, and Budget Ordinance No. 4406-X in the amount of \$637,338 from Airport Discretionary funds to be repaid with future General Airport Revenue Bond proceeds for Aviation.

**Summary of Bids**

FCS Systems, Inc.	\$574,038.00
Trilectron Industries	\$834,243.00
JBT AeroTech, Jetway Systems	\$882,355.00

The ordinance is recorded in Ordinance Book 56 at Page 593.

36. Amendment #4 with Mulkey Engineers & Consultants, Inc. in the amount of \$325,000 for engineering services on the Statesville Road widening project.

38. Contract with Media Power, Inc. d/b/a Media Power Advertising in the amount of \$145,000 for media buying services, and authorize the City Manager to negotiate one contract extension for additional media buys in an amount not to exceed \$145,000.

39. Resolution approving the donation of one retired CATS bus to Kennedy Charter School.

The resolution is recorded in Resolution Book 42 at Pages 447-448.

41. Resolution authorizing the refund of business privilege license payments made in the amount of \$13,481.52.

The resolution is recorded in Resolution Book 42 at Pages 449-450.

42. Resolution authorizing an exchange of real property with Carolina Trust Bank (the Bank) involving portions of Tax I.D. No. 149-07-301 located at 4515 Old Pineville Road, and authorize the City Manager to execute all necessary documents to complete an exchange of land rights between the City and the Bank.

The resolution is recorded in Resolution Book 42 at Pages 451-452.

43. Resolution authorizing the Utilities Key Business Executive to execute a Supplemental Municipal Agreement with the NC Department of Transportation for relocation and adjustment of water and sewer lines along I-485 from north of NC 27 to northeast Oakdale Road in the total amount of \$974,965.18.

The resolution is recorded in Resolution Book 42 at Page 453.

- 44-A. Acquisition of 5,773 square feet in sanitary sewer easement plus 7,961 square feet in temporary construction easement at 8740 Hood Road from Maurice D. Pugh and wife, Stacey W. Pugh, for \$12,500 for 2009 Annexation – Hood Road North Sanitary Sewer Improvements, Parcel #28.

- 44-B. Acquisition of 22,833 square feet in sanitary sewer easement plus 39,085 square feet in temporary construction easement at 9255 Harrisburg Road from James Gaston Carpenter, Jr., John Warren Carpenter and wife, Patricia Neal Carpenter, and Harvey William Carpenter and wife, Julie Drummond Carpenter, for \$13,140 for 2009 Annexation – Hood Road South Sanitary Sewer Improvements (Phase 1), Parcel #17.

- 44-C. Acquisition of 21,986 square feet in sanitary sewer easement plus 23,126 square feet in temporary construction easement at 2921 Sam Drenan Road from George H. Buck, Jr. and wife, Ethel Nina Buck, for \$15,850 for Briar Creek Relief Sewer Phase 2, Parcel #4.

- 44-D. Acquisition of 27,758 square feet in sanitary sewer easement plus 33,201 square feet in temporary construction easement at 2400 Colony Road from Mecklenburg County Board of Education for \$122,000 for Briar Creek Relief Sewer Phase 1, Parcel #28.1.



- 44-E. Acquisition of 15,899 square feet in fee simple at 5600 Statesville Road from Marcille S. Carr for \$114,816 for Statesville Road Widening (I-85 to Sunset Road), Parcel #87.
- 45. Titles, motions, and votes reflected in the Clerk's record as the Minutes of the January 19, 2010, Zoning Meeting; February 3, 4, and 5, 2010, Council Retreat; February 8, 2010, Business Meeting; and February 22, 2010, Business Meeting.

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**ITEM NO. 25: IRWIN CREEK WASTEWATER TREATMENT PLANT STANDBY GENERATORS**

Councilmember Carter said I pulled that, Mr. Mayor, and it was a request for information from our Wastewater Treatment, Water Department, to give us a detailed map of what we are doing for our citizens – the names of the plants and the feeds, and I think our City Manager can provide that.

**Curt Walton, City Manager**, said, yes, we will, and Councilmember Kinsey also had a few questions. I would like to ask Barry Gullet to address those questions, please.

**Barry Gullet, Utilities**, said I believe the question was why we need the new generators, and the answer is that the generators at the Irwin Creek Treatment Plant are over 30 years old. They are on their last legs, and they are not capable of running the full treatment plant. So if we have an extended power outage, there is an environmental risk that we would discharge partially treated wastewater into the creek.

Councilmember Kinsey said I asked why we needed them right now because of the expense involved, and I appreciate your explanation, but I just realized how much or saw how much we were having to spend now, and the explanation wasn't quite as clear as the one you have just given, so thank you very much.

[ Motion was made by Councilmember Kinsey, seconded by Councilmember Carter, and ]  
[ carried unanimously to award the low bid of \$2,986,923.75 by Carolina Cat for purchase ]  
[ of two generators and associated switchgear for Utilities. ]

**Summary of Bids**

Carolina Cat	\$2,986,923.75
Geneva LLC	\$3,335,485.12
Covington Power Service	\$2,847,670.00
Cummins Atlantic LLC	\$3,189,586.00

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**ITEM NO. 29: TRANSIT MAGNETIC PASSES AND TRANSFERS PRINTING**

Councilmember Carter said discussing the transit magnetic passes and questioning whether they are offered at outlets other than buses and light rail and to see if this is an attempt also to improve the participation of those who use the services in paying for those services.

**Curt Walton, City Manager**, said, Councilmember Carter, they are sold at over 100 businesses throughout the region including grocery stores, check cashing locations, and places like that. As far as monitoring ridership, I don't know if it's specifically for that, but it is stamped and dated for the time of the ride, and so it would be available for one of the fare checkers to make sure that it was purchased and is valid.

Councilmember Carter said verification is important. Thank you very much.

[ Motion was made by Councilmember Carter, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to award a fixed unit price contract to Electronic Data Magnetics, ]  
[ Inc. (EDM, Inc.) in the amount not to exceed \$360,000 for a term of three years to print ]  
[ magnetic passes and transfers which are used by customers on all public transit services. ]

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**ITEM NO. 37: TIME WARNER CABLE ARENA ROOF WARRANTY PROJECT**

Mayor Foxx said who pulled that?

Councilmember Kinsey said several of us did, but I'll start off. I was just wondering if that was something we needed to do right now or if it could be continued to be repaired as it has been over the past years?

**Curt Walton, City Manager**, said there were several questions. Jim Schumacher I have asked to address those.

**Jim Schumacher, Assistant City Manager**, said several good questions, and I'm really pleased to have an opportunity to speak to them because I think this is a good win-win story for us. Why does it make sense to fix the roof now? The leaks are a problem for the operations of the arena. Obviously if a leak occurs during an event that becomes a problem for the folks operating the building and the folks conducting the event. Why does it make sense for us to spend any money? If we were not extending the life of the roof by five years, it would not make any sense for us to spend any money. If we were just going to continue to have the next ten years that we initially paid for, then we shouldn't pay anything. But in the deal we have worked out, we are extending the life of the roof for that additional five years, so we are resetting the clock getting back to a 15-year life, and the price is similar, I think even a little bit less than we spent for the roof initially and certainly would be less than we would spend ten years from now. Remember, if we do nothing now, we live with leaks for ten years, and then we have to buy a new roof at that time. So I would expect the cost of the roof and the labor will have appreciated substantially over that decade. So we really are getting ahead of that game and eliminating the leak risk or at least reducing the risk terrifically because we are going to a new roof membrane and a better membrane. Another point to make is that Dow is providing us a thicker, better membrane than we installed initially, so that should give us better protection over the next 15 years with regard to leaks.

Mr. Barnes asked several questions about the code. The building code changed in 2006 and required more fasteners that hold down the roof and hold down the fire protection board. There is actually a board that is placed underneath the membrane that doesn't have much to do with the roof system itself but it's there as fire protection so if there is a fire in nearby buildings and hot cinders or something of that nature lands on the roof it protects the roof structure. It doesn't protect the membrane because the membrane is on top of it, but the board protects the roof structure from those hot coals or something of that nature.

How long will it take to do? The contractor has suggested it's about a three- to four-month process, and, of course, the Bobcats are going to be in the playoffs here this spring, and we are working with the contractors to arrange for the work to start very quickly after the playoffs are completed for the Bobcats at least, after there is any opportunity that there would be playoff games in the building.

Asked about the number of workers, and that's the one question I don't have the answer to. I would expect they will have a full crew, but whether that's six people or 12 people, I don't know at this time. Aren't we paying to fix their mistake? I really would go back to the points I made with regards to Ms. Kinsey's answer. If we were not extending the life of the roof the additional five years, we would be paying them. The value we are getting is that we are getting a reset on the clock. We are resetting that 15-year warranty, so we are buying the five years from 2020 to 2025 with this labor rather than having to buy a new roof ten years from now in 2020. So it's really a win-win in that all the parties are coming to the table. Dow is providing a new

membrane, the contractor is providing the repairs to the error they made back when we built the building initially, we are providing that labor cost, so it's a win-win all the way around, I believe.

Ms. Carter asked about the logo and the contract for that. The Bobcats will be contracting with perhaps this contractor or perhaps another to apply the logo once the roof is in place. Of course, they are anxious to do that. Time Warner Cable is really anxious to do that. Really, this works well in that if you are a supporter of the logo this works well because the logo will be applied to a brand new roof which gives it the opportunity to have maximum life on the roof of the building rather than a roof replacement cutting short the life of the logo over time. Mr. Dulin mentioned the care for the roof. We want to make sure that when that logo is applied that the brand new roof is protected and that we don't tear up what we just put down, and we certainly will be paying a lot of attention to that. I think that was all the questions.

Councilmember Turner said my question is with regard back to the membrane. Based on this report, it indicates that is the cost of the leaks is breaking down or deteriorating faster than what they anticipated over a 15-year period. Can you tell this Council what was the original workmanship guarantee on the material that they used? Was there a warranty on the material versus the entire roof because the 15 years is on the roof and not the membrane?

Mr. Schumacher said the 15-year warranty is on the membrane itself. That is a product of Dow, and so that 15-year warranty means that they are responsible for correcting any problems with it during that 15 years. Over these last several months as there have been leaks, they have come and made the repairs. Of course, the risk in that is that if that leak shows up during an event, they can be there sometimes in an hour, but still that may interrupt an event. But Dow is under warranty and is obligated to make those repairs, to continue to make those repairs for the next ten years if we were to choose that solution. They offered the new thicker, better membrane as a better alternative for both them and for us.

Councilmember Turner said I understand that part. I guess the concern I have here is our cost. Our cost seems to be a little out of whack with everybody's else's costs if they are responsible for the material, and the breakdown is occurring a lot faster even though I understand there is a 15-year warranty on that product. But if that product is deteriorating that much faster than what they had anticipated, why is it that our cost is so greater than their responsibility?

Mr. Schumacher said it's the relative value of labor versus the membrane itself. Dow is bearing 100% of the cost of the new membrane. They are providing the new membrane, the new roof membrane completely at no cost to us.

Councilmember Turner said they are not liable to pick up any costs of the labor because that's the greatest cost here is the labor.

Mr. Schumacher said that's right; it is, and as I mentioned before, if we were not resetting the clock on the 15 years then I don't think we should pay anything for the labor. If we were just staying in that next ten-year window, then we shouldn't be paying a cent towards that labor, but really the value in that labor cost that we are getting is the third five-year period that is out there beyond 2020.

Councilmember Burgess said like many of you I had those same questions, but after the thorough explanation that we had at our work session and here tonight, I agree with Mr. Schumacher that this is a definite win-win for the City. Not only can we bring this roof up to our new code, but we have cost sharing with our vendors, we extend the life, as he mentioned, and we take advantage of our positive bidding climate right now. We could continue to patch, patch, patch as our vendor has agreed to do by his contract, but I'm fond of quoting Billy Graham, who said that the best time to fix the roof is while the sun is shining, and I think the sun is shining right now. We can afford this in the arena fund, and I think we should take advantage of our sunshine.

[ Motion was made by Councilmember Burgess and seconded by Councilmember Turner to ]  
[ approve a Settlement Agreement and Release between Hunt Construction, AD Willis, Dow ]  
[ Industries, and the City of Charlotte for warranty and other repairs to the Time Warner Cable ]  
[ Arena roof in the amount of \$491,689. ]

Councilmember Barnes said just wanted to highlight a couple of concerns I had about it. Primarily it is that despite the fact the building is only five years old we are having to go through this process, and I had asked some questions earlier about the changes in the code and some other aspects of the situation we find ourselves in. We clearly need to maintain the facility. It is a part of our tourism industry, and our Bobcats play there, and the Checkers play there, and other events are obviously held there, so we want to maintain the facility. What I want to make sure of is that this doesn't happen again so in five more years there are leaks and then they say give us another half a million dollars; we'll give you a new free roof, and give us the labor costs, and we'll put it on for you. That's what bothers me is that someone else seemingly screwed up either in advising us on what to put on top of the building or in providing us with just an insufficient product.

My concern is that in five more years I don't want us to be in a position where we are having to, again, shell out another half a million dollars to get a new roof put on even if it is at no cost to us. That's the part that bothers me, so I'm trying to figure out what – I believe President Obama says "the teachable moment" here. What is it that we could learn to make sure this doesn't happen again? The general public will say, you know what, it seems like whenever something like this happens, the taxpayer always winds up paying the check. That's the part that bothers me is that we are spending tax money. I know it was in the reserve fund, but we are spending tax money to fix this boo-boo, and I want to make sure it doesn't happen again. I don't know how to go about doing that other than to make sure that in whatever agreements we have with the contracts that they are going to agree. Perhaps we should put that in the agreement that if this happens again they are going to pick up the tab for the labor cost and not us.

Mr. Schumacher said I agree with everything you said. To me, the teachable moment or the lesson is not to use that particular membrane product again, and I think we and Dow have learned that.

Councilmember Barnes said didn't Dow suggest it in '05?

Mr. Schumacher said our architect specified the roof product back when we were building the building.

Councilmember Barnes said was Dow the contractor?

Mr. Schumacher said based on the products that were available from Dow at the time.

Councilmember Barnes said then Dow should have known.

Mr. Schumacher said they were selling it as a viable product at the time. I would guess they have decided as we have that it's not a product that should continue to be used, and that's one of the reasons they are giving us a different product with a thicker membrane.

Councilmember Barnes said I just wish they had suggested the thicker product back then.

Mr. Schumacher said a point well made.

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

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**ITEM NO. 40: CHARLOTTE-MECKLENBURG HOUSING PARTNERSHIP BOARD APPOINTMENT**

Councilmember Burgess said this consent item is to appoint Councilmember James Mitchell to serve on the Charlotte-Mecklenburg Housing Partnership Board. I had the pleasure of doing that when I chaired the Housing and Neighborhood Development Committee, and, of course, he is now the chair, and I'm sure you will come to respect that organization as I did serving on its board. My question is for our attorney. As a Council appointee to a board, is recusal from voting required?

bvj

**DeWitt McCarley, City Attorney**, said, no, ma'am, it's not. When a Council member is appointed by the Council, you are really in a liaison function, not in a conflict of interest role, and we have always interpreted that Council members appointed by the Council can continue to vote.

Councilmember Burgess said I just wanted to make that very clear that the Housing and Neighborhood Development chair, James Mitchell, can vote on issues relevant to the Housing Partnership, and I move approval with enthusiasm.

[ Motion was made by Councilmember Burgess and seconded by Councilmember Carter to ]  
[ appoint Councilmember James Mitchell to serve on the Charlotte-Mecklenburg Housing ]  
[ Partnership Board. ]

[ Motion was made by Councilmember Cannon, seconded by Councilmember Carter, and ]  
[ carried unanimously to recuse Councilmember Howard. ]

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

\* \* \* \* \*

**ITEM NO. 44-F: 2009 ANNEXATION – HOOD ROAD NORTH SANITARY SEWER, PARCEL #70**

**Sally Carver-Young, 1373 Ebenezer Rd., Rock Hill, SC**, said actually there are four people on the agenda that have yielded time, so if I'm correct, that gives me more than three minutes, but I will try not to use too much of your time. Is that incorrect?

**DeWitt McCarley, City Attorney**, said, Mayor, you usually limit that to ten minutes when there is a group of people.

Mayor Foxx said I'm limiting it to ten minutes.

Ms. Carver-Young said absolutely. Thank you. I am an attorney, and I do thank you guys for allowing me to speak on behalf of Howard Winokuer, Johnny and Nancy Flowers, Robert and Evelyn Blalock, and William and Rebecca Etters. All of these folks do live on Brookwood Road, and if you guys can see behind you, these are pictures of Brookwood Drive where these individuals all live, and we are speaking regarding the condemnation of their property for the Hood Road North Sewer Extension.

First, I would like to point out that when a governmental entity is using its power and authority to take a citizen's private property through its power of eminent domain certain protections must be in place. Just as with our Criminal Justice system, the citizens must be protected when they are forced to battle the state, city, or other governmental entity. These particular property owners have been dealing with the City Real Estate Department and CHC, a company the City has contracted with to negotiate easements across their private property for a new sewer line. These property owners were contacted with initial offers in the range of \$1,200 to \$3,000 for the permanent and temporary easements necessary for the City to install a sewer line across their property. Since then the offers have increased to the range of \$9,000 to \$14,500, and while these higher offers are certainly closer to the reasonable compensation for these property owners than the original offers, these citizens still do not feel they are being fairly compensated for what is being taken from them.

The Real Estate Department has calculated their offers based on the before and after value of the land, however, the appraisals done for the City do not take into account the unique nature of the land of these particular property owners. These citizens have lots which are two or more acres. These lots are heavily wooded with numerous mature hardwoods. The property owners on this street, Brookwood Drive, have been there long before the City annexed this area. They bought this property because it did have a rural feel to it. They bought these lots because of their size

and because of the trees and because of the creeks and streams, which the sewer line is now following. These property owners get great enjoyment from these trees. They enjoy the shade of the trees, they enjoy watching the trees get the leaves, flowers, and blooms in the spring, they enjoy watching the leaves change in the fall. Mostly, they enjoy the privacy that these trees provide. In order to install this sewer line, the City is seeking a 15-foot permanent easement with an additional ten- to 15-foot temporary construction easement. The area of this easement will be clear-cut, and every tree will be removed. Each property owner will now have a 30- or more foot wide clear-cut swath across their lot.

The City has a policy to replace land to the condition it was in before such work is done, however, these owners are not permitted to plant trees where the easements are. These citizens are frustrated with this process for several reasons. First, they feel they have been manipulated and treated unfairly in an effort for the City to pay them as little as possible. Second, these citizens do not need this service. These houses have wells and septic systems and do not need to tap into this new sewer line. Third, no consideration is being offered for the loss of the unique nature of these lots and they will lose many of the mature hardwoods which give a special character to this area and for the minimal consideration that is being offered for the temporary easement and the disruption which will come from the construction of the line.

On the first point, these citizens were first approached with ridiculously low offers and asked to sign off on the easement agreements with minimal information. As citizens of the City of Charlotte, these property owners deserve to be treated with respect and given fair offers from the beginning without the City attempting to undervalue these easements. Based on the City's own appraisals, the initial offers were thousands of dollars below the appraised decrease in value of the property due to the sewer easement. As for the appraisals, they, themselves are still low because they do not take into consideration the value of what these property owners are really losing nor do they allow more than minimal compensation for the destruction to be caused by the construction of the line. The City told the property owners they could get their own appraisals, however, I, myself have contacted numerous appraisers in the Charlotte area and so far none are willing to do the appraisal for a private owner because they work for the City. In addition, I'm not sure of the appraisal, however, one owner was told it would be in excess of \$1,000.

As for the second point, these property owners do not need this service. Again, each of these lots has an existing septic system. They will not be tying into the line, and if they chose to do so, they will have to pay the tap fee of \$3,765 in addition to installing the line to the house, which may require pumps given the topography of the land. That \$3,765 does include the 10% discount they can get if they tie in at the time of construction. Again, these property owners are being asked to sacrifice their property and their trees for something that benefits other citizens.

As for the third and most frustrating point of these owners, as you can see from the pictures being shown, these are heavily wooded lots. The trees on these lots are tall, large caliber hardwoods, and they provide a great deal of tranquility and peace in an ever-growing area. These trees shield the property owners from their neighbors and the noise of the ever-encroaching subdivisions. Some of these property owners do back up to newer subdivisions, which they are shielded from because of the trees, which may be removed.

In addition, once the easement is in, other residents and neighbors may see the clearing and use it for walking or riding ATVs, which would be trespassing upon these properties. The trees being removed cannot be replaced for several reasons. One, the engineers will not allow the trees to be planted over the easement, and, two, these are 50- to 80-foot tall trees, and even if you planted a tree that was 20 feet tall now, it would take years to grow to the height of these mature hardwoods.

Some of these pictures show a particular residence – the Flowers. On their lot, the easement will be coming across the front and side of their house at one point within 20 feet of the corner of their house. The easement is coming through and taking out camellias, which were originally planted by Ms. Flowers' father. She has had them on her lot. The City made no offer of compensation or even an attempt to compensate her for the camellias or to try and reroute the sewer line because of them.

A simple formula taking the value of the lot, splitting it out per square foot, and taking a percentage of that for an easement is not sufficient nor is a simple before and after value calculation. These owners are not losing the unrestricted use of a strip of land. They are losing the trees on and above that strip and being told they can't replace them. The beautiful creeks and streams which gave appeal to this land are now the same creeks and streams that the engineers are following for the gravity based sewer line. If you guys will look at the pictures that are going now, this is the easement that is being put in at The Plaza, so it does show you what an easement will look like. It is pretty obtrusive, and the manholes and vents left behind are certainly going to be a burden to the community.

Is it really fair to ask these citizens to bear the burden because another way would cost more? If it is fair, then they need to be fairly compensated for the burden they are being asked to bear. The compensation being offered for this temporary easement is negligible considering the equipment, the crews, and the disruption of the installation that this line will cause. There should be reasonable compensation for the additional damages. How many of you would want excavators, dump trucks, and crews of men in your yard for months cutting down your trees, digging holes, hauling dirt, bringing in pipe, laying pipe, bringing in dirt, filling dirt, and leaving manholes and vents behind? Let us not pretend there is no residuary effect of this easement once the construction is done. Not only are the trees gone forever, but left behind is an easily accessible greenway as others may see it, manholes, and vents to add a beautiful fragrance of other citizens' sewage to the air and atmosphere of this tranquil neighborhood.

With all this said, the property owners are not trying to stop progress. They understand Charlotte is growing, and there are needs for certain services. They understand they have now been annexed into the City, and with that comes some benefit and some burden. However, they want to be treated fairly and compensated fairly for the sacrifice they are being asked to make. Why spend the money on appraisals, legal fees, mediation, and potentially litigation when you could agree to use the same money to fairly compensate these citizens of this city for the burden they are being asked to bear. As one of the property owners said to me, since the annexation, it feels like all we have gained is very expensive trash pickup. Is this how you want the new citizens of your city to feel?

Mayor Foxx said we normally will have an opportunity for the staff to respond. Mr. Barnes, you would like to interject?

Councilmember Barnes said if I might, Mayor. I wanted to just ask a question of the speaker. Ms. Young, do you have any appraisals or other evidence which would substantiate the request you are making or that your clients are making?

Ms. Carver-Young said, Councilmember Barnes, we have been unable to get appraisals. I have contacted several appraisers in the Charlotte area. These have to be MAI appraisers, and it's a very specific type of appraisal that the City wants to see. Of the phone calls I have made, all of the appraisers have refused to do them for us because they work for the City as well. In addition to that, the expense of the appraisal.

Councilmember Barnes said, right, and the reason I ask is that you are saying that your clients are requesting reasonable compensation, and it helps us to know what reasonable is based upon some facts because it would be easy for us to subjectively put a number on the sort of taking that is going on here. According to the information we have, the numbers are based upon an independent appraisal, so I was trying to understand whether you had some information which would lead us to conclude, for example, that the numbers are off by 20 grand per lot or something, and that doesn't seem to be the case, which makes it difficult for us or at least for me to assess what you are asking. Does that make sense?

Ms. Carver-Young said it does, and I do understand that particularly with these lot owners it is somewhat subjective. One of the things we looked at is if we were able to replant the trees that are being removed, obviously we can't plant them on the easement itself, but if we went off the easement and tried to plant some, some of the figures I have been told if I wanted to plant a six-inch caliber 20-foot hardwood tree – obviously that is not the basic tree most people plant, however, it is still not matching what is out there and being taken down. That's about \$2,500 a tree to have that planted, and most of these lots are losing well over ten of those trees. Some of

these are losing 20 and 30. One resident, and this was counting all of the trees – not just the large ones – is losing in excess of 100 trees. I guess the frustration is not necessarily asking for the value of every tree but that their concern about the nature of their lot is being dismissed, and, again, for a service that they don't need.

Mayor Foxx said I think we understand. Curt, do you want to –

**Curt Walton, City Manager**, said, Mayor and Council, the point of condemnation is to have a third party determine reasonable compensation, so it sounds like we may be at that point. So we'll be glad to answer any specific questions you have about the process, but that is why it's here tonight. We haven't been able to reach agreement, and it would go to a third party to determine what a reasonable compensation level is.

Councilmember Burgess said is this a cul-de-sac, or is this sewer needed to connect other areas?

**Barry Shearin, Charlotte Mecklenburg Utilities**, said I believe this section of Brookwood does dead-end at a point. It crosses over this section. We actually cross the road, but under the annexation statutes, we have to extend these sewers to the low points of the street, and Brookwood has two of them, so we are just reaching those low points. That is why all of this sewer line is in the woods, through the woods, up to the street, and then it would serve Brookwood itself. It's really to serve that street.

Councilmember Burgess said, of course, we are required to provide this with annexation, but if they don't want it and they refuse it and it's not a connection that is needed some other place, could they like sign a waiver and say we don't want it?

Mr. McCarley said that's a legal question, and the answer is, no, ma'am, they cannot. We are held accountable under the annexation statutes for completing the statutorily required services.

Councilmember Burgess said then it sounds to me like our process would be to continue condemnation so we can continue negotiation. So if we do indeed vote for that, I want to make sure the citizens understand that there will be further negotiations to reach some fair resolution.

Councilmember Howard said I wanted to know if staff – if it's in the book somewhere and I missed it – maps showing where these lines are going and exactly what the impact is on the lots because they are right. Wherever that line is, it's kind of the dividing line about where development will happen on either side, and I'm real interested in what that route is and why we took that route and if we are leaving little fragments here and there.

Mr. Shearin said on this particular section up through the four properties that were mentioned there are houses on the lots on both sides of our sewer line. It is already developed. We are following a drainage pattern, a small stream up through there, so really it's a matter of we are on someone's home – in their back yard no matter which side of the stream we build the sewer line because both sides of the stream in this case already have homes on it. It's already been developed with well inception.

Councilmember Cannon said do we know exactly which streets this is going to serve? There seems to be some discrepancy there, and I want to make sure we are looking in the right place.

Mr. Shearin said the stretch that we are looking at, the four, it eventually runs down and obviously ties to a much larger system, but as it runs past these four, it really is trying to get to two low points in Brookwood Drive, into that street, so we can then extend the sewers up the street to serve the homes. Now, I don't have the information to say could the line go further. It appears from what I have that this stretch of sewer solely is for Brookwood, but it does cross other streets further downstream as we continue down with the sewer line.

Councilmember Cannon said don't we normally have write-ups in our agenda on this?

City Manager Walton said not on property transactions, but we will be glad to get you that information.



Councilmember Cannon said we have been fiercely looking for it here, and that would be great to have if we can get that information. The second question is really about the third party, Mr. Manager, you made mention of. I take it the City will make that selection, or are you working with the people represented here today to determine who that third party might be?

Mr. McCarley said I think what the Manager means is that by taking this to court we are putting it into the judicial process. In our system now, every case has to go through mandatory mediation before it gets to trial. I'm going to guess for you that about 90 to 95% of our condemnations settle out in mediation.

Councilmember Cannon said a question for the representative of the community, Ms. Young. You all have not determined who might be able to do an appraisal, I think Mr. Barnes was asking you a question earlier, but you have made no determination about that; is that correct?

Ms. Young said, yes, Mr. Cannon, I have made several phone calls to some of the appraisers in Charlotte who are qualified, and they have refused to do a private appraisal for us because they do work for the City. They consider it a conflict of interest. I'm not going to say we couldn't go to Columbia or Greensboro and find somebody. I'm sure we could.

Mr. McCarley said there are a number of appraisers in Charlotte who work both sides of the street, both work for us and work for property owners, and I will be glad to share a list with her.

Mayor Foxx said I think that's helpful.

Councilmember Carter said there were two other parcels in that area that were already decided under acquisitions in our vote before this. Will their purchase price be impacted by what we are doing now?

City Manager Walton said, no, those are already settled.

Councilmember Burgess said can I make a motion for all four – F, G, H, and I – or do you need separate? A single motion. Then I move that we continue the process on 44-F, G, H, and I, so that we can start mediation, and then you can have some recourse in the courts if that's what you need. I think that will satisfy your needs and ours as well.

[ Motion was made by Councilmember Burgess, seconded by Councilmember Howard to ]  
[ approve resolutions of condemnation for the following properties: 44-F, 10,156 square feet ]  
[ of sanitary sewer easement plus temporary construction easement at 3835 Brookwood Road ]  
[ from Howard Robin Winokuer, and any other parties of interest for \$8,175 for 2009 Annex- ]  
[ ation – Hood Road North Sanitary Sewer Improvements, Parcel #70; 44-G, 19,538 square ]  
[ feet of sanitary sewer easement plus temporary construction easement at 3828 Brookwood ]  
[ Road from Johnny M. Flowers, R. and wife, Nancy S. Flowers, and any other parties of ]  
[ interest for \$14,425 for 2009 Annexation – Hood Road North Sanitary Sewer Improvements, ]  
[ Parcel #71; 44-H, 9,405 square feet of sanitary sewer easement plus temporary construction ]  
[ easement at 4016 Brookwood Road from Robert W. Blalock and wife, Evelyn T. Blalock, ]  
[ and any other parties of interest for \$7,625 for 2009 Annexation – Hood Road North Sanitary ]  
[ Sewer Improvements, Parcel #72; and 44-I, 6,898 square feet of sanitary sewer easement plus ]  
[ temporary construction easement at 4032 Brookwood Road from William L. Etters and wife, ]  
[ Rebecca K. Etters, and any other parties of interest for \$3,950 for 2009 Annexation – Hood ]  
[ Road North Sanitary Sewer Improvements, Parcel #73. ]

The resolution for Item No. 44-F is recorded in Resolution Book 42 at Page 454.  
The resolution for Item No. 44-G is recorded in Resolution Book 42 at Page 455.  
The resolution for Item No. 44-H is recorded in Resolution Book 42 at Page 456.  
The resolution for Item No. 44-I is recorded in Resolution Book 42 at Page 457.

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**ITEM NO. 11: PUBLIC HEARING ON RESOLUTION TO CLOSE A PORTION OF A TEN-FOOT ALLEYWAY BETWEEN SPRUCE STREET AND SOUTH MINT STREET**

The scheduled public hearing was held on the subject item.

[ There being no speakers either for or against, a motion was made by Councilmember Barnes, ]  
[ seconded by Councilmember Peacock, and carried unanimously to adopt a resolution to close ]  
[ a portion of a ten-foot alleyway between Spruce Street and South Mint Street. ]

The resolution is recorded in Resolution Book 42 at Pages 432-434.

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**ITEM NO. 12: PUBLIC HEARING ON WRIGHT AVENUE STREET IMPROVEMENT SPECIAL ASSESSMENT**

The scheduled public hearing was held on the subject item.

[ There being no speakers either for or against, a motion was made by Councilmember Carter, ]  
[ seconded by Councilmember Cannon, and carried unanimously to close the public hearing ]  
[ on the preliminary resolution for a special assessment to construct an unopened, one block ]  
[ portion of Wright Avenue extending to the south from Lomax Avenue, and adopt the ]  
[ assessment resolution directing staff to construct the unopened, one-block portion of Wright ]  
[ Avenue extending to the south from Lomax Avenue. ]

The resolution is recorded in Resolution Book 42 at Pages 435-436.

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**ITEM NO. 13: PUBLIC HEARING ON CERTIFICATES OF PARTICIPATION DEBT FINANCING**

The scheduled public hearing was held on the subject item.

[ There being no speakers either for or against, a motion was made by Councilmember Cannon, ]  
[ seconded by Councilmember Kinsey, and carried unanimously to close the public hearing on ]  
[ an installment financing contract to finance the City's acquisition of certain equipment and ]  
[ capital projects, and adopt a resolution which calls for the execution and delivery of various ]  
[ documents necessary to complete the sale of the Certificates of Participation to be executed ]  
[ and delivered in connection with the financing. ]

The resolution to conduct the public hearing is recorded in Resolution Book 42 at Pages 437-438.

The resolution for the execution and delivery of documents is recorded in Resolution Book 42 at Pages 439-444.

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**ITEM NO. 14: PUBLIC COMMENT ON NORTH TRYON AREA PLAN**

Councilmember Howard said just to let you know that our committee did hear a briefing on it, and it is a good thing especially for that area of town. North Tryon is a main corridor into downtown. It has for years needed some attention, and the Planning Department and the Commission are looking at it and are excited about it, and this is just an opportunity to hear from the public, and it will be back to Council again.

Noel Smith, North End Partners, said I'm the president of North End Partners. It's an association that is made up of thousands of members representative of that corridor that starts

just outside of downtown and goes out to the University area. Years ago when I first came to Charlotte in the early '80s, I remember going along Wilkinson Boulevard and thinking to myself, my goodness, there's a lot of work needed out here, so over the years I was pleasantly amazed and surprised as I suppose I watched and witnessed business and the City join forces to do something on Wilkinson Boulevard, and I think everybody will admit that it was a great experiment that really paid a lot of dividends. As we have expanded our city and leap-frogged over areas, we have leap-frogged over an area that comes on that North Tryon corridor that goes out to the University area. It represents lots of wonderful people including a lot of charitable organizations. There's a men's' shelter, Urban Ministries – I'm sure you are familiar with these. There's the Crisis Ministries and Hope Haven, and along with the Hidden Valley and Lockwood communities, these represent an awful lot of people that can benefit by the improvements made in this corridor. I'm not going to go into any more discussion, but you have all seen, I'm sure, this report, and I want to commend the City on putting together this report. It's absolutely fantastic. It's outstanding and representing these members over three years of having meetings of this association, North End Partners, and supporting all of the work the City has been doing, it's been a tremendous experience, and we look forward to your continued support of it pushing it through. I think it's going to be a great thing for our city.

**DeWitt McCarley, City Attorney**, said no action is necessary. You are just receiving public comment.

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#### **ITEM NO. 15: CITY MANAGER'S REPORT**

**Curt Walton, City Manager**, said I have two brief ones. First, I wanted to let you know, and there is a picture coming around. The Metropolitan Transit Commission (MTC) had a special meeting this afternoon to consider a request from the Charlotte Bobcats to add advertising on behalf of the playoffs to the LYNX line, and so the MTC unanimously agreed to do that. Since CATS came into formation in '99, there has not been advertising on any of the vehicles in our fleet. The MTC has reconfirmed that policy several times over the years for a number of reasons that I can go into, if you would like, but this is considered a pilot project. It will go through June. Hopefully, the Bobcats will also go through June, and the net income to CATS is about \$15,000 per week. So, it's a revenue item of at least \$30,000 to CATS, and an advertising bonus for the Charlotte Bobcats. Wanted to let you know that MTC unanimously approved that this afternoon at the request of the Bobcats, and you will probably start seeing the LYNX line with that emblem on it pretty soon. I will be glad to answer any questions you have.

Councilmember Cannon said, Curt, thank you for this. We continue to turn down opportunities for revenue for the taxpayers when it comes to advertising. Obviously this is something we used to do in the past, but that would have been on City buses, and we understand the one thing we were trying to do was prevent clutter traveling our streets. This looks nice, if that's what it is going to be like. I just hope that we will allow an opportunity for future revenues for the taxpayers to also be generated if someone else wants to do something similar to this that is tasteful enough where it's not causing clutter in the community but yet just simply makes sense for our bottom line going forward. That's really all I have in the way of comment unless you would like to respond to that.

City Manager Walton said, Mr. Cannon, the MTC will look at it again in June at the end of this period and get public comment on it. It's the tasteful part; it's the problem with the First Amendment and free speech, and it's a slippery slope. So it is a revenue opportunity, but it does have some downsides that the MTC has looked at periodically, but they will look at it again. So I think once this period is over and we have a chance to get feedback from the public then we will have a better evaluation than we have had in some time.

Councilmember Cannon said, Mayor, this is something you support, I would imagine, being our representative.

Mayor Foxx said yes.

Councilmember Cannon said it's all good.

City Manager Walton said the other item I wanted Jerry Orr, our aviation director, to update you on the intermodal project, so I will turn it over to Jerry.

**Jerry Orr, Aviation**, said if I had known I was going to live this long I would have taken better care of myself. If I had known it takes so long to build a railroad track, I would have started sooner. Since 1961, we have had an Airport Master Plan, which forecasts demand for aviation facilities and outlines future Airport development to accommodate that demand. In the mid-'90s, we set out to develop an Airport Strategic Plan which would consider the Airport in the broader context of its proper place in the community and identify future opportunities and obstacles.

We gathered input from a group of community leaders represented by Sealand, Duke Power, Southern Bell, Carolina Transportation, Norfolk-Southern, CSX, UNCC, and others. That group focused on seamless logistics in the movement of people and goods. The Strategic Plan outlines a concept of bringing together the four major modes of transportation on one coordinated site. The principle part of the plan was the relocation of the Norfolk-Southern Intermodal Rail Yard currently located adjacent to the NoDa district. The opportunity was created by the acquisition of 1,500 acres of land for the new runway and the construction of I-485. Construction of the runway required the movement of 10 million cubic yards of dirt leaving a graded track of land 30 feet lower than the runway environment with little practical utility but well situated for the rail yard.

Since then we have worked with Norfolk-Southern to perfect an agreement for the development of that rail yard. That agreement will lease 160 acres to Norfolk-Southern with an option for them to purchase the land at fair market value at a later date. That revenue will go to reduce the landing fee rate for the airlines serving the Airport making the Airport more attractive for additional service. Five hundred tractor trailer trucks a day will be removed from the downtown area and 35 acres of land adjacent to NoDa will become available for future redevelopment. West Boulevard is being extended to I-485 by the Airport, and NCDOT is paving the ramps at the I-485 Garrison Road interchange. These projects will improve neighborhood access and keep the trucks from the intermodal facility on the interstates. Environmental permits have been secured. FAA and FHWA have signaled their approvals, and Norfolk-Southern has secured a \$14 million federal grant under the SAFETLEU program. We are now ready Council to give their final approval for this project. We'll bring a development agreement and a lease back to Council within 30 days.

Mayor Foxx said, Jerry, I have to tell you that there have been many people who have sat in these chairs since 1961, but this is a very, very significant development in building the infrastructure for our city to continue its prosperity long into the future. I know you have toiled over this for many, many years. Curt, you and past city managers have as well, but it's not quite to do the end zone dance yet, but I have to tell you that this is a remarkably important project that is going to have a lot of economic development potential for the city, so thank you for all your hard work.

Mr. Orr said, yes, sir, this is a big deal.

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**ITEM NO. 16: CHARLOTTE MECKLENBURG UTILITIES GRADE+ GRANT**

[ Motion was made by Councilmember Barnes and seconded by Councilmember Burgess ]  
[ to authorize the City Manager to accept GRADE+ grant funds of \$51,837 for the repowering ]  
[ of City equipment with new diesel engines. ]

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

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

**NAYS:** Councilmember Cooksey

bvj

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**ITEM NO. 17: ONE NC GRANT AND BUSINESS INVESTMENT GRANT FOR SIEMENS**

[ Motion was made by Councilmember Barnes, seconded by Councilmember Burgess, and ]  
[ carried unanimously to A) approve contracts with the NC Department of Commerce ]  
[ (NCDOC) and Siemens Energy (Siemens) for a \$1,000,000 One North Carolina Grant ]  
[ from the State to Siemens, B) Adopt Budget Ordinance No. 1404-X appropriating ]  
[ \$1,000,000 from a One North Carolina Grant to Siemens; C) Approve the City's share ]  
[ of a Business Investment Grant to Siemens for a total estimated amount of \$4,211,951 ]  
[ over ten years (Total City/County grant estimated at \$12,034,143), and D) adopt a ]  
[ resolution supporting Siemens' request for \$250,000 in contingency funds from the ]  
[ North Carolina Department of Transportation (NCDOT) for rail improvements. ]

The ordinance is recorded in Ordinance Book 56 at Page 591.  
The resolution is recorded in Resolution Book 42 at Page 445.

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**ITEM NO. 18: NOMINATIONS TO BOARDS AND COMMISSIONS**

**Business Advisory Committee** – The following nominations for made for three appointments:

1. Calvin Aurand, Jr., nominated by Councilmember Peacock
2. Robert Barkman, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell
3. Tariq Bokhari, nominated by Burgess, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock
4. Karen Henning, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell
5. Sophia Matthews, nominated by Councilmember Barnes
6. Jason McGrath, nominated by Councilmember Dulin
7. Saeed Moghadam, nominated by Councilmember Cannon
8. Darrin Rankin, nominated by Councilmember Peacock
9. Angela Williams, nominated by Councilmember Turner
10. Sonya Young, nominated by Councilmember Turner

[ Motion was made by Councilmember Burgess, seconded by Councilmember Cooksey, and ]  
[ carried unanimously to reappoint Robert Barkman, Tariq Bokhari, and Karen Henning. ]

Mr. Barkman, Mr. Bokhari, and Ms. Henning were reappointed.

**Charlotte International Cabinet** – The following nominations were made for eight appointments:

1. Paul Carr, nominated by Councilmembers Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner
2. Maryanne Dailey, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell
3. Phillip Davis, nominated by Councilmembers Cannon, Turner
4. Leslie Dwyer, nominated by Councilmembers Cannon, Kinsey
5. Dale Gillmore, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock
6. Sue Gorman, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock
7. James Jewell, nominated by Councilmembers Burgess, Carter

8. Charles Lansden, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock
9. Rory McNicholas, nominated by Councilmember Peacock
10. Judith Osel-Tutu, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell
11. Hans Plotseneder, nominated by Councilmember Dulin
12. Aaron Sanders, nominated by Councilmembers Mitchell, Turner
13. Ximena Uribe, nominated by Councilmembers Cooksey, Peacock
14. Gail VanDerVeer, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Dulin, Howard, Kinsey, Peacock, Turner
15. Heather Whillier, nominated by Councilmember Turner
16. Sonya Young, nominated by Councilmembers Barnes, Cannon, Mitchell
17. Carrie Cook, nominated by Councilmember Howard

Councilmember Cooksey said to ease the number of names that have to be read out, could we go ahead and move to reappoint the eligible incumbents on this group as well?

[ Motion was made by Councilmember Cooksey, seconded by Councilmember Burgess, and ]  
[ carried unanimously to reappoint Maryanne Dailey, Dale Gillmore, Sue Gorman, Charles ]  
[ Lansden, Judith Osei-Tutu, and Gail VanDerVeer. ]

Ms. Daily, Mr. Gillmore, Ms. Gorman, Mr. Lansden, Ms. Osei-Tutu, and Ms. VanDerVeer were appointed.

**Stephanie Kelly, City Clerk**, said the only person with more than six nominations is Paul Carr.

Councilmember Kinsey said, Mr. Mayor, can we not just have all of them that have been nominated? Let's hear all of them that have been nominated.

Paul Carr – 8  
Maryanne Dailey – 7  
Phillip Davis – 2  
Leslie Dwyer – 2  
Dale Gillmore – 8  
Sue Gorman – 9  
James Jewell – 2  
Charles Lansden – 9  
Rory McNicholas – 1  
Judith Osei-Tutu – 7  
Hans Plotseneder – 1  
Aaron Sanders – 2  
Gail VanDerVeer – 10

Councilmember Kinsey said I just meant those that weren't incumbents.

Ms. Kelly said I'm sorry. I misunderstood.

Mayor Foxx said I think there is one that got more than six votes. Paul Carr was the only one that got over six votes.

Councilmember Cooksey said those aren't votes, Mayor. Those are nominations.

Mayor Foxx said I'm sorry – nominations.

Ms. Kelly said Heather Whillier, 1; Sonya Young, 3; and one other nominee, Carrie Cook, 1. We'll bring those back to you.

Mayor Foxx said the question is do you want to go ahead and approve the one that got -- No, you want to take them all back. Very good. We'll bring the nominated ones back.

Councilmember Howard said if we reappointed six and there are eight, Mr. Carr got enough votes to do it, so that is enough to take care of one more, and then you have one seat left.

Councilmember Cooksey said a nomination is not a vote.

Mayor Foxx said let's bring them back.

Councilmember Cooksey said come back for the regular order of the vote.

**Charlotte-Mecklenburg Public Access Corporation** – The following nominations were made for three appointments:

1. Cassandra Blaine, nominated by Councilmember Cooksey
2. George Cochran, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock Turner
3. Dazzell Matthews, Sr., nominated by Councilmembers Barnes, Carter
4. Sophia Matthews, nominated by Councilmembers Barnes, Howard, Turner
5. Sonnie McRae, nominated by Councilmember Peacock
6. Pamela Wisniewski, nominated by Councilmembers Burgess, Carter, Cooksey, Kinsey, Peacock, Turner
7. Sonya Young, nominated by Councilmembers Burgess, Howard, Kinsey, Mitchell
8. Linda Webb, nominated by Councilmember Mitchell

[ Motion was made by Councilmember Kinsey, seconded by Councilmember Cooksey, and ]  
[ carried unanimously to reappoint George Cochran. ]

Mr. Cochran was reappointed.

Mayor Foxx said the rest will come back.

**Charlotte Regional Visitors Authority** – The following nominations were made for one appointment:

**Hotel Representative**

1. Joe Hallow, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner

[ Motion was made by Councilmember Dulin, seconded by Councilmember Cooksey, and ]  
[ carried unanimously to reappoint Joe Hallow. ]

Mr. Hallow was reappointed.

**At-large Representative**

1. Ray Hernandez, nominated by Councilmember Carter
2. Lawrence Huelsman, Jr., nominated by Councilmembers Barnes, Burgess, Cannon, Cooksey, Dulin, Howard
3. Alexis Kropp, nominated by Councilmember Kinsey
4. Robert Lenderman, nominated by Councilmember Peacock
5. Angela Williams, nominated by Councilmember Turner
6. Frank Amory, nominated by Councilmember Mitchell

Mayor Foxx said we'll bring those back.

**Civil Service Board** – The following nominations were made for one appointment:

1. James Harrell, nominated by Councilmembers Mitchell, Turner
2. Jason McGrath, nominated by Councilmembers Burgess, Cooksey, Dulin, Peacock
3. Sean Mulhall, nominated by Councilmember Howard
4. Brigit Taylor, nominated by Councilmember Carter
5. Sonya Young, nominated by Councilmembers Barnes, Kinsey

Mayor Foxx said those will come back.

**Community Relations Committee** – The following nominations were made for thirteen appointments:

1. Myna Advani, nominated by Councilmembers Cooksey, Peacock
2. Patricia Albritton, nominated by Councilmembers Howard, Mitchell, Turner
3. Madelyn Baer, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner
4. Kevin Campbell, nominated by Councilmembers Kinsey, Peacock
5. Richard Carter, nominated by Councilmembers Burgess, Cooksey, Dulin, Peacock
6. Joe Cooper, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Turner
7. Phillip Davis, nominated by Councilmembers Burgess, Turner
8. Richard Doty, nominated by Councilmembers Burgess, Turner
9. James Harrell, nominated by Councilmembers Barnes, Mitchell
10. Sharon Ingram, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner
11. Constance Green-Johnson, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner
12. Karen Johnson, nominated by Councilmembers Burgess, Carter, Howard, Kinsey, Peacock
13. Nichole Johnson, nominated by Councilmembers Carter, Howard, Peacock
14. Sue Korenstein, nominated by Councilmember Kinsey
15. Maneisha LaFate, nominated by Councilmembers Cooksey, Dulin
16. David Nichols, nominated by Councilmembers Burgess, Kinsey, Mitchell, Turner
17. Ashley Oster, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner
18. Hans Plotseneder, nominated by Councilmembers Carter, Cooksey, Dulin, Howard
19. Kenneth Rance, nominated by Councilmembers Barnes, Burgess, Cooksey, Mitchell
20. Ryan Rich, nominated by Councilmembers Burgess, Carter, Howard, Kinsey, Peacock
21. Marqueda Robotham, nominated by Councilmembers Mitchell, Turner
22. Lisa Rudisill, nominated by Councilmembers Cooksey, Dulin, Kinsey, Turner
23. Teresa Sandman, nominated by Councilmember Dulin
24. Sherrell Smith, nominated by Councilmembers Howard, Mitchell, Turner
25. Marilyn Sutterlin, nominated by Councilmembers Cooksey, Dulin
26. Gaynell Thornton, nominated by Councilmember Carter
27. Marty Viser, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner
28. Jared Watkins, nominated by Councilmember Mitchell
29. Sonya Young, nominated by Councilmember Barnes, Mitchell
30. Stephanie Austin, nominated by Councilmember Howard

[ Motion was made by Councilmember Cooksey, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to reappoint the eligible incumbents. ]

Ms. Baer, Mr. Cooper, Ms. Ingram, Ms. Green-Johnson, Ms. Oster, and Mr. Viser were reappointed.

Councilmember Barnes said point of clarification regarding the last nominations, the Community Relations. There are three people who are eligible for appointment but not interested in reappointment. Would they have been automatically included in your motion? I think so.

Councilmember Cooksey said sadly, Mr. Barnes, they would have been.

Councilmember Barnes said it would be the six eligible incumbents.

Councilmember Cooksey said having voted in the majority in the past motion I move to reconsider it and reappointment the eligible incumbents who are interested in reappointment.



Councilmember Howard said that's what we heard you say.

Councilmember Cooksey said that's another way of looking at it.

Mayor Foxx said we'll carry that through in a single motion to reconsider and make the change.

[ Motion was made by Councilmember Cooksey, seconded by Councilmember Barnes, and ]  
[ carried unanimously to reconsider the motion and reappoint the eligible incumbents who are ]  
[ interested in reappointment. ]

**Historic District Commission** – The following nominations were made for five appointments:

Wesley Heights Historic District residential property owner

1. Gregory Grueneich, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock
2. Clem Ashford, nominated by Councilmember Turner

[ Motion was made by Councilmember Burgess, seconded by Councilmember Barnes, and ]  
[ carried unanimously to reappoint Gregory Grueneich. ]

Mr. Grueneich was reappointed.

Dilworth Historic District resident

1. Roger Dahnert, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner

Plaza-Midwood Historic District resident

1. Thomas Egan III, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner

Fourth Ward Historic District resident

1. Paula Owens, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner

Councilmember Cooksey said I was going to suggest that because in the remaining three slotted spots we have but one nominee for each – that we go ahead and appoint the one nominee for each of the three slotted spots.

[ Motion was made by Councilmember Cooksey and seconded by Councilmember Burgess ]  
[ to appoint Roger Dahnert for the Dilworth Historic District, Thomas Egan, III for the Plaza- ]  
[ Midwood Historic District, and Paul Owens for the Fourth Ward Historic District reps. ]

Mayor Foxx said all in favor of Mr. Cooksey's motion.

Councilmember Dulin said I nominated a fellow. We have too much going on around here because I'm lost.

Councilmember Turner said you nominated someone from Midwood?

Councilmember Dulin said, yes, Larkin Egleston.

City Clerk Kelly said that was for the at-large position. These are all for neighborhood positions.

Councilmember Dulin said thank you very much. I just wanted to make sure something didn't get past me.

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

Mr. Dahnert, Mr. Egan, and Ms. Owens were appointed.

At-Large

1. Russell Burgoyne, nominated by Councilmember Mitchell
2. Donald Duffy, nominated by Councilmembers Burgess, Carter, Howard, Peacock
3. Larken Egleston, nominated by Councilmembers Cooksey, Dulin, Kinsey
4. Ethel Wyche, nominated by Councilmember Turner

Mayor Foxx said that will come back.

**Housing Trust Fund Advisory Board** - The following nominations were made for one appointment.

Banking Community Representative

1. Tylee Kessler, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner

[ Motion was made by Councilmember Carter, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to reappoint Tylee Kessler. ]

Ms. Kessler was reappointed.

Legal Community Representative

1. Eric Montgomery, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner

[ Motion was made by Councilmember Barnes, seconded by Councilmember Burgess, and ]  
[ carried unanimously to reappoint Eric Montgomery. ]

Mr. Montgomery was reappointed.

**Keep Charlotte Beautiful** - The following nominations were made for three appointments:

1. Richard Flanagan, Jr., nominated by Councilmembers Carter, Peacock
2. Rosemary Hall, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner
3. Charles Prendergast, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner
4. Stephen Scott, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Turner

[ Motion was made by Councilmember Barnes, seconded by Councilmember Burgess, and ]  
[ carried unanimously to reappoint Rosemary Hall, Charles Prendergast, and Stephen Scott. ]

Ms. Hall, Mr. Prendergast, and Mr. Scott were reappointed.

**Neighborhood Matching Grants Fund Review Team** – The following nominations were made:

Neighborhood Representative – One appointment

1. Richard Alexander, Jr., nominated by Councilmembers Burgess, Kinsey, Peacock
2. Cecelia Hendking, nominated by Councilmember Mitchell
3. Chaunta Jones-Hunter, nominated by Councilmember Howard
4. Sophia Matthews, nominated by Councilmember Barnes
5. Carol Scally, nominated by Councilmembers Cooksey, Turner

Mayor Foxx said no incumbent, and we'll bring those back.

Business Representative – Two appointments

1. Richard Alexander, Jr., nominated by Councilmembers Burgess, Kinsey, Peacock
2. Benjamin Heatley, nominated by Councilmember Barnes
3. Chaunta Jones-Hunter, nominated by Councilmember Mitchell

bvj

4. Shannah Minor, nominated by Councilmember Carter
5. Joseph Rambert, Jr., nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner
6. Sonya Young, nominated by Councilmember Turner
7. Pam Bennett, nominated by Councilmember Howard

[ Motion was made by Councilmember Barnes, seconded by Councilmember Burgess, and ]  
[ carried unanimously to reappoint Joseph Rambert, Jr. ]

Mr. Rambert was reappointed.

Mayor Foxx said the other position will come back to us.

**Non-Profit Organizations** – Two appointments

1. James Harrell, nominated by Councilmembers Cooksey, Howard, Mitchell, Peacock, Turner
2. Virginia Keogh, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Turner
3. David Molinaro, nominated by Councilmembers Kinsey, Peacock

[ Motion was made by Councilmember Barnes, seconded by Councilmember Burgess, and ]  
[ carried unanimously to reappoint Virginia Keogh. ]

Ms. Keogh was reappointed.

**Planning Commission** – The following nominations were made for two appointments:

1. Tracy Finch Dodson, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock
2. Kavita Gupta, nominated by Councilmember Peacock
3. Z. Yolanda Johnson, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Turner

[ Motion was made by Councilmember Barnes, seconded by Councilmember Burgess, and ]  
[ carried unanimously to reappoint Tracy Finch Dodson and Z. Yolanda Johnson. ]

Ms. Dodson and Ms. Johnson were reappointed.

**Public Art Commission** – The following nominations were made for one appointment:

1. Sabrina Brown, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell
2. Elsie Garner, nominated by Councilmember Peacock
3. Heather Rider, nominated by Councilmember Dulin
4. Kathy Ridge, nominated by Councilmember Turner

[ Motion was made by Councilmember Barnes, seconded by Councilmember Burgess, and ]  
[ carried unanimously to reappoint Sabrina Brown. ]

Ms. Brown was reappointed.

**Residential Rental Property Review Board** – The following nominations were made for four appointments:

Mayor Foxx said this is a new one, no incumbents.

City Clerk Kelly said no incumbents.

1. Stephen Marcus (Homeowner), nominated by Councilmembers Barnes, Cooksey, Peacock Turner
2. Darrin Rankin (Rental), nominated by Councilmembers Barnes, Peacock

bvj

3. Teresa Jackson-Small (Tenant), nominated by Councilmembers Barnes, Cannon, Cooksey, Howard, Kinsey, Mitchell
4. Delores Reid-Smith(Rental), nominated by Councilmembers Cannon, Carter, Howard, Mitchell, Peacock
5. Marilyn Sutterlin(Homeowner), nominated by Councilmembers Dulin, Kinsey
6. Jesse Tillman(Homeowner), nominated by Councilmembers Cooksey, Peacock
7. Wigena Tirado(Homeowner), nominated by Councilmembers Howard, Mitchell, Turner
8. Thomas Wellens(Rental), nominated by Councilmembers Cannon, Cooksey, Kinsey, Mitchell, Turner
9. Sonya Young(Homeowner), nominated by Councilmembers Barnes, Cannon, Kinsey, Turner
10. Mary Strong, nominated by Councilmember Howard

Mayor Foxx said those will all come back.

**Storm Water Advisory Committee** – The following nominations were made for one appointment:

Neighborhood Representative

1. Eaton Gravely Reid, nominated by Councilmembers Barnes, Carter, Cooksey, Howard, Kinsey, Peacock
2. Robert Thompson, nominated by Councilmember Mitchell
3. Sonya Young, nominated by Councilmember Turner

**Transit Services Advisory Committee** – The following nominations were made for one appointment:

Local or Express Service Charlotte Transit Passenger

1. George Schaeffer, III, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner

[ Motion was made by Councilmember Cooksey, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to appoint Mr. Schaeffer. ]

Mr. Schaeffer was appointed.

**Waste Management Advisory Board** – The following nominations were made for one appointment:

1. Richard Deming, nominated by Councilmembers Barnes, Carter, Cooksey, Kinsey, Mitchell, Peacock
2. Robert Stefan, nominated by Councilmembers Howard, Turner

Councilmember Burgess said, Madame Clerk, will you let us know when nominations to the Tree Commission are coming up because I had several communications from people.

Ms. Kelly said sure.

\* \* \* \* \*

**MAYOR AND COUNCIL TOPICS**

Councilmember Howard said, as you all know, census forms went out across America last month, and now the census is down to reminding people to please send those forms in. I think they are down to maybe ten days from now. They will be sending people out in mass to remind us that we need to get those forms in, and just to remind everybody they have a lot to do with \$400 billion or so that goes to cities every year to help with schools and hospitals and help determine how many representatives we have in Congress, so please turn in your census form. Put it in the mail.

bvj

Councilmember Dulin said, Mr. Howard, my census form is complete and mailed.

Councilmember Howard said I hate to put everybody on the spot, but thank you, Mr. Dulin.

Councilmember Carter said there are several very important meetings coming up. Independence public meeting is April 15<sup>th</sup> from 5:30 to 8:00 at The Park. On April 20<sup>th</sup>, there is a meeting from 6:00 to 8:00 p.m. at St. Andrews Episcopal Church on Central Avenue about the streetcar. There is another streetcar meeting on the 22<sup>nd</sup> of April at the Government Center here in Room 267 from 6:00 to 8:00. Then the 27<sup>th</sup> is at Johnson C. Smith at the Sarah Belk Gambrell Auditorium from 6:00 to 8:00. Also to tell the residents of the east side that the Lawyers Road Extension is now on track again because we have gone through a bankruptcy and we are now back redeveloping and extending and boring a 36-inch water line under Albemarle Road and landscaping afterwards.

Councilmember Peacock said Council will remember that on January 25<sup>th</sup> we approved an action to explore the possibility of Keep Charlotte Beautiful and Keep Mecklenburg Beautiful, and today in Room CH-14 we had both committees have their first collective meeting together. Chairman Roberts and myself attended that. Mergers are not easy, but I believe it was welcomed, and there were positives that came from the meeting, so progress is moving, and I wanted to thank Assistant City Manager Julie Burch as well as on the County side, Bobby Shields, as well as the chairs of both committees. Some good work has begun there, Mr. Mayor, and I thought I would report back to you that progress is moving forward on that front. I think as we saw tonight merging committees is not a bad idea when you have 37 different boards and commissions. I think trying to simplify it is going to be a better item.

The second item, Mr. Mayor, tomorrow, April 13<sup>th</sup>, I'm sure our Council members remember what tomorrow is, correct? Liberty Day, of course. Only one person has responded in the affirmative, which is Commissioner Dave Gilroy from Cornelius to join me tomorrow to teach at an elementary school the Constitution and the Declaration of Independence. So, I hope that you all will join me next year. It's a lot of fun, and I know several of y'all responded that you had conflicts, but, Mr. Dulin, are you acknowledging publicly –

Mayor Foxx said either that or he has got croup. I don't know which one it is.

Councilmember Dulin said I'll be in Sally Bingham's first grade class teaching about the Constitution.

Councilmember Peacock said I didn't want to put you on the spot. Thank you, Mr. Dulin, for accepting the challenge. Tomorrow I will be at my alma mater at First Ward Elementary at 2:00 to return there for the first time since 1983, so I'm excited about seeing my alma mater again, and I'll be with 30 fifth graders, and it's going to be exciting.

Mayor Foxx said I'm glad you are doing that. That's great work.

Councilmember Kinsey said I just want to let people know – I'm sure they have gotten some information about the exhibit at the Museum of History on Shamrock Drive – Beneath the Badge. I think it's going to be there for a good while, and then it will come back over to the Police Headquarters, but it tracks the Police history of both the old Mecklenburg County Police and, of course, the Charlotte City Police. Very interesting, and I highly recommend it to you.

Councilmember Burgess said I had a question today at Rotary, and I would like to get an answer later. One of my fellow Rotarians' neighbor installed some black pipe underground to manage water from their property which now flows onto his property, and he wanted to know if there is any City regulation that was against that, and, quite frankly, I don't know, and if you would give us an answer later. Then the second thing, as you may know, on Good Friday the Burgess family welcomed two new additions – our Labradoodle puppies – and since the Council had input in their names I wanted to tell you that there is a close winner. It's not John and Pat. It's not Trade and Tryon. It's not Planning and Zoning. But it is Queen Charlotte and King George, III, and we call them Charlotte and George, and they are the cutest little things you have ever seen. I don't know who submitted Charlotte and Meck, but that is what got us thinking. Thank you so much, and I'll get you pictures of our new additions.

Mayor Foxx said I'm going to say one thing before we close tonight. I hope you all got some time over the last week with your families, but I got some time with mine for the first time in a good while. In the course of doing what we do on a weekly basis and paying so much attention to the community, it is really important to pay attention to your families. So, one of the – I don't know if you would call it a brainstorm – but something I would like to do for your families when you have birthdays for your children or for your spouses, who also give a lot of their time, I would like to make a proclamation to them just as something they will remember down the road, which I think will be a very – you know, they put a lot of time into what you do, so I think we ought to celebrate them. I need to get those birthdays and things, and we'll put them on a tickler and make sure those get to you, but it occurred to me that we don't thank our families enough for the sacrifices they give, so I would like to do that.

\* \* \* \* \*

### **ADJOURNMENT**

The meeting was adjourned at 8:59 p.m.

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Stephanie C. Kelly, CMC, City Clerk

Length of Meeting: 3 Hours, 34 Minutes  
Minutes Completed: May 11, 2010