

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, April 26, 2010, at 5:15 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, Patsy Kinsey, Edwin Peacock III, Warren Turner

ABSENT UNTIL NOTED: Councilmembers Patrick Cannon, David Howard, James Mitchell

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Councilmember Carter said Item 26 we just funded the purchase of some non-gasoline off-road vehicles and equipment, and I was wondering if this company subscribes to that environmental practice as well, if there is extra attention if they do? Then 31, the Airport entrance road master planning change, I didn't get a vision of what the road would be like since we are reducing the funding for what we have, and I would like to know what that is to treat the road. Then 34, that's abandonment of Seigle Point Drive, it looks to me as if they are combining two parcels for development, and I would be very curious as to what is the intention there because that to me is a very important connection with Tenth Street. There is a median cut providing for that Seigle Point entrance into the complex, so I'm just curious what is going on that we are decreasing connectivity there. Then 36, to abandon the portion of McAlpine Station Drive, how are they going to access that property? That's the main entrance into the McAlpine development. So those are my questions.

Councilmember Dulin said No. 27 is our pavement condition analysis and pedestrian facility inventory. It's a contract for \$810,000 for two years, a little bit over \$405,000 per year for a windshield assessment. We do these every couple of years to find out – this gives us an inventory of what roads look like in and around our city. I can pretty much tell you what they look like. They are awful, but I do have from a report back in 2008 from the pavement condition rating, the last time they reported back to us, and this goes from '91 to '08, Mr. Mayor, and it's a straight line down. The graph goes straight, dead down over the years – year after year. What that tells me though is that this body needs to work really hard this budget season to find money to fix the roads that the people – that we drive – we use them every day, too, but there are a lot of people out there that won't ever contact us that we need to look after. So, this 405,000, maybe they are using new technology, Mr. Manager, but 405 a year. The term "windshield survey" is used in this write-up three times, if not four times, so I just wanted to know do they literally – if they have somebody riding around in a truck looking through a windshield on this, I would like to know what windshield survey means because we can find some college interns to do that for us if we need to.

Curt Walton, City Manager, said it requires a different skill set, but we'll answer your question.

Councilmember Dulin said then No. 29 is for maintenance of our software and licensing compliance, and I'm wondering how much maintenance time are we actually using for \$4.5 million? It looks to me like we are indeed combining City and Police. They have been separate, so there is going to be some cost savings, which I'm always for. Here is the chart. This City owns 5,307 computers for our employees, so there has got to be some maintenance, but it's an interesting number how many man hours Microsoft is actually using or however you might do that calculation of how much maintenance we are actually using because we have got people on staff who do maintenance, too.

City Manager Walton said, no, sir, not to this degree.

Councilmember Dulin said, well, it will be interesting. Then No. 32 is my last one, Mr. Mayor, Airport entrance master planning change order, and this goes to the Concourse E expansion. If this is only for another four gates, and that thing is already winding its way back to downtown Charlotte. I have heard multiple folks say when they are using Concourse E they really dislike

using the Charlotte Airport because, A, it's a very long walk and adds time to their commute once they clear security; and, B, they know that is going to be a small airplane, and they are going to be tight. But sooner or later we either got to cut off E and go in a different direction or figure out something else. Anyway, that's more of a statement than pulling it, I guess, but E has reached the limit of its patience from our customer, I believe.

Councilmember Kinsey said two quick ones and a vote for them. No. 22, John Kirk Drive, we have a municipal agreement with the North Carolina Department of Transportation to transfer maintenance of this drive to the City and for NCDOT to fund resurfacing repairs up to so much amount. Anyway, we are having to spend \$22,074-some odd cents. Why is NCDOT not paying for the whole thing? No big deal. I'm just curious about that. Then on to 34, Seigle Point Drive. That's a fairly new road, and it doesn't say why we are asking to abandon it. I would like to know. I have a feeling it's the development, but it's not an old road at all.

Melissa Johnson, Deputy City Clerk, said, Mayor, just so you know, Items 38-I and 38-K have been pulled by staff. They have been settled.

Councilmember Burgess said I had a question about 32. My Tab 19 has a schematic in here, but I don't think it's of the Airport. You can't really tell where this gate expansion is. Is it a little spur off the main concourse, or is that really going to keep going?

City Manager Walton said I'll ask Jerry for that, and we'll report back when we report the others.

Councilmember Howard arrived at 5:20 p.m.

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ITEM NO. 2: CLOSED SESSION

[Motion was made by Councilmember Barnes, seconded by Councilmember Dulin, and]
[carried unanimously to go into Closed Session pursuant to NCGS 143-318.11(a)(4) to]
[discuss matters relating to the location of an industry or business in the City of Charlotte]
[including potential economic development incentives that may be offered in negotiations.]

The Dinner Briefing was recessed for the Council to go into Closed Session at 5:21 p.m.

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The Council Dinner Briefing was reconvened after the Closed Session at 5:35 p.m.

Councilmember Mitchell arrived at 5:35 p.m.

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Councilmember Carter said I have a gift for you from Maya McClure, and it's a little bracelet that was made during Healthy Kids Day out at the Simmons Y. The red is for caring, purple for faith, yellow for responsibility, blue for honesty, and green for respect. A good way to start the evening.

Mayor Foxx said it is a good way to start the evening.

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ITEM NO. 3: REPORT FROM INVESTIGATOR ON HARASSMENT ALLEGATIONS

Mayor Foxx said we are here tonight to receive a report from the investigator on harassment allegations. The only thing I will say at the outset is that I understand the sensitivity of this

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subject matter, and I'm going to be a little more strict than I typically am with recognitions, and I'm going to, as I always have, reserve the right to stop someone if there is an issue with civility tonight, so we really need to keep ourselves at the level of civility we always have. With that, I will turn it over to Mr. McCarley.

DeWitt McCarley, City Attorney, said on March 24th you authorized the hiring of an investigator to do an independent outside investigation of an allegation of sexual harassment by a Council member involving a City staff member. That investigation has been done, has been completed. Valecia McDowell of the law firm of Moore & Van Allen and another associate in the firm, Josh Lanning, have completed that investigation and are available to you tonight to both present the written report to you and to walk you through it. For the members of the press in the room, at the end of the Council's deliberation, Ms. McDowell will be available to answer questions and to distribute public record copies of the report.

Valecia McDowell, Investigator, said I'm with the firm of Moore & Van Allen. I was engaged to conduct an investigation into allegations of inappropriate conduct by a City Council member towards a City of Charlotte employee. That engagement, of course, took place on March 26, 2010. The written engagement letter has been made available to members of Council I know, but I do want to point out two things from the engagement letter which reflect the scope of the engagement. The engagement scope was defined as the following: 1) We were to engage in an investigation to determine whether the complained of conduct of an elected official towards a female member of the City staff occurred, and 2) If that complained of conduct occurred whether it constituted sexually harassing conduct as defined and interpreted under Title 7 of the Civil Rights Act of 1964. All of the interviews that were conducted were conducted by myself and my colleague, Joshua Lanning, also of Moore & Van Allen, and the results of our investigation are set forth in the report that I believe was just distributed to all of you.

So that you know, we interviewed a total of 18 witnesses. They are all identified by name in the report except for those witnesses that either complained of or purported to witness harassing conduct or harassing comment by the Council member. Those individual employees are identified only as Employee A through F. We also reviewed a number of records there set forth in detail in the report. I won't go into that here now. There were some records that were not available, and I will address certain of those records over the course of this presentation.

I spent a little bit of time talking about confidentiality, but it does bear repeating. Moore & Van Allen has made every practical effort to maintain the confidentiality of any City employee who complained of or claimed to witness any sexual or gender inappropriate conduct. We did that at the request of this Council. We have worked very hard to maintain that confidentiality. We have also included some references in the report to the reasons why this is a common practice in investigations such as this, and I will invite you to review that at your leisure.

With that, I do want to spend a little bit of time telling you about the allegations themselves. There were three allegations that were set forth by an employee that we have referred to in the report as Employee A. The first such incident involving Employee A is alleged to have occurred in February 2008. According to Employee A, Councilmember Warren Turner stopped by her office one afternoon during that month and asked about a particular Starbucks coffee mug belonging to her. It was located on her desk, and it had several pictures on the mug itself. One of the pictures was of her brother, another of the pictures was of an actor, Shamar Moore. According to Employee A, Councilmember Turner pointed to the picture of Shamar Moore and asked who is that, to which Employee A responded, "That's my motivation." Employee A stated that Councilmember Turner then smiled and said, "You don't need that. I should be your motivation. You need a real man to be your motivation." According to Employee A, Councilmember Turner then leaned out of the doorway and called to another employee, which is identified in the report as Employee D, and was interviewed in the context of our investigation.

According again to Employee A, Councilmember Turner then said, "Isn't it right," meaning isn't it right that I should be your motivation. "She needs a real man to be her motivation." According again to Employee A, Employee D did not answer to those statements that were called out into the hallway. Employee A stated that Councilmember Turner then asked where Employee A went to school. According to Employee A when she told Council member where she attended undergraduate and graduate school, he said, "See, that's your problem right there.

You don't have any real men at those schools. Your real motivation is right here," referring to himself. Employee A stated that she remained silent and took a phone call from another City employee prolonging the call with the hope that Councilmember Turner would leave, which he did.

We, of course, interviewed Councilmember Turner with respect to these allegations, and he stated that he remember asking Employee A about her coffee mug, and he remembered Employee A identifying its pictures and saying that one was her motivation. Councilmember Turner expressly denied saying to Employee A that he should be her motivation or any comment with respect to whether or not there were "real men" at the universities Employee A attended. Councilmember Turner further denied ever saying anything to the effect of "I am a real man" to any City staff member. Councilmember Turner further indicated he was not contemporaneously informed of the first alleged event, and that he learned of this allegation in March 2010.

We did interview Employee D, who, according to Employee A, was in the hallway, but, of course, did not respond according to her version of the allegation. Employee D did not recall hearing any comments from Councilmember Turner regarding motivation nor did she recall any conversation about the coffee mug in general. Importantly, Employee A reported this incident following the incident to her supervisor, who we have referred to in the report as Employee B. When interviewed, Employee B recalled that she was approached by Employee A at which time Employee A informed her that Councilmember Turner had made sexual or gender inappropriate comments to her. Employee B, the supervisor, further stated that she and Employee A together spoke about the incident with City Attorney Mac McCarley.

According to Employee B, during that meeting she attended with Employee A and McCarley, Employee A stated that she just wanted the behavior to stop but did not want to make a formal complaint at that time. Employee A's and Employee B's statements were consistent in this regard. McCarley stated that at the conclusion of their joint conversation Employee A agree to speak with Tim Mayes, the head of HR for the City, and that he later confirmed with Mayes that Employee A and Mayes had discussed the alleged incident at that time. We interviewed Tim Mayes as well. Mayes made detailed typewritten notes of his meeting with Employee A, which were set forth in a document dated September 12, 2008, which we have reviewed. Following his meeting with Employee A, Mayes placed these notes in a separate file in his file cabinet. Mayes indicated that he did not speak with Councilmember Turner at that time because Employee A had requested that he take no further action. That concludes the summary of the first alleged incident, but you will see there are some additional details that are in the report for your review.

I will move on now to the second alleged incident also involving Employee A, which is said to have occurred on September 17, 2008. According to Employee A, following a community meeting hosted by Councilmember Turner, Councilmember Turner was introduced to her fiancé, who was waiting in his car. Employee A stated that the next time she saw Councilmember Turner he came to her office and said, "The guy you introduced me to did you say he was your fiancé? I need to know who would marry you. He needs to come and talk to me so that I can give him advice on how to deal with you." Councilmember Turner stated that he has never met or seen Employee A's husband. He stated that he did attend a Town Hall where he saw Employee A speaking to someone in a car, and that Employee A later said that she was speaking to her fiancé.

Councilmember Turner further stated that he later spoke with Councilmember Mitchell that evening and told Councilmember Mitchell that he had been surprised to learn that Employee A had a fiancé because he thought that she was "gay". Councilmember Mitchell confirmed Councilmember Turner called him on the phone following a town meeting, and he said he was surprised to learn Employee A had a fiancé. Councilmember Mitchell also recalls that Councilmember Turner said, "I thought she was a lesbian." That concludes the summary of the second alleged incident.

The third alleged incident involving Employee A is alleged to have occurred on December 14, 2009. According to Employee A, on that date at about 5:00 p.m. Employee A was told by the office receptionist that Councilmember Turner was looking for her. Employee A stated that she encountered Councilmember Turner in Councilmember Mitchell's office when she went there to deliver a copy of some documents he had requested. Employee A stated that she first gave the

copies to Councilmember Mitchell and then said to Turner, "I understand you were looking for me. Do you need something?" According to Employee A, Councilmember Turner replied, "No, I just wanted to make sure you were doing your job." Employee A stated that she looked at Councilmember Mitchell and then at Councilmember Turner and then turned to leave the office. Employee A stated that as she did so Council member turned and reached out and pulled at her sweater at waist level. Employee A then turned and left the office without commenting to Turner or Mitchell.

According to Employee A, on or about the next day she received a telephone call from Councilmember Mitchell which lasted approximately five minutes wherein he thanked Employee A for the copies and also stated, "Oh, and by the way, I saw what Councilmember Mitchell did, and that was very inappropriate on his part." When interviewed, Councilmember Turner confirmed he was present in the Charlotte-Mecklenburg Government Center on December 14, 2009. Based upon calendar entries, we confirmed that both Councilmembers Turner and Mitchell were scheduled to be present at that time in the office, and it was, in fact, one of only three times in the month of December where both members were scheduled to be in the office at the same time.

However, Turner stated that he had never seen Employee A in Mitchell's office or otherwise in the members' office area, and he categorically denied Employee A's allegations about touching her. During his interview, Councilmember Mitchell stated that he and Member Turner had a very close relationship and that he knew Member Turner's family. Councilmember Mitchell did not specifically recall at any time at which Councilmember Turner and Employee A were both present in his office at the same time. Councilmember Mitchell further stated he did not recall ever observing Councilmember Turner touch Employee A or any article of her clothing. Councilmember Mitchell denied ever stating to Employee A that Turner's conduct was inappropriate.

We attempted to try to verify by looking at the phone records whether a call was made directly in to Employee A's phone line. There were two sets of phone records that we attempted to review. The first set was a set of cell phone records, and those cell phone records demonstrate that calls were made into the main Government Center or to other government lines on December 15th and 16th. There were no calls made directly in from that cell phone number to Employee A's direct dial number on the 15th or 16th. We did confirm, however, that calls could be transferred from the numbers that were, in fact, on the cell phone records to Employee A's line, and that was a mechanism that was available. We also attempted to get the direct dial phone records of Employee A. Those phone records were not available for review. In fact, we were told that they do not exist, so we were unable to confirm whether a phone call was placed from Councilmember Mitchell into the direct line of Employee A.

According to Employee B, the supervisor of Employee A, Employee A disclosed the third alleged incident at a meeting at which Employee A, Employee B, and City Manager Curt Walton were all present. Walton, when interviewed, stated that he immediately spoke with McCarley, who advised Walton to speak with Mayes, again, the head of HR for the City. Walton stated he spoke with Mayes the same day, and he also spoke with Mayor Foxx regarding the incident. Walton stated that he followed up with Mayor Foxx about two weeks prior to the City Council's planned departure for the March 2010 National League of Cities Conference in Washington, DC. Walton stated he wanted action taken prior to that conference because both Employee A and Councilmember Turner were planning to attend the conference. When interviewed, the head of HR, Tim Mayes, stated that in December 2009 Employee B did come to him and said that Councilmember Turner had lifted an article of Employee A's clothing. According to Mayes, he told Employee B, "I can't sit on this even if she doesn't want to go forward," referring to Employee A. Again, there are additional details about the third alleged incident in the report, and I invite you to review those as well, but that concludes the summary of the third report.

In addition to the witness accounts of the events and circumstances surrounding Employee A's allegations, this investigation included inquiry into whether other employees had at any time made allegations of a similar nature in reference to Councilmember Turner or had observed Councilmember Turner engaged in conduct of the same or similar nature as that alleged by Employee A. It is important to note that during every interview we conducted with City employees each witness was asked whether he or she had ever witnessed any City Council

member speak or behave in a manner the witness believed to be inappropriate in the workplace. The majority of those responded in the negative. Notably the only City Council member who was identified by any witness as having been witnessed, speaking or behaving in a manner deemed to be sexually or gender inappropriate was Councilmember Mitchell. As set forth in the report – Excuse me, Councilmember Turner, I apologize. Let me read it again so the record is clear. Notably the only City Council member who is identified by any of the witnesses as having been witnessed to any speaking or behaving in a manner deemed to be sexual or gender inappropriate was Councilmember Turner.

As set forth in the report, in addition to Employee A, three other female City employees complained of, claimed to witness, or otherwise corroborated allegations of sexual or gender inappropriate conduct by Councilmember Turner during his time as City Council member. The first such employee is Employee B. Employee B is a city employee, and, again, the direct supervisor of Employee A. During her interview, she reported that on more than one occasion she has witnessed Councilmember Turner make sexually inappropriate remarks. Employee B provided one specific example, which allegedly occurred during a 2006 National League of Cities event in Reno, Nevada, at which Employee B and Councilmember Turner were both present.

According to Employee B, one evening during that trip around dinner time she and Councilmember Turner were walking through a casino located in a hotel adjacent to the center. Employee B stated that she was in the casino with Councilmember Turner in order to pay for his food or other expenses with her credit card, something that was common for City staff to do for City Council members on such trips. Employee B stated that Councilmember Turner made a sexually explicit comment to her as they passed a hotel store displaying pornographic magazines. According to Employee B, she conveyed the fact but not the substance of Councilmember Turner's sexually explicit comment to City Attorney McCarley, who was also present on the Reno trip. Employee B stated that after returning from Reno McCarley arranged a meeting with then City Manager Pam Syfert to discuss the incident. Employee B stated that she told Syfert and McCarley about Councilmember Turner's alleged comment without relaying its explicit substance at that time.

Councilmember Turner, when interviewed about this event, stated that he was never alone with Employee B during the Reno trip. Councilmember Turner denied making any inappropriate or explicit comments of any kind to Employee B at any time and stated that at no time during that trip or afterwards had any person communicated to him that Employee B's claim of inappropriate behavior had been lodged. McCarley confirmed that it was, in fact, common for City staffers to pay for food or other reimbursable expenses of City Council members while on trips at that time. McCarley recalled stating to Employee B in substance I need to say something about this when she raised the issue with him. McCarley stated that upon returning to Charlotte he arranged a meeting between himself, Employee B, and Syfert. He stated at that meeting Employee B made clear that she did not want anything to affect her professional assignments or job responsibilities. According to McCarley, Employee B further communicated that she did not want to be alone with Councilmember Turner and requested that a male staff member be available on future trips.

McCarley stated that both he and Syfert communicated to Employee B they would support her in the event she told Councilmember Turner (tape change) following the 2006 Reno conference, and that Employee B stated that Councilmember Turner had made inappropriate comments to her. Syfert did not recall the substance of the comment made by Councilmember Turner, but she did say that Employee B made clear that she did not want to take any formal action and that it was "almost like Employee B wanted permission to stand up to him." Syfert did not recall receiving any other complaints regarding Councilmember Turner during her tenure with the City. Both McCarley and Syfert reported they did not speak to Councilmember Turner about this issue because Employee B had requested they take no formal action.

In addition to the complaints stated by Employees A and B, there were complaints stated by Employee C, and you will see that in your report. Employee C is also a City employee. During her interview, Employee C stated that Councilmember Turner has directed sexually inappropriate comments to her on more than one occasion. Employee C stated that she was not comfortable disclosing the specific comments for inclusion in this report based on a concern that they were

such that she might be identified by the disclosure, which she feared would negative influence or impact her employment. Employee C stated she had not reported these sexually inappropriate comments to her supervisor or to the City Attorney or to the Human Resources Department, again because of her concern that such a report could negatively impact her employment. Employee C did, however, contemporaneously discuss with others in the workplace her belief that Councilmember Turner had made sexually inappropriate comments to her as set forth in the report. Councilmember Turner expressly denies making any such sexually inappropriate comments to any City employees.

In addition, we interviewed Employee D, and there were comments with Employee D as well, and she also served as a corroborating witness to other testimony. Employee D is a City Employee. During her interview, she confirmed that Employee C had contemporaneously reported to her gender and/or sexually inappropriate comments made by Councilmember Turner that both Employee C and Employee D felt were inappropriate. Employee D did not disclose to the investigators the substance of Councilmember Turner's alleged sexually inappropriate comments to Employee C. Employee D also stated that on one occasion several years ago Councilmember Turner approached her in a public workspace and stated, "If I wasn't married," at which point Employee D cut him off believing that such a discussion was not appropriate for the workplace. Councilmember Turner expressly denied making this comment to any City employee.

In addition to these allegations by Employee A and the remaining City employees, there were other facts that the investigation team deemed to be relevant and bearing on credibility that are set forth in the report, the first of which is an alleged attempt in interference with the report and the investigation by Councilmember Turner. During the course of the investigation, it was brought to our attention that Councilmember Turner approached a female City employee and implied that he believed that she had spoken with the investigators. According to the employee in the days immediately following her interview, Councilmember Turner approached her in the Government Center and stated, "I hear you are a super star." When the employee said that she did not know what he meant, Councilmember Turner wrote the letters "INV" on a piece of paper and handed it to her. When the employee stated that she still did not understand, according to the employee, Councilmember Turner completed the word "investigation" on the paper. Councilmember Turner then asked the employee to return the paper, which she did, and, again, this is all according to the employee's report. The employee notified the investigators of this incident after she left work that evening and expressed concern about the exchange.

When queried about these events, Councilmember Turner acknowledged stating to Employee D, "I hear you are a super star." Turner further acknowledged writing "INV" and then subsequently "investigation" on a piece of paper passed to the employee, however, according to Councilmember Turner when these events occurred, he did not know whether Employee D had been interviewed or not. He stated that he did not approach the employee regarding the investigation but instead indicated that she called him as he was walking in another direction. According to Councilmember Turner, the employee asked him how he and his wife and family were doing. According to Councilmember Turner, he understood her to be referring to the investigation, which made him uncomfortable as four people whom he did not know were standing nearby. Councilmember Turner told investigators that he responded to the employee in substance, "To be honest, this has been hard on my family."

According to Councilmember Turner, he wrote "INV" and then the entire word "investigation" to clarify that he was referring to the investigation and to ensure that he would not be heard by the people standing nearby. He stated that he did not ask the employee anything about her interview or about anything else. The investigators, however, find it difficult to reconcile Councilmember Turner's admission that he wrote the note to the staff person to explain his response to her inquiry related specifically to the investigation on one hand with his allegation that the employee had instigated a conversation about the investigation on the other. Put another way, if the employee was asking Councilmember Turner about the investigation, why would Turner then have to explain to the employee in writing that their conversation was about the investigation?

In a context of a well publicized inquiry into sensitive events, it is especially critical that witnesses feel they can communicate with the interviewers in confidence and without fear of

pressure or retaliation from any coworker let alone a workplace superior. Although the interaction was described to investigators by both parties as being short, Council member's choice to either inquire of a potential witness regarding her participation in this investigation or to discuss the investigation with a potential witness while the investigation was still ongoing was at odds with the spirit of this otherwise confidential inquiry. At worst, it was an intentional effort to deter the female staff member in question from cooperating with investigators.

In addition to considering these sets of facts, we considered the truthfulness of statements made by Councilmember Turner regarding his employment history. During his interview, Councilmember Turner stated that while he was employed briefly by the Charlotte Police Department in the late 1980s, he resigned during the first year of employment and prior to graduating from the Police Academy. Councilmember Turner stated that the Police Department was considering disciplinary action against him related to a ticket he had received for an expired automobile registration and because he had physically threatened a female cadet in his Police Academy class. Councilmember Turner admitted to the investigators that he had, in fact, threatened to physically harm the female cadet. According to Councilmember Turner, he submitted a letter of resignation and was not terminated by the Police Department. When asked if he had ever been accused of making gender or sexually inappropriate comments at the Police Academy or elsewhere, Councilmember Turner replied he had not.

The investigators have reviewed the available employment record, which reflect that Councilmember Turner was involuntarily terminated from the Charlotte Police Department effective December 1, 1988. Based on a review of those records, it appears that Councilmember Turner was either untruthful or omitted material information in the course of his interview with the investigators regarding the circumstances of his employment and termination. However, due to the confidential nature of Councilmember Turner's City employment records, the investigators have not included any additional specific details from the employment records in this report.

In addition, there are other facts bearing on credibility related to Councilmember Turner's time at the Police Academy. Specifically, Councilmember Turner represented to investigators that prior to the allegations of Employee A he had never been accused of making gender or sexually inappropriate comments. Again, as I stated, the investigators reviewed Councilmember Turner's confidential employment records. In addition, the investigators interviewed Employee F, an employee of the Charlotte-Mecklenburg Police Department, and we confirmed that Employee F is the female cadet Councilmember Turner admits he physically threatened at the time he was at the Police Academy. Employee F stated in her interview that Councilmember Turner made repeated sexually inappropriate comments to her during their time together at the Police Academy. Based on our review of the confidential employment records, Councilmember Turner's own admission, and the investigators' interview of Employee F, we believe it is unlikely that Councilmember Turner has never been accused of making gender or sexually inappropriate comment as he represented in his interview with us.

Finally, we considered Councilmember Turner's truthfulness about statements regarding his use of alcohol when traveling for City Council matters. I want to begin by saying that the investigators are not taking the position that Councilmember Turner's consumption of alcohol is in any way improper or even unusual, however, as will be described momentarily, his apparent lack of candor about this issue tends to call into question his credibility with respect to the four allegations addressed herein.

During his interview, Councilmember Turner stated to investigators that when traveling for City business he will "normally have a glass or two of wine with dinner". Turner stated that, one, he does not drink hard alcohol; and, two, when traveling for City matters, he has never had more than two drinks. However, at least two witnesses separately reported that Councilmember Turner often drinks Crown Royal brand whiskey when traveling for City Council matters. Employee B stated that Councilmember Turner "drinks a lot on these trips" and that she most often witnessed him drink Crown Royal. Employee E stated that although the purchase of alcoholic beverages is not reimbursed to City Council members as travel expenses, Councilmember Turner has on more than one occasion submitted itemized receipts reflecting his purchase of hard liquor drinks.

In addition and as part of this investigation, the investigators obtained a complete set of Councilmember Turner's expense records submitted to the City including supporting documentation where that was available. While the majority of the receipts submitted were "non-itemized", meaning they did not reflect the individual purchases made thereon, making it impossible to determine the specific items purchased, there were numerous receipts reflecting the purchase of hard liquor drinks including specifically Crown Royal.

Finally, in terms of facts bearing on credibility, there was the alleged threat to disclose the identity of alleged victims by Councilmember Turner. During the course of this investigation, City Attorney McCarley informed investigators that Councilmember Turner had expressed his intention to make public the identity of the employee or employees asserting harassment allegations against him. According to City Attorney McCarley, he and Councilmember Turner had multiple telephone conversations during the days following Mayor Foxx's email to City Council members on March 14, 2010. McCarley stated that during one such conversation, Councilmember Turner stated to him in substance, "I'm going to have to defend myself, and the only way to do that is to identify the women accusing me." We interviewed Councilmember Turner regarding this, and he categorically denied ever stating an intention to McCarley or anyone else to publicly reveal the identity of any City employee claiming to be the victim of harassment.

Based on the factual record I have summarized before you now and that is set forth in the report, based on our evaluation of the credibility of each witness, it is the opinion of the investigators that sufficient evidence exists to conclude that Councilmember Turner likely directly sexually inappropriate comments to Employee A. While there are certain conflicting factual accounts, we find Employee A's statements to our investigation team to be credible and consistent especially when viewed in the light of the substantial number of unrelated but factually similar incidents recounted by other witnesses set forth in detail in the report. The investigators further note that most of the similar witness accounts were contemporaneously reported to the City Attorney, supervisors of the employees, or fellow employees long before this investigation began.

Notably we were unable to discern any motive on the part of Employee A in reporting her claim other than an objective effort to ensure that she can work in a safe and harassment free environment. At no time did she ask that disciplinary action be taken against Councilmember Turner nor did she seek any form of personal gain in bringing her allegations to light. We weighed heavily the volume of witnesses who recounted similar behavior on the part of Councilmember Turner. The percentage of female City employees who interact with Councilmember Turner on a regular basis and who also reported incidents similar to those described by Employee A is in the view of our investigation team high. The fact that more than one witness corroborated a direct witness's contemporaneous disclosure of sexual or gender inappropriate comments by Councilmember Turner prior to the commencement of this investigation tends to support the conclusion that such accounts were not fabricated after the fact.

Moreover, we discerned no indication that any of the witnesses making such disclosures had reason to be anything other than truthful. Indeed, our impression was that all of the witnesses were reticent to disclose knowledge of any behavior that they deemed to be workplace inappropriate for fear that such disclosure could or would adversely impact their job responsibilities and their workplace relations. By contrast, it appears that at times Councilmember Turner was less than fully truthful when responding to questions from the investigation team. For example, Councilmember Turner's statement that he resigned from the then Charlotte Police Department is not supported by the City employment records that plainly state among other things that he was terminated.

Finally, in reaching our conclusions, we found it important that multiple statements by Councilmember Turner in regard to relevant aspects of this investigation were in direct contradiction to statements provided by many of the witnesses aside from Employee A. By way of specific example, I provide the following contradictions. Employee B stated that during the 2006 National League of Cities Conference, Councilmember Turner made a sexually explicit statement. Councilmember Turner denies such a statement. City Attorney McCarley stated to investigators that Councilmember Turner made the statement that if he were forced to defend himself against the harassment allegations he would have to identify the alleged victim or victims. Councilmember Turner claims he made no such statement to McCarley. Employee C

stated that Councilmember Turner had made more than one sexually inappropriate comment to her, which she contemporaneously reported to a coworker. Councilmember Turner denies ever making such comments to any City employees. Employee D stated that Councilmember Turner made a gender and/or sexually inappropriate comment to her. Councilmember Turner has denied making that specific remark to any City employee. Employee D also stated that Councilmember Turner approached her regarding her participation in this investigation. Councilmember Turner claims that Employee D first approached him about the topic of the investigation which made him uncomfortable. Employee F stated that Councilmember Turner directed many sexually inappropriate comments to her during their time together at the Police Academy. Councilmember Turner denies ever having made such comments to Employee F. Employees B and E claim to have personal knowledge that Councilmember Turner has often consumed hard liquor while traveling for City matters, and Councilmember Turner claims to never drink hard liquor at all.

In order for the investigation team to determine that Councilmember Turner's version of the facts is true, we would have to conclude that no fewer than six City employees other than Employee A were untruthful to the investigators. We find it highly unlikely that all of these witnesses, many of whom share no significant relationship with one another, would provide untruthful testimony during our investigation. To be sure, the available evidence is not entirely consistent and certain witness statements tend to contradict the accounts provided by Employee A. Most notably, Councilmember Mitchell denied ever having seen Councilmember Turner touch an article of Employee A's clothing. Councilmember Mitchell further did not confirm Employee A's statement that he called her the next day and apologized for Councilmember Turner's inappropriate behavior. Both Councilmember Mitchell and Employee A are credible witnesses to the investigation team. Moreover, the investigators sought to review those relevant phone records to determine if a call was placed as Employee A alleged, however, as stated, those phone records were not available. For those reasons, the investigators are unable to reach a conclusion as to whether the third of the three events occurred.

Having concluded the section regarding the facts, I would like to briefly summarize the second prong of our review. We were asked to evaluate whether the complained of conduct constituted sexually harassing conduct. That prong was designed to arise under Title 7. Title 7 is a Federal statute that among other things protects employees from sexual harassment in the workplace. However, Title 7 does not contain a specific definition of sexual harassment. Rather its framework is more particularly intended to establish liability of an employer for workplace harassment. The investigators were not engaged to provide an analysis of civil liability under Title 7. Any discussion regarding liability on the part of Councilmember Turner or the City is outside of the scope of this report. This report analyzes only whether Councilmember Turner's conduct constituted sexually harassing behavior. Our analysis was formed by a variety of sources including specifically the City's own sexual harassment policy, and it's set forth in detail in the report.

I will focus not so much on the policy but on our conclusions in the interest of time. With respect to the first alleged incident, the investigators concluded that the statements attributed to Councilmember Mitchell – and I will again refer you to those statements. They relate to the coffee mug incident, you need a real man to be your motivation, and you see right there your problem. You don't have any real men at those schools. Your real motivation is right here, again, referring to himself.

Mayor Foxx said, Ms. McDowell, I think you mean Turner. I think you said Mitchell instead of Turner.

Ms. McDowell said I apologize. Turner. Councilmember Turner was alleged to have made those statements. Councilmember Mitchell not alleged to have participated in that. The investigators conclude the statements attributed to Councilmember Turner in the first alleged incident wherein Turner referred to himself as the employee's motivation almost certainly rises to the level of sexual harassment under the City policy. It's difficult to interpret the statement "You need a real man to be your motivation" with anything other than a sexual connotation. Although the statements attributed to the Council member do not rise to the level of a sexual proposition, the City's harassment policy is plainly intended to encompass a far broader universe of inappropriate workplace behavior.

With respect to the second alleged incident, and again by way of reminder, that is the incident in which Councilmember Turner allegedly stated, “The guy you introduced me to did you say he was your finance? I need to know who would marry you. He needs to come and talk to me so I can give him advice on how to deal with you.” With respect to that incident, the investigators observed that the comments are subject to at least two possible readings. The first such reading would be that Councilmember Turner believed he had particular insight into Employee A based on his professional interactions with her such that he had advice to offer her finance. While such a reading could be inappropriate, given the parties relative positions as City Council member and employee, it is not sexual in nature. The second possible reading is that Councilmember Turner was making a comment to Employee A regarding how to deal with her in a personal, romantic, or sexual context. Such a reading falls squarely within the definition of sexual harassment in the City’s harassment policy. In light of the nature and totality of the other alleged sexually explicit comments and comments of a sexual nature addressed in the report, the investigators believe the comments alleged to have occurred in the second incident were more likely than not of a sexual nature, and, therefore, harassing under the City’s harassment policy.

Councilmember Turner also admitted to discussing his perception of Employee A’s sexual orientation after the second alleged incident, a fact that was confirmed with Councilmember Mitchell. While this comment was not directed to Employee A, and, therefore, is not sexual harassment to the policy, it does relate to Employee A’s gender. While the investigators offer no opinion as to liability under Title 7, we note that gender based discrimination is prohibited by Title 7 whether or not it is sexual in nature.

Finally, with respect to the third alleged event. Although the investigators were unable to reach a conclusion as to whether the third alleged incident occurred, we conclude that if it occurred it was sexually harassing in nature. This incident involved alleged unwanted touching such as that specifically identified in the City’s sexual harassment policy at Section D3. Finally, the investigators note that employees, other than Employee A, have indicated that Councilmember Turner has made comments to them that were sexual in nature or gender inappropriate. The investigators were not engaged to offer any opinion as to whether such conduct constitutes sexual harassment under the City’s harassment policy. I will take questions from the Council.

Mayor Foxx said thank you. I want to make a couple of comments, and then I think it’s only appropriate to allow Mr. Turner to comment as he wishes. First comment is from the very beginning I have seen this issue as one of exposure to the City, and my comments, written and spoken, have been guided by an interest in protecting the City from liability. At least to the extent that there are allegations, true or untrue, proven or unproven by this report, my fears about that liability have been proven.

Second, this situation for us is unprecedented, and I think all of us sitting up here would agree it’s very uncomfortable. The Council/Manager form of government has served the City well for a long time, but in this instance, there was a gap, and there is no policy that applies to the City Council as it relates to situations like this, and yet we have the capacity to create a liability to the City. It is a gap that I think all of us are committed to filling.

Third, one of the real troubling aspects of this is that I don’t think there is a great awareness by those of us who are elected about how much we are in a power relationship with respect to our staff, and that’s not to say that we are not accusing anybody of not managing ourselves appropriately save for what has been conveyed in the report, but it’s a dynamic that we need to work on some awareness issues, I think, because some of the responses I have received in these meetings about this have been troubling.

Finally, this is a difficult issue because it is one that based on the law if this were an employee-employee situation, it would be dealt with privately. Because of the nature of it, as I understand it having consulted with the City Attorney, this is what we are left with in the absence of a policy. Unfortunately to the alleged victims and to the Council member, there really isn’t a private way to deal with it, so we are left with what we are left with, but I do in fairness to Mr. Turner want to give him the opportunity to respond if he wishes.

Councilmember Turner said the only comment I have is what I stated earlier. I did not commit these acts, and that's where we are. We'll make comments at a later time.

Mayor Foxx said any further questions for the investigator? I am told that our ability to act in any way as a result of these findings is very limited. We do not possess the statutory ability to discipline in the sense of suspending a Council member or dismissing a Council member. That is not an option that this Council possesses. At most the options available to us would be censure, and, if after hearing this, you want to discuss this option, I think that if these allegations are true they are not acceptable for any elected official in this city. I want to go on record saying that. Comments?

Councilmember Burgess said I believe it's important to give Councilmember Turner an appropriate response or opportunity to prepare an appropriate response, and I think we all received this report at this meeting and saw it for the first time including Councilmember Turner, is that correct? Mr. Turner, is this the first time you –

Councilmember Turner said, yes, absolutely.

Councilmember Burgess said what would be your plan to respond? Do you prefer to do it in writing or to the Council or when would you have adequate time to prepare for that?

Councilmember Turner said you all will be notified.

Mayor Foxx said I have spoken to this issue of policy, and when we went through the exercise of going forward with the investigation there was a separate action as part of that that asked the staff to help us with developing such a policy. My intention is to appoint an ad hoc committee of the Council to work with staff to do that. Some of that work we are going to have to do anyway because the ethics policies at the state level have changed, and they require some changes locally, so that's what we'll do. Hearing no further comment.

Councilmember Burgess said I would like to ask the City Attorney about the recommended process for the development of a policy.

Mr. McCarley said because the state statutes have been changed and require us to have now a very specific set of ethics rules by the end of this year we had recommended to Council that you put this into a committee to study. We have a set of ethics rules, but they don't line up exactly with the new statute. The process we would suggest is some Council group, whether one of your standing committees or an ad hoc committee to study those issues and this issue at the same time. That would be our recommendation.

Councilmember Peacock said prior to what we just heard right now everyone around this dais was basically asking some questions about the timeline of what occurred, when it occurred, and I think primarily as a board member what information did us, as other fellow board members, know or not know. We understand in the absence of a policy here that we did not have that the City Manager and the City Attorney elected to speak with the one board member, our Mayor, about this incident. So, there are some timeline questions about why it occurred in this manner, and I think we can't overlook the fact that as Mr. Foxx just mentioned here that if this was a City employee with a fellow City employee we could have dealt with this privately. Where I respectfully disagree with Mr. Foxx is that why couldn't this issue have been dealt with privately in this manner? So, my first question either for the City Manager or Mr. McCarley is how did our Mayor come to learn about these incidents and when did he learn about these incidents?

Mayor Foxx said I can answer the question because I was there. I would say that I learned about the incidents either in late December 2009 or early this year. As a lawyer who understands the very sensitive nature of these issues, I will tell you that I didn't even tell my staff. They didn't even know because I felt that the confidentiality of the accused as well as the alleged victim was important. So you can ask questions about timelines and things like that all you wish, but I think they are fairly irrelevant based on the allegations. I have not been unclear about the fact that when I sent the email on March 14th I did it for a reason, and I have talked to you privately about that, and, frankly, it had to do with corrective action that is required under Title 7 when an allegation has been made. My attempts to involve City staff in conversations and so forth with

the Council member fell right on that line between the Council-Manager form of government and my authority as Mayor. So I had no idea about all these other incidents that have been alleged, but I chose to act.

Councilmember Barnes said I just want to respond briefly to what Mr. Peacock suggested. It would concern me if the information in this report had been dealt with privately. I think that the Mayor has taken the steps that he thought were necessary and reasonable in dealing with this, and we talked early on in this process and you mentioned whether this should have been handled behind closed doors, and I think for it to have been handled that way would have suggested another level of inappropriate conduct by some; i.e., a cover-up. So in light of the information contained in this at this point – obviously these are allegations – it strikes me that what the Mayor did in trying to bring attention to it was quite appropriate and reasonable. So at this point I don't know that the timeline issue is as important as the information contained in the document and whether or not it's true.

City Manager Walton said if I could make two points. First of all, based on the report, I knew about 20% of what's in this report, so had there been private meetings – whether these are true or not – it would need to be addressed whether publicly or privately. There would subsequently be four or five more meetings as these things came forward, if indeed they came forward, which really gets me to the second point. Twenty six percent of our workforce is female, and the important thing to me is that they have an environment in a workplace that they are comfortable and safe and productive. It doesn't matter to me so much what the process for delivering that to them is as long as the outcome is that they feel safe and productive and feel secure in their workplace. So, there was no roadmap. It's easy in hindsight to say that there could have been different roadmaps, but it had to be addressed, and it was.

Councilmember Turner said, Mr. Manager, since you went there with that question, that is your feeling, and I agree with you – everyone should be in an environment free of hostile, free of harassment, or any other type, and we have a responsibility to ensure that. Do you not feel like at some point in order to have assured that you should have addressed the issue or brought it to the other person's, party's attention, and at some point do you not feel that the persons that have been alleged in here by A, whom I know, and the others I have no idea who we are speaking of, but if that is what you feel. This person, because I personally feel we both were put in harm's way because I didn't know this person had made such allegation, and this person has continued to do things for this entire Council and continues to do things now. I don't understand that. If that is really what you felt, did you not have some obligation to myself as the accuser or anyone else who might have been accused to bring that to their attention or remove that person out of harm's way if that person felt that way?

Councilmember Cannon arrived at 6:39 p.m.

City Manager Walton said, Mr. Turner, I didn't know of two of the three incidents involving Employee A, so I didn't realize the degree of a pattern that she –

Councilmember Turner said say that again one more time, sir.

City Manager Walton said I did not realize the degree of a pattern of behavior that she was seeing, and when I found out about I guess the December incident -- I forget which number – that's when we had the discussions. It is clearly an uncomfortable situation to deal with an employer. You are my employer. That's one thing. Secondly, I think the private meetings always say it didn't happen and maybe these didn't happen, but where do we go then? I have an employee that is uncomfortable, so there just is no roadmap.

Councilmember Turner said I hear you saying that, but unfortunately we'll never know because you never notified those persons.

City Manager Walton said I don't agree that is the only way we'll never know. We'll never know the nature of these incidents is he said-she said.

Councilmember Turner said that is correct.

City Manager Walton said I don't know that it's necessarily the process. It is the genre of allegation we are talking about.

Councilmember Turner said absolutely.

Councilmember Peacock said again I'm very respectful to Mr. Barnes' point back and very appreciative, Mr. Foxx, of you and I having a conversation after this incident occurred, and I spent the majority of my time critiquing the fact it was chosen to be sent in the most public and most possibly easily misunderstood medium – email. Mr. Manager, were there discussions about a meeting occurring between the parties, and, if not, why? Mayor Foxx, obviously you three were the ones that received this information. We are the board members who are reacting to this. We are reacting to it all the way until this point –

Mayor Foxx said my time. I think you are reacting to this, and frankly underlying a lot of what I'm hearing from you is Monday morning quarterbacking, and there is one Mayor of the City – exactly one – one person who had this thrust on his lap inside of the first month of serving in office, and I dealt with it, and I will tell you if you really want to know why. It gets back to something that Mr. Dulin referenced the last time we had a conversation about this, and, Mr. Dulin, I respect you and what you had to say that night about your 12-year-old son and having to explain this to him, and it not being something that you were real comfortable doing. I have a five-year-old daughter, and I want her to grow up in a world where she can go to work, and I don't know the truth or falsity of these allegations, but what I know is that I have to go home to her at night, and that's what was behind my email.

Councilmember Carter said having been at the meeting that is discussed, the National League of Cities meeting, and knowing that both parties were there without a formal introduction of the difficulty, and knowing of your concern to protect our employees and to address the situation very directly, I appreciate what you did because you set an umbrella over our employees, and I appreciate it. What I want to see most of all is a procedure developed. (tape change) Now we need to deal with them directly, so I hope the action is rapid and well thought out, and as interactive as we can be to finding that relationship between Council, staff, and not only the Council but appointed members of our boards and commissions because we are responsible for activities there also. They do not respond to our City Manager. We are responsible for their appointments, so I think that needs to be part of our discussion as well.

Councilmember Dulin said thank you for your work, miss. It seems to be very thorough. I enjoy a very nice relationship with our employees of the City and respect them. When you get elected, you find out how hard they work and how much work goes in to supporting us to make the decisions to run this city, and that's everybody from Curt Walton here to the folks that are picking up the garbage to Ms. Ethel, who cleans the toilets in this building, and that's all of us. We owe them our respect and our assistance in them doing their jobs and them doing their jobs in a manner in which they don't have to worry about folks coming up to them and saying things and doing things regardless of whether it was here, at the yard, or on a sewer pipe work site. I also owe it to my colleague, Mr. Turner, to give him an opportunity to digest this document. This is a 20-page document, and he deserves the right to digest it and to get back to us, and we don't have a policy for a timeline, so that's on his timeline as far as I'm concerned. I owe him that speaking for myself. Nothing happens very fast around here, so as far as being expedient with it, I don't know how we can do that. This Council gets along well enough and works well enough together where we can get our arms wrapped around this thing and move forward, but we owe it to our employees to be good stewards of their time and their trust in us, and I owe it to Mr. Turner to give him time to do what he needs to do to take care of this document and take care of his reputation and his family, too. He has kids, too. I am appreciative of your work and of Joshua, but I'm not going to rush into a situation where we are making hasty decisions. I'm more than willing to take our time and make sure we get it right on both ends.

Councilmember Cooksey said I appreciate the concern you referenced about the issue of the Monday morning quarterbacking because I have been mulling this over since the 14th about what would I have done. I don't know that I can actually formulate it into a question at this point, but I am kind of curious how many other ideas of corrective action you thought of in the two months between learning about it and sending the general email out to everybody. We don't necessarily have to go into that now.

Mayor Foxx said I have no interest in prolonging this dialogue nor, by the way, by way of explanation, do I feel that my explanation about it is one that in this situation I really owe you. I owe it to the public. What I have said is that when I first learned about it I talked to the City Manager. I think it was in the report, in fact, that the HR director indicated that he was interested in talking directly to the Council member, and I encouraged that. I also encouraged a meeting with the staff, myself, if necessary, as well as HR. What I'm trying to convey when I say the culture in City government is very different than I think what many of us imagine it to be – certainly the way I imagined it to be as a Council member – is that in certain instances I was not communicated back with when I made suggestions, so I was working under one set of assumptions and the staff was working under a different set of assumptions. It got to a critical point at the National League of Cities visit, so I sent the email. It's that simple. But the guiding principle to me at the end of the day was protecting employees. Whether true or not true, if the perception was that this conduct had occurred, and you might have thought maybe I should have gone and done an investigation on my own, but then we would be having a whole another conversation about why I did that. There were bad options all around, and I made my piece with the fact that there were bad options. I picked one of the bad options, and here we are.

Councilmember Turner said your comment, and I appreciate that comment, and I feel the same way in regards to protecting staff as well as elected officials from being put in harm's way. I notice you indicated that you felt that way and you thought it was even more urgent when the National League of Cities trip came about. Were you aware that individual traveled to DC with us?

Mayor Foxx said I believe the report references –

Ms. McDowell said the report does not reference that Employee A took a trip.

Councilmember Turner said I asked him was he aware whether or not that employee traveled. I didn't reference that either.

Ms. McDowell said, no, no, and I'm actually responding to the Mayor's comment rather than yours, Council member.

Mayor Foxx said it does reference that two weeks before the National League of Cities the City Manager made another comment about responding.

Councilmember Burgess said I am so profoundly sad, and it's hard for me to really formulate thoughts that are relevant right now, but I do believe that Mayor Foxx's process, and he had no good choices, and I know that email must have been very difficult for him to send, but this is a City Council matter, and he had to inform us. He couldn't deal with it on his own. The staff couldn't deal with it. It's our responsibility, and we have done that with this investigation, and we will continue the process by having Mr. Turner the opportunity to have a thorough response. I hope this doesn't drag on forever. I think all of us would like to get this behind us. It's an unpleasant process. Everything about this is unpleasant for all of us, but I would like to move forward and get some resolution soon and thank Mayor Foxx for informing the City Council of this issue and allowing us to deal with it.

Councilmember Turner said I have to respond to that comment. Ms. Burgess, you continue to reference to giving me an opportunity to respond to you and this Council. You continue to reference that as if you have this authority of someone giving you the authority that there is a decision you need to make based on my response to you and this Council. I will be responding to each and every one of these allegations. I will not be responding in per se to any individual, but we will respond to these allegations, and we will address the things that are inconsistent even in this report, but I don't know when you keep saying that, you keep referencing that we are not going to give you a date, and, Mr. Manager, is there a date that you guys expect me to respond to this in reference to a solution?

City Manager Walton said it's not my decision, Mr. Turner.

Councilmember Turner said I didn't ask you that. I asked you is there a date that has been discussed that they want to reform. You are part of this process.

City Manager Walton said, no, sir.

Councilmember Peacock said when we made our vote to get to where we are right now Mr. City Manager said – and I don't remember what your exact phrase was – where do we go from here? Where do we go from here from what's been alleged? What are the actions we can take as a body? I'm hearing from fellow Council members, and I know I'm certainly in agreement with this that we need time to absorb what has been presented to us and not take any formal action beyond this. But what brings me to the line of questioning that I'm asking is we talked and I talked extensively about what we had said to one another as Council members at the Retreat and the way we felt about how we were going to work as a body together, and now my question is to my fellow Council members is where do we go from here after this? Where do we go after this as Council members to work with one another as Mike Whitehead had tried to work with us to do – to sign that oath, if you will – that informal oath of how we were going to deal with it, and Rule No. 9 was clearly broken here, and Mayor Foxx has expressed his authority of how he wanted in which to express that, and I disagree with that wholeheartedly in the method in which he has done it. So, where do we go from here, and that's what is disturbing to me is that I like the way we were working with one another, but now I feel like I'm a board member who is serving in a scenario where someone can express their authority in this manner when clearly something as extremely sensitive as this, and I'm very respectful of the fact that Mr. Foxx is an attorney and understands this, and he is looking out for the protection of the City. However, I think all of us as board members here sort of stand on guard here that this could occur, and that's where I have just said from the very beginning why, why, why an email? Why not a face-to-face meeting? And, Mr. Foxx, I am not Monday morning quarterbacking here. I am simply trying to get to an answer I have had sincerely from the very beginning, and I'm just talking to my board members here right now, and I'm trying to reach resolution. I'm not trying to take jabs at anybody, and I would like for things to return back to a more copacetic and thoughtful working relationship with one another.

Councilmember Barnes said let me submit this to you, Mr. Peacock. There was nothing that occurred at that Retreat where we agreed to condone illegal, immoral, or unethical behavior, and whether that happened here, I'm not the judge and jury of that issue. What I will say to you is that if you are dealing with conduct that can be considered immoral, unethical, illegal, you couldn't reasonably expect the Mayor or any one of us to deal with that privately. There was no way for that to have been done, and maybe it is because of my legal background, too, that I say this to you, but there was no reasonable set of options that would have allowed Mayor Foxx to have privately dealt with this issue. As you see in this report, this goes back to Pam Syfert's term working for us, and there is sufficient information in here that we now know, one, in my opinion, at least, gave him reasonable cause to send the email when he did, and, two, we now know that there is sufficient information in here that if he had not done what he did there would have been questions raised about that. So, I understand what you are saying, but it's been said before, but there weren't any good options at all. He sent the email. If he had sent a letter, if he had called each of us, the result would have been the same. It needed to be investigated.

Councilmember Peacock said what would have occurred if my motion that I made last time would have passed – a meeting between Mr. Foxx, Mr. Mayes, City Manager Walton, Mr. McCarley – before we got to where we are right now? What would have occurred from that point? That's where I am.

Councilmember Barnes said if I might respond. I believe we heard that such a meeting was attempted and was declined. If that meeting had occurred, there would have been people saying, oh, the City is trying to hide things, they are trying to keep it between the Mayor and staff and not let the public know what was going on.

Councilmember Peacocks said you shared a fact that I did not know. I did not know it was a meeting that was trying to be brokered.

Mayor Foxx said I said that about five times.

Councilmember Cannon said the record reflected that at – I’m sorry, Mr. Mayor, if I can be recognized? The record, Mr. Peacock, at that same meeting reflects it. If you would just ask for the Minutes from that meeting, you would have found that it was suggested prior to your request, which was a day late because it was already requested in the past for that meeting to take place. However, according to the record, according to the meeting, basically what was said was the parties weren’t willing to come together to have that level of discussion. You asked the question about where do we go from here? I can tell you where we don’t go. We don’t go backward – backward talking about an email, backward talking about anything else other than to your point – where do we go from here, and that is, from my perspective, we need to move forward to draft and/or create a policy that deals with this body and bodies in the future – future governing bodies – where there is something that is applicable where there can be a means to anything that may take place like this.

By the way, the question was asked why haven’t we had something like this before? Well, to be quite honest, I think many of us just thought that something was in place, and it was just up until this point that we didn’t that something was in place. From my perspective, it’s really about trying to create a policy. I’m not so much focused on this in terms of what we have before us today as much as I am focused on trying to create a policy. I think that’s where we go from here at this stage.

Mayor Foxx said with no further comment I do think, Council, if you determine that some further action is required, you are going to have to find a way to either communicate that to me, to the City Manager, or bring it back up for an agenda item because tonight if you were so inclined to take action we have that ability tonight, but in the future it’s going to require a future action, and the staff is not going to do it on its own.

Councilmember Carter said did we not request that a procedure be created?

Mayor Foxx said, yes, but in terms of this particular issue relative to the investigation that you have that’s what I’m talking about. We will deal with the policy issue through an ad hoc committee. Hearing no further comments, let’s go downstairs.

Councilmember Turner said I want to respond back. Mr. Cannon, you indicated that you read or heard Mr. Foxx state that they tried to formulate a meeting between myself or the parties involved in this matter; is that may understanding of what you just stated?

Councilmember Cannon said the understanding would be not that I read anything, but that in this room what I heard was apparently there was something placed on the table with regard to an attempt to have a meeting between, I believe, you, the Mayor, Curt Walton, the City Manager, of course, Tim Mayes, I believe, and that’s why I was suggesting that it should be in the record. What I would like to do just for confirmation I just want to go ahead and just ask right now that we go back to that meeting and have those Minutes pulled so we can know specifically about that.

Councilmember Turner said I think the question was had that happened before, but let me go on record again. No one – no one in this staff or no one else, no other alleged person that is involved has ever spoken to me in regards to any offense or concerned behavior nor has staff under no circumstances – not Tim Mayes or no one else.

Councilmember Cannon said that’s news to me.

Mayor Foxx said let me clarify. I recommended such a meeting. I recommended it. Whether that occurred, it did not occur because I was not present at such a meeting involving me, but I do believe that the email on March 14th did allow staff to speak with you.

Councilmember Turner said that again now.

Mayor Foxx said I do believe that there was an opportunity for you to speak with staff following the email I sent.

Councilmember Turner said that's incorrect. I inquired on those allegations, but we will address that at the appropriate time.

City Manager Walton said we spoke in Washington, Mr. Turner.

Councilmember Turner said I inquired in regard to those investigations. You informed me the day of our departure there, but we'll discuss that at the appropriate time, sir.

Mayor Foxx said I think that's enough for now. Let's go downstairs.

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The meeting was recessed at 7:05 p.m. for the Council to move to the Council Meeting Chamber.

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BUSINESS MEETING

The Council reconvened for the regularly scheduled Business Meeting at 7:15 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Present were: Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Turner

ABSENT: Councilmember Peacock

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INVOCATION AND PLEDGE

Councilmember Howard gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

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CITIZENS' FORUM

Mayor Foxx said I'm going to change the order just a little bit because I understand one of our speakers has a bit of a medical issue, so with all due respect to everyone else if you will just beg our indulgence here. Lloyd Scher has asked – you are on the Wait List, Mr. Scher.

Lloyd Scher said I was going to wait until everybody else speaks.

Mayor Foxx said I can't put you ahead of folks.

SIDEWALK ON PARK AVENUE

Deborah Robinson, 2816 Park Rd., said I would like to have my husband, David Newton, present with me, if that would be okay.

Mayor Foxx said that's fine.

David Newton said I represent the 14 homeowners on Park Road who are against the City sidewalk that they are proposing. With Winston Kelly and the NASCAR Hall of Fame in here tonight, I would like to start off by starting with a NASCAR analogy here. I was talking to Kevin Harvick, who won the race at Talladega this past weekend, and Kevin said he didn't get a degree of journalism, but he had a degree of common sense. I'm hoping you guys have the same degree here. We have been coming back here repeatedly and repeatedly trying to appeal to you

bvj

guys saying this is not the time to put in a sidewalk along Park Road where residents don't want it, where it is not needed, where there are more urgent needs for this city. Common sense says there are more urgent needs such as an overview of the real study of Park Road and what's going on. There is too much traffic going there now. You need to look at the studies that are going on along East Boulevard where they are slowing down traffic and reducing traffic, making improvements in that area to where Park Road, a residential area, becomes a residential area again and not a freeway because that is what you will turn it into, and if you continue the progression you are doing it in, it's going to get even worse. We have pictures of the tree canopy. I have heard the Mayor talk about he wants to protect the tree canopy in the city. You know, you are talking about cutting down trees that are 80 or 90 years old or more. This is not protecting the tree canopy. I have heard Patsy Kinsey come in and she has made comments and comments saying only four or five neighbors in that are against the sidewalk. That is a total lie. I read the Minutes. It's a total lie. I have read Patsy Kinsey going to other members and other board meetings where she has said that she is against high density housing in her neighborhood, but she is okay with tearing down trees and putting sidewalks in our neighborhood. Common sense says we need to look at this a little more clearly. If you look at this sidewalk right here, that's right outside of a senior citizen home right down the street. If you tried to get a wheelchair past that, you couldn't. These are the things that the City, if they are going to insist on spending the money on sidewalks, \$5 million a year, instead of libraries and kids to stay in middle school, we feel like the City needs to look at studying the overall project by improving these areas and making them where they are wheelchair accessible. Other areas there are like nine poles like that between our house and Park Road Shopping Center. There are other areas where you can see where there is no connectivity. They say ours is the last area that needs connectivity on Park Road. That's on Park Road right down from Park Road Shopping Center where there actually are pedestrians walking. There has been no pedestrian survey to show we really need this. We appreciate CDOT for working with us and the plans they show there. We feel there are better things we can do with this project to save some of the trees. Mayor, we appeal to you to help us with that. We appeal to you guys to use common sense as we move forward.

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MURRYHILL AND WEDGEWOOD SIDEWALK PROJECT

Karen Houston, 5121 Murryhill Rd., said I'm here to speak to you about the Murryhill/Wedgewood sidewalk. I live in Madison Park. I live on Murryhill Road. The project impacts 154 homes, and I am here on behalf of 124 homeowners that are opposed to the current design. That's an 81% disapproval rating. We feel the design is flawed and could be significantly improved by reducing the size of the planting strip for the following reasons: Number 1, the homes in Madison Park generally have a single car driveway that end within a few feet of the front of the house, which allows for two cars to park one behind the other. This is probably one of the bigger issues we have with the design, the parking situation. Because the sidewalk will encroach ten feet into our yards, many homeowners will now be forced to park one or more of their cars on the street because parking in the driveway will illegally obstruct the sidewalk. More cars parking on the street will lead to other problems we don't think CDOT has considered. There are already a number of cars that legally park on the street in our neighborhood, however, the street itself is tight, and two cars have a very difficult time passing each other when a car is parked on the street. If more cars are forced to park on the street, it will be even more difficult to drive through our neighborhood because of increased one-way type traffic patterns and blind spots, which will ultimately lead to more traffic accidents, property damage from hit and runs, and pedestrian accidents because we simply can't see children or adults that step out into the street from between two parked cars. Number two, the construction impacts will be significant. Most people think the only impact to our yards will be ten feet from the street curb because the City is proposing a five-foot wide planting strip and a five-foot wide sidewalk, so that's your ten feet. We think this is absolutely not true, and we have seen the plans. Many of the homes on Murryhill Road and a majority of the homes on Wedgewood Drive have significant elevation changes when you compare street level to house level. This means our houses essentially sit on top of a hill in most cases. The sidewalk will be constructed at the same level as the street. To fix this newly created drop-off at the sidewalk, the City plans to grade back from the sidewalk as far as necessary to create a gradual slope. For many of us, our entire front yard will be grade, and any landscaping upgrades we have made will be lost. If the

sidewalk were closer to the curb – I’m not saying back of curb – I’m just saying closer to the curb -- we have five feet to work with – less of our front yards would be disturbed. I would like to reiterate that all of the above concerns could easily be addressed by reducing the size of the planting strip and moving the sidewalk a little closer to the curb. The City will still achieve its goal of providing a safe place for pedestrian traffic to walk through our neighborhood, so I would like to ask you, members of Council, why is the City so reluctant to consider changing the design of this project when a vast majority of the homeowners are opposed to it and have provided meaningful feedback that will significantly improve the project and the neighborhood.

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BRIAN CENTER NURSING HOME/INDEPENDENT LIVING CENTER

Ethel Ward, 5945 Reddman Rd., said I’m here to talk about the safety for our senior citizens on Reddman Road. We have the Brian Center there. It has a nursing home, a lodge, and a retirement center there, and it’s on Reddman and off of Albemarle. We have a creek right next to a carwash that is open and water is in it, and when we come down our power chairs or walking, we can fall in the creek because a lot of people don’t see it. I have tripped and almost fell in that big creek down there. The second thing is there is a manhole that they fixed going – it’s in front of the Brian Center where the seniors are, and they also come out and walk. This manhole they fixed maybe a year or two ago and it sits up. It’s like a metal thing, and it sits up when you go out there. They trip over that with their walkers, and it’s hard for us to get out and walk around. East Charlotte has changed a lot and more so because of Eastland Mall closing, so things are not like it was over there before. Also, number three, we don’t have much security coming through there. No police officers are patrolling. We don’t see any kind of security over there, and because of the growth in that area and more so because of the seniors that live there, and it’s a very big nursing home, it has in the back of it is a retirement center. A lot of people don’t even know it’s back there. The fourth thing is what I’m asking possibly with some assistance is some of the people that live there are in power chairs, wheelchairs, some can’t get out, and we don’t even have a bus with a lift, so many people just stay inside and never come out. I’m not talking about the nursing home. I’m talking about the independent retirement center, so if there is any information or any way we can get some kind of assistance to help us, we would certainly appreciate it, and I appreciate your time, and I wanted to say thank you.

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Councilmember Cannon said, Mr. Walton, Ms. Karen Houston came down and asked a question with regard to looking to move that sidewalk per se. I would like to see if you can bring something back to us here as a body with regard to the feasibility of something like that being done as she has made that request. Don’t know if it can be done, but if we can get Engineering and/or DOT or somebody to look at that, I certainly would appreciate that.

Curt Walton, City Manager, said, yes, sir.

Councilmember Dulin said, Mr. Cannon, I was going to wait until after the comments to bring that back up, so thank you for bringing it back up. The Murryhill neighbors have done a Herculean job of study, study, study, communication, communication, communication, and I represent that neighborhood proudly and that street and have met with her and many of her neighbors multiple times. Our staff has got a lot of time into the Murryhill sidewalk project over the years – 100’s of hours. They are really only asking to reduce that thing. The city reduced it from eight to five, and they are really only asking to reduce it down another foot to four. I have walked it with neighbors, I have walked it with our staff, and it meanders through there pretty well. Her request to reduce it a little bit more isn’t all that out of line, in my opinion. Whether we can do it or not, I don’t know. We are still working on that, but Council could use a little timeline of the hundreds of communications that have gone on, and that might be helpful to us.

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AIRPORT RULES & REGULATIONS, CHAUFFEUR DRIVEN TRANSPORTATION, AND HOTEL CONTRACTS

H.A. Thompson, 11325A Nations Ford Rd., said I'm president of Rose Chauffer Transportation, and this month we are celebrating our 25th anniversary here in the Queen City that began with one car 25 years ago and today is 31 vehicles. Two years ago we were given a high honor in the industry from the *Limousine Charter and Tour Magazine*, the magazine of the industry, as operator of the year. Rose Transportation is the only employee based company in the entire region. All others to my knowledge use contract employees. Now, our primary focus is the corporate community serving customers and large groups coming to the Queen City. Our business has changed drastically in the last few years and especially during this past recession that has been several years in the process. I'm here to address the need for some changes in some of the Airport rules and regulations. In 2010, the City of Charlotte is an entirely different city from the ordinances that were put into effect anywhere from seven, eight, ten years ago. We abide by two sets of regulations, number one, the Passenger Vehicle for Hire Ordinance, and, number two, of course, the Airport regulations. And, to make Charlotte a destination city and to compete in offering better service, private transportation is rarely a part of the equation or at least it's not on the top of the list by a long shot, and it needs to be moved up to the consideration. Private transportation is too often an after-thought. We saw a need for an Airport-Downtown shuttle service, and we developed one called The Loop. It's a continuous shuttle from the Airport to six downtown locations, mostly hotels, and it's done 12 hours a day. We have asked to partner with the Airport to have space to promote ground transportation. We are in the fourth month of this service. The rate is \$10 one way. Almost all cities as large as Charlotte, and, of course, larger cities, all have this as a regular service to the communities. In terms of private ground transportation, what we are doing with this loop is a fraction of the ground transportation dollar. Now, as the city grows with larger and larger events, the quantity of groups has outnumbered the capacity for equipment and parking at the Airport. I'm referring to the commercial lane for minibuses and the parking deck for sedans and SUVs. Currently there are 12 spaces in what they call the "red zone" and it's not enough for hundreds of visitors in a single day. The Thursday before a NASCAR race, of course, and large NRA convention, which I believe comes next week, the logistics that are designed with the laws that we have set in the past don't fit today's demands. In recent communications with the Airport director and staff –

Mayor Foxx said, I'm sorry, your time is expired.

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PASSENGER VEHICLE FOR HIRE ORDINANCES

Thomas Holden, 11325A Nations Ford Rd., said I'm director of operations of Rose Chauffer Transportation and also the president of the Charlotte Regional Limousine Association. First let me start off by saying that we, as an industry and members of the CRLA, comply with and will continue to comply with all the City ordinances under the PVH Department. With that being said, let me take a moment to share our thoughts to our City Council and the PVH Department to make changes to the current ordinances especially concerning the enforcement, or should I say the lack of. Currently the violation of an ordinance is civil. We need it to be criminal. The violation of an ordinance is the penalty in a set dollar amount. Currently there are several thousand dollars sitting in the City Collectors Office not being paid, yet the illegal companies continue to operate. Nothing can be done to them. They just refuse to pay the fines. The PVH Department was established for public safety. There are 1,100 vehicles, 1,200 drivers, 128 active companies, which 68 of those are black car limousine companies in this city. Those are the numbers that are registered and inspected by PVH Department all inclusive of taxis, black cars, and non-metered vehicles, all of which must carry \$1.5 million auto liability minimally – some of us up to \$10 million. Do the illegals have insurance? It is very frustrating for a company like Rose, who pays thousands of dollars to comply with the City to meet our customers' needs for insurance and technology and to watch other companies violate without regard to the City ordinances. The Charlotte Regional Limousine Association would like to work firsthand with the PVH Department and the City Attorney's Office to improve all PVH ordinances and to change the violations from civil to a more substantial penalty such as seizing a vehicle for nonpayment of fines the same way Mecklenburg County collects property taxes on

vehicles if not paid. Then the Sheriff's Department can seize that vehicle. Thank you for your time and consideration.

Councilmember Burgess said, Manager Walton, could we get a follow-up of his comments?

City Manager Walton said, yes, ma'am.

Councilmember Dulin said we have studied that in the Community Safety Committee, and we have had one report on what I would refer to as pirated limousine companies coming in from South Carolina. A limo can originate in South Carolina and bring a fare to Charlotte, to a ballgame, to a restaurant, and then take that person back, but if that limousine comes into Charlotte and while their people, their fare, are in a restaurant, in a ballgame, if they start making sub-rides throughout the city then they are in violation because they do not pay as many fees and they don't have the same structure that Rose and others that are doing business normally. So Community Safety is looking at it. Chairman Cannon is leading that effort. Thanks for coming down. It's a real thing. We need to crack down on folks that are not doing business in Charlotte appropriately, and, folks, we are working on that.

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TEN YEARS OLD LIMITATIONS

Cheryl Hussein said I'm the owner of Connections Transportation located here in Charlotte, North Carolina, since 1993. I am also the treasurer of the Charlotte Regional Limousine Association. I am here this evening on behalf of the CRLA to request the removal of the ten-year age limitation on vehicles transporting eight and more passengers. Our reason for requesting this is not only based on the fact that these large vehicles are quite costly to purchase but they are also costly to continually maintain based on their size, and they don't change aesthetically or chassis-wise very often by the manufacturer. They are simply made for hauling large numbers of people. Within the past two years, it has now become a requirement for any of these vehicles transporting eight or more passengers to now be federally inspected and have DOT certification. We feel based on this fact that as long as these vehicles continue to pass the federal DOT inspection as well as the Passenger Vehicle for Hire inspection that these vehicles should be allowed to operate for more than ten years as long as they continue to make it through these inspections.

Councilmember Barnes said, Ms. Hussein, what would be the appropriate age limit on these vehicles in your opinion?

Ms. Hussein said possibly upward of 15, 16 years based on as long as they continue to pass both inspections because they are not all utilized the same way. Some companies use them as continual shuttles, some companies such as ours and Rose has a few as well, are utilized more as an accessory vehicle for evening outings, dinners, and event groups. They are not used on a continual basis. They are used as needed throughout the month.

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HOTEL CONTRACTS

Sid Smith, 13000 S. Tryon St., said I'm the executive director of the Charlotte Area Hotel Association – know many of you. We are here in support of the Charlotte Limousine Association today. CAHA represents the larger convention business meeting hotels around town, as most of you know. Our CAHA members generate almost the majority of all the occupancy taxes collected and passed on to the City and County. Good, clean, reliable transportation is very important to our hotel guests especially meeting and convention attendees. For Charlotte to become the meeting, convention, and leisure destination we all want it to be, we must be able to compete with other cities that offer exceptional services in all kinds of areas. Transportation, particularly to and from the Airport and to other destinations in and around the city, are critical in attracting people to visit and ensuring their stay is enjoyable and leaves them with positive experiences. The hotel association feels that we must have both – good taxicabs and black car services that meet those needs. Passenger Vehicle for Hire ordinances

that are in place are a start, and it helped, but they always need improvements. That's a never-ending challenge. Many of the larger hotels have contracts with the black car services to provide transportation to their guests at the level of service that represents their clientele. Those services are offered well within the parameters of the current rules and regulations and need to be preserved. Many hotels do not have such arrangements and rely totally on the taxicabs. Some hotels have a mix of that. It's an individual management decision. All hotels allow both – taxicabs and limousines – to drop off, and all hotels allow the customer to choose who they prefer to use when they leave the property. So, as you, the City, continuously review the rules and regulations concerning vehicles for hire, the hotel association urges you to maintain this flexible balance between the best of the best, whether it be taxicabs or black car services implementing and enforcing strict standards on clean, reliable vehicles. Courteous, knowledgeable, and reputable drivers are keys to helping us become the world-renowned destination we want to be as a city. The current rules and regulations that allow this flexible individual choice between taxicabs and black car services is the correct way to go, and we urge you to maintain that as you do your review in the weeks and months ahead.

Councilmember Carter said, Mr. Mayor, could we ask a point of information of these folks who are representing that service, and not at this moment but later, please. The renewal of vehicles to me is important at this point in time because of emissions and consumption of fuel. I have seen hybrid vehicles in use. I have seen electrical vehicles in use, and I'm not sure those are in service, and we do need to be considering our air quality, so that would be one point in favor for replacing vehicles at this point in an eight-year rotation. But if you have a response to that issue, I would love to hear it.

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SUPPORT FOR THE STREET BONDS

David Matvey, 609 McDonald Ave., said I live on McDonald Ave. I come before you tonight as a homeowner on McDonald Avenue and have the privilege of representing some of my fellow McDonald Avenue friends and neighbors. Given the various sidewalk projects that have been debated recently, we, on McDonald Avenue, thought it a good idea to come down and let our Mayor and City Council know there are groups of citizens who actually support the funding of the City's sidewalk program and have actually – believe it or not – been working with the City for four years to have our street, McDonald Avenue, retrofitted for sidewalk, curb, and gutter. I come before you tonight to respectfully ask to consider funding the City sidewalk program and to continue funding for our specific project, the retrofit of McDonald Avenue for sidewalk, curb, and gutter. McDonald Avenue stands at the center of one of the most vibrant and developing areas of our Center City. Using facts and data for over four years, we have petitioned CDOT to prioritize the retrofitting of McDonald Avenue. Four years later, over 80% of the homeowners on McDonald Avenue support this project, which is now priority for the City Sidewalk Program. We also have support from the South End Historic Association and the Dilworth Community Development Association. We would like to take a short moment to recognize the support and partnership we have developed with Vivian Coleman and her team on the sidewalk program. We appreciate their professionalism and ability to listen and respond to our concerns and feedback over the past four years. We cannot presume to enter on any particular side with the various other sidewalk projects being debated by City Council. Each project is different and we have found personal to the homeowners affected. We respect our neighbors and their right to make other choices for their street. For our street, our support for the City Sidewalk Program and specifically McDonald Avenue is based on certain principles for your consideration. A walkable neighborhood is a safe neighborhood. McDonald Avenue is now home to over 30 children, who must walk on the street among cars using McDonald Avenue as a cut-through between South Boulevard and Park Road. Actually McDonald Avenue is the only important residential connector south of East Boulevard and north of east Woodlawn Road that does not have a continuous sidewalk. No tree, bush, or parking pad is worth risking the harm to one of our children. Walkable neighborhoods support a competitive city. As Charlotte seeks to compete for jobs in the 21st Century, we cannot lose sight of continuing to improve our infrastructure however incrementally to market the quality of life in Charlotte. Finally, a walkable city is a friendly city; a walkable neighborhood is a friendly neighborhood. A large part of enabling neighbors to get out of their homes and socialize are sidewalks. You get to know your neighbor on your sidewalk. Our community police officer continues to make the point that the more

neighbors get out and know each other the better able they are to deter crime. We, on McDonald Avenue, recognize these principles, and because of them we actively support the City Sidewalk Program and specifically the retrofit of our street for sidewalk, curb, and gutter. In these recessionary times, we understand that time is up.

Mayor Foxx said, David, I want to thank you for coming. We don't often have folks that are getting sidewalks or wish to have sidewalks to come to say thank you or we would love to see them, so it's great to have you here.

Mr. Matvey said we would like to thank our District 1 representative, Patsy Kinsey, for all of her support.

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PET DATA

Lloyd Scher, Commissioner, 9815 Meringue Pl., said please excuse me if I stutter a little bit. That happens when I haven't taken my medicine. There is a need for jobs in Charlotte-Mecklenburg, and we need every job we can get. For years the City of Charlotte had four employees whose main responsibility was to collect license fees for dogs and cats. They were not doing the job very well, so it was decided to close down that area of animal control, and the four employees were not fired but were transferred over to the 311 service. The City then contracted with a company in El Paso, Texas, called Pet Data. They collect money for the licenses, and out of the \$10 they collect, they keep \$3, and the company then returns \$7 back to the City. That means the money being paid to Pet Data employees is not being spent in Charlotte. I would like to suggest to the City Council to consider ending the contract with Pet Data and return those jobs back to Charlotte, and we should set up a different type of pay scale. My recommendation would be the following: Hire four employees to collect the fees. Start them at \$10 an hour for three months until they get the system down. After three months, reduce the salaries to minimum wage. Begin a bonus program that the number of license fees that they take in is bonus for them at the end of the month rather than this money being spent. If we gave them \$1.50 for every license picked that means the city also gets \$1.50 more to pay for the department. Begin a bonus program that allows employees to earn bonus money, allow each employee to earn bonus money for each license they collect. If we allow Pet Data to keep the \$3 for each license, even those paid fees that were paid at the Animal Shelter, so if I go and pay at the Animal Shelter, they still get \$3. If each employee would earn \$1.50 for each license fee, that increase in salary would make their job much more favorable for the employee and for the City of Charlotte because the City would increase the amount of revenue taken in. Finally, for those fees for an Animal Shelter should be put into those – those paid at the Animal Shelter should be put and divided up with the employees at the end of the month as a bonus. By providing this kind of pay scale, it will support the employees to work hard to collect the fees and most important provide funding for Charlotte citizens. Thank you. I have got a copy of this for everyone, for you all to look at, and I'll give it to Ms. Johnson over here to pass out, but I hope you will consider that. We need the jobs, and it's a shame that we give them \$3, and there are hundreds of thousands of pets.

Councilmember Turner said, Mr. Manager, I'm going to go back quickly on this Pet Data thing. I think that was in the paper as well. Can you tell us whether or not there is a delay? What is the time process when people actually go and apply for those license, how long it takes for them to receive their license for their pet?

Curt Walton, City Manager, said we'll be glad to get that for you, Mr. Turner. I can say in the case of my pets about a week, so it's pretty quick turnaround. We'll get you the average.

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ABORTION BENEFIT & CITY HEALTH PLAN

Martin Davis, 2424-H Selwyn Ave., said, Mr. Mayor, a City Councilman has been charged by *The Charlotte Observer* with sexually harassing a female City staffer. Living up to their journalistic hack reputation, *The Observer* has given this matter front-page coverage for the past

month along with the four breathless articles they wrote about a protracted homosexual sex scene in a TV soap opera, but I digress. Anyway, Mr. Mayor, *The Observer* wants this Councilman politically destroyed. Here are the facts they have been so kind to provide the community. The female City staffer complained to HR Director Tim Mayes about a problem she was having with a male City Councilman. She declined to make a formal complaint. Mr. Mayes informed Manager Walton. Mr. Walton then asked you, Mr. Mayor, to do something. You proceeded to email City Council asking them not to bother staff. *The Observer* questioned City staff about the situation. Three staffers fingered the same Councilman, off the record, of course. Mr. Mayor, *The Observer* would have us believe they think sexual harassment is a heinous crime, but as usual, they lie. You see, Mr. Mayor, back in October of 1991 the U.S. Senate was conducting hearings to determine the fitness of Clarence Thomas to serve on the Supreme Court. Judge Thomas had been the director of the EEOC, and one of his former staffers, Anita Hill, filed a confidential statement to the Senate Judiciary Committee charging Judge Thomas with sexually harassing her. Against the wishes of the Senate and Anita Hill, an unknown person or persons leaked Ms. Hill's allegations to the press. We all know the rest of the story, Mr. Mayor. But there was an interesting sidebar involving our very own wonderful *Charlotte Observer* at the exact same time. *The Observer* had an employee named Angela Wright, an assistant metropolitan editor. Previously Ms. Wright had also worked for Judge Thomas at the EEOC and had been fired from her job by Judge Thomas. In October of 1991, Ms. Wright submitted a sample column to her supervising editor in the hope he would make her a columnist. Ms. Wright wrote in the sample article that based on her personal opinion of Judge Thomas she thought he had the potential to be a sexual harasser – the potential, Mr. Mayor. One of *The Observer's* wonderful, impartial, ethical employees leaked this sample column to the Senate Judiciary Committee. Based on this unpublished writing sample, Chairman Joe Biden thought about having Ms. Wright testify, but after investigating Ms. Wright, he declined to do so. Seems Ms. Wright had been fired by Judge Thomas for referring to a fellow employee as a fagot. The employee later died due to AIDS related complications. Judge Thomas attended the funeral. Prior to uttering the fagot remark, Ms. Wright had a disagreement with a male coworker at an EEOC conference. Wright struck the man in the jaw. He landed flat on his back and slid under a table in front of several stunned EEOC staffers. So it seems if you are a violent sexual harasser you are editor material at *The Observer*, Mr. Mayor, which proves that in 1991 *The Observer* was composed of sanctimonious, mean, fourth-rate journalistic hacks, and, Mr. Mayor, as we know, absolutely nothing has changed at *The Observer* in the last 19 years. Thank you.

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Mayor Foxx said, Ms. Burgess, you want to say something about the Park Road sidewalk issue?

Councilmember Burgess said yes. To the Park Road neighbors, I thank you for being here tonight and expressing your opinion. I want to say two things. One is you used the example that sidewalk money would be better spent on schools and I believe libraries. There is a lot of confusion in our community that the City Council funds those, and we are choosing sidewalks over those critical needs. Those are responsibility of the Mecklenburg Board of County Commissioners, and it's not our choice nor do we have the power to fund those. So I want to make sure that there is not confusion in the community that we are funding sidewalks over those needs.

The second thing I want to say is that – I maybe shouldn't say this, but I just have this on my heart. Patsy Kinsey is one of the most highly respected elected officials in this community. I have served with her on this board and a concurrent elected official on a different board, and I can attest to her integrity. I have disagreed with her, you disagree with her, but I just want to say common sense would say that you would not call an elected official a liar. She did not lie. I never have known her to lie, and I hope in the future that you consider your words very carefully because they can be offensive to us. I will not let your comments influence my decision about the sidewalks, but I just want to ask you to please in the future use your words very carefully because those of us at this dais who work very hard to represent you listen to you, and I just had to get that off my chest. Maybe I'm grouchy tonight, but I just wanted to let you know that.

Mayor Foxx said the hearing is closed at this point, but, Ms. Burgess, thank you for that, and, Ms. Patsy, she's right.

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AWARDS AND RECOGNITIONS

NASCAR HALL OF FAME PROCLAMATION

Mayor Foxx recognized Winston Kelly, Executive Director of the NASCAR Hall of Fame and Tim Newman, President and CEO of Charlotte Regional Visitors Authority, and Councilmember Kinsey read a proclamation declaring May as NASCAR Appreciation Month in honor of the teamwork and collaboration demonstrated to recruit, build, and open the NASCAR Hall of Fame and to highlight its impact on the local community and economy.

Mayor Foxx said this NASCAR Appreciation Month comes right in the throes of the opening of the NASCAR Hall of Fame, and it's going to be an exciting month for our city and an exciting place for visitors to come. My four-year-old has already made his case to get out and see the race cars in there.

Winston Kelly, Executive Director, NASCAR Hall of Fame, said it's right at 14 days and 14 hours, if anybody is counting, from when we open. I think the thing I would like to say is highlight what Councilmember Kinsey said about the incredible public-private partnership and everybody that she mentioned. It's been a wonderful, wonderful project, and a sincere thanks to each and every one of you for your support and the support of previous Councils who supported the NASCAR Hall of Fame. We pledge to you to make you proud of the facility and the customer service and the wonderful entertainment experience that we provide to our guests in the community and to those in the community.

Tim Newman, President and CEO, Charlotte Regional Visitors Authority, said this is a great team effort that our city and region will be very proud of.

Mayor Foxx said I also want to recognize City Manager Curt Walton, Jim Schumacher, a number of other very talented – Ron Kimble, and other very talented cast of folks that helped make this project happen.

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CONSENT AGENDA

[Motion was made by Councilmember Mitchell, seconded by Councilmember Carter, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of]
[Item Nos. 26, 27, 29, 31, 34, 36, and 37, which were pulled for discussion; Item Nos. 38-I]
[and 38-K, which were pulled by staff and have been settled; and Item Nos. 37-B and 38-E,]
[which have speakers.]

The following items were approved:

19. Reject the nonresponsive low bid of \$47,100 by Landmark Limited II, Inc., approve the low bid unit price contract with Henry Schein Matrix Medical for the purchase of medical gloves in the estimated annual amount of \$66,000 for a term of one year, and authorize the City Manager to extend the contract for four additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.
20. Reject the low bid contract of \$2,864,493.84 by Southside Constructors, Inc. for failure to comply with the Small Business Enterprise Program, and award a contract to the lowest responsive bidder Murray Construction of Fire Station #42.

Summary of Bids

Southside Constructors, Inc.	\$2,864,493.84
Murray Construction Company of Monroe	\$2,964,136.24
Edison Foard Inc.	\$2,978,560.00

MV Momentum Construction	\$3,013,920.00
LeChase Construction Services, LLC	\$3,062,592.00
G.W. Liles Construction Co., Inc.	\$3,078,400.00
Matthews Construction Co., Inc.	\$3,098,160.00
Camps Construction Company	\$3,107,808.08
Beam Construction Co., Inc.	\$3,013,920.00
Ike's Construction, Inc.	\$3,179,280.00
Sorensen Gross, Inc.	\$3,269,471.92

21. Contract to the lowest bidder, Blythe Construction, Inc., in the amount of \$14,983,503.15 to US 29/NC 49 Roadway Improvement Project Phase II and water transmission main construction for Engineering and Property Management.

Summary of Bids

Blythe Construction, Inc.	\$14,983,503.15
Rea Contracting	\$15,194,607.23
Sealand Contractors	\$16,137,877.14
Blythe Development	\$16,283,512.50

23. Contract to the lowest bidder, Alpha Development Company, Inc. in the amount of \$168,397.09 for the South Tryon Street improvements for Engineering and Property Management.

Summary of Bids

Alpha Development Co., Inc.	\$168,397.09
Red Clay Industries	\$185,449.79
VR King Construction, LLC	\$188,489.59
Carolina Cajun Concrete	\$211,053.75
Trull Contracting, LLC	\$216,134.74
Blythe Development Co.	\$216,200.00
W.M. Warr & Son	\$228,521.68
Callahan Grading, LLC	\$238,941.25
Sealand Contractors	\$263,509.28
Granite Contracting, LLC	\$265,314.78
Ferebee Corporation	\$293,572.00
United Construction Company	\$311,364.23

24. Amendment #1 to the Bryant Park Infrastructure Reimbursement Agreement with Suttle Avenue LLC (an affiliate of Merrifield Partners) extending the commencement date by two years to December 31, 2012, for road improvements and the construction of Bryant Park Drive.

25. Contract with Carollo Engineers in the amount of \$869,830 for professional services associated with the design and construction of the Mallard Creek Water Reclamation Facility final clarifer and related improvements.

28. Contract with Quixote Transportation Technologies, Inc. for \$278,213.50 for the installation of transportation data stations.

30. Contract amendment in the amount of \$150,000 to K&J Safety and Security Consulting Services, Inc. to provide safety and security certification of the LYNX Blue Line Extension Project.

33. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$10,637.20, and resolution authorizing the refund of business privilege license payments made in the amount of \$48,966.77.

The resolution for refund of property taxes is recorded in Resolution Book 42 at Pages 465-466.

The resolution for refund of business privilege license payments is recorded in Resolution Book 42 at Pages 467-468.

35. Resolution of Intent to abandon two alleyways between Spencer Street and Charles Avenue, and set a public hearing for May 24, 2010.

The resolution is recorded in Resolution Book 42 at Page 470.

- 37-A. Ordinance No. 4409-X authorizing the use of In Rem Remedy to demolish and remove the structure at 4509 Glenwood Drive (Neighborhood Statistical Area 19 – Thomasboro/Hoskins neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 596.

- 37-C. Ordinance No. 4411-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1837 Umstead Street (Neighborhood Statistical Area 46 – Villa Heights neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 598.

- 37-D. Ordinance No. 4412-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2607 Arnold Drive (Neighborhood Statistical Area 49 – Country Club Heights neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 599.

- 37-E. Ordinance No. 4413-X authorizing the use of In Rem Remedy to demolish and remove the structure at 9811 Bellhaven Circle (Neighborhood Statistical Area 115 – Coulwood West neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 600.

- 37-F. Ordinance No. 4414-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2734 Capitol Drive (Neighborhood Statistical Area 4 – Capitol Drive neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 601.

- 37-G. Ordinance No. 4415-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2118 Holly Street (Neighborhood Statistical Area 29 – Lincoln Heights neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 602.

- 37-H. Ordinance No. 4416-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2905 New Pineola Road (Neighborhood Statistical Area 100 – Eagle Lake neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 603.

- 37-I. Ordinance No. 4417-X authorizing the use of In Rem Remedy to demolish and remove the structure at 501 Patterson Street (Neighborhood Statistical Area 44 – North Charlotte neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 604.

- 37-J. Ordinance No. 4418-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3032 Reid Avenue (Neighborhood Statistical Area 7 – 3032 Reid Avenue neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 605.

38-A. Acquisition of 2,630 square feet in fee simple plus 8,166 square feet in existing right-of-way plus 3,675 square feet in sidewalk and utility easement plus 2,725 square feet in temporary construction easement at 421 Clanton Road from Robert Q. Alexander for \$28,796 for Clanton Road Sidewalk - South Boulevard to South Tryon Street, Parcels #2, #3, and #4.

38-B. Acquisition of 895 square feet in fee simple plus 3,607 square feet in existing right-of-way plus 1,505 square feet in sidewalk and utility easement plus 1,232 square feet in temporary construction easement at 521 Clanton Road from D & D Group, LLC for \$11,200 for Clanton Road Sidewalk – South Boulevard to South Tryon Street, Parcel #18.

38-C. Resolution of condemnation of 9,720 square feet of sanitary sewer easement plus temporary construction easement on Christenbury Road from Michael T. Bidy and any other parties of interest for \$1,450 for 2009 Annexation – Christenbury Road Pump Station Demolition, Parcel #20.

The resolution is recorded in Resolution Book 42 at Page 472.

38-D. Resolution of condemnation of 10,959 square feet of sanitary sewer easement plus temporary construction easement on Rocky River Road from J. Frank Hodges & Associates Limited Partnership and any other parties of interest for \$1,400 for 2009 Annexation – Hood Road North Sanitary Sewer Improvements, Parcel #6.

The resolution is recorded in Resolution Book 42 at Page 473.

38-F. Resolution of condemnation of 1,709 square feet of temporary construction easement at 9334 Horseshoe Bend Drive from Jon W. Merkert and Bernadette T. Donovan and any other parties of interest for \$1,075 for 2009 Annexation – Hood Road North Sanitary Sewer Improvements, Parcel #78.

The resolution is recorded in Resolution Book 42 at Page 475.

38-G. Resolution of condemnation of 29,574 square feet of sanitary sewer easement plus temporary construction easement on Deodora Cedar Lane and Blue Ash Lane from Kingstree Homeowners Association, Inc. and any other parties of interest for \$425 for 2009 Annexation – Hood Road South Sanitary Sewer Improvements (Phase 1), Parcel #13 and #15.

The resolution is recorded in Resolution Book 42 at Page 476.

38-H. Resolution of condemnation of 11,502 square feet of sanitary sewer easement plus temporary construction easement at 1600 Masonic Drive from Central Plaza, LLC and any other parties of interest for \$5,200 for Briar Creek Relief Sewer Phase 2, Parcel #34 and #35.

The resolution is recorded in Resolution Book 42 at Page 477.

38-J. Resolution of condemnation of 5,421 square feet of fee simple plus existing right-of-way plus sidewalk and utility easement plus temporary construction easement at 306 Clanton Road from John H. Thrower and any other parties of interest for \$14,175 for Clanton Road Sidewalk – South Boulevard to South Tryon Street, Parcel #9.

The resolution is recorded in Resolution Book 42 at Page 478.

38-L. Resolution of condemnation of 13,178 square feet of storm drainage easement plus sidewalk and utility easement plus storm drainage and sidewalk utility easement overlap plus temporary construction easement at 200 Clanton Road from Lifespan, Inc. and any other parties of interest for \$1,5150 for Clanton Road Sidewalk – South Boulevard to South Tryon Street, Parcel #14.

The resolution is recorded in Resolution Book 42 at Page 479.

- 38-M. Resolution of condemnation of 10,084 square feet of storm drainage easement plus sidewalk and utility easement plus storm drainage and sidewalk utility easement overlap plus temporary construction easement at 145 Remount Road from McLeod Addictive Disease Foundation, Inc. and any other parties of interest for \$29,925 for Clanton Road Sidewalk - South Boulevard to South Tryon Street, Parcel #17.

The resolution is recorded in Resolution Book 42 at Page 480.

- 38-N. Resolution of condemnation of 388 square feet of temporary construction easement at 605 Clanton Road from National Retail Properties, LP and any other parties of interest for \$775 for Clanton Road Sidewalk – South Boulevard to South Tryon Street, Parcel #19.

The resolution is recorded in Resolution Book 42 at Page 481.

- 38-O. Resolution of condemnation of 81 square feet of temporary construction easement at 2100 Saint Luke Street from Regions Bank and any other parties of interest for \$25 for Lincoln-Wilson Heights Neighborhood Improvements, Parcel #4.

The resolution is recorded in Resolution Book 42 at Page 482.

- 38-P. Resolution of condemnation of 5,474 square feet of fee simple plus utility easement plus temporary construction easement at 6001 Statesville Road from Ella Y. May and any other parties of interest for \$5,200 for Statesville Road Widening (I-85 to Sunset Road), Parcel #138.

The resolution is recorded in Resolution Book 42 at Page 483.

39. Titles, motions, and votes reflected in the Clerk’s record as the Minutes of the February 15, 2010, Zoning Meeting; March 1, 2010, Workshop; and March 3, 2010, Budget Retreat.

ITEM NO. 26: SANITARY SEWER EASEMENT MOWING AND CLEARING

Councilmember Carter said I was curious to know if the equipment that would be used in this sanitary sewer easement mowing and clearing if that would be green, environmentally friendly equipment – off-road vehicles and equipment being those that do not use energy that would pollute our air.

Curt Walton, City Manager, said I asked Deputy City Manager Ron Kimble to take the lead on Consent tonight, so Ron will answer your question.

Ron Kimble, Deputy City Manager, said during the bid specifications we didn’t put this in the bid specification, so we have not put it in for this particular time. Our history with this firm is that they are going to use either gas or diesel powered vehicles in this particular bid award.

Councilmember Carter said I would ask that staff consider including this as an incentive for those who work for us because we, the City, are moving forward on that front.

[Motion was made by Councilmember Carter, seconded by Councilmember Cannon, and]
[carried unanimously to approve a contract with Bushhog America, Inc. for sanitary sewer]
[easement mowing and clearing in the not-to-exceed amount of \$250,000, and authorize the]
[City Manager to renew the contract for two additional one-year terms in the not-to-exceed]
[amount of \$250,000 each.]

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ITEM NO. 27: PAVEMENT CONDITION ANALYSIS AND PEDESTRIAN FACILITY INVENTORY

Ron Kimble, Deputy City Manager, said previously we had done windshield survey type surveys of our road conditions for the past 25 years. This is a different kind of inspection. This is done by machines. The information can be captured. It is very accurate. It can be loaded into a database. This information lasts for three to five years – much longer than the typical windshield type survey information would last. We have also linked it for efficiency reasons with our pedestrian analysis that was called for in the Transportation Action Plan, so you are getting a lot of efficiencies by using one company to do both the road pavement analysis and do the pedestrian amenities that are along the roadway rights-of-way.

Councilmember Dulin said this contract, like I said, is divided out roughly to \$405,000 a year. I read the information, and I understand they are going to be taking some heat readings, etc. Is this material we have truly a windshield survey?

Mr. Kimble said windshield surveys were done in the past. This is now done by people who actually come to the site, test the pavement, take the information back, load it, and it gives you a much more accurate picture of the condition of your streets and roads.

Councilmember Dulin said is a windshield survey what it says? They are driving around looking through the windshield.

Mr. Kimble said windshield surveys are just that. They are done on visual observations and visual inspections. This is not that. This is the actual testing –

Councilmember Dulin said I would be very interested -- we don't need the information tonight – but very interested in one of our follow-ups about how much we have been paying for these windshield inspections.

Mr. Kimble said we'll get that information to you. Those are in the past. This is a much more accurate way of doing it.

Councilmember Dulin said this better be accurate at \$405,000 a year. It really better be accurate.

Mr. Kimble said better information, lasts longer, much more important to the decision-making process.

Councilmember Dulin said headquartered in District 6. Thank you.

[Motion was made by Councilmember Dulin, seconded by Councilmember Mitchell, and]
[carried unanimously to approve a contract with KRK Consulting, PLLC for \$810,687 for]
[facility pavement condition analysis services and pedestrian facility inventory.]

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ITEM NO. 29: MICROSOFT ENTERPRISE LICENSING AGREEMENT RENEWAL

Councilmember Dulin said I pulled 29 and have had my question answered, so I would like to move approval.

[Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and]
[carried unanimously to approve a 36-month renewal of the Microsoft Enterprise Licensing]
[Agreement to ensure software license compliance and support of included Microsoft products]
[at a cost not to exceed \$4,500,000.]

* * * * *

ITEM NO. 31: AIRPORT ENTRANCE ROAD MASTER PLANNING CHANGE ORDER

Councilmember Carter said we have a proposal for a change order for the Airport entrance road, and I was hoping we could get a design so we can understand the impact of lowering the budget on this project.

Ron Kimble, Deputy City Manager, said we know you would like to hear the answer to that from Mr. Jerry Orr, Aviation.

Jerry Orr, Aviation, said you may remember when we were going to build an Airport terminal back in 1975 and the state was going to build an entrance road, and that project has been in the state's seven-year plan since then. It's fairly obvious they are not going to get around to it any time soon. Y'all awarded a contract to HNTB to do a master plan study and lay out a roadway system for the front of the Airport, and they did that. It is a lot more money than we can raise in the short-term future, so we want to ask them to go back and come up with the roads that we need to start at Wilkinson Boulevard with a new intersection and provide a one-way system into the Airport Terminal, back out to Wilkinson Boulevard, and tie into Josh Birmingham Parkway. We can do that for \$20 million, and we have that money bonded.

Councilmember Carter said thank you, sir, that gives me a visual.

[Motion was made by Councilmember Carter, seconded by Councilmember Mitchell, and]
[carried unanimously to approve a change order in the amount of \$351,050 with HNTB]
[North Carolina, P.C. for additional master planning services for the Airport Entrance Road.]

ITEM NO. 32: AIRPORT CONCOURSE E EXPANSION

Councilmember Dulin said I would love for Mr. Orr to give us an update on where Concourse E is going and when you anticipate it touching uptown Charlotte.

Mayor Pro Tem Burgess said also I asked the question about whether these four new gates would be a spur or an extension of very long Concourse E.

Councilmember Dulin said, Mr. Orr, I'm sorry. I want to give you a little feedback here, and the reason I brought it up is because I'm hearing feedback from both people that live in town that work in other places or people that are coming to Charlotte on business saying, for goodness sakes, that thing is just so far out there, so that's why I wanted to pull it.

Jerry Orr, Aviation, said it is four gates. It is 120-foot linear expansion of the concourse. There is an additional capability to expand that concourse even further by about an additional 800 or 900 feet – another ten or 12 gates. With this concourse, we'll have 100-gate terminal. That's getting pretty big, and it's a long way from one to the other. That's about the same size Atlanta was about 25 years ago.

Councilmember Dulin said do you have some long-term planning on how you can cut some of those – how pedestrians can cut some corners under or over or from the parking lot over? We are talking about 800 additional feet on this 120 that we are doing here. Now, we are all for every time a plane touches down in Charlotte they pay us something for that, and then every time they dock up they pay us for that, too. At some point, the customer is going to say –

Mr. Orr said there are some long-term plans for automatic vehicle connectors that will lessen that commute. Those also take a lot of money, and it takes a lot of time and effort to get on them.

Councilmember Dulin said I do notice some folks enjoying your white rocking chairs at different stages of Concourse E.

Mr. Orr said, yes, sir, they have to stop and rest.

Councilmember Dulin said maybe put the rocking chairs on your moving sidewalk.

Mayor Pro Tem Burgess said what kind of vehicle do you have in mind?

Mr. Orr said hopefully one of the newer individual vehicles that are much smaller and much lighter that are just now coming on the market.

Mayor Pro Tem Burgess said so that an individual can get into one of those little –

Mr. Orr said yes. They carry six, eight, ten people, and are much, much cheaper and much more convenient than the trains like they have in Atlanta.

Mayor Pro Tem Burgess said my second question: Will you be installing another moving sidewalk to help people get out there?

Mr. Orr said yes.

Mayor Pro Tem Burgess said for these gates?

Mr. Orr said it is part of this project.

[Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and]
[carried unanimously to award the low bid contract of \$2,986,000 to Edison Foard, Inc.]
[for the construction of Concourse E Expansion, and adopt Budget Ordinance No. 4408-X]
[in the amount of \$2,986,000 from Airport Discretionary funds to be repaid with future]
[General Airport Revenue Bond proceeds.]

The ordinance is recorded in Ordinance Book 56 at Page 595.

Summary of Bids

Edison Foard, Inc.	\$2,986,000
Clancy & Theys	\$3,032,900
Edifice Inc.	\$3,040,000
Shelco, Inc.	\$3,041,000
MV Momentum, LLC	\$3,112,900
Randolph & Son Builders	\$3,147,000
PCL Construction Services	\$3,159,000
The Whiting-Turner Company	\$3,185,000
Cox and Shepp Construction	\$3,225,356
Rodgers Builders, Inc.	\$3,242,932
Hostetter & Keach	\$3,244,381
The Bowers Group, LLC	\$3,277,000
Archer Western Contractors	\$3,279,513
Hall Contracting Corporation	\$3,565,000

ITEM NO. 34: RESOLUTION OF INTENT TO ABANDON A PORTION OF SEIGLE POINT DRIVE

Councilmember Carter said both Ms. Kinsey and I pulled that one, Mr. Mayor. The question is why are we abandoning the portion of Seigle Point Drive that fronts on Tenth Street, and I have noted a median, and Ms. Kinsey noted that this was a very new street, and we are very curious why and to what advantage to our citizens?

Ron Kimble, Deputy City Manager, said this is part of an already approved rezoning for a Charlotte Housing Authority project, and they can carry more units on the site with this

reconfiguration, and staff did not have connectivity concerns with the plan that was approved as part of the rezoning.

Councilmember Carter said will they keep that median divide that allows a U-turn?

Mr. Kimble said I don't know if I can answer that question.

Jeff McSwain, Charlotte Department of Transportation (CDOT), said I will have to get back with you, if it's okay, about the median closing, but I think it is going away.

Councilmember Carter said let's hope our citizens are best served this way.

[Motion was made by Councilmember Carter, seconded by Councilmember Turner, and]
[carried unanimously to adopt a resolution of intent to abandon a portion of Seigle Point]
[Drive, and set a public hearing for May 24, 2010.]

The resolution is recorded in Resolution Book 42 at Page 469.

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ITEM NO. 36: RESOLUTION OF INTENT TO ABANDON A PORTION OF McALPINE STATION DRIVE

Councilmember Carter said I'm very curious how that McAlpine settlement will be served if we close this McAlpine Station Drive.

Ron Kimble, Deputy City Manager, said excellent question, and it is a realignment. It's abandoning a certain portion of the road and then realigning the road with another road called Timber Springs Road across that intersection so it lines up the intersection by abandoning one piece and creating the connectivity and the alignment that is necessary.

Councilmember Carter said will there be an overpass over the train tracks?

Jeff McSwain, Charlotte Department of Transportation (CDOT), said I'm not sure.

Councilmember Carter said thank you. That was a debate when we were talking about the hospital that was proposed for that area, so I am concerned about its safety, etc., and it's the only ingress and egress from that property, so I am concerned.

Mr. McSwain said I think it is, but I want to make sure, so I will get back with you, if that's okay.

Councilmember Carter said there will be temporary arrangements during construction time; correct?

Mr. McSwain said yes. The current alignment will stay until the new alignment is built and then will go away.

[Motion was made by Councilmember Carter and seconded by Councilmember Cannon to]
[adopt a resolution of intent to abandon a portion of McAlpine Station Drive, and set a public]
[hearing for May 24, 2010.]

Councilmember Dulin said who is going to pay for the realignment of McAlpine Station?

Mr. McSwain said I'm not sure. I will have to get back with you on that. It has been requested by the developer, Daniel Levine, and I'm not sure of those funds.

Councilmember Dulin said we close it and then the developer can move it, or are we going to pay for that?

Mr. Kimble said our supposition is that it's a realignment so the developer is responsible for making that connection and paying for that improvement.

Councilmember Dulin said are there plans for a light? There is a light there now; isn't there? I can't remember.

Councilmember Carter said yes.

Councilmember Dulin said so will that light move up to line up with Timber Springs Drive?

Mr. Kimble said I'm assuming yes.

Councilmember Dulin said will it happen when the realignment happens – congruent, concurrent?

Mr. McSwain said yes.

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

The resolution is recorded in Resolution Book 42 at Page 471.

ITEM NO. 22: JOHN KIRK DRIVE MILLING AND RESURFACING

Ron Kimble, Deputy City Manager, said I believe No. 22 was also pulled. Am I correct in that?

Mayor Foxx said I didn't hear that from the Clerk.

Melissa Thompson, Deputy City Clerk, said I may have missed it.

Mr. Kimble said we have that one as pulled.

Mayor Foxx said speak to it.

Mr. Kimble said that was by Ms. Kinsey about the extra money we are paying as part of this project. Originally the state was going to come in and simply repave this road. We see an opportunity to partner with them and get the current surface milled and then repaved and get the bicycle lane in as part of this project, so we are adding a little bit to that in order to get the milling, the bicycle lanes, and the restriping all set at the same time.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Carter, and]
[carried unanimously to award the low bid contract of \$333,074.50 to Ferebee Corporation]
[for milling and resurfacing John Kirk Drive.]

Summary of Bids

Ferebee Corporation	\$333,074.50
Blythe Construction, Inc.	\$333,312.10
Rea Contracting	\$353,766.99
Blythe Brothers Asphalt	\$413,755.38
Granite Contracting	\$429,404.25

ITEM NO. 37-B: IN REM REMEDY AT 2100 GREENWAY AVENUE

Eric Horsley, 2062 Greenway Ave., said I'm directly next door to 2100 Greenway Avenue, Mr. McRae's property. I'm here tonight also as a group of concerned neighbors who support the

bvj

recommendation the City has made to tear down that house. These are those neighbors here in support. I think everyone will agree, Mr. McRae included, that tearing down the existing structure is the most cost effective and practical remedy for this property. The opportunity for Mr. McRae to do this or show any intentions of doing this has passed. It has been six months since the tree fell on the house. Since then debris such as mattresses, tables, appliances, and junk have been pulled of the house and left in the yard. The City has had to contract removal of this debris. There are still piles of rotten wood with nails around the house. A tarp that was incorrectly placed over the house now collects water. The City has had to send Storm Water Services out to treat the outstanding water for mosquitoes. Prior to the tree falling, the house has shown years of neglect and wear and tear and has been in obvious need of repair. The meters have been removed from the house. There is no power or electricity to the house. No one was living in the house, and essentially it was being used as a storage facility. I spoke with Mr. McRae this afternoon, and he expressed to me his need to have more time, approximately four weeks, to remove his personal items from the house. I expressed to him the neighborhood's need to have the situation corrected and the assurance that it will be done. This process and the City's decision gives us that assurance that it will be done. Mr. McRae has proven to be less reliable when it comes to this matter. I'm not real familiar with the process or the timing of the process, but I would imagine it would take close to four weeks to go through that process. We obviously don't have a problem with giving Mr. McRae the opportunity to remove his personal items from the property, but we also at the same time need to be assured that the City has taken control of the situation and is removing the house. Again, we agree with the recommendation of the City based on the conditions and the safety hazards of the house and feel like it needs to come down now.

Baxter McRae said I'm the victim of a natural catastrophe here. There was a perfect storm that happened last November where we got over four inches of rain followed by gale force winds, which especially hard hit our neighborhood. More trees fell on that same street. My tree had all of its limbs alive. When the tree was down, it was obvious there were no hollow places on the inside. It just was a perfect storm, and it fell directly on my house and crushed the entire roof structure. I did quite a bit of work at first. I got the tree off the house. I got someone in to build a temporary rafter system, enough to hold some heavy grade tarps on top of the roof. We hauled out a whole construction dumpster full of damaged debris from the roof, much of which was on the inside on the top of the ceilings that were on the inside of the house. At that point, I ran out of money. I spent about \$12,000. I had good prospects that more was coming, but I had to wedge it out of two different bureaucracies, and that took about three months. I got the money to do the rest of the work about the time I got the order to demolish from the City. I have someone who is very interested in the house. It's a couple who lives in the neighborhood. One of them is an architect and wants to design her own house and build it there. I no longer have a business within three blocks of the house like I did most of the time I was living there. I'm taking care of an elderly mother in Anson County now and spending a lot of time with that because there is some Alzheimer's issues involved. I just need the recognition that I need to be taken into account in making this decision. I'm not opposed to demolishing the house. When it was first damaged, I felt because six of the eight rooms on the inside were in good shape that I could rebuilt, but after talking to a structural engineer and a builder, I decided it was really too badly damaged given the present housing codes to make it worthwhile. So what I want to do is go ahead and demolish the house, too. We are basically in agreement here. I think Patsy Kinsey was nice enough to get copies of my letter that I wrote to the Code Enforcement people, to everyone on the Council. I end the letter with this paragraph. "I would like to feel that you have my best interests at heart here and are willing to let me get the work done on my property without undue pressure. Obviously it is in my best interest to clear the present structure from the land and get a better house built back on that relatively valuable real estate as soon as possible. Presumably this is what you would like also, so I see no reason why everyone can't win here." The thing is I just need the time to get out the things that I need to get out. There are some –

Mayor Foxx said your time is up. Thank you very much.

Councilmember Kinsey said is Mr. Abernethy here? I just wanted to double check to see how long you thought it would take if we pass this tonight before the house would be demolished.

Walter Abernethy, Neighborhood & Business Services, said standardly it's about a 30-day period. It could be a little shorter than that, but we have to do the same things that the property

owner does. We have to get the asbestos survey done, we have to get permits to do it, we have to check for rodents and do everything that a normal citizen would have to do to do the demolition. I actually spoke to Mr. McRae last week and kind of gave him that schedule, and frankly suggested that if he needed time to get the materials out of the house he could start that day. We support the demolition. The description that the grounds and the house have not been taken care of since the order was issued is absolutely accurate. I have had to clean up the trash and the junk from the yard. The house is unsafe. It's not secured properly, and it's been like that for six months.

Councilmember Kinsey said I actually happen to live on that street, so I do go by the house several times a day. My concern has been that we do have a lot of young children and teenagers, and you have seen the pictures. It's really a dangerous situation there, and I know the Horsley's have young children, and they have had to live next door to it – I don't know how many years you have been there but a good little while – and it has not been taken care of, and I really do think we need to go ahead and start – go ahead and approve this tonight and then if Mr. McRae can get his stuff out and move it out in 30 days I think we need to go ahead and move with it. It's a really dangerous situation.

[Motion was made by Councilmember Kinsey and seconded by Councilmember Barnes]
[to adopt Ordinance No. 4410-X authorizing the use of In Rem Remedy to demolish and]
[remove the structure at 2100 Greenway Avenue (Neighborhood Statistical Area 54 –]
[Elizabeth Neighborhood).]

Councilmember Cannon said I want some clarity. The speaker made mention, Walter, about trying to rebuild something on that property, but according to this it says that new construction analysis shows that new construction is not feasible because the cost is prohibitive.

Mr. Abernethy said, yes, sir, that's absolutely. The cost to rebuild is actually – it's almost 100%. I think it's 95% without looking right exactly at the file, so it's not feasible to rebuilt. Frankly, Mr. McRae, I think he has come to that conclusion that it's not even a good candidate to rebuild.

Councilmember Cannon said thank you sir, and thank you, Mayor. I certainly support the district representative.

Councilmember Barnes said if I might take a second to recognize Mr. Abernethy for being with the City since I was a baby. We appreciate your service, and literally since I was a baby, which is impressive. But really I want to congratulate you, Walter, for being with us and for your service to the people of the city.

Mr. Abernethy said thank you.

Councilmember Dulin said while we have got him up there – I was going to do it later.

Mayor Foxx said hold on. Is this on this item?

Councilmember Dulin said, yes, it's on the Walter Abernethy item. Walter got some ink, and Councilmember Barnes is correct. He is listed here as 35 years of service to the citizens of Charlotte.

Mr. Abernethy said I started right out of elementary school.

Councilmember Dulin said I was not a baby 35 years ago, but thank you very much, Walter. Sir, we are going to take that house down. We are going to grant you your wish.

Mayor Foxx said I'm sorry, sir, you have had your time. Council members can ask you questions, but we can't allow you to –

Councilmember Barnes said, sir, I believe you have heard that you will essentially have a 30-day period to get out of that house, which you would like to get out of it. Will we work with him on that?

Mr. Abernethy said absolutely. He will have that time. I advised him of that last Friday.

Mr. McRae said he said two weeks.

Councilmember Barnes said I would suggest that you move quickly to get your things out.

Councilmember Burgess said the other thing I want to say is it's completely reasonable to take this house down, but you have been nonresponsive to the City's process. You had a hearing; you didn't attend. You had an order to repair, and you didn't do it. We just can't let these kinds of situations linger in our community. I am strongly in favor of the City demolishing this house as soon as possible, and you have the opportunity to get out of there whatever you might want.

Mr. McRae said I think we are all in agreement.

Mayor Foxx said, sir, I can't allow you to weigh in.

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

The ordinance is recorded in Ordinance Book 56 at Page 597.

* * * * *

ITEM NO. 38-E: CONDEMNATION AT 3703 BROOKWOOD ROAD

Sally Carver-Young, Attorney, 1373 Ebenezer Rd., Rock Hill, said I actually have some handouts.

Mayor Foxx said we don't have them.

Ms. Carver-Young said I was here on April 12th, as I'm sure many of you remember, and I am back for the Johnsons, who also live on Brookwood Road, and just wanted to address a few things. The appraisers -- thank you to Mr. McCarley and his office -- they have tried to help us find an appraiser of seven, but I have contacted -- she provided me. One is looking at it; maybe they will do it, maybe they won't. That appraiser has not given us a price of the appraisals yet, however, one appraiser I spoke to said since there were six his discounted price would be \$1,500 per appraisal, but, of course, he refused to do the appraisals. So, for whatever reason, the appraisers do not want to do these appraisals for the condemnations for the property owners. However, the handout I passed around there this is information I got just from the Register of Deeds Office of easements that the City of Charlotte has entered into that have been recorded since January. This is by no means a complete list. These are just a few that I went through the records and looked at. They are some sewer easements, some sidewalk easements, some utility and storm drainage easements. The average per square foot on these -- again, I'm not an appraiser; I'm an attorney -- but the average square foot on those is \$10.21. You will see that one of those is very high, so if I took out the high and the low, the average came down to \$6.45 per square foot. If you look at these various property owners, the Johnsons, who are up for condemnation tonight, just their permanent easement is 9,517 square feet. Based on \$6.45 a square foot, that would be \$97,000. Obviously we do not expect the City to pay anything near that. Again, the consideration we are looking for in this neighborhood is some value for the trees and for what these neighbors are really losing. Again, you see the pictures of what the easement looks like. This is a quiet street. It's a cul-de-sac. It's wooded. There is obviously a stream. It runs several places through the neighborhood. That's why the sewer easement is going there. It's going along the stream. I don't know if they provided you any of the documents with the plans for the sewer easement. The Johnsons in particular it comes across their property twice. It comes down the property line half of it and then it comes back through the center of their property. Their last offer was \$14,000 -- a little over \$14,000. Again, we just don't think that is adequate for what they are looking for, and we hope the Real Estate Department will be willing to work with us to come to a more reasonable offer for the easements.

[Motion was made by Councilmember Burgess, seconded by Councilmember Kinsey, and]
[carried unanimously to approve a resolution of condemnation of 23,616 square feet of]
[sanitary sewer easement plus temporary construction easement at 3703 Brookwood Road]
[from David A. Johnson and wife, Lily M. Johnson, and any other parties of interest for]
[\$14,450 for 2009 Annexation – Hood Road North Sanitary Sewer Improvements, Parcel]
[#55.]

The resolution is recorded in Resolution Book 42 at Page 474.

ITEM NO. 7: PUBLIC HEARING ON RESOLUTION TO CLOSE A PORTION OF EVENINGSIDE DRIVE

The scheduled public hearing was held on the subject item.

[There being no speakers either for or against, motion was made by Councilmember Barnes]
[seconded by Councilmember Kinsey, and carried unanimously to adopt a resolution to close]
[a portion of Eveningside Drive.]

The resolution is recorded in Resolution Book 42 at Pages 458-460.

ITEM NO. 9: FY2011 COUNCIL FOCUS AREA PLANS

Mayor Foxx said for those of you watching on television this is the FY2011 Council Focus Area Plans. It's a single action to adopt all five area plans, and I will ask the committee chair after Mr. Davis if you want to say something.

Martin Davis, 2424-H Selwyn Ave., said, Mr. Mayor, your five areas of concern are community safety, economic development, the environment, housing and neighborhood development, and transportation. Before I get started, I wanted to bring to your attention a very serious crime that was committed early Saturday morning at St. Matthew Catholic Church. A religious shrine was desecrated, and I just wanted to urge you and Council to let the U.S. District Attorney here locally know that you consider this to be a hate crime because that's exactly what it is, and I know the federal hate crime law is quite severe, and whoever did this needs to be prosecuted to the full extent of the law, and I would urge you to make sure we try to get that done. Mr. Mayor, regarding community safety, you have a great opportunity. As you know, and as Mr. Gilchrist has been telling us for the last 35 years, he is only able to prosecute half the felony arrests that are submitted to his office because he lacks the resources to prosecute those crimes. He said that he needs six million additional dollars in his budget to actually prosecute all those crimes. I read an article in the paper the other day that we actually have free jail space, and to me that's a real opportunity. I know money is tight, but I'm going to give you a couple of ideas on how you can free up at least \$6 million to handle this. I know you guys have been looking forward to building that trolley to extend down to Eastland Mall, and since crime has actually shut down Eastland Mall – this gigantic, very successful commercial enterprise – there is really no point in running a trolley down there anymore. That was about a \$450 million project – projected to be – and as we know from our experience with the South Boulevard line it was originally supposed to cost \$122 million, and we have about \$560 million give or take in that little escapade. So if you guys go ahead and do that trolley, we are looking at probably a billion dollars plus, which we really can't afford. Also, since we have put in the South Boulevard line, CATS is projecting this year that their expenses are going to be \$125 million and their revenue is going to be 24. I would say probably half of that operating deficit you can attribute to the South Boulevard line, so I think the smart thing to do is since only 1% of the citizens of Charlotte actually use that on a daily basis is just shut it down and save that \$50 million. Take \$6 million of that. Fund Mr. Gilchrist's office. Give us \$44 million worth of – well, actually, since you are not going to do the trolley under my scenario, you could give us a very nice tax break. We have 11.9% unemployment right now, Mr.

Mayor, and we are the highest taxed citizens in North Carolina for nine years in a row, and we need some help.

Mayor Foxx said we have got five focus area plans. Let's start with community safety. Mr. Cannon, do you have anything to add?

Councilmember Cannon said just for public information because obviously the citizens at home may not know what is in this plan per se for community safety, but I would want to first acknowledge the persons on the Community Safety Committee: Vice Chair Patsy Kinsey, Councilmember Dulin, Mayor Pro Tem Burgess, and Councilmember Peacock. Here, of course, one of the objectives will be to reduce crime through enforcement and prevention at the neighborhood level. Second would be to enhance citizens' safety through police visibility. Certainly we want to make sure there is a presence in our community across the board as well as citizen engagement because certainly Neighborhood Watch means nothing if nobody is watching. The third thing is to develop and recruit strategies to attract a more diverse applicant base for the Police Department because certainly as our community changes we need to make sure we are able to respond to all the different constituency groups out there in the community. The fourth is to partner with other city and county agencies in enforcement and prevention efforts, and last, of course, to reduce the loss of life and property damage from fires through fire code enforcement and rapid response. Certainly over the last few weeks we have seen fires taking place that are set intentionally, and we are certainly doing all which we can, the Fire Department is, to obviously continue to be as responsive as they have been in the past and to try to get down to finding out who these persons might be that are setting these fires haphazardly. So those will be the areas under community safety, Mayor.

Councilmember Burgess said I also want to thank the members of the Economic Development Committee for all their hard work in this focus area plan. If you refer to page 11, it starts our focus area write-up, and the bold print is our changes. The material changes are ED2, and that is our emphasis on small business. Other than that, I think all of us have studied. If there are any questions, I will be happy to attempt to answer those.

Mayor Foxx said what is our next committee? Environment. Who is vice chair of that committee?

City Manager Walton said I believe Ms. Carter. We'll circle back.

Councilmember Dulin said I'll take it. I'm a committee member. We have worked very hard and the other fifth member is Councilmember Howard. Support the environmental sustainability by making wise decisions regarding growth and development. Lead and support efforts to improve Charlotte and regional air quality. Protect natural ecosystems and habitats including the tree canopy. Lead by example adopting sound environmental practices in City facilities and operations, and collaborate with local, regional, and neighborhood partners. Those are our focus areas for the coming year, Mr. Mayor, in the Environmental Committee.

Councilmember Burgess said I'm also a member of that committee, and I really regret that Chair Peacock is not with us tonight because he has really done a great job in leading this effort especially with environmental strategy, the process we went through. The report speaks for itself. I think we have had a lot of discussion about it, but it's a good piece of work.

Councilmember Cooksey said I want to comment on one of the new items in this particular plan for this year. I was on this committee last term; not on it this term, but particularly on page 19, the second bold target about adopting an overall tree canopy goal for Charlotte and measure the effectiveness of the newly revised tree ordinance meeting the goal. Apart from the fact that it assumes something not yet in evidence that we have a newly revised tree ordinance, but that was one of the things that concerned me about the ordinance in discussing it through Environment Committee last year is that we were starting at kind of the ground level without a sense of what the overall goal for the community was with regard to trees. So having this additional target in the plan, I think, is very helpful to us in looking at what it is we are actually trying to achieve with trees, and to have this goal of what our canopy ought to be I think is something will guide the way we work to that a lot better than starting at an individual parcel level and hoping it works out at the end. I appreciate the committee having that particular goal in there.

Mayor Foxx said I appreciate you sticking with that point. I think it was a good one to raise. Housing and Neighborhood Development, Mr. Mitchell.

Councilmember Mitchell said, first of all, let me just recognize the committee members: Vice Chair Warren Turner, Councilmember Patrick Cannon, Councilmember Warren Cooksey, and Councilmember Michael Barnes. This committee started off meeting once a month, and because of some of the issues that we have in our community and some of the priorities now we are meeting twice a month. Let me just highlight out of the seven kind of bullet points three of them in particular. One is to determine the new adjoining neighborhood residents gaining access to jobs, goods, and services along the business corridors through the City-funded jobs. Secondly, addressing deteriorating and blighted nonresidential structures, under the leadership of Walter Abernethy, I think they have now relocated to the Greenway Business Park, and I would like to thank Pat Mumford and Walter for really making that a priority because we hear clearly from some of our constituents that the nonresidential blighted was starting to be a problem in our community. Thirdly, certainly one that is very important to all the citizens of Charlotte is to develop a comprehensive affordable housing strategy. I think over the past three months we have heard that affordable housing is still an issue that we must, one, educate; but, two, continue to work on our locational policy. So, we have a lot in front of us, but this committee is really ready for the challenge, and I thank staff, particularly Julie Burch, for having the patience to work with me and help us get through this. With that, Mayor and Council, I stand to adopt the goals for the HAND Committee.

Mayor Foxx said Mr. David Howard chaired the Transportation and Planning Committee. I know that is not part of what is in front of us.

Councilmember Howard said the committee has worked on that, and I will start by thanking you for the opportunity to chair this committee. It's been a lot of fun. Like you said, you combined transportation and planning together. Just to thank the committee real quick: Vice Chair Michael Barnes, Councilmember Burgess, Councilmember Cooksey, and Councilmember Kinsey. We are meeting twice a month, and as you know, we have a lot of things we are taking on. Let me give you the overall objectives that we are seeking to deal with as a committee. One, to develop collaborative solutions, and that includes really just focusing on continuing to implement the centers, corridors, and wedges growth framework, something this body has been supportive of over the last several years. Also under that, collaborate with local and regional partners on land use, transportation, and air quality issues to enhance our environment, something also very important. Then there is the other goal of providing transportation choices, and that means prioritizing the design, construction, and maintaining convenient and efficient transportation facilities that provide safety, neighborhood livability, and other things that keep our community safe and moving. We also are working on enhancing customer service, something we talked a lot about in the Retreat on, and to achieve that we will continue to implement our TAP, our Transportation Action Plan, as well as to seek ways to expand our tax base in revenue to help pay for all these things we are talking about. Mayor, just to respond to what you shared. It was my understanding that this Council made transportation a priority, and that is what we are addressing with this focus area, and the Transportation and Planning Committee is just a committee to facilitate those discussions. It needs to be clear that we are definitely focusing on all things planning as well.

Mayor Foxx said that's a great explanation, and thank you very much. With that, unless there are questions, we can move approval of all of these items together.

Councilmember Howard said I forgot to mention that we have great support from Jim Schumacher and his staff as well, so we are getting things done as well as Danny and Debra as well.

Councilmember Cannon said I certainly need to make sure we point out Eric Campbell and all his hard work for what he continues to do for community safety, Mr. Mayor.

Mayor Foxx said I appreciate you all waiting to be recognized.

Councilmember Cooksey said I will ask, Mayor, how you would like to do this parliamentarily. There are two of these I would like to vote no on, so I think the options would be either you make us go through five separate votes or presuming I'm the only one even contemplating voting no on any of them, I could just state after the vote the reasons to the Clerk and ask her to count me as a no on two, and I'll provide the reasons on the record.

Councilmember Burgess said I think we should divide the question.

Mayor Foxx said each one we'll do separately.

Councilmember Carter said I'm not sure the staff was recognized for the environmental work they have done. Julie Burch and Rob Phocus have been very impressive in the way they have led our efforts.

Councilmember Burgess said I have to confess I didn't recognize the hard work of Patrick Mumford and Ron Kimble. We really appreciate all the support.

Mayor Foxx said suffice it to say we thank all the staff that supports us because it really does take a lot of hard work and sometimes explaining to us some things that are very technical and sometimes working through some difficult issues, so I think we can all say that we thank all the staff that support our committees. We'll vote on A, B, C, D, and E with different votes on each one.

Councilmember Dulin said I have a question. Mr. Cooksey, I am very curious as to – can we discuss this before we divide the vote for each one?

Councilmember Cooksey said sure.

Councilmember Dulin said are you going to do that before we vote because I'm very interested.

Mayor Foxx said we'll have a motion and a second and discussion.

[Motion was made by Councilmember Barnes and seconded by Councilmember Dulin to]
[approve the Council Committees' recommended FY2011 Strategic Focus Area Plan for]
[Community Safety.]

Councilmember Cooksey said I'm voting no on this one as I did last year for the same reason. The goal is for Charlotte to be the safest, largest city in America, and yet none of our measurements measure us against other cities. They measure us with ourselves, and I do not see how we can achieve a goal of being the safest large city in America without being able to measure ourselves against other cities. I said it last year, I'll say it this year, and I'll keep saying it.

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

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

NAYS: Councilmember Cooksey

[Motion was made by Councilmember Mitchell, seconded by Councilmember Carter, and]
[carried unanimously to approve the Council Committees' recommended FY2011 Strategic]
[Focus Area Plan for Economic Development.]

[Motion was made by Councilmember Cannon, seconded by Councilmember Carter and]
[carried unanimously to approve the Council Committees' recommended FY2011 Strategic]
[Focus Area Plan for Environment.]

[Motion was made by Councilmember Barnes and seconded by Councilmember Mitchell to]
[approve the Council Committees' recommended FY2011 Strategic Focus Area Plan for]
[Housing & Neighborhood Development.]

Councilmember Cooksey said I don't wish to be a stickler in all of these because we shouldn't always expect 100% approval on every plan. I just can't bring myself to vote for a plan that has TBD as a target. If we are going to have a focus area plan that has a target in it, I think we should have a target instead of a TBD. Community Safety also had that, too. Housing and Neighborhood Development does, so I will voting no on this.

Mayor Foxx said what I appreciate about you, Mr. Cooksey, is you make your points and you move on, so I think that is to be commended, so don't ever be bashful about it.

Councilmember Cooksey said I try not to be, Mayor, thank you.

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

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

NAYS: Councilmember Cooksey

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously to approve the Council Committees' recommended FY2011 Strategic]
[Focus Area Plan for Transportation.]

ITEM NO. 10: RESTRUCTURING GOVERNMENT COMMITTEE RECOMMENDATIONS FOR IMPROVING THE CITY'S STAKEHOLDER GROUP PROCESS

Councilmember Cooksey said I would like to express appreciation to the Restructuring Government Committee: Vice Chair Patrick Cannon and members, Patsy Kinsey, James Mitchell, and Warren Turner; and, of course, Eric Campbell, our staff liaison, and for this particular matter, Willie Ratchford, executive director of our Community Relations Committee. Mayor and Council, the question of how the City runs stakeholder groups came before us as some people expressed some concern that the rules weren't quite clear, so the Council referred this matter to Restructuring Government.

We took a look at it, and found basically two things. One, overall people who have participated in our stakeholder enjoy it, felt that they made a difference, and had positive things to speak about it, but in the grand tradition of these sorts of things, we did find some things that could be improved to perhaps help with those that were not as clear. So what you have before you are a set of recommendations that Mr. Ratchford was very helpful in interpreting the conversation of the committee to actual policy. It presents essentially three models of stakeholder groups for staff to choose from whenever they create such a group.

As it's written, but for benefit of the audience, Model 1 is a sounding board where the intent of the group is for staff members to kind of take the temperature of folks with an interest, people who know about the subject, and see what the opinion of an idea is before moving forward with it, but no recommendation is expected from that kind of body. Model 2, public involvement, that's actually a model we currently have, and it was elevated to this level. This is more about when you have some sort of neighborhood projects going on. The staff will go out, have neighborhood meetings, and discuss it. We do that already, but this codifies it in with this larger process. Model 3 tightens up the actual stakeholder recommendation. When we get a group of citizens together, have them go through a series of meetings and actually come up with a recommendation for this Council to consider. This clarifies in particular the difference between the sounding board idea and the stakeholder recommendation so that anyone who signs up to help us out knows from the beginning what is expected of them is a recommendation to Council that they should be working on or not, and I think with the adoption of these and the diligent carrying them out we will take a good stakeholder process and make it even better, so on behalf of the committee, I recommend adoption.

[Motion was made by Councilmember Cooksey and seconded by Councilmember Burgess to]
[approve the Restructuring Government Committee recommendations for improving the City's]
[stakeholder group process.]

Councilmember Carter said the last sentence of our discussion on page 10 is of interest to me – that the Minutes would be maintained for three years. Does that include our recommendations as we have them presented from these committees? In other words, sometimes we base our policy on the recommendations, and I think having that history maintained perhaps electronically longer than just simply three years would be beneficial.

Councilmember Cooksey said, thank you, Ms. Carter, that level of detailed question did not actually come up, but my presumption would be, and I would look to Madame Deputy Clerk for confirmation of that, that when there is a stakeholders' report making a recommendation to Council that gets incorporated with the action taken. So long as the record of policy is there so too would be documentary record, but I will look for confirmation from the folks that actually do that work.

Melissa Johnson, Deputy City Clerk, said that is correct.

Councilmember Cooksey said how would the three-year policy interact with a recommendation that actually led to a policy adjustment?

Ms. Johnson said that's a good question. Like you said it would certainly be a matter of being incorporated in with the policy. As far as the recommendation, what we do is after three years we look at whether we want to retain it or not, and we certainly go to the appropriate party and ask if they want it to be retained for further information. So if we need to do that, that determination can be made in three years. I'm not sure if that answered your question completely.

Councilmember Cooksey said let's ask Councilmember Carter is that helpful?

Councilmember Carter said having just gone through a search for a policy that was written in 1999, which proved fairly difficult, having the history, the background of some of our actions I think is important, and if we have the capacity electronically, I think it would be something that it would be good to consider having a paper trail – not a paper trail but an electronic trail.

Mayor Foxx said is there anything in this action that precludes doing that on a case-by-case basis?

Ms. Johnson said, no, I don't believe so. In fact, anything that is of any historical significance if we need to retain that we retain that as long as need be up to – not forever – however long you want to keep that.

City Manager Walton said, Mayor and Council, I believe what Mr. Cooksey is saying is correct. If you based your policy decision, which was an agenda item, on a stakeholders' report, it would be incorporated into the attachments, and it would be there in perpetuity. I think these are probably ancillary Minutes that probably would not have been incorporated into policy decisions.

Councilmember Burgess said that was my suggestion that the stakeholders' group be added as an attachment to the agenda item and stored.

Mayor Foxx said does that satisfy your concern, Ms. Carter?

Councilmember Carter said, yes, sir, thank you.

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

ITEM NO. 11: 2010 STATE LEGISLATIVE AGENDA

[Motion was made by Councilmember Carter and seconded by Councilmember Mitchell]
[to approve the Government Affairs Committee’s recommendations to adopt the legislative]
[agenda for the Short Session of the 2010 N.C. General Assembly, and adopt a resolution]
[endorsing a technical revision to Section 21(b) of the Charlotte Firefighters’ Retirement]
[System (CFRS) Act extending the return of remaining contributions at death to the]
[beneficiaries of all members of the system and not just those who choose a basic benefit.]

Councilmember Carter said again recognizing the committee: Susan Burgess, Patrick Cannon, Andy Dulin, and Mr. Turner. We are presenting to you the recommendations for the Legislative Agenda. Mr. Kimble has been outstanding in presenting us ways to accomplish what the Council needed to do and detailing our efforts. Mr. Kimble, would you like to present these to us? Again, recognizing Dana Fenton for his work to be. Thank you for joining our team.

Ron Kimble, Deputy City Manager, said thank you to Chairperson Carter and the members of the committee. There are seven items here, and they are preservation of the business privilege license tax through the Short Session of the General Assembly, preservation of annexation authority, and there are three transit issues that follow: Retaining the State’s 50% share of nonfederal match of transit funding, State participation in funding of rail projects – State maintenance funding of rail projects, and State participation in nonfederal transit projects. We follow up with the two that are not really the City, but they are related because they are the Firefighters’ Pension Fund and then the Local Law Enforcement Emergency Fund. The committee had great debate on all of these items and voted unanimously to present these to City Council. We briefed you on April 12th about each one of these, and they come forward with the committee’s recommendation.

Councilmember Cooksey said I want to ask Ms. Carter. I sprung a late issue on her earlier today about the question of the State maintenance funding on rail transit projects, and unfortunately haven’t had a chance to follow up, so I was going to ask – just to explain to the Council. That didn’t click with me properly when we went over this in the Workshop, but, in essence, as I’m reading State maintenance funding on rail transit projects, this is a request for more money in a Short Session that as I read it – well, I read it as a request for more money, and I’m very cautious about that in a Short Session when the State government is also strapped. So if Ms. Carter could help me either gain comfort with it or I can be a lone “no” again, I’m comfortable either way.

Councilmember Carter said we accept that position whatever you decide, Mr. Cooksey. As I understand it, this was the recommendation of the MTC, and we were following their guidelines and supporting their request.

Mr. Kimble said bus projects are eligible for maintenance funding, but since rail is so new in the State of North Carolina and we are the only one with a rail project right now they have not been eligible for maintenance funding, and we believe that they are part of transit modal type of operations and ought to be included in eligible for maintenance funding. This request was dual. It was to make them eligible – rail projects eligible – and to encourage the State to make sure there is enough money in the pot to fund all the maintenance. They don’t even have enough money in the fund to fund all the maintenance of buses, as we understand it, so it’s a two-fold effort here – eligibility of rail projects and make sure there is sufficient funding in the pot.

Councilmember Cooksey said however you wish to do the vote. I would like to be a “no” on this particular item.

Mayor Foxx said I think this one is going to be harder to break out than the other one.

Councilmember Cooksey said I could do a simple “no” on the whole thing and let it be easier that way.

Mayor Foxx said why don’t we do a motion on everything except that item, and then we’ll do the rest.

Councilmember Carter said as the maker of the motion I accept that.

[Substitute motion was made by Councilmember Cannon, seconded by Councilmember]
[Burgess, and carried unanimously to approve the Government Affairs Committee's]
[recommendations to adopt the legislative agenda for the Short Session of the 2010 N.C.]
[General Assembly, and adopt a resolution endorsing a technical revision to Section 21(b)]
[of the Charlotte Firefighters' Retirement System (CFRS) Act extending the return of]
[remaining contributions at death to the beneficiaries of all members of the system and not]
[just those who choose a basic benefit with the exception of the rail projects provision.]

Mayor Foxx said now we are back with this rail item. Is there a motion on that?

[Motion was made by Councilmember Carter and seconded by Councilmember Mitchell to]
[include State maintenance funding on rail transit projects (MTC Agenda) as a part of the]
[legislative agenda for the Short Session of the 2010 N.C. General Assembly.]

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

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

NAYS: Councilmember Cooksey

The resolution is recorded in Resolution Book 42 at Pages 461-462.

ITEM NO. 12: ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT

Mayor Foxx said this is an exciting item – the Energy Efficiency and Conservation Block Grant. This is a competitive process that was gone through. Certainly we have submitted a proposal with 18 projects in it that will advance our ability to improve our environment.

[Motion was made by Councilmember Howard and seconded by Councilmember Barnes to]
[authorize the City Manager to accept a \$6,530,100 Energy Efficiency and Conservation]
[Block Grant (EECBF) from the U.S. Department of Energy, adopt Budget Ordinance No.]
[4407-X appropriating \$6,530,100, and approve adding the position of Energy and Sustain-]
[ability Manager funded by the EECBG.]

Councilmember Howard said just a note to thank staff for their help on this.

Mayor Foxx said I was going to say to Mr. Phocus and Ms. Burch your efforts along this were Herculean. I'm sure there were a lot of other people who were supportive in helping this out, so thank you very much. Mr. Cooksey, you want to vote "no"?

Councilmember Cooksey said I was just voting "no", yes.

Mayor Foxx said we have a "no" vote there.

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

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

NAYS: Councilmember Cooksey

Councilmember Carter said there are very important elements in this: The Neighborhood Energy Challenge whereby neighborhoods can work competitively to improve their neighborhoods and be funded by the City and looking at the improved quality of the environment. That includes

weatherization, community gardens, etc. So, please be aware citizens. Go on line to see what is going on in the City environment we are speaking.

The ordinance is recorded in Ordinance Book 56 at Page 594.

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ITEM NO. 13: VEHICULAR PARKING AND WAYFINDING SIGNAGE CHANGE ORDERS

[Motion was made by Councilmember Mitchell, seconded by Councilmember Howard, and]
[carried unanimously to approve Change Order #1 to Signs Etc. contract in the amount of]
[\$190,412.95, and approve Change Order #1 to United Construction contract in the amount]
[of \$112,530.]

Councilmember Dulin said I have been relatively consistent and very much in the minority on this wayfinding system over the years. I think they are good looking signs, but I see them all over town, and they might as well be written in Greek. I just think they are clutter, in my opinion. I'm going to be voting no as I have done in the past.

Councilmember Barnes said I had a question and a comment related to something that Councilmember Dulin just mentioned. I wanted to get some clarification as to why Energy Efficiency and Conservation Block Grant money was being used with respect to the first portion, Item A. It would be great to get an answer to that. Then also I am growing a little bit concerned about the system itself. I see the signs off of 77 and 277 and in uptown, and I know where to go, but as you approach many of these signs and you see a particular landmark and a letter and then north or east or south, it doesn't really help, I don't think. I live here, and I wouldn't know what to do looking at the signs. Now, maybe I'm just a little slow, but the fact of the matter is though that the signs may be confusing to people. I don't know if anyone has heard any feedback. I have not heard any feedback from anybody, but just based upon my own observations it seems that the signs could be complicated. The first question is regarding the usage of the Energy Efficiency and Conservation Block Grant funding, and the second question concerns the clarity of the system.

Jim Kimbler, Charlotte Department of Transportation (CDOT), said to answer your first question when we initially calculated the miles driven to be saved by putting up wayfinding signs and particularly parking guidance signs, it was our calculation that we will save 1.7 million vehicle miles traveled a year. That translates directly into fuel savings, and that is how we were able to be eligible for the energy efficiency grant because we are actually reducing the number of trips that our focus group research tells us directly from public citizens that by locating parking quickly and understanding if its available and what the price is that it saves them two additional trips around the block.

In answer to your second question, with all due respect, we did design the sign system first for visitors, and the north, east, south, and west with color indicators were done for a reason. It was to be an attention getting orientation to let people that are arriving in uptown who are not familiar with the area understand the way they are going to be directed to quadrants of uptown is going to be based on that traditional compass type setting. The signs that they will see, and they are actually not yet up on the city streets, but they will be up over the next couple of months, are going to be color coded the same way and letter coded, so if someone is bound for a particular area, they will pretty quickly be able to determine that it's in the eastern part of uptown or the northern part, southern, and so on.

Councilmember Barnes said let me just say this to you. I do obviously appreciate the work that went into it, but give this some thought that as people are going 55, 60, 65 miles an hour or faster, they will see that compass direction and the color, but, again, I live here, and it doesn't mean anything to me, so maybe I need to be a visitor in order to get it. But it seems to me if you are passing that sign and you see the color and the compass direction that north of what, east of what, west of what? I get what you are saying that it's the northern part of uptown, eastern part of uptown, and so forth, and hopefully once the signs – the color-coded signs – are in place

uptown it will make more sense once you get to uptown, but for now I just have some concerns. So I look forward to seeing it completed.

Mr. Kimbler said thank you. It is part of a set, part of the system, and only about a third of the signs are up right now. I believe that once all the signs are up it is going to make a lot more sense to everybody, especially our visitors.

Councilmember Carter said and not only saving of our fuel it will help idling and passage of the emissions for air quality, Mr. Barnes. I think that is an important thing as well – air quality improvement.

Councilmember Barnes said, yes, we talked about it in Transportation.

Councilmember Carter said exactly. Then also GPS and maps ultimately will they be color coded and universal for our city?

Mr. Kimbler said they will, and we'll also have access from Web sites and also we'll have a PDA component, so we are going to be as global or multi-dimensional as we can.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Burgess, and]
[carried unanimously to recuse Councilmember Cannon from this item.]

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

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

NAYS: Councilmembers Cooksey, Dulin

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ITEM NO. 14: TRANSIT INVESTMENTS FOR GREENHOUSE GAS AND ENERGY REDUCTION GRANT

Mayor Foxx said I need to be recused on the next item.

[Motion was made by Councilmember Burgess, seconded by Councilmember Cannon, and]
[carried unanimously to recuse Mayor Foxx on this item.]

[Motion was made by Councilmember Kinsey and seconded by Councilmember Mitchell to]
[authorize the City Manager to accept the Federal Transit Administration (FTA) approved]
[Transit Investment for Greenhouse Gas and Energy Reduction (TIGGER) Grant under the]
[American Recovery and Reinvestment Act of 2009 for \$3,000,000, and adopt a resolution]
[authorizing the City Manager to submit and execute grant agreements with the Federal]
[Transit Administration and the North Carolina Department of Transportation.]

Councilmember Barnes said I wanted to know whether the 20% local match was \$600,000.

Carolyn Flowers, Charlotte Area Transit System (CATS), said it's \$750,000 local match.

Councilmember Barnes said it says – is that TIGGER funding?

Ms. Flowers said TIGGER, yes.

Councilmember Barnes said that is 80% of the cost. There is a 20% local match, and that's 20% of what?

Ms. Flowers said 20% of the \$3 million.

Councilmember Barnes said, again, I know I'm from the country, but 20% of \$3 million is \$600,000.

bvj

Ms. Flowers said the local match is split between the state and the city.

Councilmember Barnes said you are saying that it's a 20 plus the ten state match, but that's still 900,000, if you add that to it.

Ms. Flowers said let me get you a clarification on that amount. We'll get you the city perspective.

Councilmember Barnes said before I vote on it I want to make sure I'm understanding the numbers.

Ms. Flowers said the total grant is \$3,750,000 of which the federal portion is \$3 million, so then the local portion is \$750,000, for a total of \$3,750,000.

Councilmember Barnes said the funding for it is in the Transit Capital Investment Plan.

Councilmember Dulin said, Ms. Flowers, this is for the purchase of hybrid buses. Will that be a competitive bid for that business for hybrid buses, or are those contracts already let?

Ms. Flowers said we have open contracts with two bus manufacturers – Design Line and Gillig.

Councilmember Dulin said tell me what an open contract means.

Ms. Flowers said we have a five-year contract where we are actually able to go out on options for purchases of equipment.

Councilmember Dulin said so basically it's closed – those bids are closed to other bus manufacturers except for those two.

Ms. Flowers said during the five-year period –

Councilmember Dulin said how did those two get the business?

Ms. Flowers said I'm getting assistance. I'm fairly new here.

John Joye, Attorney, CATS, said this was before Carolyn was able to join us a couple of years back. In fact, Councilmember Dulin, you asked a number of questions when we brought it before you. The federal government allows you to do five-year bus procurement contracts, and commonly what's done is you award a not-to-exceed amount that is actually quite high, but you don't know what your needs are going to be year to year, so each year you place an order, and it can be smaller when your money is not there or it can be larger when you have the funds and you have the need. These contracts, both Gillig and Design Line, were competitively bid as is required under federal law, and, of course, our city practices, and what we can simply do is for this particular grant all that does is give us the money to place an order that will focus on hybrid buses, which are more expensive, rather than the normal diesels, which we can purchase more of with the smaller amount of money we normally have.

Councilmember Dulin said Design Line is a Charlotte company.

Mr. Joye said it is located – at least one of their plants is here in Charlotte.

Councilmember Dulin said where is the other company from?

Ms. Flowers said California.

Councilmember Dulin said how do you get a bus here from California? Do they drive it or rail?

Mr. Joye said they actually have to go to Altoona for testing, and that's in Pennsylvania, so that will get them here. I think they generally do drive them.

Ms. Flowers said drive them.

Councilmember Dulin said it's used when it gets here. Can they take some of the price off if they bring a bus that has 3,500 miles on it? That doesn't make any sense.

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

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

NAYS: Councilmembers Cooksey, Dulin

The resolution is recorded in Resolution Book 42 at Pages 463-464.

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ITEM NO. 15: DAVIDSON STREET BUS FACILITY: ADMINISTRATIVE BUILDING RENOVATION

[Motion was made by Councilmember Barnes and seconded by Councilmember Mitchell to]
[award the low bid contract to Clancy & Theys Construction Company for the renovation of]
[the administration building at the Davidson Street Bus Facility in an amount not to exceed]
[\$2,169,300.]

Councilmember Carter said we have a remainder of \$5,158,000. Have we projected the use or renegotiated the use of these potential funds?

Curt Walton, City Manager, said it goes back to the federal government. I think this is a project specific dollar amount.

Councilmember Carter said is there any way we can expand like parking or paving parking or –

City Manager Walton said I think the project was specified in the grant.

Councilmember Carter said or access to roads or anything like that?

City Manager Walton said I'm willing to work with you here, but I don't think there is another way to do it.

Councilmember Carter said it's good we are saving money for the federal government.

Councilmember Barnes said I wanted to ask a question regarding the DBE goal. Some time ago I asked about including a company's history of compliance so we understand whether this is an aberration or just a pattern of meeting the good faith part of the test but not actually fulfilling the goal. Mr. Manager, I wanted to ask, if you could tonight, have someone to follow up with me on that so we can determine if it's a feasible addition to the information we get so we are more fully informed about the companies that are doing the bidding.

City Manager Walton said, yes, sir, we will glad to.

Councilmember Mitchell said along the same lines of Councilmember Barnes. John, I see you here. One thing I would like to try to request on this particular project in light of we are trying to encourage as much business opportunities for our subcontractors, as an outreach meeting, can we make sure that the City plays a very integral part of making sure our SBEs are working with Clancy & Theys and where this project – I mean we don't have many opportunities in our city, so a project like this, I think, gives us a greater opportunity. My fear is sometimes we leave it up to the general contractor to perform the outreach meeting. It's not as successful. So if the City would take an interest. I don't know the process. Do y'all leave the control to the general contractor or do we get involved and make sure our SBE Office is working and they conduct the outreach meeting?

John Trunk, Charlotte Area Transit System (CATS), said, Councilmember Mitchell, actually we get directly involved. In fact, this past Saturday we were at an outreach event where we had a booth and actually discussed with potential vendors opportunities to work with CATS, so we get directly involved.

Councilmember Mitchell said is that with Excess 2000?

Mr. Trunk said yes.

Councilmember Mitchell said 2010.

Mr. Trunk said right.

Councilmember Mitchell said the next follow-up question. Are we requiring Clancy & Theys to do an outreach meeting?

Mr. Trunk said I believe that has already been done. Clancy & Theys, as you know, had Contract A, had some difficulty in getting some DBE participation, but in this instance, they did a very extensive and aggressive outreach, and unfortunately the projection is 3.87, but they documented exactly what they did, and it was very aggressive and extensive. The documents they gave us were very voluminous.

Councilmember Mitchell said I want to make sure Clancy & Theys I'm not picking on a general contractor. I think they should be kind of a model for all of us as we get the opportunities to make sure that the City does all we can to make sure our SBE are participating, so just trying to encourage our SBE to get some jobs in these tough times.

Councilmember Carter said I do return to that remainder of the \$5 million and looking at the evaluation of this administrative building on LEED points. Apparently we earned 37 out of 100, and I'm wondering if we can be more efficient in our use of energy and how we retrofit this building so it becomes more environmentally friendly.

Mr. Trunk said we estimate that it would qualify for 37 points based on what we know of the LEED program, but that \$5 million is not available. It's part of the ongoing renovation. We have more work to do – security. We have about \$5 million worth of access control for the building. We also have the IT components that need to go in – the cabling. So, the \$5 million is yet to be expended what was included in the original projection for this project.

Councilmember Carter said so we do have use for the money and we will not turn it back –

Mr. Trunk said absolutely.

Councilmember Carter said thank you.

Mr. Trunk said there will be other Council actions coming before you for that \$5 million.

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

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

NAYS: Councilmember Cooksey

Summary of Bids

Clancey & Theys	Raleigh, NC	\$2,169,300.00
Edison Foard, Inc.	Charlotte, NC	\$2,189,250.00
PCL Construction	Denver, CO	\$2,255,400.00
Southside Constructors	Belmont, NC	\$2,304,881.00
MV Momentum	Charlotte, NC	\$2,343,390.00
VCC	Little Rock, AR	\$2,349,900.00
R.J. Fisher Construction	Concord, NC	\$2,397,150.00
LeChase Construction	Rochester, NY	\$2,408,490.00

ITEM NO. 16: DAVIDSON STREET BUS FACILITY: STAGING CAMPUS

[Motion was made by Councilmember Barnes and seconded by Councilmember Burgess to]
[approve the award of a contract to Pac Van, Inc. in an amount not to exceed \$400,000 for]
[the installation and removal of a “Staging Campus” for Bus Operations and Project Manage-]
[ment offices during the Davidson Street Bus Facility site renovation and construction project.]

Councilmember Barnes said this is a contract for \$400,000 to Pac Van, Inc. to build a staging campus as part of the Davidson Street Bus Facility improvements, and there the DBE goal is 4%, and they committed 29.4%. I just wanted to take a minute to applaud them for making that outreach to a small business here.

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

ITEM NO. 17: APPOINTMENTS TO BOARDS AND COMMISSIONS

Charlotte International Cabinet – The following nominees were considered for two appointments:

1. Paul Carr, nominated by Councilmembers Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner
2. Carrie Cook, nominated by Councilmember Howard
3. Phillip Davis, nominated by Councilmembers Cannon, Turner
4. Leslie Dwyer, nominated by Councilmembers Cannon, Kinsey
5. James Jewell, nominated by Councilmembers Burgess, Carter
6. Rory McNicholas, nominated by Councilmember Peacock
7. Hans Plotseneder, nominated by Councilmember Dulin
8. Aaron Sanders, nominated by Councilmembers Mitchell, Turner
9. Heather Whillier, nominated by Councilmember Peacock
10. Sonya Young, nominated by Councilmembers Barnes, Cannon, Mitchell

Results of the first ballot were recorded as follows:

1. Paul Carr, 7 votes – Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Turner
2. Carrie Cook, 2 votes – Councilmembers Howard, Mitchell
3. Phillip Davis, 2 votes – Councilmembers Cannon, Turner
4. Leslie Dwyer, 3 votes – Councilmembers Cannon, Dulin, Kinsey
5. James Jewell, 2 votes – Councilmembers Carter, Cooksey
6. Rory McNicholas, 2 votes – Councilmembers Dulin, Peacock
7. Aaron Sanders, 1 vote - Councilmember Peacock
8. Sonya Young, 3 votes – Councilmembers Barnes, Burgess, Mitchell

Mr. Carr was appointed.

Results of the second ballot were recorded as follows:

1. Leslie Dwyer, 6 votes – Councilmembers Cannon, Carter, Cooksey, Dulin, Howard, Kinsey
2. Sonya Young, 4 votes – Councilmembers Barnes, Burgess, Mitchell, Turner

Councilmember Dulin said I didn't vote, Mr. Mayor.

Councilmember Cannon said you were voting for Leslie is what you told me earlier.

bvj

Mayor Foxx said, Mr. Dulin, we are waiting patiently.

Councilmember Dulin said Ms. Dwyer.

Ms. Dwyer was appointed.

Charlotte-Mecklenburg Public Access Corporation – The following nominees were considered for two appointments:

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

Results of the first ballot were recorded as follows:

1. Cassandra Blaine, 1 vote - Councilmember Cooksey
2. Dazzell Matthews, Sr., 2 votes – Councilmembers Cannon, Carter
3. Sophia Matthews, 3 votes – Councilmembers Barnes, Howard, Turner
4. Sonnie McRae, 3 votes – Councilmembers Barnes, Dulin, Peacock
5. Linda Webb, 1 vote - Councilmember Mitchell
6. Pamela Wisniewski, 6 votes – Councilmembers Burgess, Carter, Dulin, Kinsey, Peacock, Turner
7. Sonya Young, 4 votes – Councilmembers Cannon, Howard, Kinsey, Mitchell
8. None of the above, 1 vote - Councilmember Burgess

Ms. Wisniewski was appointed.

Results of the second ballot were recorded as follows:

1. Sonya Young, 6 votes – Councilmembers Burgess, Cannon, Carter, Howard, Kinsey, Mitchell
2. Sophia Matthews, 2 votes – Councilmembers Barnes, Turner
3. Sonnie McRae, 2 votes – Councilmembers Barnes, Dulin

Ms. Young was appointed.

Charlotte Regional Visitors Authority – The following nominees were considered for one appointment:

At-large Representative

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

Results of the first ballot were recorded as follows:

1. Ray Hernandez, 1 vote - Councilmember Carter
2. Lawrence Huelsman, 8 votes – Councilmembers Barnes, Burgess, Cannon, Cooksey, Dulin, Howard, Mitchell, Peacock
3. Alexis Kropp, 1 vote - Councilmember Kinsey

bvj

4. Angela Williams, 1 vote - Councilmember Turner

Mr. Huelsman was appointed.

Councilmember Cooksey said Mr. Huelsman stayed with us for the night, so, thank you, Larry.

Mayor Foxx said thank you for staying with us.

Civil Service Board – The following nominees were considered 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

Results of the first ballot were recorded as follows:

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

Results of the second ballot were recorded as follows:

1. James Harrell, 5 votes – Councilmembers Barnes, Cannon, Howard, Mitchell, Turner
2. Jason McGrath, 5 votes – Councilmembers Burgess, Carter, Cooksey, Dulin, Kinsey
3. Sonya Young, 0 votes

Mayor Foxx said I cannot break a tie on this; can I?

DeWitt McCarley, City Attorney, said traditionally the Mayor has not broken a tie on Council appointments because the Mayor has appointments of his own.

Mayor Foxx said we'll wait on this for the next time.

Community Relations Committee – The following nominees were considered for thirteen appointments:

1. Myna Advani, nominated by Councilmembers Cooksey, Peacock
2. Patricia Albritton, nominated by Councilmembers Howard, Mitchell, Turner
3. Stefanie Austin, nominated by Councilmember Howard
4. Kevin Campbell, nominated by Councilmembers Kinsey, Peacock
5. Richard Carter, nominated by Councilmembers Burgess, Cooksey, Dulin, Peacock
6. Phillip Davis, nominated by Councilmembers Burgess, Turner
7. Richard Doty, nominated by Councilmembers Burgess, Turner
8. James Harrell, nominated by Councilmembers Barnes, Mitchell
9. Karen Johnson, nominated by Councilmembers Burgess, Carter, Howard, Kinsey, Peacock
10. Nichole Johnson, nominated by Councilmembers Carter, Howard, Peacock
11. Sue Korenstein, nominated by Councilmember Kinsey
12. Maneisha LaFate, nominated by Councilmembers Cooksey, Dulin
13. David Nichols, nominated by Councilmembers Burgess, Kinsey, Mitchell, Turner
14. Hans Plotseneder, nominated by Councilmembers Carter, Cooksey, Dulin, Howard
15. Kenneth Rance, nominated by Councilmembers Barnes, Burgess, Cooksey, Mitchell
16. Ryan Rich, nominated by Councilmembers Burgess, Carter, Howard, Kinsey, Peacock
17. Marqueda Robotham, nominated by Councilmembers Mitchell, Turner
18. Lisa Rudisill, nominated by Councilmembers Cooksey, Dulin, Kinsey, Turner
19. Teresa Sandman, nominated by Councilmember Dulin
20. Sherrell Smith, nominated by Councilmembers Howard, Mitchell, Turner

21. Marilyn Sutterlin, nominated by Councilmembers Cooksey, Dulin
22. Gaynell Thornton, nominated by Councilmember Carter
23. Jared Watkins, nominated by Councilmember Kinsey
24. Sonya Young, nominated by Councilmember Barnes, Mitchell

Results of the first ballot were recorded as follows:

1. Myna Advani, 2 votes – Councilmembers Cannon, Cooksey
2. Patricia Albritton, 3 votes – Councilmembers Howard, Mitchell, Turner
3. Stefanie Austin, 3 votes – Councilmembers Barnes, Howard, Mitchell
4. Kevin Campbell, 4 votes - Councilmembers Burgess, Dulin, Kinsey, Peacock
5. Richard Carter, 5 votes - Councilmembers Burgess, Cannon, Cooksey, Dulin, Peacock
6. Phillip Davis, 1 vote - Councilmember Turner
7. Richard Doty, 2 votes - Councilmembers Burgess, Turner
8. James Harrell, 3 votes - Councilmembers Barnes, Mitchell, Peacock
9. Karen Johnson, 6 votes - Councilmembers Barnes, Burgess, Cannon, Carter, Howard, Kinsey
10. Nichole Johnson, 4 votes - Councilmembers Barnes, Carter, Howard, Peacock
11. Sue Korenstein, 2 votes - Councilmembers Kinsey, Peacock
12. Maneisha LaFate, 2 votes - Councilmembers Cooksey, Dulin
13. David Nichols, 4 votes - Councilmembers Barnes, Cannon, Kinsey, Mitchell
14. Hans Plotseneder, 4 votes - Councilmembers Cannon, Carter, Cooksey, Howard
15. Kenneth Rance, 5 votes - Councilmembers Barnes, Burgess, Cannon, Cooksey, Mitchell
16. Ryan Rich, 7 votes - Councilmembers Barnes, Burgess, Carter, Dulin, Howard, Kinsey, Peacock
17. Marqueda Robotham, 1 votes - Councilmember Turner
18. Lisa Rudisill, 5 votes – Councilmembers Cannon, Cooksey, Dulin, Kinsey, Peacock
19. Teresa Sandman, 0 votes
20. Sherrell Smith, 3 votes - Councilmembers Howard, Mitchell, Turner
21. Marilyn Sutterlin, 2 votes - Councilmembers Cooksey, Dulin
22. Gaynell Thornton, 1 vote - Councilmember Carter
23. Jared Watkins, 1 vote - Councilmember Kinsey
24. Sonya Young, 2 votes – Councilmembers Burgess, Mitchell

Ms. Karen Johnson and Mr. Rich were appointed.

Mayor Foxx said we are going to take the top five out of this group.

Mr. McCarley said doing that every member of Council gets five votes.

Results of the second ballot were recorded as follows:

1. Richard Carter, 7 votes – Councilmembers Burgess, Cannon, Carter, Cooksey, Dulin, Kinsey, Mitchell
2. Kenneth Rance, 6 votes – Councilmembers Barnes, Burgess, Cooksey, Dulin, Kinsey, Mitchell
3. Lisa Rudisill, 6 votes – Councilmembers Burgess, Cannon, Carter, Dulin, Kinsey, Turner
4. Kevin Campbell, 2 votes – Councilmembers Burgess, Kinsey
5. Nichole Johnson, 6 votes – Councilmembers Burgess, Cannon, Carter, Cooksey, Kinsey, Mitchell
6. David Nichols, 9 votes – Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Kinsey, Mitchell, Turner
7. Hans Plotseneder, 4 votes – Councilmembers Cannon, Carter, Cooksey, Howard

Mr. Carter, Ms. Johnson, Mr. Nichols, Mr. Rance, and Ms. Rudisill were appointed.

Historic District Commission – The following nominees were considered for one appointment:

At-Large

1. Russell Burgoyne, nominated by Councilmember Mitchell
2. Donald Duffy, nominated by Councilmembers Burgess, Carter, Howard, Peacock

bvj

3. Larken Egleston, nominated by Councilmembers Cooksey, Dulin, Kinsey
4. Ethel Wyche, nominated by Councilmember Turner

Results of the first ballot were recorded as follows:

1. Russell Burgoyne, 0 votes
2. Donald Duffy, 8 votes – Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Mitchell, Peacock
3. Larken Egleston, 2 votes – Councilmembers Dulin, Kinsey
4. Ethel Wyche, 1 votes - Councilmember Turner

Mr. Duffy was appointed.

Councilmember Cooksey said I will point out although he didn't make it Mr. Egleston can stay with us as well. Both competitors for this one stayed with us.

Mayor Foxx said thank you very much for staying with us, and your name will stay on the file so next time an appointment comes up.

Councilmember Dulin said Larken didn't make it on this commission today, but here's a young guy who wants to get involved and has a passion for historic, lives over in Chantilly or Plaza-Midwood, and he's a pretty good example of a kid that is starting off and is going to be helpful to this community in the future. Sorry it didn't work out.

Neighborhood Matching Grants Fund Review Team – The following nominees were considered for one appointment:

Neighborhood Representative

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

Results of the first ballot were recorded as follows:

1. Richard Alexander, Jr., 6 votes – Councilmembers Burgess, Cannon, Carter, Dulin, Kinsey, Peacock
2. Cecelia Hendking, 1 votes - Councilmember Mitchell
3. Chaunta Jones-Hunter, 2 votes – Councilmembers Barnes, Howard
4. Sophia Matthews, 0 votes
5. Carol Scally, 2 votes – Councilmembers Cooksey, Turner

Mr. Alexander was appointed.

Business Representative

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
4. Shannah Minor, nominated by Councilmember Carter
5. Sonya Young, nominated by Councilmember Turner

Results of the first ballot were recorded as follows:

1. Richard Alexander, Jr., 6 votes – Councilmembers Burgess, Cooksey, Dulin, Howard, Kinsey, Peacock
2. Benjamin Heatley, 1 votes - Councilmember Barnes
3. Chaunta Jones-Hunter, 2 votes – Councilmembers Cannon, Mitchell
4. Shannah Minor, 1 vote - Councilmember Carter
5. Sonya Young, 1 vote - Councilmember Turner

Ms. Johnson said let me go ahead and tell you that Mr. Richard Alexander, Jr. received six votes for G1 and G2. That's two different slots he has been appointed to. If you would like to choose one or the other.

Mayor Foxx said we'll give him the first one. Is there a tie-breaker on the next one?

Results of the second ballot were recorded as follows:

1. Benjamin Heatley, 1 vote - Councilmember Barnes
2. Chaunta Jones-Hunter – 6 votes – Councilmembers Burgess, Cannon, Cooksey, Dulin, Howard, Mitchell

Ms. Jones-Hunter was appointed.

Nonprofit Organization Representative

1. James Harrell, nominated by Councilmembers Cooksey, Howard, Mitchell, Peacock, Turner
2. David Molinaro, nominated by Councilmembers Kinsey, Peacock

Results of the first ballot were recorded as follows:

1. James Harrell, 7 votes – Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Mitchell, Turner
2. David Molinaro, 2 votes – Councilmembers Cannon, Kinsey
3. None of the above, 2 votes – Councilmembers Dulin, Peacock

Mr. Harrell was appointed.

Residential Rental Property Review Board – The following nominees were considered for four appointments:

1. Stephen Marcus (Homeowner), nominated by Councilmembers Barnes, Cooksey, Peacock Turner
2. Darrin Rankin (Rental), nominated by Councilmembers Barnes, Peacock
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. Mary Strong, (Homeowner), nominated by Councilmember Howard
6. Marilyn Sutterlin(Homeowner), nominated by Councilmembers Dulin, Kinsey
7. Jesse Tillman(Homeowner), nominated by Councilmembers Cooksey, Peacock
8. Wigena Tirado(Homeowner), nominated by Councilmembers Howard, Mitchell, Turner
9. Thomas Wellens(Rental), nominated by Councilmembers Cannon, Cooksey, Kinsey, Mitchell, Turner
10. Sonya Young(Homeowner), nominated by Councilmembers Barnes, Cannon, Kinsey, Turner

Results of the first ballot were recorded as follows:

1. Stephen Marcus (Homeowner), 6 votes - Councilmembers Barnes, Carter, Cooksey, Dulin, Peacock Turner
2. Darrin Rankin (Rental), 3 votes - Councilmembers Cannon, Dulin, Peacock
3. Teresa Jackson-Small (Tenant), 8 votes - Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell
4. Delores Reid-Smith(Rental), 4 votes - Councilmembers Barnes, Carter, Howard, Mitchell
5. Mary Strong (Homeowner), 3 votes - Councilmember Burgess, Howard, Mitchell
6. Marilyn Sutterlin(Homeowner), 1 votes – Councilmember Kinsey
7. Jesse Tillman(Homeowner), 4 votes - Councilmembers Cooksey, Dulin, Kinsey, Peacock
8. Wigena Tirado(Homeowner), 4 votes - Councilmembers Burgess, Howard, Mitchell, Turner

9. Thomas Wellens(Rental), 6 votes - Councilmembers Barnes, Cannon, Cooksey, Dulin, Kinsey, Peacock
10. Sonya Young(Homeowner), 2 votes - Councilmembers Cannon, Carter

Mr. Marcus, Ms. Jackson-Small, and Mr. Wellens were appointed.

Results of the second ballot were recorded as follows:

1. Delores Reid-Smith, 6 votes – Councilmembers Barnes, Burgess, Cannon, Carter, Dulin, Kinsey
2. Jesse Tillman
3. Wigena Tirado

Ms. Reid-Smith was appointed.

Storm Water Advisory Committee – The following nominees were considered 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

Results of the first ballot were recorded as follows:

1. Eaton Gravely Reid, 10 votes – Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock
2. Robert Thompson, 0 votes
3. Sonya Young, 1 vote - Councilmember Turner

Mr. Reid was appointed.

Waste Management Advisory Board – The following nominees were considered for recommendation of one appointment by the Board of County Commissioners:

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

Results of the first ballot were recorded as follows:

1. Richard Deming 9 votes – Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Kinsey, Mitchell, Peacock
2. Robert Stefan, 2 votes – Councilmembers Howard, Turner

Mr. Deming was recommended for appointment by the Board of County Commissioners.

ITEM NO. 13: MAYOR AND COUNCIL TOPICS

Councilmember Kinsey said I would respectfully request that we put on the June Zoning Committee Meeting the Gardens at Wendover. We already approved this several years ago. It was stopped because of the economy. They are just asking that it be moved up. They are not asking for the vote the same night, but it's Gardens at Wendover. It's along Wendover Road, and it's condominiums selling for \$225,000 to \$300,000.

Mayor Foxx said we can do it without objection.

bvj

Councilmember Barnes said just want to let the citizens know that there is a Town Hall Meeting this coming meeting this coming Wednesday, the 28th of April, at 7:00 p.m. at Vance High School in the auditorium, and among the topics will be the 29/49 Weave Project, improvements to Back Creek Church Road that we are desperately hoping for, as well as police updates, and an update regarding the northeast corridor light rail project – 7:00 p.m. to 8:30.

Councilmember Carter said two announcements, please. Tuesday, the 27th, from 6:00 to 8:00, there will be a street car meeting over at Johnson C. Smith. If you are a neighborhood leader and your neighborhood needs lights, your applications need to be in by the first of May, otherwise there will be a three-year moratorium in applying for lights in your neighborhood.

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ADJOURNMENT

The meeting was adjourned at 9:35 p.m.

Melissa T. Johnson, Deputy City Clerk

Length of Meeting: 4 Hours, 6 Minutes
Minutes Completed: May 31, 2010