

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, May 24, 2010, at 5:16 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were: Councilmembers Michael Barnes, Patrick Cannon, Warren Cooksey, Patsy Kinsey, James Mitchell

ABSENT UNTIL NOTED: Councilmembers Susan Burgess, Nancy Carter, Andy Dulin, David Howard, Edwin Peacock III, Warren Turner

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Mayor Foxx said the time I have been on Council I can't remember having an agenda as full as this one. We have a lot of issues to deal with tonight, and I suspect that it will take us into tomorrow. So, having said that, why don't we start with the Mayor and Council consent item questions?

Councilmember Howard arrived at 5:18 p.m.

Councilmember Cooksey said I don't have a Consent Agenda item, but I do have a question about the legislative update memo we got.

Councilmember Cannon said, well, since we have some time.

Councilmember Cooksey said my question was about the broadband, SB 1209, that Bill. Dana, is that right?

Councilmember Cannon said Dana is in Washington today.

Councilmember Peacock arrived at 5:21 p.m.

Councilmember Cooksey said the write-up says this Bill would cover not only the provision of cable television and Internet services to residents and businesses, it would also cast its net over the public safety broadband system being contemplated by the City and its public safety partners. The Bill says that this section does not apply to an external communication system. The Bill is a bit confusing, and I wanted to see how the Bill language into saying that it would cover what the City is trying to do with the public safety broadband rather than – Through NCLM I'm aware this issue is being local communities wanting to provide broadband services to their residents. This is the first I have seen about it applying to what we would be trying to do with public safety, and the language isn't the most thrilling in the world to tie those two in.

Councilmember Carter arrived at 5:23 p.m.

Curt Walton, City Manager, said I think we'll need to get you more, Mr. Cooksey.

Ron Kimble, Deputy City Manager, said there are two issues in that Bill – whether or not municipalities and local units of government need to stay in that business that way and what happens if a Bill was passed and how does it affect our public safety network, so we are watching both of those very carefully.

Councilmember Cooksey said maybe I just don't have everything. Thanks, that's it.

Councilmember Cannon said, Mayor Pro Tem, we were just going over any consent items that needed to be pulled, and we're still on that right now.

Councilmember Burgess and Councilmember Dulin arrived at 5:39 p.m.

Councilmember Turner arrived at 5:40 p.m.

Councilmember Dulin said, sorry, folks. We just finished up an Environmental Committee meeting, and it went long. There was one in here that was confusing, Mayor. No. 41, the municipal agreement for Metrolina Regional Travel Demand Model Maintenance and Development. It sounded like pretty fancy language, but it was more fancy than me.

Curt Walton, City Manager, said, Mr. Dulin, we do the modeling for the region, and they pay us back. That's essentially what this one does.

Councilmember Dulin said, right, but it was done in 2005.

City Manager Walton said, yes, sir.

Councilmember Dulin said we are talking about \$1.2 million for the modeling. Where is the data we have now, and are we using the data; and, if we are using the data, how come our traffic patterns aren't any better? Am I correct? This models traffic flow where cars are coming from and where they are going and how they are getting through this region.

City Manager Walton said right.

Councilmember Dulin said I think.

City Manager Walton said right.

Councilmember Dulin said I don't understand. I would think that this would be a pretty good time for us to not spend \$1.2 million to study traffic flow. We know the traffic is going to come through here, and I don't know if we are using the information that we got before in 2005. I'm going to make a motion not to approve this tonight.

City Manager Walton said this is money coming from the state to meet a state requirement.

Councilmember Dulin said I know it's state money, but it's still tax money.

City Manager Walton said but it's still a requirement.

Councilmember Dulin said we have to do it.

City Manager Walton said, yes, sir.

Councilmember Dulin said do we have to do it for \$1.2 million? All right. No. 51 is a change order at the new fire station at the Airport. I think, if I read this right, the whole project is \$3.6 million, and this is a change order for \$698,000. Seems like a big change order early in the process, and I would like to know why the bid missed it so badly. That's roughly 10% of the project cost.

Councilmember Barnes said I had a question, Mr. Manager, generally about Item 46 to begin with. We approved the original contract back in November 2006 for \$300,000, and the change order is an increase of \$250,000. The general note I wrote was how did we miss this one so badly? I read the notes about things we discovered as we began the project, but I wanted to get some feedback from staff regarding essentially what it was that we thought we would encounter in 2006 and the sorts of problems we encountered that would necessitate what is almost 100% increase in the price.

Also, regarding Item 50 – you and I talked about this earlier. This is \$45 million for an automatic baggage screening system at the Airport, and while I understand that it is essentially mandated by the federal government, I'm curious to know whether similar systems are currently in use at any other airport in the country and the reliability and effectiveness of those systems. My concern is in part that the TSA has a history and so do some other governmental entities have a history of approving and spending large amounts of money on projects like this only to find out a year or two later that they are useless or obsolete.

Regarding Item 51, the same item that my colleague, Andy, raised, I went down to the section that is the fifth bullet point under this change order to provide for the following, and my question is whether or not we anticipated or contemplated all of these needs back in 2009, July of '09, when we originally approved the contract, and if not, why not, because some of the stuff seems to be the sort of stuff we would catch. For example, more durable kitchen finishes. That seems to be an odd add-on.

Item 53 is \$175,000 contract with Google for part of the Wi-Fi system and advertising at the Airport, and my questions there are whether we, by way of CRVA, sought additional providers, and, if so, whom did we talk to other than Google. I wanted to know whether we should have or would have exclusivity on ad revenues. I notice that the item says the Airport and/or Google could sell advertising. I wanted to know if we could make it exclusive to the City, to the Airport, so we get the revenue from any advertising that is sold on that system. Those are my items.

Mayor Pro Tem Burgess said are there any other consent items to be pulled?

Councilmember Kinsey said I have a real quick one on 51, lease for asset recovery and disposal facility. Under explanation, it says that Building Support Services provides this service for the City of Charlotte, Mecklenburg County, and the Housing Authority, and the Board of Education. My question is, and I really couldn't find it in the information, do they pay us anything for this, or is this just what we do?

City Manager Walton said, no, ma'am, they pay their way.

Councilmember Carter said the tax collector settlement on No. 54, the percentage on collection of registered motor vehicle tax is 83.63%. I know it would average out as stated, but I think that needs to be noted and perhaps some action taken. I know we are having a lot of people move in from out of state, and when they do not register and comply with our regulations we do lose income. I have seen that happen, and I am concerned about it.

City Manager Walton said is there a question there or just a concern?

Councilmember Carter said it's a statement that I think needs to be made publicly.

Melissa Johnson, Deputy City Clerk, said Item 64-Q, R, and U have been pulled by staff.

ITEM NO. 2: FY2010 HOUSING TRUST FUND PROJECT RECOMMENDATIONS

Mayor Foxx said we are going to have to be really, really efficient tonight because there are five or six items on the Dinner Meeting, and we have a ton on the meeting outside, so I appreciate input and feedback, but let's just make sure what we add is new to the conversation because it's going to go kind of slow if we don't.

Stan Wilson, Neighborhood and Business Services, said what I would like to do is provide an overview of the Housing Trust Fund recommendations for 2010, talk about the Council-approved allocation, the request for proposal process, take a look at the projects being recommended, and then talk about the upcoming City Council action requested. He began a PowerPoint presentation entitled, "FY2010 Housing Trust Fund Project Recommendations," a copy of which is on file in the City Clerk's Office.

Councilmember Barnes said I want to ask you a question about Moore Place. I recall and I'm sure you recall there was a lot of consternation in the Druid Hills community about that development. Has there been an ongoing dialogue between the sponsors and developers and the community? What's the status of that?

Mr. Wilson said that I cannot answer. I can find that out though in terms of how much dialogue, what kind of meetings they have had.

Councilmember Barnes said is there someone who can speak to it?

Mr. Wilson said I believe Dale Mullinex is here from the Urban Ministry.

Dale Mullinex, Urban Ministry, said we have had a number of conversations in various theatres, meetings with a variety of representatives from the neighborhood, some pastors in that neighborhood, as well as some other housing developers in the neighborhood as well.

Councilmember Barnes said are they fully on board with the project?

Mr. Mullinex said I couldn't say it's fully on board, no.

Councilmember Barnes said tell me about the meetings themselves? You want to come up here so we can get you on the record.

Mr. Mullinex said we have been to the neighborhood and met with several folks. We have met with meetings that the neighborhood has organized. We have met with some, as I mentioned, some of the churches in the neighborhood, and we have met with other housing developers in the neighborhood at this point.

Councilmember Barnes said have you been able to address their concerns with respect to the availability of jobs and other daytime type activities and resources?

Mr. Mullinex said we pointed to what we have already learned in our pilot project, which is the basis from which we are building Moore Place, and their folks are either working, they are going to Central Piedmont, or they are volunteering in the community. We expect that to be the same at Moore Place.

Councilmember Barnes said as far as this issue I raised earlier about community consensus how can we measure that? Who could I talk to to determine whether or not they are comfortable with the project?

Mr. Mullinex said we have been working through the neighborhood association president. You could call him and ask him what his opinion is.

Councilmember Carter said my concern, of course, is with Carya, and I hate to say this but this is the first I have heard of it, and I'm very concerned about juxtaposition. I have stated time and again that I'm completely supportive of rehabilitation of existing multifamily units within District 5. When we add more to a preponderance, I have a difficulty. I have stated before that I am in agreement that we need housing for the elderly, probably for disabled as well, but rehabilitation to me is definitely the preferred approach, and I do have trouble with not knowing about this and creating a community where we are once again clustering.

Mr. Wilson said as we look at the two projects – Moore Place, 85 units serving homeless, \$500,000 from the City, overall a \$6.5 million project. As we look at affordability, we are looking at 50 years. Carya House, a much smaller development, eight units serving persons with disabilities, here again, a \$500,000 request, and total project is \$1 million, so half the money is coming from the trust fund. Here again, the affordability period is the same looking at 51 years. When we look at these projects collectively, we are talking about 198 units, 59% of them serving 24% and below. That's 117 units. Overall we are leveraging a 1:7 with the City dollars. Special needs, I want to repeat, is 93 of those 198 units. We'll be looking to Council for action on June 14th to recommend the multifamily project and then also the special needs project recommendations.

Councilmember Kinsey said are we allocating money that we have or is this coming out of the proposed bond money?

Mr. Wilson said these are dollars we already have.

Councilmember Cooksey said, Stan, I'm not sure this is really a question for you. It's for everybody else. The Arrowood Station Seniors is concentrating on basically an elderly

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population, which is what our special needs category is. Did this project apply under both categories or just the multifamily rental category?

Mr. Wilson said just under multifamily rental.

Councilmember Cooksey said would there have been a reason in our policy that would preclude it from applying under special needs?

Mr. Wilson said they have the option to pick which one.

Councilmember Cooksey said just want to throw this out for Council and wonder if anyone else is concerned that, in essence, we have two, three really, here special needs category projects based on how we define special needs, that one of them is under the general and the other two are under special needs. I don't know if it's anything that rang a bell with anybody else, but that's what leapt out and struck me about this one.

Mr. Wilson said I will add that the Housing Trust Fund Advisory Board each year takes a look at that, and they still maintain the elderly and the special needs and the ability for the developers to choose.

Councilmember Cooksey said I understand that, but, in effect, for this pool of money if we go with these recommended allocations based on the scoring in effect we are sending all of it to special needs rather than dividing it by half according to the recommendation. Just thought I would bring it up and see if anyone else wanted to take a swing at it.

Councilmember Carter said you are looking at baby boomers, and you are going to have a huge bubble, and we are not prepared, and that's one thing that the Council on Aging has been addressing. So, perhaps by concentrating as we have not in the recent past we are perhaps filling a need.

Councilmember Cooksey said I understand that, but if that is our focus, couldn't we have adopted a policy that said, well, we have \$2.9 million – make it all available to special needs because elderly/baby boomer population fits under that. What I'm seeing here is a policy statement that said half multifamily rental, half special needs, but the recipients are going to be all under the special needs category, so functionally we are sending it all to a special needs category, which wasn't the policy statement we adopted.

Mayor Foxx said it's a fair point to raise, and I think really the buck stops here. If that is something that is toxic to the board, the board can decide not to fund something that would otherwise fit into that category.

Councilmember Cooksey said just wanted to pass that remark along.

Mayor Foxx said I appreciate that. So this will be coming back to us on June 14th for further discussion, so we are all now made aware that we will be asked to vote on this on June 14th. If there are no further questions or comments –

Councilmember Dulin said that will be after we adopt. Is that timing okay?

City Manager Walton said, yes, this is from earlier money.

Councilmember Dulin said not our new money.

City Manager Walton said this is from probably the November '08 bonds.

ITEM NO. 3: BLUE LINE EXTENSION UPDATE

Danny Rogers, Charlotte Department of Transportation (CDOT), said I appreciate the opportunity to speak to you tonight and talk about where we are with the Blue Line Extension and some of the things that are coming up in the next few months. We have a couple of big milestones that are coming up this summer, so we want to talk to you about them. Just a little bit of review. The Blue Line Extension is the extension of the South Corridor Light Rail Line leaving from uptown Charlotte around 7th Street, moving up the North Carolina Railroad corridor to about Old Concord Road where we move over to North Tryon Street, follow North Tryon Street out to the university where we go on campus to have a station on campus, and then finishing up or ending just inside of 485 at North Tryon Street about 11 miles. He began a PowerPoint presentation entitled "Blue Line Extension Project Update," a copy of which is on file in the City Clerk's Office.

Councilmember Barnes said I have a question for you regarding the new ridership estimates that you mentioned. Could you talk to us about what those estimates are now?

Mr. Rogers said the ridership projections for the northeast are approximately twenty three seven daily riders, which is almost exactly the same as expected for the growth in the south corridor. When we do the analysis, you have to look at the peaking and when that will determine how many train cars you need.

Councilmember Barnes said has that estimate been revised upward or downward?

Mr. Rogers said upward.

Councilmember Barnes said what was it before?

Mr. Rogers said when we went into preliminary engineering we were around 10,000, so there was a significant jump when you went from preliminary engineering with guesses of what was going to happen in the south corridor to redoing the modeling with real information from the south corridor.

Councilmember Barnes said also can you give us an update on our efforts in Washington to get additional funding from the federal government? I know there was a time when we were seeking an earmark from Washington by way of Senators Burr and Hagan. Wanted to know where that stands and also any updates regarding other funding that may be coming to us for the project.

Mr. Rogers said I might let Dee address the question about the earmark request. What we have so far is the 39.65 I talked to you about. We have also talked to FTA about the possibility of a greater federal share. We talked to them last year prior to submitting our New Starts update back in September about the opportunity of maybe going to a 60/40 share, which 60% federal fund as opposed to 50% federal funds. At that time, they didn't say no, but they told us to wait until this year to pursue that further, so we are going to continue looking at those avenues. I don't know. Dee, do you have any more information about the request for this year?

Dee Pereira, Charlotte Area Transit System (CATS), said it's in the legislative agenda.

Councilmember Barnes said have we gotten the \$14 million?

Ms. Pereira said yes.

Councilmember Barnes said is that \$14 million a part of the \$39 million?

Ms. Pereira said, no, the 14 is not included in the 39. The 14 has just been allocated to us, and the next ask is for \$20 million.

Councilmember Barnes said when will we get the 14?

Ms. Pereira said it has already been allocated to us, and we have just got to move forward with the application process.

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Councilmember Carter said by including improvements to the south corridor do we put in jeopardy this procedure or does it enhance our process or is it possibly detrimental?

Mr. Rogers said the feedback we have gotten from FTA is they will entertain the idea. It does not affect our ability to move the project forward. When we have done the analysis, if we add the cost of the south corridor work to the Blue Line Extension, we are still cost effective, so we should still be fine so it should not have an effect.

Curt Walton, City Manager, said we'll know about the south corridor piece much, much sooner than we would need to apply.

Mayor Foxx said I have a question about the sales taxes, which you might not be able to answer right now, but I know it's kind of a moving target. The question that rises with me is whether there is a recoverable situation for us to lock and load and get this project moving – the northeast line moving at the same point at which we believe a full-funding grant agreement would be in the offing and what kind of variation in the sales tax activity would have to occur for that to happen. Do you have a sense of the magnitude or a way of helping to describe that?

Mr. Rogers said we have done some looking at different scenarios. It would take a pretty strong recovery – probably more than we would realistically expect – to meet our schedule now under the current terms. If we have to meet with a 50/50 share, it's unlikely that our sales tax could recover enough to meet our schedule.

Mayor Foxx said I didn't hear what you said but –

City Manager Walton said, Mayor, I think right now we are about \$55 million in sales taxes and probably the 2016 was based on \$73, \$75 million on an annual basis, so significant amount of improvement in order to go back to a 2015, 2016 schedule as far as opening.

Councilmember Burgess left the meeting at 5:52 p.m.

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ITEM NO. 4: NEW MARKETS TAX CREDITS

Curt Walton, City Manager, said, Mayor and Council, this item is on your agenda tonight. It's a recommendation out of the Economic Development Committee.

Pat Mumford, Neighborhood and Business Services, said as the Manager mentioned this item was in front of the Economic Development Committee May 13th. I want to review it at somewhat high level and then take any questions you might have. He began a PowerPoint presentation entitled, "New Markets Tax Credits," a copy of which is on file in the City Clerk's Office.

Councilmember Cannon said you talked about the City being the lead on this, but this is a highly competitive process as well, I would take it.

Mr. Mumford said that's correct.

Councilmember Cannon said would you speak to the idea of what this means in terms of leveraging based upon the City's history?

Mr. Mumford said glad to do that. The City is the lead in that we have the experience. We just heard Danny talk about the south corridor. We have been able to raise and deploy funds for commercial development in this community. We have been a partner on many projects from large community to infrastructure projects, utility projects, and so it's important to have in the application an entity or partner that can represent the capability like the City has. That is why we are the lead organization. The other folks we propose round out that mix and we think makes for a very strong application this go-round. Just so you know, most people that apply are not

successful with their first application, but we think this year might be a little different in that the timeframe is compressed, and we do show real well on paper, so the hope is we could be successful to bring this additional source of capital to our geography. He continued with the slide on eligible geography.

Councilmember Howard said I was wondering if you could tell me if the 13 cities are peer cities to Charlotte.

Mr. Mumford said one in particular is Kansas City, and the structure is exactly like we are proposing here. We did try to find other cities that were like ours – likes ours in the form of government and also in size, and Kansas City is really very close to what we are doing.

Councilmember Barnes said, Pat, question for you. I'm just curious. I notice that the area where UNCC is located is a qualifying tract, the campus. How is that?

Mr. Mumford said it's based on 2000 census data. Whatever that area looked like in 2000 dictated that geography.

Councilmember Barnes said the campus itself would be part of the qualifying –

Mr. Mumford said that geography comes straight from the Treasury and the way they have taken a look at census tracts. Why it looked like that in 2000 I don't know. You will see that most of the Center City is that way, too. The 2010 census data will probably cause the map to change. He continued with the PowerPoint presentation with the slide entitled, "Why the City and Why Now?" I do want to mention that Deloitte has offered their services pro bono to support this application. That's another reason why we feel it's imperative to move forward with this today. I know it sounds like it's too good to be true thing, but frankly it's low risk for us. We think if we get in a strong application we can get an allocation here and use those funds locally for projects. There are banks in town that have new markets tax credit allocations, but they have to look across their entire footprints to distribute those, and we think it's important to keep the credits locally.

Councilmember Dulin said, Pat, go back and refresh the group, please. I recall from our presentation that you gave the Econ Committee a couple of weeks ago that if we get the tax credits and don't use them they don't go away; is that correct?

Mr. Mumford said we have a period of time. You have to use 80% of them within three years and 100% within five years for projects. If they do not get used, Treasury takes them back. That doesn't seem like a bad thing unless you want to reapply the following year or two years later and then all of a sudden you have a track record of not being able to deploy the tax credits. But there is no risk that we owe money if they are not used. The credits just go back.

Councilmember Dulin said when we get them, and good luck with your application. I'm going to support it. We have this rush though to get busy on it. Are we able to handle that?

Mr. Mumford said that's a part of the application. We want to be realistic when we apply and give an idea to Treasury what projects are out there today, so the work that is being proposed for the Beatties Ford Road corridor, or there is some activity going out Graham Street or North Tryon Street. We will include those projects as examples of what can be done. We don't want to over-ask and not be able to use the credits. For example, a \$50 million allocation, which is kind of the typical -- we think that would be a logical amount to put in our request – nets about \$12 to \$15 of real capital into a project, and there is a very complicated formula that gets you there, but it's not a 1:1 ratio. Fifty million dollars in new markets tax credits does not mean \$50 million on the ground for projects, but remember it's got financing, so we are leveraging that money and putting private investment on top of that. The intent would be to use them, not just apply and hold.

Councilmember Cooksey said, Pat, once the CDE board is up and running, what kind of support will the five members need and from which organization or organizations will that support come?

Mr. Mumford said we have been talking about that amongst ourselves. There would be some requirement on the back end should an allocation come through as far as working through the financial aspect of projects and filling out the forms. We have been talking to Charlotte Center City Partners of how we could accommodate that within our two current structures. We don't have that completed yet, but we think between the two we can cover that expertise.

Councilmember Cooksey said in terms of any kind of policy guidance on what kind of projects to look for is that something adopted by the board or would this Council, because the City is the lead agency, sign off on any kind of policy directive on how you use them?

Mr. Mumford said it's actually the responsibility of the CDE board to sign off, and typically there has not been a direct political body involved in selection of projects, but what we discussed at the committee is that a lot of these more than likely will have some form of local dollars involved, and it would be at that. When you all raise your hand to support a project, you would be approving for your own funding, our own funding, City funding. That would then go to the board, and the board would approve the credits for the project. We think it's important to keep a pretty bright line between the political aspect and the board's responsibility.

Councilmember Cooksey said I'm fine with that, and based on what you just said there would you characterize the way the CDE and the board would work as being more proactive looking for projects or more reactive hearing about projects that exist already and going to them and saying we have this other option?

Mr. Mumford said it's going to work both ways. I think with the representation that we have suggested on the board we know a lot of what is happening on the ground, but there may be a project that comes to us and we didn't know about it, and it would be vetted. It's pretty stringent requirements. It's not just I like that project; let's go with it. The Treasury sets pretty stringent criteria.

Councilmember Cooksey said that's helpful, too. There are Treasury guidelines as well as anything adopted locally that has to be done.

Mr. Mumford said that's correct.

Councilmember Cooksey said and don't get me wrong I don't want us dealing with that at all. I was just curious to know if this is a cast-the-bread-upon-the-waters kind of operation or is this something that we are going to continue to be involved with as a Council as it goes forward.

Mr. Mumford said if I might add, again, these are real projects that have to pro forma in the real world. There will be traditional debt, some equity involved in this, so a bank is going to be lending money. The project has to make sense, so there is that bit of oversight in underwriting that takes place on these projects as well.

Councilmember Peacock said, Pat, you served on CMDC. What are the similarities or differences between this entity and how it works?

Mr. Mumford said, well, the CMDC wasn't approving any federal dollars or credits going towards projects, but it does have a similar role in that the CMDC took a look at public policy directives from the City, tried to look at projects that would fit into fulfilling those public policies. I see this board doing the same, making sure that whatever projects are recommended are recommended because they leverage dollars and they support other public policies, so in that regard, I see it as being very similar, and that's why we have suggested that Bob Sweeny be a part of this board.

Councilmember Peacock said is there any conflict with him being involved at all or CMDC being involved? Is it going to conflict with any of their guidelines?

Mr. Mumford said clearly if there was a project that CMDC was going to run we would have to take a look at that, but I think generally no. We are bringing expertise to the board, and we don't have true developers on there because of that conflict, but Bob potentially could be caught in the middle. We didn't think that was a big issue right now.

Councilmember Carter said as you come to projects could you please be specifically intentional to recruit people who represent the areas under consideration? We have two areas represented on the board. An interest in equity both in seeming and in being, it would be very beneficial to all of us to have representatives speak for those projects from the areas.

Mr. Mumford said okay.

Mayor Foxx said one question about the board membership, Pat, are those seats in perpetuity?

Mr. Mumford said one year term.

Mayor Foxx said how are they then assigned in the future? Does the Council approve them or do they get approved some other way?

Mr. Mumford said the City has three seats to appoint, so I would say next year we go through the nomination and appointment process with those three seats. We have rushed this because of the Treasury's schedule this year.

Mayor Foxx said I think it's a great idea to move forward on this. I think it gives us an additional tool in the toolbox if we get it, and I hope everyone supports it.

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ITEM NO. 5: CITY YOUTH PROGRAMS UPDATE

Mayor Foxx said just by way of introduction I asked for this, and asked for it partly because of a letter that came across my desk asking me to sign a letter supporting getting 100 kids jobs for the summer. I sent the letter back for the Mayor's Youth Employment Program, by the way, and I sent the letter back and asked for some more information from staff, and I thought the Council would benefit from having the same information, so that's why we are here tonight.

Brad Richardson, Neighborhood and Business Services, said thank you for setting it up. We are here to provide information to you about the current state of City youth employment, and I'll talk about that. I thought I would share with you more functional areas versus departments. You may have seen it by departments before. Tonight I will do more functional areas. He began a PowerPoint presentation entitled, "City Youth Programs," a copy of which is on file in the City Clerk's Office.

Councilmember Dulin said where are these youths served? Employment and work experience approximately 1,300 youth served annually; where are they served?

Mr. Richardson said all of the youth served on our slide are Mecklenburg County youth. Some are required to be within the City of Charlotte. The Goodwill Job Connection, for instance, serves youth from all over Mecklenburg County. The Mayor's Youth Employment Program has been around for 20 or 30 years. That serves City of Charlotte residents. The Workforce Investment Act dollars managed by the Workforce Development Board are countywide. All of these are County students.

Councilmember Dulin said 800 GED job readiness training that's not 800 GEDs obtained. That's just 800 kids we have helped forward themselves in the GED.

Mr. Richardson said not necessarily. There are 800 young people in that category receiving GED help or job training. Goodwill provides job training. Community Partners under the Workforce Development Board provides job training as well as GED assistance. I don't have the number of exactly GED assisted.

Councilmember Dulin said are those numbers bled together or are they all separate categories?

Mr. Richardson said these are separate categories generally.

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Councilmember Dulin said there is some bleeding amongst them.

Mr. Richardson said you will probably see some of the 800 in the second line receive work experiences, so they may be double-counted there. That's a good point. I don't know the answer to that question – how many.

Councilmember Dulin said we would have to assume that approximately 8,900 youths served under crime prevention. We might have some bleeding amongst that, too. Fifty eight hundred Gang of One. If we have only got 1,100 gang members or 1,300 gang members, we are counting those guys three each.

Mr. Richardson said absolutely. If a young person is participating in a Police Activity League football team, for instance, he also may be a member of Right Moves for Youth. He may also be participating in the Mayor's Youth Employment Program, Mr. Dulin, so that's exactly right.

Councilmember Dulin said this is noble work you all are doing, but it's hard for us to know exactly what we are talking about if the numbers aren't true.

Mr. Richardson said that's a very good point. One of the conversations we have internally is what role do we play, and I think it was termed the community conveyor belt of services for a young person from cradle to college. That type of system is not in place in our community so you could tell exactly how many children have been impacted over the life of a program and they were passed on to a successor program to take care of that particular age. We don't have that in our community, and that's one of the questions in front of us all is how do we better engage in our community to track young people through the conveyor belt, if you will.

Councilmember Mitchell said, Brad, on the grant funded positions, I'm making the assumption that when you look at employment work experience, for example, it says non-funded on three, so we are hiring kids to assist in that department.

Mr. Richardson said, no, sir. Let me just take this, for example. We have three City staff working directly on the City's payroll. We have nine funded by Workforce Investment Act dollars, and they are the Workforce Development Board staff, so there is local money being spent, but it is federal grant money funding nine staff positions at the Workforce Development Board. Does that help?

Councilmember Mitchell said yes, and I guess it will be helpful if you can put that in parentheses so it will be very clear where that funding is coming from because even if you take the next one, education enrichment, you have grant funded 20. As I'm making the assumption Police Activity League is funding those 20 positions.

Mr. Richardson said, no, and you are right. That is the weakness of grouping by category tonight. The grant funder positions we are talking about here are mostly in afterschool. I think PAL is completely managed by three staff folks that you see in the staff positions category. The other categories under staffing are grant funding in afterschool programs. Mr. Mitchell, we can certainly provide a breakdown to you of that, if you like.

Councilmember Mitchell said let me just share with Council and staff just a little frustration from the standpoint I am a big advocate of afterschool and activities for our youth, and some of my frustration has been it seems like all the afterschool initiatives are disjointed. I don't know what we need to do as a body to somehow get very comfortable or making sure the dollar we spend is reaching as many kids as possible. I think even though on your chart here I think if you ask any one of us we didn't know we were spending close to almost \$4 million on reaching kids in our community. The citizens don't realize that, but somehow I did not know we had 1.7 in Employment Work and 1.9. Does Council need to give you guys kind of more direction? Is this the right fit? Do you feel as much frustration that this could be me, but I'm not seeing all our good efforts measured?

Here's a prime example. If everyone remembers about two years ago, we got really attacked about the money we were spending for afterschool, and we spent a lot of time going to the

afterschool providers and doing an audit. I thought we were doing an audit on a yearly basis, so we would be more proactive on how many kids we were serving. Because of the audit, we realized there were some providers that were not reaching the kids they said they were actually reaching. My frustration, as someone who is an advocate of afterschool, is why weren't we more proactive in having something in place that truly was measuring knowing how many kids are in the program, what those kids were receiving in those programs. I don't know around the table if my colleagues are feeling the same frustration, but we need to get this right because this is very important to the community, and I think all of us have a passion to serve as many kids as we can. As we are talking about return on investment, I'm not sure we are getting our return on investment and the dollars we are spending. I would like to hear other people comment, but I'm a little frustrated. This is a lot of money, but I'm not sure we are getting the value in the community for the dollars we are spending.

City Manager Walton said we completely agree with you, and it's probably been four or five years now, but we recommended a competitive process that was standardize achievement scores and cost per unit and a number of variables, and the Council ultimately decided not to move forward with that. There are five or six of the afterschool programs that we have been funding for many, many years, and it's just hard to turn that ship, but we would strongly recommend that you take the dollars that we spend on afterschool and figure out some competitive process for not only standardization but also improving performance.

Councilmember Mitchell said can I follow up? City Manager, I would agree, but even on the Mayor's Youth Employment, the Mayor shared that he got a letter saying we need to find 100 jobs for the youth. I think all of us will say 100 is good, but there is a tremendous need in the community. I would expect that number to be even larger. I don't know if that was a resource issue or because of the economy we didn't have other companies out there willing to say I want to hire a kid. But we must continue to push the bar as much as we can because the need is so great out there. I don't know. I'm open for suggestions and dialogue. How do we fix this and get our arms around it?

Mayor Foxx said let me lob onto that. In this economy, it's understandable that employers don't have money sitting on the side to employ youth, but it doesn't mean that we couldn't partner to create an internship or something where there may not be a financial benefit or a significant financial benefit for the kid, but there is still a benefit. I share some of that frustration, Mr. Mitchell.

Councilmember Barnes said the presentation itself was somewhat challenging to me because I recognize that you all put a lot of time into what we have asked you to do. As I read the slide, it appears we are spending close to \$4 million and serving over 12,000 children, but I think you said a lot of it was double-dipping. I'm questioning what the total universe is regarding the number of young people served, and then to dovetail with something Councilmember Mitchell said regarding how we are going about serving these young folks. One of the things I hoped – I think a couple of years ago we asked that we get the number, about 1,000 young people, per summer. If we are down to 100 or something, it's gotten clearly off the tracks.

Have we made an effort to reach out to the corporate community to find those nonpaying internship type positions, apprenticeship type positions, and we all recognize that the economy is not what it was for a lot of our corporate citizens today, but in terms of having some free labor or some labor that is there to learn and not necessarily to earn money they might be willing to participate. Ultimately my point is that if we have a young person learning how to do something instead of wandering the streets aimlessly, then we are less likely to have to spend money paying one of our police officers to follow, arrest, and sending that person through the justice system.

What I had hoped would happen would be that we would spend whatever resources we dedicate to the programs to actually give young people something to do, but I'm not honestly clear as to how many are being served based upon the presentation, and to something the Manager alluded to, I'm not sure we are leveraging the money in the best way. I'm open to suggestions as well. I think we are trying to figure out how to serve as many young people as possible, understanding the economy, looking for some nonpaying internship type opportunities, something to give them productive activities in the summer so they stay out of trouble.

Mr. Richardson said if I may just respond briefly. I think this Council has shown good leadership in youth employment. I would remind you a couple of years ago when you referenced 1,000, up to 1,000, the answer was a contract with Goodwill for a youth job connection. That is what we consider the workforce, if you will, in the community for getting young people engaged in employment related activities, and it is training and it is counseling and it certainly is paid internships. It often is work experiences and unpaid as well, so I would applaud you and the City in general for that. The Mayor's Youth Employment Program is certainly financial driven and resource constrained. You authorized us a few weeks ago to use some savings from last summer to negotiate some salary subsidies this year, and we have been very successful in that. So of the 100, we are knocking on that door now, and we are reaching out with a menu of services on the employment side from a two-week work experience to a shadowing to a nonpaid to a paid, so I can answer categorically that we are doing a lot more reaching out than we have ever done, and a lot of it is from Council members' help as well. Some of you are actually making calls on our behalf, and we welcome that as well.

Councilmember Barnes said I assume we will see this again, but clarifying this presentation would be helpful so that we see what we are really spending and who is really being served.

Mr. Richardson said you mean figure out a way to show how many individual young people are being served? I'm not sure that's possible. We'll think about it. It would entail a lot of work figuring out where the young people are plugged in our community – those that are on a team versus those in a club. Let me think about it and get back to you with some ideas on that.

Councilmember Barnes said let me submit this to you. If you can't tell us why, tell you why you can't tell us why.

Mr. Richardson said absolutely.

Councilmember Barnes said because from my perspective you should be able to say John Doe was here, Jane Doe was there, give us a number.

Mr. Richardson said fair enough.

Mayor Foxx said let me weigh in on the youth employment side, which is really where this conversation had its genesis between staff and me. If you are going to have a Mayor's Youth Employment Program, I would like to have some say in what the goals are, and 100 to me is absolutely unacceptable. In fact, it was insulting. There are too many kids. I mean I'm at West Charlotte High School every single week, and there are thousands of kids who need us to figure out some way to reach as many as we can. I know we are resourced constrained, and I know businesses are constrained, but I'm willing to spend whatever time I need to spend to get that 100 up to 500, but I don't like facing a brick wall with the staff on pushing that number up, and I have had about three conversations, and all of them have led to the same place. If we need to have a conversation with the full Council to get a sense of where people's heads are with this, let's have it, but I think we have got to do some dramatic changing because the numbers of young people who are at risk is actually growing, and our program is staying fairly flat. So I'm glad Goodwill is working. I want it to continue working, but if we are going to keep this program going, it's going to have to get some steroids.

Councilmember Howard said I will bring this up again on Wednesday, but it is about to kill me and not bring up the fact that the Foundation of the Carolinas has come in and said that they wanted to – they are asking for money from us to do it – but to evaluate all of the after-school programs, and I'm not exactly sure it wouldn't be hard, Curt, to talk about all of the programs and how maybe there's a model. Right now the catalyst fund was put in place to try to figure out how to bring the different programs together, to find the synergies, and we can talk about it Wednesday, but it may be the perfect organization with all the representation from the business community. I don't know about you, but I have gotten calls from pretty high up people in the business community that say, hey, this is something we would also like to add to your request. James, you said it best. You throw it all on the table, and we have a group of people from the corporate business communities saying they want to help us try to figure out at least the afterschool programs, so why don't we push back and ask them to help us with all of them.

City Manager Walton said maybe there's a model. Right now the catalyst fund was put in place to try to figure out how to bring the different programs together, to find the synergies, and we can talk about it Wednesday, but it may be the perfect organization with all the representation from the business community. I don't know about you, but I have gotten calls from pretty high up people in the business community that say, hey, this is something we would also like to add to your request. James, you said it best. You throw it all on the table, and we have a group of people from the corporate business communities saying they want to help us try to figure out at least the afterschool programs, so why don't we push back and ask them to help us with all of them. I was really directing that towards the Manager to see if he had any response at all – if this seems to fit with what they are talking about.

City Manager Walton said, as I said before, Mr. Howard, I think my reservation was there wasn't any clear return on the investment for the City. At a time when there is just not additional money to go around, I felt like there needed to be some identifiable return. I think it would be a good thing for the community, but it's not a budget in which we can do a lot of good thing funding.

Councilmember Howard said not just a request but in the framework of this conversation does there seem to be a connection at all to this?

City Manager Walton said our conversation narrowed down to afterschool programs citywide – not just City-funded afterschool programs but citywide programs. Ultimately it depends on if Council decides the return on investment is there.

City Manager Walton said I regret that you feel like you are hitting a brick wall, but I think the brick wall is constructed of resources and existing policy, so the wall can change with either of those variables.

Mayor Foxx said that's what we are talking about here. What I would ask the Council is without any objection there are a number of things in here – the Mayor's Mentoring Alliance, the Youth Employment Program. What I would like to do is work up a concept of restructuring some of that budget neutral, no new resources, that we could try to do a little more with what we have got. We could even start some of that work after the budget process moves forward, but I would like to have some latitude to go to the staff and sort of work through some of these concepts.

Councilmember Mitchell said just on a note, City Manager, I apologize, can you send us the policy so we can start to think about it – policies that relate to afterschool – so that will help me to get the meeting with the policies, so once we start having the dialogue we'll be very familiar.

City Manager Walton said I think your afterschool policy really is just dictated on a year-to-year basis in the budget process – which ones are winners and which ones are losers.

Mayor Foxx said I think the Manager raises a good point about creating a competitive situation, so we can talk about that more on Wednesday. But without objection, if everybody is okay, I will work with the staff on some concepts to reengineer without having a budget impact.

Councilmember Peacock said would Council feel comfortable with a referral to committee for that, or would it be a large enough or too small of an assignment?

Mayor Foxx said you could, but I think what I would prefer that you do is let us come back with a concept that we have worked on, and then if you want to study it more you can study it. It's sort of on that line. You could decide to call it the Charlotte Youth Employment Program, and then I would still be advocating for more jobs, but it's sort of on that line of the mayor kind of being the point person on something and the Council can give direction to the staff. My preference would be to let me work with staff on a concept that they feel good about and I feel good about and then come back to the Council.

Councilmember Peacock said just repeat for me, if you don't mind, again what we are talking about here that you are giving staff – or you would like to work with the staff ideally on.

Mayor Foxx said working with them on ways to use existing resources; in other words, not having a budget impact to using more money, in other words, to realign some of these Mayor's

programs – the Youth Alliance, the Mentoring Alliance, the Youth Employment Program – to try to get more impact out of them. I would maybe give you 30 days after June 30th to work with that and come back to the full Council and maybe we can have a presentation on what that would look like, and if the Council at that point wants to refer it. I think otherwise you would be kind of –

Councilmember Peacock said turning in the wrong direction.

Mayor Foxx said if that's okay, we'll do that. Curt, do you want to do the arts thing?

City Manager Walton said, no, I think we need to go ahead downstairs. We'll do the arts thing another way.

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The meeting was recessed at 6:39 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 6:44 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding.

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INVOCATION AND PLEDGE

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

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AWARDS AND RECOGNITIONS

MECKLENBURG DECLARATION OF INDEPENDENCE WEEK

Mayor Foxx said the first recognition tonight will be a recognition that I was very grateful to be at last week for the MecDec celebration and commemoration of Captain James Jack's ride up to Philadelphia. We actually broke ground on a wonderful statue down at 4th and Kings that was a product of a great collaboration. Councilmember Kinsey and presented to Charles Jonas the Mecklenburg Declaration of Independence Week Proclamation jointly signed with County Commissioner Chair Jennifer Roberts, which highlights the 235th anniversary of Mecklenburg Declaration Day and proclaiming May 15-21, 2010, as Mecklenburg Declaration of Independence Week in Charlotte, Mecklenburg County.

Councilmember Cooksey said the May 20th Society invited members of the Jack family, who are all across the country now, to attend this year and showed off Charlotte, and they were suitably impressed. I discovered that the City of New Braunfels, Texas, has a Daughters of the American Revolution Chapter named for Captain Jack because the founder was a decedent. He read a letter from the Captain James Jack Chapter of the New Braunfels, Texas, NSDAR, addressed to the City of Charlotte in celebration of the unveiling of the Spirit of Mecklenburg statue on May 20, 2010, in honor of the signing of the declaration, the spirit of its place in history, and the first American body to declare independence from Great Britain and made possible by the courageous ride of Captain James Jack.

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2009 CITY EMPLOYEE OF THE YEAR

Mayor Foxx recognized Gregory Hauser, City Employee of the Year, and Kenny Colbert, President of the Employers Association, who presented a check and plaque to Mr. Hauser in recognition of being chosen as the 2009 City of Charlotte Employee of the Year.

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CITIZENS' FORUM

COOKIES FOR KIDS CANCER

Emily Fowler, Director of Outreach, Cookies for Kids Cancer, 4800 Aspen Ct., said Cookies for Kids Cancer is a national pediatric cancer nonprofit. She said Charlotte is the home to two of the largest bake sales for the Cookies for the Kids Cancer history. She said if only one child's life can be saved with a \$250,000 treat doesn't upset her. It inspires her to get up every day and make this treatment possible. She said look cookies because they make everyone smile. Take that and be inspired and be the city that raises the money to fund the treatment that will help so many children. The Web site is cookiesforkidscancer.org.

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IMPROVING CATS

Michael Morgan, 1036 N. Wendover Rd., Apt. A, said Charles had a family emergency, and he asked if I could combine and use his time since you have had a couple of speakers already.

Mayor Foxx said three minutes, sir, I'm sorry.

Mr. Morgan said, okay, then I'll have to do this in a press conference afterwards. Six years ago I became physically challenged and was forced to give up my car. We asked CATS why only express buses use the Independence bus way, and we were told that's just the way it was. Not one single regular fare paying passenger has ever ridden along the bus way. A regular bus rider must travel along a long, tedious route that goes in circles. By the time a regular bus rider gets to Sharon-Amity and Independence, an express bus rider has already reached the end of the line in Matthews. We mentioned there was a violation of the Federal Transportation Administration, that highway funds were being used and were only used for the elite – the bankers, the attorneys, and the elite uptown riders who used express buses. CATS denied it was discriminatory and gave us a form to file if we wanted to pursue the matter with the FTA. He asked CATS for the top ten routes of my hundreds of proposals, and they gave five. The earliest anything could be administrated was 2011. He spent several thousand dollars of his own money. He went to Washington last week and called and spoke to the Federal Transit Administration and the Federal Highway Department, the Justice Department, and the FBI. CATS has buses that cross the state lines. They must abide by federal regulations. The Justice Department was concerned that CATS was in violation of Title 6 of the Civil Rights Act of 1964 by using the spoke system to create a division among the riders which creates bus routes that are almost all black, bus routes that are almost all white, and they said we actually had a segregated system separated by economic classes. That results in special routes that are usually black and Hispanic and other routes that are largely white and upper income. Only certain buses go through different parts of town.

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ANNUAL REPORT FOR INNER CITY MINISTRY

Beth Marlin, 508 Beatties Ford Rd., said I give a report every year. We have an expansion project to expand the existing structure. We need to start by the end of the month. We have served many cultures, backgrounds, and countries. She went through a slide presentation

showing the upgrades needed and said current conditions of the internal building areas and the proposed areas are shown. She asked for Council's support.

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PUBLIC SAFETY

Michael Cathey, 526 Hartford Ave., said he was a resident in Councilmember Kinsey's district and a Charlotte native. He said we are all familiar with aggressive drivers and we talk about the need for schools. He suggested that fines be collected and the money given to the schools to rehire teachers.

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SMALL BUSINESS WEEK

Mayor Foxx said thank you for your service on the Citizens Efficient and Effective Study as well.

Sheila Neisler, 2424 Selwyn Ave., said it's called the Small Business Opportunity Program Committee, and the subcommittee has a longer name. She said that start-up companies start with a vision of making our world a better place. This week is National Small Business Week, and as a member of the 22,000 small businesses in our community, she thanked Council for support in making small business part of Charlotte's economic development plan. New ideas foster new jobs, and 64% of all new jobs were created by small business; 30% were created by companies with less than 50 employees.

Councilmember Cannon said, of course, in honor of National Small Business Week, which goes May 24th through 28th, the Small Business Opportunity Program is hosting a small business networking breakfast for certified small business enterprises to network accordingly. This will be going on tomorrow morning from 8:00 until 9:30 on Tuesday, May 25th, in case somebody gets it late in a rebroadcast.

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INVESTIGATION REPORT PREPARED BY MOORE & VAN ALLEN

Darrell Alleyne, 3613 Garganey Ct., said I want to thank the Mayor, the City Manager, Mr. Barnes, and some others on this Council for giving me an opportunity to see something I never saw in New York, and that is a lynching. I'm glad I got to see this when I came down here. I'm talking about the public lynching of Warren Turner by persons I have named. In this country, there is a presumption of innocence we have, what we fight for, what we believe in. Fact number one, to date no persons, none, have ever filed a complaint against Warren Turner for anything – not the Police Department, NAACP, or the Human Resource Department, which has a division signed up for it and accept those complaints signed by the City Manager and revised March 29, 2010. Number two, talk about independent. You pick the largest firm in Charlotte, and you pick two investigators out of 300 lawyers – one the son of a judge, the other one a campaign worker for you, Mr. Mayor – to do an investigation. Neither one of these two persons are licensed investigators. They aren't much of attorneys. I have their report, I have had it. This is more garbage, more he-said, she-said. There isn't one page of factual information in this so-called report, Mr. Barnes, not one. What you have is lies, contradictions, and discrepancies. Just one point where your investigator claims that Mr. Mitchell was uncertain as to a conversation, when, in fact, he told her that the conversation between her and allegedly Mr. Mitchell never happened, so she's a liar. It never happened. Number two, in the casino, pornography. Check it out. They don't sell pornography in the casinos, never displayed. Another lie. Number three, the timely leaking of the so-called email you sent out at a time when Warren Turner was on a trip with the Letter A, a female accusing him of all this inappropriate conduct. In this report, not one page specifies what he did, what he said. Letter A said Letter B said Letter D told Letter E. Mr. Walton, you want Warren Turner, get some evidence. This is garbage.

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ISSUES RELATING TO DEMOLITION OF PROPERTY AT 2100 GREENWAY AVE.

Baxter McRae, 177 N. Clinton Ave., Peachland, NC, said I appeared at the April 26th meeting. I'm here to give an update. Things haven't gone as I had anticipated. We had problems with the weather. I am asking for a postponement of the demolition to just after Memorial Day so I won't be in a bind to get this done. He read a poem by Lao Tsu called "The Way of Life" about a different philosophy of government.

Mayor Foxx said we do have our Code Enforcement director here, Walter Abernethy, who might be able to talk to you off-line about your situation. Maybe you all can work something out and give you a couple of days, which you have asked for.

Councilmember Kinsey said I was going to ask Mr. Abernethy, if that's okay.

Mayor Foxx said that's fine.

Councilmember Kinsey said you may remember this is on my street, so I'm very familiar. I do go by it every day either walking or riding, and I haven't seen any action since we voted to tear the house down. Mr. Abernethy, I don't know if you have been by there and have an update or not.

Walter Abernethy, Code Enforcement, said we have been by there. Mr. McRae came to us and said that he thought Council had given him an extra 30 days. That was not the case from the April 26th meeting, however, he indicated that to us a couple of days ago. We were ready to go ahead with the demolition. I decided then to give him until Thursday. That would be a 30-day period between your last meeting just to take that issue away. We have looked – there is a trailer or a truck of some sort out there, but looking inside the house our staff is saying it looks like there is a lot of some type of commercial construction or commercial cooking materials inside the house. It looks packed. It doesn't look like there has been much taken out of the house. Of course, I think Council actually asked Mr. McRae on the 26th to move quickly. So we are in favor of moving forward with the demolition on Thursday.

Councilmember Kinsey said I was going to make a comment. I haven't seen any action, and the neighbors have been waiting a long time to get something done with that house.

Mr. McRae said three truckloads have been moved.

Councilmember Kinsey said I would encourage us to go ahead with the demolition.

Mayor Foxx said that is the default unless something else occurs, and it's not on our agenda to take any action on that tonight.

Mr. McRae said I would certainly appreciate consideration on that – just a few more days –

Mayor Foxx said, Mr. McRae, I'm sorry. We are going to have to observe our protocol here, so I'm going to have to ask you to speak when you have been observed. I do suggest that you go over to this corner and speak to Mr. Abernethy, and maybe you all can work something out.

CONSENT AGENDA

[Motion was made by Councilmember Dulin, seconded by Councilmember Cannon, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of]
[Item Nos. 41, 46, 50, 51, 53, and 54 for discussion; and Item Nos. 64-Q, 64-R, 64-U,]
[64-AE, and 64-AF, which were pulled by staff.]

The following items were approved:

bvj

31. Low bid price contract of \$126,992.50 to Best Uniforms, Inc. for the purchase of fire uniform shirts for the 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 for Charlotte Fire Department.

Summary of Bids

Best Uniforms, Inc.	Charlotte, NC	\$126,992.50
Municipal Emergency Services, Inc.	Charlotte, NC	\$129,512.85
International Promotional Ideas	Elk Grove Village, IL	\$131,370.00
Gail's	Lexington, KY	\$132,510.60
Showfety's, Inc.	Greensboro, NC	\$163,134.75
Picasso Embroidery System	Hialeah, FL	\$175,749.55
Eurenas Fashions of Miami	Pembroke Park, FL	\$186,437.85

32. Low bid contract of \$695,446.71 by Video Pipe Services, Inc. for the FY2010 sewer pipe cleaning contract for Transportation.

33. Low bid contract of \$738,566.67 to Ferebee Corporation, and authorize the City Manager to execute one renewal of the contract for \$738,566.67 for Transportation.

Summary of Bids

Ferebee Corporation	\$738,566.67
Showalter Construction	\$738,637.58
W.M. Warr & Son Construction	\$747,912.25
Carolina Cajun Concrete	\$843,848.33
United Construction	\$863,748.67
Blythe Development	\$898,721.00

34. Contract to the low bidder, Alpha Development, in the amount of \$100,741.15 for construction of the Arrowood Road sidewalks for Engineering and Property Management.

Summary of Bids

Alpha Development	\$100,741.15
Trull Contracting	\$105,256.05
Red Clay Industries	\$108,893.44
Horsepower Site Services	\$120,564.85
Showalter Construction	\$124,789.95
Ontime Construction	\$124,842.85
Blythe Brothers Contracting LLC	\$127,747.75
Carolina Cajun	\$132,045.30
Arvy Construction	\$140,875.00
C.M.I. Contracting	\$137,989.65
8 Star Construction	\$145,440.50
United Construction	\$161,707.25

35. Low bid contract of \$311,346 to Johnson's Roofing & Service, Inc. for the Animal Care and Control Bureau roof replacement for Engineering and Property Management.

Summary of Bids

Johnson's Roofing Service, Inc.	\$311,346.00
Davco Roofing and Sheet Metal, Inc.	\$312,900.00
Carolina Roofing Solutions	\$320,000.00
Mecklenburg Roofing, Inc.	\$326,509.00
Weathergard, Inc.	\$330,990.00
Roofing Service, Inc.	\$369,730.00
Interstate Roofing	\$373,230.00
Tecta America Carolinas, LLC	\$475,740.00

36. Approve an agreement with the Water Research Foundation to co-fund a research project titled "Defining and Enhancing the Safe Yield of a Multi-Use, Multi-Reservoir Water Supply," in the amount of \$150,000.
37. Contract in the not-to-exceed amount of \$170,000 to Pease Associates for design of a new concrete tank at the Long Creek Lift Station.
38. Contract change order with Reynolds, LLC in the amount of \$126,885.62 on the FY2008 manhole rehabilitation and point repair contract.
39. Contracts to the following companies to provide HVAC services to various facilities. The initial term of each contract is three years with options to renew for two additional one-year terms: Climate Control of Charlotte, Environmental Services of Charlotte, LLC, Honeywell Building Solutions, Johnson Controls, and authorize the City Manager to renew the contracts up to two additional, one-year terms with possible price adjustments as permitted by the contract.
40. Grant from the U.S. Department of Homeland Security via the Domestic Preparedness Readiness Region 7 Program in the amount of \$240,000 for the purchase of Utilities' laboratory testing equipment, and adopt Budget Ordinance No. 4429-X appropriating \$240,000.

The ordinance is recorded in Ordinance Book 56 at Page 623.

42. Budget Ordinance No. 4431-X appropriating NCDOT funds of \$232,960 to be combined with \$58,240 from the Transportation Capital Investment Plan for a total of \$291,200, and contract totaling \$291,200 with Thompson-Gordon-Shook Engineers, Inc. (TGS) for the inspection of qualifying city bridges.

The ordinance is recorded in Ordinance Book 56 at Page 625.

43. Service contracts to provide legal services as required by Neighborhood & Business Services for an initial term of three years to the following three companies: Douglas K. Simmons & Associates, PLLC, The McIntosh Law Firm, P.C., and Horack, Talley, Pharr, and Lowndes, PA, and authorize the City Manager to approve up to two one-year renewal options as authorized by the contracts and contingent upon each company's satisfactory performance.
44. Sole Source exception for two original equipment manufacturer (OEM) rail gearbox units and related parts per G.S. 143-129(e)(6), and purchase of two rail gearbox units and related parts from Voith Turbo in an amount not to exceed \$110,000.
45. Contract with Michael Baker Engineering, Inc. for \$1,000,000 for engineering services, contract with RS&H Engineers-Architects-Planners, Inc. for \$1,000,000 for engineering services, contract with INSITE Engineering & Surveying, PLLC for \$250,000 for engineering services, and contract with LandDesign, Inc. for \$250,000 for engineering services.
47. Repeal Ordinance 1807-X imposing a monthly 911 fee charged by the City of Charlotte, adopt a resolution approving the amendment of the City-County Interlocal Agreement updating the language to reflect changes in state law and establishing a direct billing process in which Mecklenburg County Emergency Management Services (MEDIC) shall submit invoices to the City for reimbursement, and authorize the City Manager to negotiate a contract with Plant CML for a consolidated E-911 system for MEDIC, Charlotte-Mecklenburg Police Department (CMPD) and Charlotte Fire Department (CFD) in an amount not to exceed \$5,000,000.

The resolution is recorded in Resolution Book 42 at Page 498.

Ordinance No. 4432-X is recorded in Ordinance Book 56 at Pages 626-627.

Ordinance No. 4433-X is recorded in Ordinance Book 56 at Pages 628-630.

48. Authorize the City Manager to negotiate a contract with QueTel Corporation for an Inventory Software System for Police in an amount not to exceed \$157,550, and adopt Budget Ordinance No. 4434-X appropriating \$157,550 in police assets forfeiture funds for purchase of the inventory software system.

The ordinance is recorded in Ordinance Book 56 at Page 631.

49. Purchase of oil analyzer equipment as authorized by the sole source exemption of G.S. 143-129(e)(6), and award a unit price contract to On-Site Analysis, Inc. for providing oil analyzer equipment as authorized by the contract. The FY2010 purchase will be for four units in the total amount of \$146,416.

52. Change Order #2 in the amount of \$121,851 with Edison Foard, Inc. for additional work for the terminal and ticket counter renovations, and adopt Budget Ordinance No. 4436-X in the amount of \$121,851 from the Airport Discretionary Fund to be replaced with proceeds of a future General Airport Revenue Bond issue.

The ordinance is recorded in Ordinance Book 56 at Page 633.

55. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$20,223.84, and adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$20,750.80.

The resolution authorizing refund of property taxes is recorded in Resolution Book 42 at Pages 501-502.

The resolution authorizing refund of business privilege license payments is recorded in Resolution Book 42 at Pages 503-504.

56. Resolution of intent to abandon a portion of South Caldwell Street, and set a public hearing for June 28, 2010.

The resolution is recorded in Resolution Book 42 at Page 505.

57. Resolution of intent to abandon a portion of East 19th Street, and set a public hearing for June 28, 2010.

The resolution is recorded in Resolution Book 42 at Page 506.

58. Resolution of intent to abandon two residual portions of Baxter Street, and set a public hearing for June 28, 2010.

The resolution is recorded in Resolution Book 42 at Page 507.

59. Resolution of intent to abandon Nesbitt Drive, and set a public hearing for June 28, 2010.

The resolution is recorded in Resolution Book 42 at Page 508.

- 60-A. Ordinance No. 4437-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1400 Meadow Lane (Neighborhood Statistical Area 48 – Plaza/Shamrock Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 634.

- 60-B. Ordinance No. 4438-X authorizing the use of In Rem Remedy to demolish and remove the structure at 6812 Rea Croft Road (Neighborhood Statistical Area 177 – Olde Providence South Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 635.

- 60-C. Ordinance No. 4439-X authorizing the use of In Rem Remedy to demolish and remove the structure at 311 Dixon Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 636.

- 60-D. Ordinance No. 4440-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3473 Willow Oak Road (Neighborhood Statistical Area 65 – Freedom Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 637.

- 60-E. Ordinance No. 4441-X authorizing the use of In Rem Remedy to demolish and remove the structure at 431 E. 22nd Street (Neighborhood Statistical Area 45 – Optimist Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 638.

- 60-F. Ordinance No. 4442-X authorizing the use of In Rem Remedy to demolish and remove the structure at 711 Jackson Avenue (Neighborhood Statistical Area 54 – Elizabeth Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 639.

- 60-G. Ordinance No. 4443-X authorizing the use of In Rem Remedy to demolish and remove the structure at 320 N. Linwood Avenue (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 640.

61. Four-year lease agreement between the City and A.L. Honbarrier (Owner) for the property located at 3301 Rotary Drive (PID #04501101) in the amount of \$119,717.04 per year for the Asset Recovery & Disposal facility.

62. Amendment to the current Parking License Agreement with Children and Family Services Center, Inc. (CFSC) for the parking lot located at 501 E. Trade Street to extend its term, provide for rent increases, and modify the termination notice requirement.

63. Resolution approving the transfer of property located at 3601 Nevins Road (PID 045-281-08) to the Nevins, Inc.

The resolution is recorded in Resolution Book 42 at Pages 509-510.

- 64-A. Acquisition of 13,893 square feet in sanitary sewer easement plus 30,124 square feet in permanent easement in right of way plus 14,997 square feet in temporary construction easement at 3501 Bear Road from Janet Benton Motley, et al, for \$18,674 for 2009 Annexation – Eastfield South, Parcel #8.

- 64-B. Acquisition of 12,971 square feet in sanitary sewer easement plus 1,063 square feet in permanent easement in right of way plus 17,461 square feet in temporary construction easement on Jimmy Oehler Road from Jay Mack Oehler, Trustee, under Trust dated June 30, 1993, for the Jay Mack Oehler Revocable Trust Dated June 30, 1993, for \$12,200 for 2009 Annexation – Eastfield South, Parcel No. 15.

- 64-C. Acquisition of 11,994 square feet in sanitary sewer easement plus 21,009 square feet in temporary construction easement at 9625 Hood Road and Rocky River Road from Rocky River Retail Investors, LLC for \$12,575 for 2009 Annexation – Hood Road Sanitary Sewer Improvements, Parcel Nos. 8, 9, and 10.

- 64-D. Acquisition of 4,655 square feet in sanitary sewer easement plus 6,580 square feet in temporary construction easement on Beard Road from PDG/Inland Concord Venture,

- LLC for \$21,725 for 2009 Annexation – Quay Road Pump Station Demolition, Parcel No. 18.
- 64-E. Acquisition of 21,854 square feet in fee simple on Morningside Drive from Morcom, LLC for \$32,500 for Briar Creek Relief Sewer Phase 2, Parcel No. 24.
- 64-F. Acquisition of 9,627 square feet in sanitary sewer easement plus 6,841 square feet in temporary construction easement at 1536 and 1544 St. George Street and 2836 Central Avenue from Henry Devon Purser and wife, Ruth Y. Purser for \$50,225 for Briar Creek Relief Sewer Phase 2, Parcel Nos. 30, 31, and 32.
- 64-G. Acquisition of 1,517 square feet in sidewalk and utility easement plus 1,946 square feet in temporary construction easement at 10654 South Hall Drive from John W. Tryvus and wife, Anna Tryvus, for \$16,950 for Providence/I-485 Small Area Plan Improvements, Parcel No. 5.
- 64-H. Acquisition of 2,650 square feet in sidewalk and utility easement plus 1,031 square feet in temporary construction easement at 10422 Woodview Circle from Jimmy L. Hammontree and wife, Frankie H. Hammontree for \$35,400 for Providence/I-485 Small Area Plan Improvements, Parcel No. 22.
- 64-I. Acquisition of 1,918 square feet in fee simple plus 119 square feet in utility easement plus 1,421 square feet in temporary construction easement at 4800 Statesville Road from Harold C. Keith, Carolyn K. Primm McGough, and Thomas H. Keith, Trustees of the Virginia F. Keith Revocable Trust for \$17,500 for Statesville Road Widening (I-85 to Sunset Road), Parcel No. 30.
- 64-J. Acquisition of 578 square feet in fee simple plus 27 square feet in utility easement plus 2,298 square feet in temporary construction easement at 4820 Statesville Road and Statesville Road from Harold C. Keith, Trustee of the Harold C. Keith Revocable Trust Dated May 23, 2003, for \$15,000 for Statesville Road Widening (I-85 to Sunset Road), Parcel Nos. 34 and 145.
- 64-K. Acquisition of 41 square feet in utility easement plus 3,333 square feet in temporary construction easement at 5014 Statesville Road from Harold C. Keith for \$14,000 for Statesville Road Widening (I-85 to Sunset Road), Parcel No. 44.
- 64-L. Acquisition of 1,135 square feet in fee simple plus 2,996 square feet in temporary construction easement at Arvin Drive from Harold C. Keith, Trustee of the Harold C. Keith Revocable Trust Dated May 23, 2003, for \$30,000 for Statesville Road Widening (I-85 to Sunset Road), Parcel No. 47.
- 64-M. Acquisition of 782 square feet in fee simple plus 554 square feet in storm drainage easement plus 50 square feet in utility easement plus 1,517 square feet in temporary construction easement at Arvin Drive from Harold C. Keith, Trustee of the Harold C. Keith Revocable Trust Dated May 23, 2003, for \$20,700 for Statesville Road Widening (I-85 to Sunset Road), Parcel No. 49.
- 64-N. Acquisition of 12,748 square feet in fee simple plus 125 square feet in existing right-of-way plus 6,993 square feet in storm drainage easement plus 71 square feet in utility easement plus 12,301 square feet in temporary construction easement at 6201 Statesville Road from B.V. Belk, Jr. and wife, Harriet Belk, for \$46,625 for Statesville Road Widening (I-85 to Sunset Road) Parcel No. 113.
- 64-O. Acquisition of 5,988 square feet in storm drainage easement plus 44 square feet in utility easement plus 6,009 square feet in temporary construction easement at 5300 Sunset Road from Bascom V. Belk, and wife, Harriet Belk, for \$42,735 for Statesville Road Widening (I-85 to Sunset Road), Parcel #115.
- 64-P. Acquisition of 2,372 square feet in storm drainage easement plus 15 square feet in utility easement plus 13 square feet in combined storm drainage and utility easement plus 2,819

square feet in temporary construction easement at 6231 Statesville Road from Bascom V. Belk, Jr. and wife, Harriet Belk, for \$22,100 for Statesville Road Widening, (I-85 to Sunset Road), Parcel No. 119.

- 64-S. Resolution of condemnation of 151,045 square feet of sanitary sewer easement plus temporary construction easement at 8835 Plaza Park Drive from Grier Newell Properties, LLC and any other parties of interest for \$19,400 for 2009 Annexation – Hood Road North Sanitary Sewer Improvements, Parcel No. 5.

The resolution is recorded in Resolution Book 42 at Page 511.

- 64-T. Resolution of condemnation of 59,075 square feet of sanitary sewer easement plus temporary construction easement on Rocky River Road from Joseph W. Grier, III; Catherine G. Kelly; Susan G. Bennett; Roy S. Grier; Bruce T. Grier, Robin W. Grier, and any other parties of interest for \$7,325 for 2009 Annexation – Hood Road North Sanitary Sewer Improvements, Parcel No. 7.

The resolution is recorded in Resolution Book 42 at Page 512.

- 64-V. Resolution of condemnation of 15,930 square feet of sanitary sewer easement plus temporary construction easement at 3710 Brookwood Road from Gerald S. Sisk and wife, Jennifer B. Sisk, and any other parties of interest for \$10,700 for 2009 Annexation – Hood Road North Sanitary Sewer Improvements, Parcel Nos. 53 and 54.

The resolution is recorded in Resolution Book 42 at Page 513.

- 64-W. Resolution of condemnation of 4,695 square feet of sanitary sewer easement plus temporary construction easement at 9636 Willowglen Trail from Rickey G. Thomas and wife, Zelda W. Thomas, and any other parties of interest for \$7,750 for 2009 Annexation – Hood Road North Sanitary Sewer Improvements, Parcel No. 66.

The resolution is recorded in Resolution Book 42 at Page 514.

- 64-X. Resolution of condemnation of 9,698 square feet of sidewalk and utility easement plus utility easement plus temporary construction easement at 4601 Colony Road from BBR/Fairington, LLC and any other parties of interest for \$17,325 for Colony Road Sidewalk – Fairview, Parcel No. 2.

The resolution is recorded in Resolution Book 42 at Page 516.

- 64-Y. Resolution of condemnation of 1,713 square feet of temporary construction easement at 809 McLaughlin Drive from Adam Gregory Stern and Maidel Vilaragut Baldriche and any other parties of interest for \$1,775 for East Forest Neighborhood Improvement Project – Phase 1, Parcel No. 19.

The resolution is recorded in Resolution Book 42 at Page 517.

- 64-Z. Resolution of condemnation of 1,274 square feet of temporary construction easement at 1049 McLaughlin Drive from William Young, Jr. and any other parties of interest for \$775 for East Forest Neighborhood Improvement Project – Phase 1, Parcel No. 32.

The resolution is recorded in Resolution Book 42 at Page 518.

- 64-AA. Resolution of condemnation of 1,788 square feet of sidewalk and utility easement plus temporary construction easement at 1018 Eaglewood Avenue from Joseph Bradford Boulware; Carrie Boulware Evans; Estate of Quenton Franklin Boulware; Heirs of Susan B. Greene, and any other parties of interest for \$1,175 for East Forest Neighborhood Improvement Project – Phase 1, Parcel #41.

The resolution is recorded in Resolution Book 42 at Page 519.

64-AB. Resolution of condemnation of 2,683 square feet of sidewalk and utility easement plus temporary construction easement at 1030 Eaglewood Avenue from Linwood O. Foust and any other parties of interest for \$2,050 for East Forest NIP – Phase 1, Parcel No. 43.

The resolution is recorded in Resolution Book 42 at Page 520.

64-AC. Resolution of condemnation of 801 square feet of sidewalk and utility easement plus temporary construction easement at 4437 McKee Road from Elianise Joseph and any other parties of interest for \$950 for Providence/I-485 Small Area Plan Improvements, Parcel No. 13.

The resolution is recorded in Resolution Book 42 at Page 521.

64-AD. Resolution of condemnation of 2,612 square feet of sidewalk and utility easement plus temporary construction easement at 6003 Paddington Court from Dean P. Thevaos and any other parties of interest for \$1,575 for Providence/I-485 Small Area Plan Improvements, Parcel #20.

The resolution is recorded in Resolution Book 42 at Page 522.

65. Titles, motions, and votes reflected in the Clerk’s record as the Minutes of the March 8, 2010, Business Meeting; March 18, 2010, Zoning Meeting; March 22, 2010, Business Meeting; March 24, 2010, Budget Retreat; April 12, 2010, Business Meeting; and April 14, 2010, Budget Retreat.

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ITEM NO. 41: MUNICIPAL AGREEMENT FOR METROLINA REGIONAL TRAVEL DEMAND MODEL MAINTENANCE AND DEVELOPMENT

Councilmember Dulin said I pulled that, Mr. Mayor, and have had my questions answered by CDOT staff.

[Motion was made by Councilmember Dulin, seconded by Councilmember Howard, and]
[carried unanimously to adopt a resolution authorizing the Key Business Executive for]
[Transportation to execute a Municipal Agreement with the North Carolina Department]
[of Transportation for development and maintenance of the Metrolina Regional Travel]
[Demand Model, and adopt Budget Ordinance No. 4430-X appropriating \$1,284,625 in]
[State funding.]

The resolution is recorded in Resolution Book 42 at Page 497.
The ordinance is recorded in Ordinance Book 56 at Page 624.

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ITEM NO. 46: IVEY’S POND AND DAM ENHANCEMENT PROJECT

Councilmember Barnes said this is an amendment to a contract to do some enhancement work at a pond and dam, and I wanted to find out from staff what we missed. The original contract was for \$300,000. The amendment was for \$250,000 additional dollars, and I wanted to understand what it was we missed the first time or we uncovered that precipitated the increased cost.

Curt Walton, City Manager, said, Mr. Barnes, the State of North Carolina regulates dams, so they review the plans submitted to rehab dams. When they looked at the plans, they thought the improvements that were needed were more extensive than what we did, so that’s basically the difference. The largest piece of the difference, \$150,000, is to have a consulting outside engineer inspect the work rather than having it inspected by City forces.

Councilmember Barnes said so we are having to spend another \$150,000 to pay someone to inspect our work?

City Manager Walton said, yes, sir, the State is requiring that.

Councilmember Barnes said is there any opportunity before we begin projects like this, Mr. Manager, to have the State give us feedback as we begin I guess investigating the cost?

City Manager Walton said we will do that whenever possible. This one goes back to 2006, and I'm not sure what might have changed in that amount of time, but going forth we will do that.

[Motion was made by Councilmember Mitchell and seconded by Councilmember Carter to]
[approve Amendment #1 with Dewberry & Davis, Inc. in the amount of \$250,000 for the]
[Ivey's Pond and Dam enhancement project.]

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

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

NAYS: Councilmembers Barnes, Dulin

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ITEM NO. 50: AIRPORT AUTOMATIC BAGGAGE SCREENING SYSTEM GRANT

Councilmember Barnes said I pulled that one as well. This is a \$45.4 million contract to install an automatic baggage screening system at the Airport. I understand that the funding comes by way of primarily the federal government and some portion from our own capital investment program, but the question I had was whether a similar system was in place anywhere in the country and what the reliability and effectiveness of the system might be because with projects like this there seems to be this tendency to install equipment that fails or is not effective, and we end up wasting money, so I wanted to know if this particular project or particular system had been installed before.

Curt Walton, City Manager, said this and the next two items are Airport items, so I asked Jerry Orr to address your question, Mr. Barnes.

Jerry Orr, Aviation, said this is a grant from the TSA for \$45 million. We haven't designed the system or bid it yet. That will come later. You may remember that shortly after September 11th most airports had screening machines in the lobby of the terminal. We were a little more aggressive and talked the TSA into doing that in our bag room so it didn't appear in our ticket lobby. That system has worked very well, but almost all other large airports have now installed these screening systems that are fully automatic, much more efficient and quicker. The TSA has offered us this grant to pay for 90% of installation of a similar system at the Airport.

[Motion was made by Councilmember Cannon and seconded by Councilmember Mitchell to]
[adopt a resolution accepting a grant in the amount of \$45,431,845 from the Department of]
[Homeland Security's Transportation Security Administration (TSA) for the construction of]
[an in-line baggage screening system, and adopt Budget Ordinance No. 4435-X appropriating]
[the proceeds of the grant in the amount of \$45,431,845.]

Councilmember Howard said I just wanted to commend the Airport on a \$45 million grant. That is something we don't hear about a lot, and I wanted to say it from the dais great job.

Mr. Orr said thank you.

Councilmember Dulin said, Mr. Orr, you said they were more efficient. Does that mean they are also cheaper?

Mr. Orr said, no, sir.

Councilmember Dulin said cheaper to operate.

Mr. Orr said they are cheaper to operate in that if you buy machinery instead of labor. TSA has 464 employees in the Airport now. This will displace a number of folks.

Councilmember Dulin said this new system doesn't have medical benefits I might add to my colleagues, so that's good. That you, Mr. Orr.

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

The resolution is recorded in Resolution Book 42 at Pages 499-500.
The ordinance is recorded in Ordinance Book 56 at Page 632.

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ITEM NO. 51: AIRPORT FIRE STATION CHANGE ORDER #1

Councilmember Barnes said I pulled that. We both pulled it. This concerns Change Order #1 for additional construction services at the new Airport fire station. It's \$698,000. The original contract, which we approved in July 2009, was for \$3.6 million, and the questions I had concern whether the work that is listed here as being a part of the change was contemplated in 2009. Obviously it was not. The question is why not. For example, it indicates that more durable kitchen finishes with longer warranties are going to be installed. It seems that of these six or seven items a lot of this stuff should have been or could have been anticipated at that time. My broader concern is something I have raised a few times, and that is people get work for us and then subsequently find some reason to up the contract by way of a change order. Again, we wind up paying more money. I recognize the funding source is through the Air National Guard. That's one concern, and, number two, the SBO commitment is just under 1%. Was that the same SBO goal as was on the \$3.6 million or is it just on the change order piece? Two separate issues there.

Jerry Orr, Aviation, said, yes, that's the same achievement that was on the original contract. The original contract was considerably under our budget due to the bidding environment. Remember that this is an Air National Guard building paid for with Air National Guard money, and the Air Guard has asked for these upgrades. It doesn't cost us anything. As a matter of fact, we are getting use of the building for our fire station for the new runway.

Councilmember Barnes said are we approving this because it's on our property?

Mr. Orr said because it's on our property, and we are a conduit. We are building the building for the Air National Guard.

Councilmember Dulin said if we are going to build the building for the Air National Guard run back over to me again how it's not costing us anything.

Mr. Orr said because we have a grant from the Air National Guard out of DOD funds, so it's not costing the Airport anything out of Airport funds.

Councilmember Dulin said so the Air National Guard is paying us to build it for them.

Mr. Orr said, yes, sir, they gave us a grant for \$6.6 million, and we are building the building to military specifications for them.

Councilmember Dulin said it just struck – the reason I pulled it was \$698,000 change order on a \$3.6 million original contract is 10%, and that's a bunch of kitchen equipment. We put kitchen equipment in fire houses all the time.

Mr. Orr said it's more than kitchen equipment. There are other upgrades to the building, more sophisticated communications that will make the building more serviceable, make it last longer, and decrease maintenance costs. You can also expect a second change order for a solar farm that will provide energy for the building.

Councilmember Dulin said we going to have a chicken house out there, too.

Mayor Foxx said, you know, Jerry might have some chicken houses out there.

Mr. Orr said what the City gets out of this, what the Airport gets out of this is a 21,000 square foot very sophisticated fire house at no cost to the city.

[Motion was made by Councilmember Turner and seconded by Councilmember Mitchell to]
[approve Change Order #1 in the amount of \$698,271 with Edison Foard, Inc. for additional]
[construction services related to the new Airport Fire Station.]

Councilmember Cannon said I just want to make sure we are not glossing over this. This is nothing to be played with. It's really an important item on the agenda, and I want to make light of that. We shouldn't take this lightly. The Airport fire and rescue vehicles must be able to respond to the midpoint of the furthest runway within three minutes. This would help to allow for that. An additional Airport fire station is required to meet the response time for the new runway. This action by us tonight will allow for that. This change order, also in addition, as Mr. Orr talked about, obviously enhances the communication within the building to improve its operations, and also the installation of wiring between this facility and existing ANG facility for redundancy and connectivity. We talk about a kitchen. It goes well beyond that, and there are several other items here – fire alarm modifications for the system to integrate and tie into ANG existing fire alarm system. This is something that is very much needed. I concur that, Jerry, as best we can find ways to better anticipate what these costs might be is in order by way of Mr. Barnes' request and as much as we can be a little more on point about that. I know you do your best to do that, but let's try a little bit harder.

Councilmember Dulin said it's nice that we were able to read that into the record for the folks that are watching and the nice folks that are here. Be sure though, Councilmember Cannon, I have read every comma of this thing and was very familiar with it and had questions on it that is my pleasure to ask.

Councilmember Cannon said I wanted to make sure they understood it was more than about the kitchens. That's all.

Mayor Foxx said let me just say on this item and on many others that impact the Airport I hear nothing, nothing but positive things about what is going on at the Airport, and having this fire station out there is a critical part of helping us continue to move forward. Jerry, I think your next problem is going to be working so efficiently to get these airplanes down off the third parallel runway and getting the ground traffic to move quite as fast, but this is another critical component of building that great Airport. Anyway, there is a motion and a second.

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

* * * * *

ITEM NO. 53: AIRPORT ADVERTISING AGREEMENT WITH GOOGLE

Councilmember Barnes said this is a \$175,000 contract with Google, Inc. for advertising at the Airport, and the questions I asked the Manager were whether the CRVA had sought bids from other providers, and, if so, who they were, and also whether we should or could or I might even suggest that we have some exclusivity on the advertising revenue as opposed to splitting it with Google. That was in the sixth bullet point, and I wanted to get your feedback on those issues.

Jerry Orr, Aviation, said as you know, we have a deal with CRVA where we sell advertising jointly, so we get all the revenues from all the advertising in the Airport. We also have free WiFi

within the entire Airport for our passengers, and that WiFi will still be free to everybody in the Airport. Google will appear on the first page when you access that free WiFi, and they will pay us 15 cents for every person that accesses the Airport's WiFi. That will run into a considerable amount of money. The \$175,000 is a guarantee, so we actually expect more than that.

Councilmember Barnes said do you know whether we sought bids from other ISPs?

Mr. Orr said we have a full-time salesman that is out in the industry trying to sell advertising to anybody and everybody all the time.

Councilmember Barnes said I'm asking you whether the CRVA asked any other providers other than Google to bid on this, and, if so, who were they?

Mr. Orr said, well, you don't sell advertising by bidding, but they canvassed the neighborhood –

Councilmember Barnes said I'm not talking about the advertising piece. I'm talking about the provider piece. You said Google is the provider of the service, and I'm wondering whether any other company bid on that portion of the contract.

Mr. Orr said Google doesn't provide the WiFi service. The Airport provides that. All we sold them advertising rights on the pages. For that they are going to pay us 15 cents per hit.

Councilmember Barnes said were there any other providers sought for that purpose? In other words, would Yahoo have offered 20 cents per click?

Mr. Orr said, well, they didn't.

Councilmember Barnes said did we ask is my question?

Mr. Orr said our salesman is out there every day and contacting everybody for advertising opportunities, and this is the best deal she came up with for this opportunity.

Councilmember Barnes said you haven't answered my question, but okay.

[Motion was made by Councilmember Turner and seconded by Councilmember Howard to]
[approve an agreement to proceed in the minimum amount of \$175,000 with Google Inc. for]
[advertising at the Airport and authorize the Aviation Director to execute two, one-year]
[extensions.]

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

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

NAYS: Councilmember Barnes

ITEM NO. 54: TAX COLLECTOR'S SETTLEMENT

Councilmember Carter said I do want to commend the Office of the Tax Collector for collecting about 98% of the real estate and personal property tax, but I have noted that only 83.6% of the registered motor vehicle tax has been collected, and that's a total of about \$6,700,000, and I would like to encourage our citizens to pay that tax and help your local government provide the services that you need.

[Motion was made by Councilmember Carter, seconded by Councilmember Kinsey, and]
[carried unanimously to approve and enter into the Minutes the Mecklenburg County Tax]
[Collector's Settlement for Fiscal Year 2009.]

ITEM NO. 11: PUBLIC HEARING ON RESOLUTION TO CLOSE A PORTION OF McALPINE STATION DRIVE

The scheduled public hearing was held on the subject item.

[Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and]
[carried unanimously to conduct a public hearing and adopt a resolution to close a portion]
[of McAlpine Station Drive.]

The resolution is recorded in Resolution Book 42 at Pages 483-487.

ITEM NO. 12: PUBLIC HEARING ON RESOLUTION TO CLOSE TWO ALLEYWAYS BETWEEN SPENCER STREET AND CHARLES AVENUE

The scheduled public hearing was held on the subject item.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Carter, and]
[carried unanimously to conduct a public hearing and adopt a resolution to close two alleyways]
[between Spencer Street and Charles Avenue.]

The resolution is recorded in Resolution Book 42 at Pages 488-491.

ITEM NO. 13: PUBLIC HEARING ON A RESOLUTION TO CLOSE A PORTION OF SEIGLE POINT DRIVE

The scheduled public hearing was held on the subject item.

[Motion was made by Councilmember Turner, seconded by Councilmember Mitchell, and]
[carried unanimously to conduct a public hearing and adopt a resolution to close a portion of]
[Seigle Point Drive.]

The resolution is recorded in Resolution Book 42 at Pages 492-494.

ITEM NO. 14: PUBLIC HEARING ON PRELIMINARY FY2011 OPERATING BUDGET AND FY2011-2015 CAPITAL INVESTMENT PLAN

Mayor Foxx said we have the Manager's recommended budget. Tonight is an opportunity for citizens across the city to express their views on the Manager's recommendation. I would like to recognize the chair of our budget committee, Mr. Barnes, if you have any opening comments before we proceed.

Councilmember Barnes said, Mr. Mayor, I appreciate that. I want to thank the other members of our committee who have served us well and also thank Mr. Hall and his folks for assisting us in our work. This is obviously a very challenging budget and a very challenging budget environment. There are things that we have been able to support and things we have not been able to support, and there are obviously people here tonight who want us to understand why we should support things that are important to them. We are all welcoming the conversation and the input.

Mayor Foxx said we have quite a few speakers. In fact, I think we have got about 33 speakers for the budget presentation. What we are going to do – we have one item, the housing bond, where we have about 30 speakers here, and what I'm going to do because I think many of you are going to be speaking on the same bottom line point is ask you if you could take two minutes instead of three minutes to do that part of the presentation. It's just going to help us move a little faster. If that's a hardship for someone who is making a different point, we'll consider that as we go along. So we are starting out with speakers on the Children's Theatre funding.

Children's Theatre Funding

Michael Smith, 200 S. Tryon St., said we fully appreciate the difficult nature it is of setting the priorities of this community and having those reflect in the budget. With that being said, I'm here on behalf of support for Children's Theatre of Charlotte. Our 2010 Plan had a bold vision for many things in our Center City, one of which was the creation of an education quad in the First Ward, and we have largely fulfilled that first with Imaginon. We will shortly break ground on a great park in First Ward, and the University of North Carolina at Charlotte building is rising from the ground. The 2020 Plan plans to continue with this idea and build upon it. One of the goals that is being explored is the idea of creating Center City as an urban campus, a center for lifelong living. Charlotte has defined itself through its partnerships, and the partnership that we find at Imaginon is an extraordinary asset in our community. Children's Theatre has worked in an incredible way with the Charlotte-Mecklenburg Library System. It's one of our best examples of collaboration. The Imaginon system is set to create a nationally unique cultural and education destination serving 500,000 guests a year, to craft unique funding structure from their shared vision, and to serve young people and families of our region and feed their imaginations. You may not know that what we enjoy in Children's Theatre of Charlotte is the fourth largest theatre for youth in our country and the largest professional theatre company in North Carolina. They serve nearly 300,000 young people and families each year, not just at Imaginon, but in CMS classrooms and in community centers and shelters throughout our region. They have been acknowledged locally, regionally, nationally for their excellent programming, for their generous scholarships, and overall contributions, and for the kind of fiscal responsibility they take. There is a lot of earned revenue that helps run this program, and your investment in that allows them to do some of the scholarship programs. There are ticket purchasers last season from 28 states, from the District of Columbia, from Ontario. They come here as visitors. They are coming to see their grandchildren in productions. They eat in our restaurants, they stay in our hotels. This is jobs and economic development. My family and I would have to agree with what I'm sharing. My daughter was in the encore production this last weekend. This is a great asset for our community. The City has played such an important role in the life of this organization. Your support has been 30+ year partnership, and we ask you to consider continuation of that sponsorship.

Stephan Sorenson, 8055 Microsoft Way, said I'm a director at Microsoft Charlotte Campus. I'm very proud to serve as the current board chair of the Children's Theatre. Six years ago I was drawn to the organization because of their stellar reputation in the region. There was something extraordinary about this dedicated team of staff and volunteers, and I wanted to be a part of it. Children's Theatre is passionate about serving kids. Their professional theatre and education programming has been recognized locally, regionally, and nationally. CMS touts the theatre as a major partner. Children's Theatre reaches all populations. General scholarship programs provide tickets, classes, and camps to those who could not or would not have a chance to participate if left to their own means. Children's Theatre doesn't settle, and everything they undertake, their commitment to excellence is paramount. But it doesn't stop there. Their business acumen is amazing. The board and staff created one of the most comprehensive long-range plans I have ever been associated with. It is the filter for making decisions and the guide for planning their future. Their process would be envied by many for-profit businesses. As signs of the infamous econoclipse of 2008 began to appear, they were proactive, swift, and purposeful in their actions. Budgets were adjusted, staff positions eliminated, salaries frozen and then cut five to 10%, staff furloughs and some benefits eliminated, programs were examined and realigned. Mayor Foxx, as you shared in your remarks on Friday at the Nonprofit Business Summit, we must all keep working together to make this city the best in America. Collaboration and partnership is the foundation for this goal to be realized because when collaboration is thoughtful, well planned, and innovative, the community at large is the greatest benefactor. This

is certainly the case with the Children's Theatre. The City of Charlotte has played a vital role in the success of this partnership, and we do ask for your continued support.

Bruce LaRowe, 1337 Cavendish Ct., said I'm executive director of the Children's Theatre. Children's Theatre and Imaginon is exactly the kind of innovative approach that has made Charlotte great and what is required in these challenging times. Children's Theatre and the City have a 39-year partnership. While the theatre occupied City-owned space on Morehead Street, the City also funded maintenance and building operation costs. This space and this support served as an incubator for our organization's growth, and we want to thank you and acknowledge you for this support. In planning for the Imaginon project, Mecklenburg County bonds for the construction of the joint use facility were overwhelmingly approved by our citizens over 70%. With the uniqueness of this collaboration and the acknowledgement that Imaginon could become an educational and cultural resource unlike anything else in the country, the City Council approved a policy exception to continue its support of Children's Theatre's cost for building operations and maintenance in this new facility acknowledging the creative, innovative partnership. No, the City would not be the owner of the building, but neither were any City capital investment dollars required to construct it or capital debt to retire. The County funding of this shared library and cultural artistic resource actually saved the City \$18 million in capital funding, which is one-half the \$36 million total as well as any responsibility for capital upkeep and repair. This has been a win-win for both the City and the County, a nationally recognized unique and successful partnership. Unlike the cultural organizations which are part of the wonderful new Levine Cultural Campus, Children's Theatre was not part of the community-wide endowment campaign that prepared these organizations to absorb the operating costs in these facilities. We believe the exceptional collaboration of public and public, between the City and County, and public and nonprofit national model we have created in Imaginon has delivered a tremendous return on the investment, a return to our City, to our County, and to the 300,000 students and families we serve each year. We ask for your continued funding. A summary of our remarks and case are at your seats tonight. I would like to acknowledge the young people and families who have joined us here tonight by asking them to stand and show their support.

Housing Bond

Dale Mullennix, 945 N. College St., said asking a Baptist preacher to reduce his remarks from three minutes to two is a bit of a stretch, but I will do my best. I'm here obviously to speak about Housing Trust Fund bonds. It's my understanding that \$10 million is going to be proposed. It's also my understanding that \$5 million of that \$10 million has already been committed to past projects. I'm also aware of talk that there will be no affordable housing bond proposed in the year 2012 meaning we will end up with \$5 million stretched over four years versus the \$10 million over two years that we are accustomed to. Given the studies that have shown that Charlotte needs 17,000 units of affordable housing that \$5 million over four years is a woefully inadequate number to address the housing needs of the neediest among us. I'm also aware tonight that there are a lot of people here who are with me. Some of them are wearing these yellow T-shirts, who are going to ask you to consider something that you might think of as a bit outrageous. That is a \$30 million housing bond. It is a number that actually would make some difference. From among the ones you will hear speak tonight, they are going to speak to the benefits to families in our city who are struggling to provide a safe, decent, affordable place to raise their children including the 3,000 homeless children who are in our schools. You will hear about how housing benefits the reduction of crime and public safety. You will hear about the economic impact of housing people rather than using expensive emergency services to treat the homeless, and you will hear some personal stories of people whose lives have been changed by the provision of affordable housing in this community. Now, having said all that and asking for \$30 million, I will be the first to acknowledge your job is a very difficult one. With so many people asking, with so many advocates, and with so few dollars, I understand and sympathize with your point of view, but I'm asking you to consider –

Mayor Foxx said I should have said this at the outset. You and I talked about you have a group of six people that will go about 12 minutes, so if we can recalibrate this, they have it worked out so they can do it.

Mr. Mullennix said I recognize that you need solutions, and we can point to McCreech Place, the Wish Project, Project Hope, and the soon-to-be-built Moore Place as examples of how housing

actually changes lives and reduces costs for our community. Of course, what I also want to acknowledge is that the people in this room who have come in support of this idea are here to support you. If you lead the way on this, we will be behind you and we will do everything we can to rally the community around this idea if you will provide the leadership. If you do something so bold and so far-sighted, we know it will be difficult, we know it will be challenging, but I promise you it won't be as difficult as living on our streets. Politics has been called the art of the possible. We would be wrong and would be abdicating our responsibilities if we forget that politics also could be the art of making possible tomorrow what seems impossible today. Ten million dollars would speak to our good intentions. Thirty million dollars would declare our commitment to make a difference.

Bert Green, 435 Louise Ave., said I come here tonight excited and hopeful. For the first time since I have identified myself as a housing advocate, I sense that we have a staff and Council and Mayor that is dedicated to looking at housing needs within our community through a lens that includes the entire continuum of housing rather than a silo approach that identifies and separates different housing types and their associated constituencies. I am excited about the plans for Moore Place that have been so well executed by the folks at the Urban Ministry Center. I happen to serve on the board of directors at McCreech Place, and we are getting closer to our goal of adding 27 units to our existing 64-unit single room occupancy complex on North Davidson Street. McCreech Place has used Housing Trust funds and used them well and is projected to receive funds for the newly scheduled expansion. It is my understanding that Moore Place has also applied for Housing Trust funds, dollars, and both facilities have and will provide service enriched housing that strives to honor the dignity of their residents and be responsible and accountable residents in their respective communities. McCreech Place has demonstrated that it values its relationships to the Villa Heights and NoDa communities. There has not been one call for service by the Charlotte Police Department at McCreech Place since it has been open. Property values have fared very well in the Villa Heights and in NoDa community since the opening of McCreech Place. We have proven that we are good neighbors. We have been good stewards of the trust placed in us by the City, by Villa Heights, and by the NoDa community. I'm before you tonight to ask you to give the newly visioned Housing Trust Fund board the resources they need to build more affordable housing throughout our community and to build it for all of God's children in need. I know these are difficult times, but I know that good leadership is made better in the crucible of challenging times. If our bonded indebtedness is our limiting factor in our decision to increase the bond funds that will go into the Housing Trust Fund, then I ask that we examine carefully our priorities to see if we can increase these bond funds accordingly. I am proud to live in our community as you are and pray that everyone of you will search your hearts and minds to set us on a path to house more of those in need in Charlotte.

Maria Hanlin, 3900 Park Rd., said I'm executive director of Mecklenburg Ministries, and I, too, want to say thank you to each one of you for your service to our community. This is such a difficult time financially in our city, our state, and our nation, and I know that you have spent countless hours and time and agony over the budget and over the housing bond allocations, and I appreciate that. At the same time, I am here to ask you also to increase the housing bonds from \$10 million to \$30 million as an investment in our community. Tonight as a faith leader, I want to talk about why affordable housing is essential to the values of our city. Charlotte is a city of deep faith. All of our faith traditions command us to care for the poor, to feed the hungry, and to house the homeless. What are the moral and ethical issues at stake for our community when people work hard – 40 hours a week or more – but have no place they can afford for a home. What does it say about the soul of a community when we agree, we agree every child deserves a respectable and safe place to live, and yet we know we have over 3,000 homeless children every night without a place to call home. What does it mean when we know that we need more than 17,000 units of affordable housing so that more of our working poor do not slip into homelessness. What does it imply when some parts of our city have such a disproportionate share of affordable housing knowing that the concentration of poverty is one of the biggest issues facing our city? The scriptures of all of our faith traditions have a lot to say about how we treat our neighbors especially those who are poor, so I appeal to the Council and I appeal to Charlotte's entire faith community to speak out and support you in increasing the housing bonds and that our outcry will make a difference for the soul of our community. Charlotte is the proud home of NASCAR, Panthers, Knights, Bobcats, incredible museums, national bikes. We have so much to celebrate in the city. As Denver, Seattle, and Miami are leading the way in our nation to

end homelessness in their cities, so as a faith leader of our city, I believe that Charlotte can also be a national example in this time as we invest in affordable housing. Doing so makes economic sense, business sense, and most especially moral and ethical sense. I'm proud to live in a City who has such deep compassion for those who are our working poor and those who are our homeless, and I do not believe the current bond allocation reflects our City's deepest values.

Carol Hardison, 500 Spratt St., said I'm with Crisis Assistance Ministry, and I have a vision for our community -- if there is a sign on the uptown location of Crisis Assistance Ministry that says "closed due to no customers". Now, that vision becomes a reality when people who work in our community and serve us in restaurants and care for us in hospitals and clean up in our offices and take care of our homes can afford to live here. Yes, we are in unprecedented times. The need for food, shelter, rent, utilities, clothes, and furniture, yes, has never been greater. I understand that. But tonight is not about today. Tonight is about tomorrow. The City that we know and knew and love we will be back. Our jobs will be back, our buildings will be back, we will be growing again, and the question tonight is when we start growing again will we have to bus workers in from other communities because they can't afford to live here. Will our workers work for 12 months a year and only have 11 months of pay so they have to continue to come to Crisis Assistance Ministry. It is our hope that tonight we think about the tomorrow that will come. We need \$30 million worth of affordable housing bonds and need to close Crisis Assistance Ministry due to no customers.

Bruce Baumann, 7816 Waterford Lakes Dr. #1113, said I am a proud member of the Homeless Helping Homeless leadership committee and a volunteer with Urban Ministries. I want to remind you of the ten-year implementation plan to end and prevent homelessness, something that you adopted as a Council. In the executive summary, it says, "If we truly want to see significant reductions in our homeless population, we need to begin shifting away from the traditional shelter based model to a housing based model that focuses on getting homeless individuals and families off the streets, out of the shelters, and into appropriate and safe permanent housing." Further on in the ten-year plan, there is a portion that says establish a dedicated funding source, and I quote, "Lessons learned from other communities underscore the importance of establishing a dedicated source of funding." Further on in the same paragraph, it says, "Based on the success of other communities, key funding options to consider should include, among others, affordable housing bonds." We need \$30 million to do this. To quote the ten-year plan again, "Lessons learned from other communities." "Based on the success of other communities." Have we learned lessons from other communities? Can we be as successful as other communities? More successful than other communities? Can Charlotte truly be a first class city in how it treats and cares for its less fortunate? Let me remind you of something that Edmond Burke said, and this is a paraphrase. He said for evil to succeed -- and homelessness is evil -- good men and women need to do nothing.

Henderson Hill, 741 Kenilworth Ave., said this evening I'm speaking as a representative of the Charlotte Community Justice Coalition and also as a director of the Neighborhood Advocacy Center. In those hats, I come to endorse the increase of the bond for affordable housing to \$30 million. I do that with full recognition of what the Council has already done in full recognition of the very difficult economic straights the City and the County find themselves in. I feel compelled to come here in both my representative capacities of working with affiliated community groups seeking justice, greater justice in our communities, but also as a tax payer, as a homeowner, as a father of two proud Harding University high school graduates, one of whom is now in teaching first and second graders. She finds the hardest nut to crack is the poverty at home, the question marks at home, the fact that home one day is in one neighborhood, the next week it's in another. This is a problem for reinvestment, and reinvestment is going to be a term that we are going to use and hear a lot of in the years to come. Our governor, our chief justice, our legislative leaders have bought into that term. What that means is there is a smarter way to achieve public safety, to be smart on crime, and the smarter way is to deal with those stresses that are ripping our families apart, that are making the household dysfunctional and unsafe. We know how to do that. This is basic. There is food, there is shelter, and the \$30 million increase that we are asking for goes to that core need. You can hear statistics, and there are many people here who can speak more eloquently to the needs, but what jumps out at me as a person who has spent nearly 30 years in the courthouse is the folks who come there, whether they are victims of crime, offenders charged with crimes, or jurors, prospective jurors, asked to sit in judgment, the

one thing that should not disqualify the juror is that she is homeless. The one thing that should not make a single parent lose their child is because she is unable to provide.

Ed Payton, 1515 Mockingbird Ln., said I'm the executive director of Mecklenburg Open Door. We are a 25-year-old nonprofit agency that provides housing and other types of support to 400 people with chronic or severe mental illness. I'm talking tonight to request, as the other speakers, that you consider increasing the allocation for the November bonds to \$30 million for affordable housing. I want to talk about one study that was done in 2001 that really caught my eye. It is estimated that 26% of our homeless population also suffer from serious mental illness. Moreover, lack of housing causes people with serious mental illness to cycle among hospitals, shelters, the streets, the jails, at a very high cost to the community. According to one study quoted by the National Alliance for Mental Illness and referencing a 2001 study done of 10,000 homeless people in New York City, homeless persons diagnosed with a mental illness as well as being homeless use an average of \$41,000 per year in community services. These study results to the Charlotte homeless numbers means that Charlotte-Mecklenburg is spending about \$63 million a year in community services for people who are homeless and who also have a serious mental illness. That cost comes in recidivism in the ERs, in our shelters, in our jails. After placement and support of housing, there was an 86% drop in the number of shelter days per person, a 60% drop in state hospital use, and an 80% drop in number of hospital in-patient days. Researchers also show that housing cut incarceration rates in half for that homeless population of the study. Addressing homelessness for people with serious mental illness requires leadership.

Wendell Parham, 110 Rocky River Rd. W., said I am important. I am just like you. I am a good man. I have good work ethics. I like to help people. I enjoy living a normal life. I like living in a comfortable setting away from negative and dangerous situations. I like to grow as a person and into a good community. I want to open my own business providing graphics and Web design. I lost my job when the economy went bad and spent eight months on the street before I could afford a place to live. My home was the bench outside the Library. Once, the police were called to me because I sat on the bench in the shade in the middle of the day. The officer, understanding I did no wrong, did not arrest me but told me I had to move along. I now live in an extended stay motel with weekly rates because it's the best I can afford. Having a place to live allows me to comfortably be removed from the challenge of finding a place to sleep each day. It allows me to watch the news and be informed. I have an address to put on an application and feel confident that I will not be rejected for employment because where I live is associated with the homeless. I can set up my laptop, go on the Internet, and learn all I need to create a business properly and then make it grow strong. Even with this, my rent is \$4 more than my income. I often can barely afford to eat. I am forced to survive, always on a defense against my returning to a bench. I have to struggle to be able to grow and develop myself into a community in a meaningful way. I am in love with Charlotte. I think this is a beautiful city, engaging and intelligent. I could never really understand why our thoughtful citizens do not help homeless people in a meaningful way. There are thousands of ordinary people in Charlotte like me, like you, that could use your help with affordable housing. That is why we are asking for \$30 million for housing loans. Roads are important, but I am important, too.

Mayor Foxx said, sir, I don't know who told you that you weren't a speaker, but you are a speaker.

Nicole Walsh, 1048 Elizabeth Manor Ct., said I know I'm slightly younger than most of the other speakers you are going to be hearing from tonight. I am a senior at Providence High School. About two years ago I started working on a homeless awareness video for my Girl Scout Gold Award. My vision was to produce a video aimed at the youth that would have introduced them to homeless people through conversations and show the homeless people were no different than any other ordinary person. I interviewed more than 18 homeless neighbors of the Urban Ministry Center, which represented a broad, broad number of homelessness. I expected the video to show that homeless people are the same as the rest of us and came away feeling that indeed they are very different from us, just not in the way that people suspect. They are the best of humanity, our very soul. Despite their shockingly dismal situations, the homeless people were universally optimistic, hopeful, kind, and generous. They were unfailingly honest and accepted responsibility for their past choices and actions. This was incredible to me. Here is a group of people that a society has forgotten. They live under bridges, in abandoned cars, in Airports, in makeshift beds, and between dumpsters in the wealthiest nation in the world. Despite their

situations, they are not bitter. They are survivors who are always looking forward to tomorrow. They are people who have faced incredible obstacles without a support network. Providing affordable housing is a great way to remove the largest obstacle for most of those homeless people. I know we face extremely difficult financial times. The bad economy is ever present on everybody's mind, however, I believe that we as a society are being judged for the way we treat our most vulnerable people. It is easy to help people in good times, but we all know it is more important to help people in bad times. There is a George Bernard Shaw quote, and it goes, "Some people see things as they are and say why, but I dream of things that never were and say why not," and that's what I ask you to do today.

Kathleen Pike, 6612 Reafield Dr., Apt. 3, said I'm here to ask for you to consider increasing the housing bond, and here are just a few of the reasons why. Taxpayers spend an average of \$35,000 a year on jail time and hospital visits. We can house and support people for less than \$13,000. There are thousands upon thousands of people seeking shelter nightly. The very sad fact is that right now Charlotte has about 3,000 children who are without a home. Consider our veterans. Our city has over 100 military vets struggling on the street, and this is unacceptable. I'm not an expert, but I have been a very diligent and determined student of our city as it functions as a community. I'm also here to represent the face of poverty and homelessness. As a single mother for over a decade, I felt trapped. I worked seven days a week for many years in order to be able to afford the rent in a safe neighborhood. Some folks seem to think if you are poor you are somehow unclean or unlawful. This is such a hurtful misconception. I think that people should have choices as to where they live, and don't you want more people to be contributing members of our revenue and growth as a city, but if they have to spend 30% to 50% of their income on housing, that leaves very little, if any, money to spend as a consumer or patron of the arts to name a few. There are many organizations and individuals in Charlotte that are willing to do the work if they have the funding, and I promise to be one of them. In closing, I believe that \$30 million for affordable housing would be a wise investment. Think about the loss of productivity in the workplace, think about the negative effects on a child's education when they are precariously housed, think about if this was one of your loved ones out there. Let me leave you with this quote from the National Center on Homelessness and Poverty, "Homelessness stems from a lack of affordable housing, increasing rents, destruction of traditional low-income housing, and cuts in federal housing programs threaten affordable housing with extinction."

Anthony Spinner, 6840 Winding Cedar Trail, said in October 2009 I relocated to Charlotte from Massachusetts, and I found myself in a very unfamiliar territory. I was homeless. Being 52 years of age and being a veteran, I had no idea what I was going to do or where I was going to go, but in the seven months since I have been in Charlotte, I have been fortunate enough with the help of the Men's Shelter of Charlotte and with Project Hope to now have housing. I am still unemployed, but I'm still searching. Many of the men and women I have met since I have been here have great skills needed for the workforce, but due to not having adequate housing and affordable housing, they are homeless. These are the people that get to the point they are frustrated and stressed, and when this happens, they become sick and often visit the ER, which increases healthcare costs. The majority care about and want to work but feel they can't because they are embarrassed when they have to take all of their possessions with them when they go to fill out applications, when they go for job interviews, and if they are fortunate enough to get a job to go to work. Then they worry about where they are going to go, where they are going to be sleeping when they get out of work, and a lot of companies are only hiring for the third shift, which means that if you don't have housing, you have nowhere to go but to be on the streets all day long until its time to go to work again, and this is really stressful. I, myself, like I said, now have affordable housing through Project Hope, but without a job, it's still very stressful because this is not going to last for long, and there are still thousands of men and women who need and want their own affordable housing, and with more funding for housing, there will be less people just hanging out on the streets doing anything.

Johnny Banks, 3901 Oneida Rd., said I came to put a face on homelessness. Six years ago I was working for the County. Lost my job, lost my benefits. If it wasn't for supportive housing during my addiction, during and after, I feel like I wouldn't be standing here in front of you today. I was hopeful coming in – I haven't heard someone recite our Pledge of Allegiance since I was a small child let alone give God his credit by having prayer. When I was sitting up listening to what was going on, I was reminded of an article that was in the newspaper back in

April of this young man who was a lot less fortunate than myself. His name was James McDaniel. James died. No lengthy obituary, not even a simple listing of his death. His death went unnoticed like much of his life has. For the last three and a half years, James lived in a tent in the woods in Charlotte. He struggled with a myriad of health problems, and at the age of 48, his body finally gave away. He died finally in a Hospice House in his last moments. Reading that it grabbed my heart because I have been where he was. I know what it's like to live on the streets. I know what it's like to eat out of a trashcan to survive. I thank God that I'm one of the blessed ones because God brought me out of that, and I have to give him credit where credit is due. All that I ask is that members of the Council take a look at our priorities. If we pray to God that means that we have the responsibility to take care of those who are less fortunate than ourselves. We have that responsibility. That is a God-given responsibility. Sometimes it's thankless, but it's still things that we, as humans in society, we have to do.

Leslie Bradford 945 N. College St., said I am homeless. I have three years of college. I am a certified dental assistant. I worked in dentistry for 20 years. I worked two jobs and raised my son without any help. Through my career I contracted hepatitis C and can no longer work in my profession for the risk of infecting someone else. So I went in the woods with my pit bull puppy, which I acquired after being sexually assaulted in the woods behind Urban Ministries. Homeless women are at risk for this type of crime. More affordable housing, I pray, would help prevent this from happening to someone else.

Doug Sarno, 2410 The Plaza, said I'm the board chair for Charlotte Emergency Housing. We are a facility that provides temporary shelter for 14 homeless families in Charlotte every night. We have spoken about the working poor. That's who we serve. It's those people that are living under the minimum wage. They are not able to afford full-time housing, they are not able to afford giving their child the stability to go to school every day at the same school, live in the same place every night, sleep in the same bed, and I just ask that we increase the housing bond to \$30 million – that we do it for the children so that we don't perpetuate this type of situation any longer.

Beth Wells, 1311 Briarcreek Rd., said I am a member of Homeless Helping Homeless. I am not homeless, but over the past several years I have met many former teachers, construction workers, accountants, nurses' aides, real estate agents, and people from all walks of life who are now shocked to find themselves homeless. Some of homeless because of bad choices they made and some because of the economy. For whatever reason, the two main things these people need are a job that pays a living wage and a home. The figures for unemployment seem to be slowly getting better – not so with affordable housing. Even though we know how to do good affordable housing like McCreech Place and Seigle Point and Moore Place, much of our affordable housing has not been affordable for most of our people. Many of our so-called affordable housing projects have been like our arena. We have spent a lot of money on it, and we still have fewer seats. We can do better. Many communities across the country like Denver, New York, Miami, and Seattle have taken seriously their ten-year plan to end homelessness. Our community has not. We have passed it but we haven't funded it. We can do better. Now the City Council is in a quandary about the \$200 million bonds for November. The City Manager has recommended 95% of those bonds go for infrastructure – roads and curbs and sidewalks – and only 5% for housing. Some of the City Council members our group has talked to have told us that they frequently get calls from people about the roads in their neighborhoods but not housing.

Dawoud Assad, Markham Ct., said I'm here tonight looking for a road, a road to affordable housing. In the book *Rediscovering the Values on Wall Street, Main Street, and Your Street*, Jim Wallace writes that once he coined a phrase that entered the pilots of some political and media pundits, and that was a budget is a moral document. That tells you what, who are the most important to families, church, city, state, and nation. The recommendations by the City Manager are to spend 79% of these proposed bonds on roads. Are roads what is most important to Charlotteans? If so, which one of these roads leads to affordable housing? For our homeless and underpaid Charlotteans, these will be roads to nowhere. Fifteen percent of the recommended budget is for neighborhood improvements, sidewalks and curbs. Will these be more gutters for the downtrodden to sit in? A paltry 5% recommended budget for affordable housing, of which 4% has already been earmarked for improvements to existing housing. That leaves 1% for new housing. Does this mean that affordable housing has no moral value to the citizens of Charlotte.

Between January of 2008 and January of 2009, homeless children in Charlotte increased 11%. This year by the McKinty Vinto count homeless children have increased by 20%. How high does the increase have to be before it becomes important? Wallace goes on to say that he coined a new phrase –

Terri Seagraves, 601 East Blvd., said I with A Way Home and on the Mecklenburg Council on Homelessness. You have heard from a lot of folks tonight from all walks of life, and this is obvious that we have a problem on our hands in Charlotte as far as addressing homelessness and providing more affordable housing, but I want to thank everybody for coming tonight and thank those who normally wouldn't speak in public and came and had the courage tonight to speak, but it's clear that we have an enormous amount of momentum surrounding the homeless and housing crisis in Charlotte, and I want to thank you, Mr. Mayor, for your leadership and your commitment to address this crisis. We have needed leadership from the top down for a long time, and we are very grateful to have your full support. And, Council members, I want to thank you, too, because you have supported the Housing Trust Fund for almost ten years now. We have developed a good amount of affordable housing – not enough – but we have a long way to go, but you have been behind this since 2001, and I really want to thank you for that. But you also understand that the leveraging dollars that is available through the affordable housing bonds is critical. It leverages private dollars along with providing much needed gap financing for supportive housing developments, and we recognize that the funding capacity for affordable housing this year is limited, but we also know from working with service providers who work on the front lines every single day helping who are homeless and helping us who are at risk of becoming homeless that this gap that we have in Charlotte where we need to fill this gap between affordable housing and services or we are going to continue to see this problem get worse and worse and worse. As funding sources decline, it's even more important to coordinate our community efforts, and the Ten-year Plan Implementation Board, which is also on your agenda later on tonight, will provide a solid foundation for community wide structure to coordinate and prioritize homeless and housing needs in Charlotte. A Way Home and the community thanks you for your support for this, and I would like to thank everyone who came to support us tonight.

Mayor Foxx said I really appreciate you coming out, and I hope those of you who can will stay around. We are going to be talking tonight about some fairly significant policy changes to the way the City approached housing later. We are going to get to that, but I just want to thank you. I know this issue gets the passion of our community going, and we are going to work as hard as we can to address the issue in all the ways we have talked about tonight.

Funding for Lakewood CDC

David Nichols, 212 Halsey St., said I am a resident of Lakewood, the executive director of Lakewood CDC, and I serve on the board of directors of the North Carolina Association of CDCs. On behalf of the residents of Lakewood and the board members and staff of Lakewood CDC, I thank you for the support that you have provided for our neighborhood revitalization efforts in Lakewood. I also thank you for including Lakewood CDCs request for FY11 funding in your final budget considerations. It is our hope the information we have been able to share with you about our organization's activities and accomplishments have allowed you to see our funding request as a critically important and effective investment well aligned with your established priority focus area goals. Mr. Walton, you have shared with Council your reservations about CDCs as being the appropriate vehicle for production of affordable housing. That is a valid concern and one that I share with you, however, my experience is that neighborhoods like people and families only change in sustainable ways from within. This is the intrinsic value of CDCs. They are neighborhood based and create sustainable change from within through applying a comprehensive people based revitalization strategy. I believe that Lakewood has demonstrated the success of that value. I also believe that CDCs can engage in a model of comprehensive community development that creates opportunities for effective and efficient housing development partnerships. Later this week four CDCs in Charlotte are for the first time submitting a cooperative agreement to the City staff that will create an opportunity for significant increase for affordable housing production for all four organizations. I believe that there is not only a place for CDCs to function in Charlotte. I believe that CDCs can offer the key to one of Charlotte's greatest challenges – creating safe, stable, and desirable neighborhoods. I'm willing to commit my time and experience and the resources of our state CDC association in

working more closely with City staff and with other CDCs to find the best possible way to build affordable housing while building neighborhoods from within. Charlotte can only benefit from such stable, sustainable neighborhoods.

Councilmember Dulin said you just mentioned that Lakewood was going to merge with three other CDCs.

Mr. Nichols said, no, there are four CDCs later this week who are presenting a cooperative agreement to the City staff for the development so we balance our development among all four CDCs to maximize the effectiveness and production of affordable housing.

Councilmember Dulin said how do you expect that to be funded?

Mr. Nichols said that is funded through the set-aside funds for projects, which are HUD set-aside funds.

Community Building Initiative

Mary Tribble said I'm here to represent the Community Building Initiative or CBI. As a small business owner, I am keenly aware of having to make tough decisions when resources are scarce, and as a member of this community, I know of the importance of the work that CBI does. As you may know, the Community Building Initiative was created in 1997 when we were faced with racial unrest and a very near crisis resulting from a series of community incidents. The organization is a program conceived of and supported by the City of Charlotte and other community organizations both public and private to work toward racial inclusion and equity. While we have accomplished a great deal since 1997, this work is not done. Our city is facing many challenges, which CBI will continue to address. We touch every sector of this community from corporations to nonprofit organizations to government and individuals. We execute our work in every area of this city – from University City to Ballantyne, from Charlotte east to the west side and all the areas in between. Four examples where we impact the City of Charlotte specifically include: 1) Readiness for the next crisis. Whether borne out of immigration reform, school assignment, or the growing economic and political divide, it is likely that Charlotte will experience another crisis of tension in our community. CBI stands ready with a history of successful intervention. 2) Enhancing the performance of the City departments. There are many instances of working directly with the City departments during our mutual history. Right now we are working with Chief Monroe and CMPD on creating a more inclusive internal environment and externally on strengthening neighborhood crime watches. We are also currently working on a crossroads initiative with a community and commerce division of Neighborhood and Business Services. We are actively partnering with City services on a regular basis responding to the needs brought to us by the community and the City staff. 3) Developing leaders for inclusion in equity. Currently four City employees are engaged in our leadership development initiative and seven have participated in the program in the past. This is our flagship programs that develop champions for inclusion in equity thus creating cultural and organizational change. Finally, economic health. If Charlotte is to be a vibrant city that attracts new business, we need to be viewed as an inclusive and open place in which to live and work. The City of Charlotte's investment in CBI sends a clear message of its commitment to racial equity and inclusion. This is important work. Our partnership with the City of Charlotte goes far beyond your financial investment. It speaks to the very core of our common values, and I urge you to continue supporting the Community Building Initiative.

Councilmember Cannon said I don't know that we have received – maybe some other members have – but in the way of your ask and what you're looking for, can you get something back to us in terms of unless you want to tell us tonight how the money in itself will be applied or awarded – what it will actually go toward?

Ms. Tribble asked can she answer that?

Diane English said we sent a letter describing the programs we are currently operating given the money we received in FY09, and we can do the same for what is projected for FY10.

Councilmember Cannon said it would be great to have that to see how that is allocated.

Ms. English said can do.

Employee Compensation

James Locklear, 1100 Otts St., said I work for the City of Charlotte Sanitation Department. I have been there 25 years March past, and it's not been easy. We know the 2% you all are talking about giving us, from my understanding, 1% from the 401k and 1% you are going to give with us to break us off even when the insurance goes up. Mayor and City Council, I don't want to go backwards. I want to go forward. I know I'm not going to get rich working for the City, but I want to live. If something don't happen, you are going to have more people just like these people here. If you don't come to the rescue, there are going to be going on with it. Something is going to have to be done because people that work for the City cannot afford the insurance that works for the City, and you have got people that works for the City that's homeless already, and that's a shame. I know it's hard, and it's hard all over the world, and it's going to get worse if people don't put their trust and faith in Jesus Christ and believe he can work this out. Like I said, I have been there 25 years, and as it goes along, it gets harder and harder. The only thing you hear about is we got to cut, we got to cut. So is you going to put money up for me to get a house to live in because I'm going to be out there too if it ain't for the grace and mercy of God. Every time we get a raise, our insurance goes up. It's taken from us. A lot of good people have come to the City and worked but they leave because they don't make no money to live off of. Like I said, I have been there 25 years, and I'm looking to retire, but I don't want to go out and be homeless living on the street. That's sad, and people can't seem to accept stuff like that until they get in that position, and that's a sad thing. We know that's what you all are up there for to make these decisions, to help one another because that's where we get blessed when we help one another. God will bless. I know a lot of people say you are talking foolish, but yet I know that God is the only one that is going to help us through this if we put our trust in it, and it's a hard thing. It's hard. If they keep cutting back and cutting back, then after a while what is the City going to look like with trash all over the place, ain't got nobody to fix the wiring. Did you look at that how it's going to be or are you looking at what's now? We need the 2%. I know it's going to break us off even, but yet I don't want to go in the hole. None of us do, so we are asking you to consider it, consider the workers. I'm not only a worker, but I'm a citizen, too. I have been in Charlotte for years.

Councilmember Barnes said Mr. Locklear indicated that we have employees that are homeless.

Mr. Locklear said I hate to say it, but there have been people who have lived down there in trucks that come to work at the City every day.

Councilmember Barnes said I don't know if there is any way Mr. Mayes can provide us with any basic feedback on that, but it might be useful. Thank you.

Steve Bader said Dwayne isn't going to be able to make it. I work with the organization. My name is Steve Bader, and the other folks were not able to make it either. Is it possible to take one of their times or not.

Mayor Foxx said I will allow it. What is your name?

Mr. Bader said Steve Bader, B-A-D-E-R.

Mayor Foxx said and you work with the union?

Mr. Bader said I work for the union. The City workers have asked me to help present. You have before you the formal statement from the City, and in talking to a number of workers who heard discussion in public about taking \$1.2 million from the City workers and giving it to homeless folks, some people were like how are we going to deal with that. I mean people are homeless. Yes, we have got homeless people in the city and some of us are going to become homeless, so how can we argue that we needed more than homeless people. What we have decided to say is that we are not asking to take the money from the homeless and give it to the City workers. We support everything that the folks here talked about in terms of the need of housing, but we refuse to accept that is the choice. In a city as large and rich as the City of Charlotte that should not be

the choice. As James Locklear said workers are homeless, more workers will be homeless, many workers are in foreclosure if they are lucky enough to own a house. The image somebody shared was of people in the Superdome in New Orleans fighting each other for a bottle of water. We refuse to fight our brothers and sisters, low paid workers, for that \$1.2 million. There are plenty of other places it can come. If you look at the back, these are some suggestions that folks have called this a hurricane with this economic crisis; that there can be money from the rainy day funds; certainly the million dollar cushion; there's large banks that have benefited from our tax dollars nationally; progressive property taxes; and prioritizing the lowest paid. We ask you to consider on the front page there that over the last four years we are 4.3% behind other Charlotte area cities from the City Manager's chart given to you on May 3rd. That's not acceptable. This is the City of Charlotte. It's supposed to be a leader not only in this area but in the state and in the country and the world. You see here how far behind we are. In addition, when you do the increase, the 2% it's not really fair to call it an increase. It's actually just breaking even. We have some details there about the best way to do it. The last thing is we would ask for at least some studies. How many people are homeless, as the gentleman asked? How many people's children do not get healthcare that they need because they can't be on the City's insurance already and how many more children will die or become sick by not giving this kind of an increase. So if there's not that kind of information, we would suggest that you are not in a good position to decide what the implications are of doing another pay cut this year. We appreciate your time and know you will do the right thing.

Proposed Public Safety Budget

Randy Hagler, 1201 Hawthorne Ln., said I'm here tonight representing more than 1,600 members of the Charlotte-Mecklenburg Fraternal Order of Police Lodge 9. The vast majority of our membership is made up of Charlotte-Mecklenburg Police Department officers of all ranks within the police department. You have already heard from or will hear from other members of the FOP and CMPD this evening that have studied the budget process, what has been considered in years past, what has actually been given. I encourage you to listen to their requests carefully. They are not asking for anything that they have not earned or deserved. We understand, and we have heard a lot of meaningful speeches from this podium, and we understand and respect the difficult job you have in front of you, each of you, determining the City's budget for the upcoming fiscal year. If you will recall, the past two years we have not come before you on behalf of our officers. We have allowed the budget process to take place without interference and accepted the Council decision regarding compensation and increased cost of healthcare benefits. We understood how difficult it's been. We understand better than most how our community has suffered over the past 18 to 24 months because our officers see and deal with it every day as they go about their jobs protecting and serving the citizens of Charlotte and Mecklenburg County. You don't hear our officers complain about working overnight while the rest of us sleep, getting called back to work all hours of the day and night to investigate a homicide or some other serious crime. You have not heard the officers that have been assaulted or cursed at or threatened. That's because they have been busy doing what they do, and that's protecting the citizens of Charlotte – our most valuable asset. These officers are on duty 24/7, 365 to make sure we can live in as peaceful an environment as possible. We have seen quotes over the past several weeks from some folks who believe the City would not be at a competitive disadvantage or even lose employees if a raise is not given. We don't agree with that theory and fear what might happen if officers continue to fall behind their counterparts in other police departments. You have made a tremendous investment in hiring and training these men and women to have them leave for a higher paying job in another police department or federal law enforcement or the private sector. That risk is just not acceptable. Our community deserves the best possible police department in the country and the best department deserves to be paid appropriately. I am just encouraging you to look at Manager Walton's proposal and consider it, please.

In Support of Recommended Budget

John Foster, Charlotte Firefighters Association, 2601 E. 7th St., said, first of all, I want to thank you for the job that you all do. I also want you to look at us as we do our job just like these people we help in the streets every day. The proposal Mr. Walton put forth we ask that you will go look at it really tight and make sure our folks get our just due. That's all we ask. I know

we take cuts every year. Our insurance goes up. Mr. Dulin makes fun of it when we hire machines and don't have to do insurance, but that's a part of life. Everybody on this Council has probably got an insurance policy that the City is paying for. If you don't like it, you can give it up, but I like the proposal Mr. Walton has got for this year, and maybe next year we can make it better. That's all I have to say.

Marc Robson said I have been a member of the Charlotte-Mecklenburg Police Department for 20 years, and I'm co-chairman of the Charlotte-Mecklenburg Pay Committee as well as the FOP. I know our city and country have experienced some difficult times the last few years, however, our city has experienced some world class status recognition by getting the Bobcats team, the Arena, light rail, and now NASCAR Hall of Fame. Part of the attraction for businesses to come to Charlotte is low crime. Last year we had an overall 18% decrease in our Part 1 crimes, which is homicide, robberies, auto theft, burglary, etc. thanks to the hard work of the Charlotte-Mecklenburg police officers and Chief Monroe's crime reduction efforts. This year we are at a 15% decrease in our Part 1 crimes as well. In good times as well as bad, it's time to thank our officers and show our appreciation to our police officers. What we are asking for is a 5% step merit increase that we did not get last year, a 3% market adjustment, and keep our pay period at 14 days rather than the 28 days. As Randy mentioned, it's very important to maintain our competitive pay structure, help us recruit qualified applicants, and maintain our current employees. The 14 days versus 28 days only 5% of the overtime in that was used was only at half time. We believe that if the pay goes to 28 days our employees will use more sick time. We understand the hardship and sacrifices made by taxpayers, and we are no different. We are taxpayers, and we have made sacrifices as well. We hope the general public and media do not misunderstand that what we are asking for is in no way minimizing the difficult times for our school teachers and library spaces throughout our economy. When I became a Charlotte-Mecklenburg police officer 20 years ago, we could top out in seven years. Now it's upwards of 14 years. Our insurance, gas, and various taxes go up every year. We are asking for our fair share and share the rewards that many of our businesses in Charlotte have achieved. We ask City Council members, especially the members that have been endorsed by the Fraternal Order of Police, to vote in favor of our merit increase, market adjustment, and 14-day pay structure. The growth of our city has not only been on the backs of our taxpayers but the hard work of the men and women of the Charlotte-Mecklenburg Police Department.

Sgt. Steve Christenbury said I have prepared two slides for City Council. I'm a 20-year veteran of the Charlotte-Mecklenburg Police Department. I want to let everybody see the numbers because merit has several definitions. One is something that deserves or justifies a reward. The Charlotte-Mecklenburg Police Department had last year reduced crime overall by 18%, and my colleague mentioned the total violent crime was down 18% and property crime was down 18% with a significant reduction in the homicides and robberies last year. I understand some of these numbers are going up, but what's important to note is the men and women of the Charlotte-Mecklenburg Police Department are making a lot of good arrests. The arrests on these statistics, if you will note, were up 5% last year, which equated to almost over 1,000 more arrests. One thing that not many people realize that with over 14,000 cases that were sent to Superior Court last year 93% of all those cases were generated by the Charlotte-Mecklenburg Police Department. We investigated 93% of all those cases. Three quarters of those cases were accepted for prosecution. The next slide is a slide that shows the reduction by each of the divisions, and not all the divisions are on here, but you can see a 25% reduction in some, 19% reduction in others. Across the board, it was an 18% reduction in crime from all the divisions, and there was a lot of hard work that went into these numbers, not only by the patrol officers but by the detectives, by the first-line supervisors, response area commanders, captains, and above, all the way up to Chief Monroe. I hope you would support the hard work that these men and women have done. I'm especially proud because of the unit I work with in the court services unit I have the unique privilege of seeing the work that is done on both sides from the Police Department and from the District Attorney's Office. When you have 14,000 cases filed in Superior Court, and you only have three and a half courtrooms to work with, there's the bottom of our funnel. It's extremely frustrating re-arresting the same people over and over again. So, with that said, I hope reward my colleagues. I hope you recognize that some of my colleagues have missed their step raises, and they really deserve that because if you compound that over a 30-year career that's a lot of money.

Mayor Foxx said, Sergeant, I really appreciate you, and I know all of us do, and for our officers here, thank you for coming out and sharing your perspective on the budget. It's a tough year, and y'all are out on the front lines of the streets, and the streets are also tough, and the reduction in the crime rate is something I know all of us are extremely proud of you for doing, so we'll keep working through this, and I appreciate you being here. Those are the last speakers for the hearing, by the way, so thank all who have come to speak to us tonight.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, and]
[carried unanimously to close the public hearing.]

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ITEM NO. 15: PUBLIC COMMENT ON UNIVERSITY RESEARCH PARK AREA PLAN

The scheduled public hearing was held on the subject item.

Councilmember Howard said we are going to hear a presentation and then take comments from the public.

Kathy Cornett, Planning, said I am a planner with the Charlotte-Mecklenburg Planning Department. She began a PowerPoint presentation and said the University City Research Park Area Plan has been under development since October. It's being funded by University City Partners, and they have also coordinated the steering committee, they have hired a consultant team that consisted of LandDesign, Kublins Transportation Group, and George Henry George. City and County staff have been heavily involved – Planning Department, Department of Transportation, Park and Recreation, and other City and County agencies.

The plan area is about 2,300 acres. About 700 acres are undeveloped. Those are shown in green, and about 1,600 acres are developed. There are over 25,000 employees in the plan area making it the third largest employment center behind uptown and SouthPark. It was incorporated into University City MSD in 2008. The blue boundary shows what is traditionally formerly considered the University City Research Park, kind of when they talk about inside the box north of Harris, west of 85, east of Mallard Creek Road, and south of Mallard Creek Church Road.

In terms of the plan goals, I will also point out on this slide that the original University City MSD is shown in blue, and there was a plan adopted for the University City Area Plan in 2007. Now the area that is west of 85, shown in red, the University Research Park Area Plan boundary is what we are talking about obviously here tonight, and that was incorporated into the MSD in 2008. In terms of the area plan goals from a land use standpoint, to strategically use undeveloped land while incorporating diverse uses. In terms of natural environment, creating a conservation community that emphasizes parks and greenways and also capitalizes on the green nature of the park and the plan boundary area in general. In terms of community design, enhancing the URP brand and identity in the region and doing that through designing unique gateways, streetscape, and signage opportunities. For transportation, improving connectivity through a variety of modes and providing people with choices while facilitating the integration of new land uses.

This is the concept map from the area plan and probably the most important piece here is that it identifies eight distinct districts within the plan boundaries, so rather than a one-size-fits-all type approach it breaks it into these districts and then each district has its own unique identity. For District A, which is north of Mallard Creek Church Road, a retail district. For a variety of the other districts, they are classified as either enterprise district or employment district, endeavor districts, and these are still obviously more employment based, but in many of the cases they allow for multi-tenant and corporate office while still providing the large format office that many of the users in the park need. Also District C in the green in the center is a park district that will incorporate 120-acre park and also introduce residential uses so the mixture of uses I talked about earlier. Then also District G is Governor's Village with the CMS campus, and District H

is largely undeveloped today but is envisioned as a mix of office, residential, and retail in the future.

For next steps, obviously City Council public comment tonight. Planning Committee is expected to make a recommendation June 15th. Transportation and Planning Committee is expected to make a recommendation June 24th, and then we would look for City Council action June 28th.

Councilmember Howard said I wanted to apologize that this one just kind of snuck up on me. Yes, our committee did get this report. As a matter of fact, I remember us talking about how important employment concentration is. I just wanted to make sure that the public knew that I was moving forward with this one. I don't have any comments, but it will be coming back to the committee in a couple of weeks and back to Council soon after that. Just wanted to correct that.

Mayor Foxx said you are so busy you don't know what you are doing.

Councilmember Howard said a lot of good things going on.

Councilmember Barnes said I wanted to take a moment to recognize one of my colleagues. I am the Council's representative on the board of University City Partners, and Mary Hopper, who is here with us, has made quite an effort, tireless effort in getting this plan approved both this side of 85 and the other side. Kathy, we appreciate your help. UCP, as you indicated, paid for this plan, which is fairly uncommon nowadays. But, Mary, I wanted to publicly thank you for your leadership. I would name everyone on the board, but I don't remember everyone's name, but thank you.

Mary Hopper, 88701 Mallard Creek Rd., said I wouldn't dare speak after that, and I gave George what he referred to as a "get out of jail free card" tonight. However, I will tell you I am here to answer any questions. George welcomes any calls because he has been very active on the steering committee. Edna Chirico, who is a long member of our board, is here with us tonight. You will be hearing from her subsequently, and two representatives of LandDesign are here, but unless you have questions, y'all have lots more to do on your agenda, and I wouldn't dare take up any of your time.

[Motion was made by Councilmember Howard, seconded by Councilmember Carter, and]
[carried unanimously to close the public hearing.]

ITEM NO. 16: PUBLIC COMMENT ON CATAWBA AREA PLAN

Councilmember Howard said as you know the Catawba area, and this is the area out around the Whitewater Park, has taken on a lot of growth because of the amenity of the park as well as just being close to the river. So staff has been working with the community out in that area to develop the plan, and I believe that we are going to get an update on that plan, and after the public hearing, it will come back to the committee and back to Council after that.

Kent Main, Planning, said I'm with the Planning Department, and I'm going to try to do this presentation on the Catawba Area Plan. The process has been going on for a period of time now. The boundaries of this process are along the river, the Catawba River. The south is bounded by I-85 and by 485 along the side, and then going up substantially up into the north of the city area. The purpose of developing this plan is to update existing plans and provide more specific guidance for growth in the area to give the area population and growth a new focus, provide for transportation and infrastructure improvements in the area and provide guidance consistent with the City's growth vision.

The existing conditions – there is a substantial area of older, industrial areas along the riverfront, which has been a primary concern to the residents of the area over a period of time. There is also an area along I-85 where there are older industrial areas that are already in place and are also of concern, and then the center, which is all generally an area of undeveloped or very low density growth, which has been of particular concern in the course of this planning effort.

The land use and transportation policies that you see here call for preservation and particular care for the environmental concerns of the area. There is also concern along that area where the industrial areas are for making sure that develops in a way that is going to preserve its natural environment as well as provide the industrial areas that are going to be developed there to do so in an ecologically sensitive manner.

The plan procedure from here is the final public meeting was held April 13th. The Planning Commission reviewed it on April 20th and made this recommendation on May 18th. The Transportation and Planning Committee reviewed it and referred it to Council on May 10th. The City Council is hearing public comment today. Transportation and Planning Committee will be asked for its recommendation on June 14th, and the vote on adoption is tentatively scheduled in June. We do have a speaker tonight.

Elaine Powell, 5453 Marengo Cir., said in the Catawba area we own a small business, and my husband's family owns some industrial land. We love it here, but things have quickly changed in the past few years. Eleven years ago we carried large bins in every one of our commercial and personal trucks to do daily turtle rescues on Mt. Holly Road so they wouldn't get run over. Then all the clear-cutting began for 485 and for Cedar Mill. Sadly we haven't seen a turtle in need of rescue for several years. For the past two years, I have worked as a citizen member of the Catawba Area Plan Advisory Group. I joined the advisory group to voice concerns about the environmental impact of future development and tried to ensure that if and when development is coming this way that it will be environmentally responsible. I really wanted to be proactive. Alberto Gonzalez – I wish he was here – and his planning team did a great job. He really deserves a lot of credit. He did a great job of listening to the stakeholders on the advisory group. The City planners utilized the tools they had available to come up with the best plan that they could come up with. I'm here to share my thoughts and experiences with you tonight because I think that environmental health, environmental stewardship, and responsible waste management are some of the most important responsibilities of local government. In the future whenever there is a need to use this Catawba Area Plan, I hope that environmental impact will be considered indepth at every level. Part of the Catawba area is a natural area adjacent to the severely impaired Catawba River. The Catawba area encompasses 4,800 acres. Twenty nine hundred acres of this is tree canopy. This means that 60% of the Catawba area is covered with trees. If you look at an aerial view, you can see that this is quite significant for Mecklenburg County. The Catawba area has been a watershed. It is adjacent to the Catawba River, which was named as the most endangered river in America in 2008. The river was also recently listed on the top ten endangered places in the southeast by the Southern Environment Law Center. The American Lung Association recently listed Charlotte in its top ten most ozone polluted cities. While all of this bad news is being reported, the trees are silently at work improving air quality, water quality, and slurping up the storm water runoff. Environmental protection and preservation of this area is vital to water quality, air quality, and animal habitat. This is not a standard urban area. Much of the area is ETJ.

Mayor Foxx said thank you very much, and I want to reiterate a point that you made. Alberto Gonzalez has done a lot of great work in our Planning Department. I know he was going to do the presentation. I hope he is okay.

Ms. Powell said it's really hard to do public speaking. It's so nerve-racking, and it shouldn't be because you guys all look so nice. It's just hard.

Mayor Foxx said it is, but he is a good man. He is doing good work.

Ms. Powell said and he's a great listener. He listened to some people there that were rude.

Mayor Foxx said we appreciate your enthusiasm very much.

Councilmember Turner said, Ms. Powell, is it possible that you could make sure we get a copy of that literature you have there?

Ms. Powell said I would love to send it to you because I didn't get to finish.

Councilmember Turner said we would love to have it.

Ms. Powell said I'll send it to you.

[Motion was made by Councilmember Howard, seconded by Councilmember Cannon, and]
[carried unanimously to close the public hearing.]

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ITEM NO. 17A: ETHICS AND HARASSMENT POLICY

Mayor Foxx said this is an item in response to the development of an ad hoc ethics policy review committee that was chaired by our Mayor Pro Tem Susan Burgess, who is not here tonight. Susan, if you are watching at home, hi, we are continuing to keep you in our thoughts and prayers, and we will have Mr. Howard kind of walk us through what the ad hoc committee has done. This is a committee that I appointed some time ago to take a look at crafting a policy around ethics including sexual harassment.

Councilmember Howard said like you said you appointed this committee. This committee met twice over the last several weeks. Just to thank the committee on behalf of Mayor Pro Tem Burgess, it was myself as well as Councilmember Cannon and Councilmember Cooksey. We had two main focus areas, and that was to deal with the ethics policy that is required by the State for us to have adopted by the end of the year, and then with the harassment policy that it would cover both Council as well as our boards and commissions. I will tell you I would like to share with the public that we had long, honest, and very detailed dialogue. We received support from our City Attorney's Office, and thank you, Mac. If the committee has anything to add before I turn this presentation over to Bob, I will pause now for either one of you guys to do that. If not, I'll turn it over to Bob Hagemann, who is going to take us through the process and what we are recommending to the Council tonight.

Bob Hagemann, Senior Deputy City Attorney, said as Mr. Howard just briefly overviewed the committee met twice, and I'm going to walk you through a little bit more detail of what they looked at during that process and they come forward today with the recommendation that you take three actions: 1) the adoption of a new code of ethics; 2) the adoption of a harassment policy that would apply not only to the Mayor and City Council but also members of all your City boards and commissions, and, finally, a technical cleanup, which is to repeal an ordinance that repeals the old code of ethics that the committee also reviewed.

It was mentioned that there was a relatively new state law. The legislature passed the requirement last year that as far as all cities and counties in North Carolina adopt a code of ethics that is compliant with the law by the end of this calendar year. One of the charges from the Mayor was for the committee to review the current code of ethics and determine whether or not it is in compliance with the new state law, and I can tell you that it is not in compliance with the new state law. We reviewed for the committee the legal requirements.

In addition, the University of North Carolina School of Government recently issued a model ethics code that is compliant with the new state law, and we spent quite some time going through the model particularly at our first meeting, walking the committee through both the philosophical approach and the details of the model code. We also looked very carefully at the current code and finally reviewed the Manager's harassment policy that currently applies to City employees but is not applicable to the Mayor or City Council. At that first meeting at the end of the first meeting, the committee charged staff with developing a proposed of ethics based on the School of Government's code adapted to fit Charlotte and second to adapt the Manager's harassment policy into a document that could be applicable to the Mayor and City Council.

We did that, and came back last Wednesday and went through those in great detail. I think it was about an almost two and a half hour meeting with a lot of dialogue. At the end, the committee did recommend essentially the model code that was prepared by the School of Government and tailor a little bit, a couple of tweaks here and there, to fit Charlotte. The biggest example I can give you is that the model code has numerous references to quasi-judicial

proceedings before the Council, and, as you know in Charlotte, the City Council does not sit in that capacity, so we removed all of those references to quasi-judicial. The committee also asked that we take out three other non-legally required pieces that they didn't really think were appropriate, and we, as staff, agreed as part of a code of ethics.

Turning to the harassment policy, the adaptation that was made left intact all of the definitions and the substantive provisions of the Manager's policy. The proposal before you mirrors exactly the Manager's policy, and we think that's a good idea because the employees, who are all protected by these policies, would be protected against exactly the same kind of conduct using what is set out in the harassment policy. I also will mention that the harassment policy is not limited to sexual harassment. It protects harassment on a whole host of different characteristics. Basically it's the Title 7 list that is out there that protects the employees.

Most significantly, I believe, the proposal does include a section dealing with complaints, investigations, and sanctions. The way the proposal was structured any time an employee comes forward with a complaint and they have plenty of avenues to bring complaints – their superior, immediate superior, the department head, the City Manager, the City Attorney, Human Resources. Any time someone comes forward with a complaint, whoever receives the complaint is required by the policy to immediately notify the City Manager. The City Manager, in turn, is obligated to immediately notify the Mayor or if the complaint is against the Mayor, the Mayor Pro Tem. So what we have done is to ensure that immediately upon receiving a complaint the City's chief administrative official and chief elected official have knowledge of that complaint, and they then work in tandem to process the complaint.

Complaints can fall into one of two categories – informal or formal – and the employee who is lodging the complaint has a say as to how they want the complaint handled, but ultimately the Mayor and the Manager can decide if they believe the situation is serious enough they can handle it as a formal complaint even if the employee would prefer it not be handled as a formal complaint. If it's handled informally, the proposed policy would authorize the Mayor and Manager to approach the individual whose conduct is complained of and have a conversation and see if as a result of that conversation conduct can be modified or adapted or changed to hopefully preclude any incident in the future. The policy does allow but not require a reporting back of that conversation back to the employee, and, again, what we believe that the Mayor and Manager would take in deciding how to process this is the balance between the legitimate privacy and confidentiality for the employee with the right of the individual whose conduct is complained about to have knowledge of the complaint and the basis for the complaint.

If the complaint is handled as a formal complaint, the policy provides flexibility but requires the Manager and the Mayor to develop an investigative process taking into consideration a whole host of factors, and they are listed out in your agenda item. They are the nature of the complaint, the City's potential legal exposure, the need to protect the identity and confidentiality of the complaining employee, the right of the person against whom the complaint was made to have notice and be treated fairly, the extent to which City employees should be involved in the investigation, and whether there have been multiple complaints for a pattern of behavior. Based on a review of those criteria and in consideration of what will inevitably be the unique facts and situation before them, the Manager and the Mayor then craft an investigative process and do whatever interviews and investigation are necessary to bring the investigation to a conclusion.

Finally, in the sanctions section, it gives the Council the full authority provided by law. Specifically it calls out the power to censure, the resolution of censure, or members of your boards and commissions who you appoint, it also explicitly puts in the authority to remove and then a general catch-all "all other lawful authority provided by law". There was some conversation about whether we should attempt to identify and list all those, and I think the thinking at the end of the committee was your powers may change over time, the legislature may grant or take away authority, case law may develop that changes your authority, so rather than attempt to list everything when we are faced with the situation we would do an assessment of what authority you have at that time and provide to you the full menu of options in terms of sanctions. And I will stop there.

Mayor Foxx said got this material over the weekend. Is there further discussion on this?

Councilmember Carter said on page 3 under investigations, which you just cited, Mr. Hagemann, and thank you for this work. It's a very good explanation in the write-up. Section A under 2, the final phrase says, "Jointly develop a process for investigating the complaint." I had hoped that we would have a process defined for us. That was one of the things that I was looking for as we work through this. I understand the parameters, the definitions, the prognostications, but I was hoping for a process as well. Is there an example of a process in another area that could be recommended to us, and, if so, why was that not included in our write-up?

Mr. Hagemann said I certainly don't want to speak for any of the committee members. They are free to articulate their thinking and recommending this to you. From the staff's perspective, we were real concerned that providing you too tight a roadmap, too rigid a straightjacket would put us in a situation where some situation comes before us that we hadn't anticipated, and the predetermined process, as I said, straightjackets the City, the staff, and the Council in a way that really doesn't make sense for that situation. So staff's thinking in proposing this approach was to provide, as I said before, a list of criteria to be used by the Manager and the Mayor to craft a tailored investigative approach to meet the needs of the situation that is before them at that point in time. Certainly could we have taken a different approach – yes – but at least at the staff level and obviously the committee recommended it, and they had some discussion about this, we felt it was better to provide flexibility with criteria to guide the crafting of an investigative process.

Councilmember Howard said he is right, Councilmember Carter, we did talk about that, and we all felt the same way until it was kind of explained to us that – well, I'll tell you what I said about it. I wanted to know given the Manager saying before that he didn't feel he had the latitude to help with situations dealing with us. He expressed to me, and it helped me understand that now we have a policy and it says what we should do he would feel comfortable then working with the Mayor or the Mayor Pro Tem to do this now. There are prescribed things that they can do to handle this. That helped me a lot because it says the policy will help them feel comfortable with taking the lead on this.

Councilmember Cooksey said I was just checking. Have we got this moved yet?

Mayor Foxx said no.

Councilmember Cooksey said on behalf of the committee let's get this moved for adoption.

[Motion was made by Councilmember Cooksey and seconded by Councilmember Kinsey to]
[approve the Mayor's *Ad Hoc* Ethics Policy Review Committee's recommendations that the]
[Council: A) Adopt a Code of Ethics for the Mayor and City Council of the City of Charlotte,]
[North Carolina; B) Adopt a Harassment Policy for the Mayor, City Council, and Members]
[of City Boards and Commissions; and C) Adopt an Ordinance repealing City Code Chapter]
[2, Article III-Code of Ethics for City Officials.]

Councilmember Dulin said when you said censure or removal were you talking about boards and commissions?

Mr. Hagemann said talking about boards and commissions.

Councilmember Cannon said say again, sorry.

Councilmember Dulin said this language says that Council –

Mr. Hagemann said if you look at the sanction there's an A and a B. The B applies to sanctions of the Mayor or City Council; B to members of boards and commissions, and the removal language is in the board and commissions section.

Councilmember Dulin said for boards and commissions only under sanctions.

Councilmember Cannon said there was a motion in the committee that got a 2-2 vote, and it was a motion to recommend that the City Council refer the issue of asking the General Assembly to give the Council clear authority to remove a governing official for a violation of the harassment policy. Again, that was a 2-2 vote. The way it works, as I understand it now, the General

Assembly already has the authority to be able to remove a member of a governing board in the event that something like this transpires, and as a matter of record, they have done so in the past, as I understand it. In addition to that, they have also done the same with a member of the General Assembly. It came out in committee when asked of the attorney how we might move something like this forward. The idea and/or the resolution would be that if an incident occurred that he suggested that we just wait until the next election to occur and let the people decide.

Now, I would hate to think that – and heaven forbid – it would be someone's daughter, someone's son, someone's wife, someone's husband that has to wait through an election process for the people to decide on an issue that may be very much in question. Obviously there are some things that are light, but then there are some other things that could be considered to be heavy. Not to even make the ask to the General Assembly to have the authority to be able to enact such an action, if this body so desired, I think is sending the wrong signal. Beyond that, I really feel the General Assembly would not know intimately what is going on here in the City of Charlotte, Winston-Salem, or Greensboro or High Point or Fayetteville – you name the municipality – to be able to understand fully all that is going on. But the community would understand that, the governing officials would understand that, and could very well move on that. So I thought it was a little bit out of order for the attorney to be, in my opinion, overstepping his boundary. We are good friends and have known each other for a very long time, but I think this is really teetering, and in my opinion, almost scary to some extent. But either way, it shook out to be 2-2.

My only concern about what is being produced today is the idea that we could be sending the wrong signal in a way that someone could couch as being soft on issues like this as they come before a future body – not so much this body but a future body and planning for the future. In my opinion, we ought to be doing it the right way, which in my opinion means that level of being able to enact the level of punishment can rest with this Council and for us not to ask the General Assembly for that, even if they deny us, I think is out of order.

Councilmember Howard said this will show the Council how much dialogue we had on this conversation. I want to be fair to the city attorney, if I could, Councilmember Cannon, there was a lot more conversation about that. As a matter of fact, I would like for Bob to explain to us what you told us about where there is an antiquated common law that says there is an "amotion" spelled with an "A" that you actually believe we, as Council, that very authority but it could be challenged in court, and that led us to the conversation about going to the General Assembly, and there was a lot of conversation that led to that. I feel it only fair now that if you guys will take just a few minutes to explain that part as well so we'll know what the conversation was fully about. By the way, I was the second vote with Councilmember Cannon to necessarily see it that way, but the way he just explained it, but just so everybody knows the full conversation.

Mr. Hagemann said included in your materials that went out on Friday is a memo from the City Attorney and myself to you, and we walk through the different types of sanction authority and who possesses the authority, and as Councilmember Howard just mentioned there is a legal doctrine called amotion – A-M-O-T-I-O-N. It is what we characterize as an archaic legal doctrine, and it stands for the proposition that a corporate body inherently has the power to remove one of its members for cause. There is case law in North Carolina, but it's pretty old. In fact, based on our research, it's been over 100 years since the last time this tool was attempted to be used and considered by our courts. While legal scholars may differ on its continued viability, what we have suggested and had suggested is that if the City Council were to take on itself an attempt to remove one of its members using the power of amotion that we predicted that unless the individual was willing to just take it and step down then in all likelihood a legal challenge would result, and we would not be terribly confident of our ability to successfully defend an attack on the use of amotion.

Included in the memo again, and this has been alluded to, is the other sources of authority for removing an elected official, clearly the legislature has the authority to grant you clear statutory authority. They have not done that. The legislature has the authority as the sovereign over local governments to remove an elected official or for that matter abolish an entire City Council, and just to kind of complete the analysis because questions were asked by the committee the legislature does through the State Constitution have power over its members and can remove a member.

The last thing I'll mention that we touched upon in the memo is there is also an automatic vacation of office if a local elected official loses all of the necessary requirements to hold the office, and the two key provisions are for you you need to be eligible to vote for the office that you hold, which means all of you have to continue to be a resident of Charlotte. If the local official moved out of Charlotte, they would forfeit the office, and for district reps, they have to maintain residency within a district. Finally, if an elected official is convicted of certain types of felonies that also is automatically disqualifying, and I will invite the city attorney to weigh in with any additional comments he might have.

Mr. McCarley said I agree with Mr. Hagemann.

Councilmember Cannon said I will simply make this statement, and I'll be done with this. If we think that those that are part of a city structure will not come forward now, they certainly will not do so in the future knowing there will not be an opportunity for them to properly have a person dismissed for any level of conduct that is unbecoming. With that said, I would like to add a "D". I would like to make a substitute motion, if I might, Mr. Mayor, and add to the A, B, and C that would state that the City Council will ask the General Assembly to give the City Council clear authority to remove an elected official for a violation of harassment.

Councilmember Howard said for matter of discussion I will second that.

[Substitute motion was made by Councilmember Cannon and seconded by Councilmember]
[Howard to add Item D to the motion language that states the City Council will ask the General]
[Assembly to give the City Council clear authority to remove an elected official for a violation]
[of harassment.]

Councilmember Howard said I ask that we divide the question, too.

Mr. McCarley said point of order, Mayor. I would suggest that rather than view that as a substitute that's an amendment that simply adds one matter.

Councilmember Cannon said amended to what?

Councilmember Howard said the other motion that was already on.

Councilmember Cannon said very well.

Councilmember Cooksey said in that case I would like to offer a substitute to that amendment that the Item D be a referral to the Government Affairs Committee to evaluate any sort of request for authority from the General Assembly for removal of a member.

[Motion was made by Councilmember Cooksey and seconded by Councilmember Dulin to]
[add Item D to be a referral to the Government Affairs Committee to evaluate any sort of]
[request for authority from the General Assembly for removal of a member.]

Councilmember Barnes said I can appreciate the amendment and the substitute. My sense is that if this body wasn't willing to take the action that it could have taken on the most recent issue that the General Assembly will not greet this with anything other than a snicker, so I will vote against both the amendment or vote against the substitute.

Councilmember Cannon said I was going to say I can appreciate that, but it seems to me that we shouldn't draw any conclusions and/or make any assumptions on a matter as such, and that's all I will say about that. We shouldn't draw any conclusions and make any assumptions. We should put the question before them, I think, Council men, and if they decide they do not want to support it, that's fine, but at least we would have made the request. With that then I hope you would reconsider.

Councilmember Barnes said just briefly. Mr. Cannon, I do appreciate the spirit of what you are saying. My concern is continuing to drag out the work of the Council on the issue. I'm not confident that even if we were to take it to Raleigh in good faith that we get anything at all out of

it, certainly not in the short session – perhaps next year. I'm not confident that it's a good use of staff resources and our time, and that's why I'm not going to support it.

Councilmember Cannon said I understand, but speaking of timing though it may be to Mr. Cooksey's point in terms of why he may have made that motion because understanding, I'm thinking, they are within that short session, and it could be the later part of some other future date when that comes about. That is probably absolutely wrong, Warren, but either way I thought I would say it.

Councilmember Cooksey said the motion is what it is.

Councilmember Cannon said that's it. I'll yield, and we'll go ahead and vote.

Mayor Foxx said any further comments on this? I'm just going to say a couple of things about this, and it starts with a question, and it's a question not just for now but some point in the future. Can a political body make nonpolitical decisions? It's a hugely important question on this. Charlotte has been around for more than 200 years, and as far as I know, we have come as close in the last two weeks to censuring a member of our body as any group has. Once in every 200 years isn't a bad record. I hope we never find a City Council that has to deal with the same subject matter ever, but what happens in this situation is exactly where a future Council will land, which is having to make a decision which is in any other context a human resources type of decision but making it in a political context. But frankly if I had to weigh in on this issue, I think Mr. Barnes is right. I think that if you find yourself in a situation where it's making even a censure vote is too hard, making a vote to remove a member of your body is even harder, and under what circumstances short of a smoking gun are you going to do that or is a future board going to do that.

I am also concerned about the chilling effect of all of this, whether there will ever be another complaint even if there are circumstances that merit a complaint. But at the end of the day, we are talking now about future situations and not the last situation, and this policy has to be crafted in such a way that gives guidance. I do want to commend the committee for the work you have done because there was no roadmap in this situation, and after today hopefully there will be a roadmap and a set of guidance that everyone understands at the outset that governs the way these situations are dealt with in the future, which is what we did not have. So, I think on balance what the committee has prepared and what has been recommended to us in the packet is a good start. If there are future situations in which there is an interest in pursuing some other things at the General Assembly level, I can almost assure you that a short session is not the time to bring up a new proposal because it would require, pardon the expression – an act of Congress – to get something through the General Assembly during the short session. So, further discussion about that I think is fine, if you wish to do it, but I don't think you are going to get anything through the General Assembly.

Councilmember Cooksey said since we find ourselves in one of those wonderful parliamentary situations where we have a main motion, an amendment, and a substitute to the amendment, I thought I would offer a suggestion on how individual Council members could approach the vote, at least what I'm thinking I will. If one is in favor or pursuing the option to seek the authority to remove a Council member, I think the best approach is to vote for the substitute I offered to send it to Government Affairs to analyze because one of the cans of worms the request opens up is – that's where we get into Councilmember Carter's issue about process and procedure because I would like to remind Council our current ethical code contains provisions about quasi-judicial hearings, making sure the accused has counsel and there are witnesses and sworn in, so if we are talking about a step that would remove a Council member, we should be deliberate about how we ask for that, so I would suggest that if that is the avenue a Council member wishes to go voting for the substitute to the amendment is the best approach for it because that will allow the committee to formulate exactly what the ask is and has been said it is not going to happen this time, but we will still be serving when the long session hits next year, so it would still be a valid thing for the committee to consider. If, however, Council members around this dais do not have any interest in pursuing that then that is the position that Councilmember Barnes has eloquently put forward as the way to vote, which would be no on the substitute and no on the proposed amendment. Thank you, Mayor. I just wanted to offer that as way of looking at the three votes we now face.

Mayor Foxx said I wanted to say a couple of other things. I figured you wanted to weigh in on something on the procedure. Two other things I will be strongly encouraging as a result of this. One is that in addition to adopting the policy that we really enhance the Council member orientation process and have a component of it that deals with this ethics policy in a more substantial than we have done in the past. In addition to that, I have made this suggestion to the City Manager, and I have also talked to Councilmember Kinsey about this. There used to be a committee called Council-Manager Relations Committee, and I don't think this committee would necessarily need to meet except as needed, but there may be occasions from time to time when the City Manager does need to bring matters to the attention of the Council that don't usually fall into one of the committee's jurisdictions or it might not be something that falls into a category that exists. It may be another gap in other words. What I'm going to suggest is that we constitute the ad hoc committee, if all the members are willing to be part of this, and ask Councilmember Kinsey if she would chair it, and that will be a resource to the City Manager in the future should we need to be able to interface on something where there isn't policy guidance and there is an urgent matter that comes to the Council's agenda. Those are things I think we need to do in addition. What I would suggest on this, if it's okay with the makers of the substitute and the amendment, that we consider the item regarding the referral to Government Affairs or the "D" portion that you had it in isolation that we have a full vote at the end on A, B, and C. So we are voting now on referring the issue of taking an item on removing Council members to the General Assembly to Government Affairs. If that fails, we will pick up Item D, which would be to simply say we are going to send it to the General Assembly for consideration.

Councilmember Cannon said can we reverse the order?

Mayor Foxx said you want A, B, and C first?

Councilmember Cannon said no.

Mayor Foxx said all in favor of the substitute to refer the issue to Government Affairs, please raise your hands by saying aye.

Councilmember Dulin said I'm confused. The substitute to send D to Government Affairs was Councilmember Cooksey's.

Mayor Foxx said yes.

Councilmember Dulin said in the order we are going to vote on that, and then what are we going to vote on?

Mayor Foxx said Mr. Cooksey's motion. If that fails, then we would take up Mr. Cannon's D, which is – the difference is that Mr. Cooksey is asking for a referral to Government Affairs on the item. Mr. Cannon is saying let's just go to the General Assembly and ask them to promulgate legislation on removing a Council member.

Let's go again on the substitute. Please raise your hand in favor of that.

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

AYES: Councilmembers Burgess, Cannon, Howard

Mayor Foxx said I see two.

Councilmember Cannon said did Mr. Cooksey make the motion?

Mayor Foxx said, yes, he did.

Councilmember Cannon said made a motion and not voting for it.

Councilmember Carter said and Ms. Burgess.

Mayor Foxx said there are three in favor of that. Okay, we are back to Mr. Cannon's suggestion. All in favor of that, please raise your hand.

The vote was taken on Councilmember Cannon's motion to go to the General Assembly and recorded as follows:

AYES: Councilmembers Burgess, Cannon

Councilmember Cannon said I'm good at being the Lone Ranger. That's fine with me.

Mayor Foxx said you have got two. All right, now all in favor of A, B, and C please raise your hand.

The vote was taken on the motion for A, B, and C and recorded as unanimous.

Ordinance No.4424 is recorded in Ordinance Book 56 at Page 618.

ITEM NO. 18: NORTH TRYON AREA PLAN

Councilmember Howard said another area of importance to our city is the North Tryon corridor. As we know, it's a main corridor out of town and into the Center City. From what I understand from Mr. Barnes and from other people that represent the area, the area plan has been talked about for a while and actually now the energy is being put into making it a reality. We have actually already heard it for public hearing, and now tonight we are asking Council to actually approve the area plan.

Councilmember Cooksey said sometimes when we have area coming before us for adoption there is a correction sheet or an addendum. This one doesn't have it, so I have to request that Council and the Planning Department staff and the Clerk and the like that if we turn to page four of the executive summary, third column, second bullet point, please change that in the final print after we adopt this because difficult light rail connections are not a constraint in the North Tryon area. Difficult light rail connections are a constraint in the North Tryon area.

[Motion was made by Councilmember Howard, seconded by Councilmember Mitchell, and]
[carried unanimously to approve the Transportation & Planning Committee recommendation]
[to adopt the North Tryon Area Plan Volume I: The Concept Plan and receive Volume II:]
[The Implementation Plan as information.]

ITEM NO. 19: FY2011 TRANSIT OPERATION BUDGET AND FY2011-2015 TRANSIT CAPITAL INVESTMENT PLAN

[Motion was made by Councilmember Cannon, seconded by Councilmember Mitchell, and]
[carried unanimously to recuse Mayor Foxx on Item C1.]

Mayor Foxx said on the remaining items we have the CATS MTC approved budget.

[Motion was made by Councilmember Howard, seconded by Councilmember Cannon, and]
[carried unanimously to approve A) \$101.9 million FY2011 Transit Operating Program,]
[which was approved by the Metropolitan Transit Commission on April 27, 2010, and B)]
[\$68.9 million FY2011-2015 Transit Debt Cost Program, which was approved by the]
[Metropolitan Transit Commission on April 27, 2010.]

[Motion was made by Councilmember Howard and seconded by Councilmember Kinsey to]
[approve Item C1) Replacement and expansion buses and other revenue generating vehicles.]

Councilmember Mitchell said FY2011 Transit Operating highlights include sales tax projected to increase 3% higher and yet we say fare increase of 25%. If ridership is increasing by 3%, is it a correlation with the fare increase or can you explain that. It's kind of misleading when the first bullet point says the revenue is going to increase 3% and the second bullet point is saying we are going to increase the fare by 25%.

Dee Pereira, Charlotte Area Transit System, said the fare increase is in line with the MTC policy where they are authorized to increase the fares every two years, and the last increase was two years ago, the first of July we will be doing the next normal fare increase.

Councilmember Mitchell said thank you, Dee, you are correct. That's part of MTC and the local agreement.

Ms. Pereira said as part of the MTC fare policies and financial policies.

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

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously to approve the \$314.5 million FY2011-2015 Transit Capital Investment]
[Plan which was approved by the Metropolitan Transit Commission on April 27, 2010, which]
[includes: C2) Construction and/or rehabilitation of transit facilities and amenities; C3) Rail]
[equipment; C4) Safety and security equipment; C5) Technology purchases; and C6) Advance-]
[ment of 2030 Corridor System Plan.]

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ITEM NO. 20: ADDITIONAL APPOINTMENT TO THE DOMESTIC VIOLENCE ADVISORY BOARD

Councilmember Cannon said the Community Safety, which consists of Vice Chair Patsy Kinsey, Councilmember Ed Peacock, Councilmember Andy Dulin, and Councilmember and Mayor Pro Tem Susan Burgess, met on April 15th. This was in large due to a Dinner Meeting presentation that was conducted on March 8th where we heard a presentation from the Domestic Violence Advisory Board. It was at that Dinner Meeting where it was suggested and/or recommended that the City Council appoint an additional member. The DVAB currently consists of 11 seats, six that are appointed by Mecklenburg County and two that are appointed by the Mayor and three appointed by City Council, so in addition to the City Council appointed seat, this would create parity on the board thus giving six appointments to the Mayor and City Council, and, of course, there would be six from the County government. So the action here is to approve the Community Safety Committee recommendation to add one City Council appointed seat to the Mecklenburg County Domestic Violence Advisory Board.

[Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and]
[carried unanimously to approve the Community Safety Committee recommendation to add]
[one City Council appointed seat to the Mecklenburg County Domestic Violence Advisory]
[Board.]

* * * * *

ITEM NO. 21: NEW MARKETS TAX CREDITS

Mayor Foxx said we had a presentation on this during our dinner discussion.

[Motion was made by Councilmember Peacock, seconded by Councilmember Barnes, and]
[carried unanimously to approve the Economic Development Committee recommendations]
[to: 1) Establish the City as lead partner in Charlotte Community Improvement, LLC; 2)]
[Approve the three City-appointed board members for a one-year term; and, 3) Support the]
[Charlotte Community Improvement, LLC application to the US Treasury for an allocation]
[of New Markets Tax Credits.]

Councilmember Mitchell said, if I can, let me just say a 30-second editorial. One is to thank the City staff, Pat Mumford. This was a new initiative. I think in our Retreat we were talking about being creative and thinking out of the box, and let me thank Michael Smith with Center City Partners. Michael, I think, has been working on this for almost four years, so great collaboration. To the viewers, I think this is the type of initiative to set our City separate. A very competitive process, but I think we have a great board, and I look for Michael and Pat to work their magic, and in 2011 maybe we'll have our first new market tax credit in the City of Charlotte, so thank you, Pat, for your leadership and Michael Smith.

Councilmember Carter said I thoroughly agree and think this initiative will move us forward, but I requested at the dinner meeting that we have representatives of the areas where projects are being proposed to be able to speak and participate in this decision making.

Councilmember Dulin said I didn't hear what you said.

Councilmember Carter said it's asking that advisors come from the areas where the projects are proposed as they are presented to this board so they can advocate for those projects.

Mayor Foxx said that's taken under advisement by the group, and, of course, if we get the tax credits, we can have a lot more fruitful conversation about that, but for present purposes we are making an application and hopefully we'll get the tax credits and be able to take that conversation.

Councilmember Barnes said I recently had a not so pleasant experience with things being taken under advisement in court, so I want to say that I support what Councilmember Carter is suggesting and hope that if we are successful in getting the tax credits that we are able to involve leaders from the communities that will benefit in the effort, so thank you for that suggestion.

Mayor Foxx said I think it's a good suggestion.

* * * * *

ITEM NO. 22: HOUSING LOCATIONAL POLICY REVIEW

Mayor Foxx said there's a lot on the agenda tonight that's really big, and I think this is one of those things, so, Mr. Mitchell, you are the chair of the Housing and Neighborhood Development Committee. Can you give us an introduction here?

Councilmember Mitchell said to all the millions of citizens that are still watching us at 10:15 let me talk about an important issue – the Housing Locational Policy Review. Let me thank my committee: Vice Chair Warren Turner, Mr. Cooksey, Mr. Barnes, and Mr. Cannon, and for your work as well City staff. We have been working a very aggressive schedule to relate to the Housing Locational Policy because clearly we see time and time again this is a citywide issue to be citywide participation. Let me share what's before us to the viewers. Great work. Started in 2001. Then we had a tremendous housing forum in 2007.

We believe now if you combine those two great documents we are ready to move forward on our housing locational policy. We believe it should be public input, so the recommendation we are going to make to the City Council is to on June 2nd the HAND Committee will review the two stated documents. We will prepare one document and then be prepared to take that to the public to get input on the policy, to educate on that policy, and to continue to give this Council feedback. I think the more developments we have in our community and the more developments that we have that calls attention to our community does not sit well or does not look favorably on our city. Two particular cases come to my mind. One was the rezoning issue in Ballantyne and the other issue is Ayrley Place.

As citizens in the northwest and east would say, we have our share of affordable housing. You have citizens in Districts 6 and 7, Ballantyne and Providence, saying we want to give you input on where we think the affordable housing should go. I think this City Council believes that

affordable housing is very crucial. We heard it earlier today from citizens talking about the homelessness. Ladies and gentlemen, if we don't address the locational policy, we are going to continue instead of working together on important issues, we will continue to divide ourselves. That is not what this City Council is charged to do, and we ask for your input as we get aggressive this summer.

In July and August, we propose several public forums to come out into the community and give citizens the opportunity to participate, to talk, to have dialogue, and more importantly to educate you on a housing locational policy. I must thank my HAND Committee because originally staff came before us with a policy that would create a stakeholder committee and this process probably would have concluded around the time of December of 2010. The HAND Committee believed it's important that enough work is done already, and it's time to really engage the public, therefore, we felt like a more aggressive, a more education process with public input would best serve this community. With that Mayor, let me thank you personally, too, for your leadership. You clearly wanted location to be a top priority for this Council. You have stated over and over again that we must take the leadership on this issue and make sure our citizens realize that it's important, but we need to hear from everyone. With that, Council, let me thank the committee, but let's please ask for your approval and your support of the HAND Committee on the locational review process and schedule.

[Motion was made by Councilmember Mitchell and seconded by Councilmember Kinsey to]
[approve the Housing & Neighborhood Development Committee's recommended Housing]
[Locational Policy review process and schedule.]

Councilmember Peacock said one question for Mr. Chairman on this. It looks as if you all have chosen a different process on this. Typically we might see something like this work through committee and then we have a Dinner Meeting and then we bring it here. You all are bringing it here, and then we are going to have two public hearings, you are saying, July through August.

Councilmember Mitchell said public forums in the community – community based public forums, Mr. Peacock. Our goal would be to conduct four or five public forums throughout the city and allow citizens to give us feedback.

Councilmember Peacock said so the committee members are going to continue to do their work from that standpoint? All the committee members are going to go to these meetings to do those? I'm asking.

Councilmember Mitchell said it's not required attendance for the committee members, but staff is going to schedule citywide public forum meetings to be conducted.

Councilmember Peacock said I commend you on this very public process, and I think it's wonderful. We had so many people that were here tonight, and I almost wish we would have moved this issue up so they can hear the real meat of what's going on in this discussion because Item 23 and the Ten-Year Plan to End Homelessness, Mr. Mumford's presentation at the Dinner Meeting there before, where the real crux of this discussion goes on so few people hear it. So I commend you for wanting to go down this path of using the public forums. My only word of caution there is it's in July and August.

Councilmember Mitchell said we were very sensitive. We realize those were vacation months, kids were out of school, but we think having enough public forums gives everybody the opportunity to participate at least one public forum. I think Councilmember Cannon made sure his point was that they be selected throughout the entire city, so we don't just don't concentrate in having citizens come to 267 but we'll go to Providence, Ballantyne, West Boulevard, the east side. I don't want to put Pat Mumford on the spot and say how many we will have, but at a minimum we hope to engage the citizens at a minimum of four, Pat? Can I get four?

Councilmember Peacock said, Councilmember Mitchell, one suggestion I was going to recommend to you obviously people care about these types of things only when it affects them, but I'm not saying that Councilmember Cooksey wants a repeat of the Ballantyne, but I really feel like you need to go where the bed is really hot, and it couldn't hurt to obviously maybe include some of these other hotly contested rezonings we have had where people just really don't

fully understand the complexity of housing and neighborhood development. The Mayor's meeting that he held earlier this year where he brought together a lot of different people that have probably not been in the same room in some time. There has been a lot of momentum around this subject. Requesting \$30 million for a bond is just one part of that, and I wish that I could say conclusively that if we did what that audience wanted us to do tonight we would have this taken care of, but you know and I know, and I think our Council knows, that is not how it works. I want to see you succeed in this, and I just hope you keep reminding us about it, and I will do my best to see if maybe I can attend one of these, and we'll let the Council do the job on trying to fill it up.

Councilmember Cooksey said just want to agree with Councilmember Peacock on that point. What particularly sold me about this I think we can't say it's not a very aggressive schedule -- if we had a nickel for every time that came up -- was the public forum idea. In fact, we had some back and forth about whether or not we even had the time for the stakeholder group, but the stakeholder proposal originally was that it would include 12 members -- one appointed by each Council member -- which I thought was going to be a great opportunity for a broad representation of folks on the stakeholder group. This is even broader.

To the point about the infamous rezoning referred to, one of the great challenges of that whole process was an admittedly compressed amount of time realizing that there were folks who were extremely concerned about what the blue Z near their homes, who suddenly had to get up to speed not simply on zoning practice, which everyone in the neighborhood where the blue Z goes up for the first time has to learn zoning, but they were having to realize that there was a whole history of housing policy to get brought up to speed on as well. So, I think what is so wonderful about this particular structure is that it gives citizens a chance to weigh in in forums out in the community instead of making them come up here as a policy is being drafted, as it is being rewritten perhaps in particular in areas of the city where folks are new or that are still relative to the 200+ year history of this city or new parts of this city.

You can start building a more knowledgeable base of citizenry that at least whether they agree or disagree with the policy know what it is and can point to the day they had the opportunity to show up at a meeting and weigh in on it rather than just be presented with the consequences of a policy adopted nine years ago that when you factor in again particularly the population of south of 485 many weren't even here nine years ago when it was adopted. So I commend this to the Council's consideration of adoption, and I'm looking forward to it.

Mayor Foxx said I do want to commend the committee, and I also want to commend staff. This is a serious undertaking of time and investment, and Pat Mumford and all the folks in Neighborhood and Business Services, I just want to say a big round of thanks for being willing to take this on because it's going to take a lot of time and a lot of energy, but I think this community deserves that kind of input and that kind of work to get us through two policies.

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

ITEM NO. 23: TEN-YEAR IMPLEMENTATION PLAN TO END AND PREVENT HOMELESSNESS

Mayor Foxx said the next item is something that is equally if not perhaps more important in only the sense that it is an actual action step today -- not a process step but an action step -- to make some fairly significant changes to the governance of our housing policies, so, Mr. Mitchell, I would want to applaud you again as well as Pat Mumford and Curt Walton for helping get us to this point.

Councilmember Mitchell said, Mayor, thank you for the opportunity because I think as Councilmember Peacock said earlier you had a meeting in January, and homelessness is a very important issue in our community, and I want to thank this Council. For the first time, we are stepping up and saying that the City of Charlotte is going to be part of ending homelessness in our community. So, with that, I would like to make a motion to approve the Housing and

Neighborhood Development Committee recommended ten-year implantation plan leadership structure.

[Motion was made by Councilmember Mitchell and seconded by Councilmember Turner to]
[approve the Housing & Neighborhood Development Committee's recommended ten-year]
[implementation plan leadership structure.]

Councilmember Mitchell said let me talk about this very briefly, and, once again, Mayor, you are correct. Let me thank Pat Mumford and his staff for their great leadership. Pat, can you come to the podium, I probably have one or two questions for you. Let me start off with the structure. We are going to create a community based committee that we are confident will have the priorities and the right leadership that will address all our housing needs. I think in the past we have relied on the Housing Trust Fund, who have done an excellent job providing rooftops for this community and have shown tremendous trust of spending the citizens' approved bond very wisely. Through Pat's leadership as well as the Lee Institute, I need to say something about our former assistant city manager, Vi Lyles, who was very instrumental in helping us. The Lee Institute was very instrumental in helping us develop this new community based committee, and with that, I would like for Pat Mumford, if he can, to talk about the new board, which we recommended to the City Council.

Pat Mumford, Neighborhood & Business Services, said what is proposed is a 15-member board, and the concept is to look at housing comprehensively in this community. Mr. Mitchell mentioned the Housing Trust Fund. We had a lot of discussion earlier tonight on trust fund dollars. That is but one source of revenue in this community for housing. There are other federal dollars, there are private dollars, and the notion here is to bring everybody collectively to address this issue. There was also a discussion tonight earlier about supportive services and the importance of that in housing, and the idea is to have representation from the County, from the City to be able to bring everybody together. So, it's a 15-member board that is being proposed. Twelve of those members would be appointed by Council and County Commission, nine by the City Council, three by the County Commission, three members are ex-officio, nonvoting members. Three of the nine from Council will be appointed by the Mayor, and the Mayor will appoint the chair. We really appreciate your support of this. We think it's been a long time coming. There was reference of the ten-year plan, and we believe that this will help us initiate that plan.

Councilmember Mitchell said, Council, in the write-up, I just remind all of us that June 14th we need to make board nominations, and we will vote on June 28th. Mayor, I do have one – I hope you will agree that your appointees in those three categories – the nonprofit, faith based, and the corporate and economic development – is okay with you.

Mayor Foxx said, yes, I'm fine with it. In fact, just for those millions who are watching us at this point in the day, Mr. Mumford is correct. We have been doing housing policy in silos. It's a real simple to say it. The City has been putting up rooftops, and we have had some programs that have done some other mostly capital things around it. The County has the soft services, the social services, and they support the same people we are trying to house, and then you have got nonprofits, and you have all kinds of other entities out there that are working in this space. We really haven't had a vehicle to be able to pull those components together.

The ten-year plan to end homelessness called for pulling those components together, and tonight with this Council's vote we will align ourselves to be able to do just that. So that's how significant this is. There are still a lot of work that has to be done. There are still a lot of resources that have to be found. There are still a lot of issues like locational policy that we have got to deal with, but in terms of aligning this community to actually make some serious headway on this challenge tonight is a very significant night.

Councilmember Peacock said, Pat, thanks for your leadership on this. This came before Council, and we voted on it November 12, 2007, and I wanted to point out to the public that our heading on No. 23 just says ten-year implementation plan to end and prevent homelessness, but the action we are taking tonight – two actions that we are taking tonight are making one step closer on a locational policy and the second one is performing leadership. My next question is one you used a lot, which is so what. We just formed a committee. What's next? What do you hope to

accomplish as we keep going forward here because I think it is important that we are putting structure to this, but as the clock ticks, it's now the seven-year plan. Are we restarting the clock here, or are we still staying on the ten-year number? I'm just curious about that because again it was approved, and it sat, sat, sat, and then all of a sudden the momentum came up. I'm just wondering. Are we going to keep having this wave effect here?

Mr. Mumford said the idea is to stop the wave effect. The good news is a lot of work has been done over the past three years to support housing initiatives. It just wasn't done in support of this overall strategy, so despite the lack of effort, we have had some progress. The idea going forward is to understand that progress, understand how we are leveraging funds, understand how we are getting the results we say we need to receive, and then hopefully what we can do is bring back to you from a basis of data why we need to fill gaps, why funding is important, and suggest exactly how we would use future funding to support this broader strategy in the community. I believe this is the foundation to begin getting out of that wave cycle and continue to focus forward on where we need to go in this community.

Councilmember Peacock said one other point on that. I'm only doing this as sort of an open dialogue here with you because I know you have been responding the that meeting that was held in January, and you are pulling together people that have not talked before, people that have been operating in silos, and I just hope we are able to consolidate and move people forward in understanding that this is a very broad issue and I'm just thankful that you and your leadership on the staff side are working hard on this and putting our effort towards it. We want to do everything we can to support you as a board, and I think more importantly, Mr. Mitchell, anything we can do to make those public forums as successful as possible. I continue to say to anyone that asks me what has been the toughest part of serving, and I would say it's been the subject of housing and neighborhood development. There are so many moving parts and so many different agencies. So I just hope we can simplify this and make it better. My final point, Mr. Mayor, we heard from Commissioner Murray, and we heard about his ideas there. Do you see those being integrated into this strategy on that, and if this community catalyst fund comes together, that also being factored in as well, too.

Mr. Mumford said I think what you might see as our approach being used as a model for what he is proposing. We are obviously a little bit out in front of what he has proposed, or it might be the reverse. It might incorporate into what you all are supporting.

Councilmember Cooksey said a couple of things. First of all, it was good to work within committee to come up with a compromise structure on this board. The proposal that was originally before us was very heavily – I generally call community oriented in contrast with the rather business and private sector oriented nature of our current Housing Trust Fund board, and we worked through the differences there, and we added financial, real estate, legal to cover that and then moved the kind of ex-officio folks into true ex-officio capacities here – Neighborhood and Business Services director and so on. I think that was a good compromise that will help this board work a little more effectively going forward. The second and somewhat more technical and typical item is that I do hope that as we publish this chart about the membership going forward and we ask the Sheriff for his appointee that we do spell his title correctly because there is only one “R” in sheriff.

Councilmember Mitchell said just one last comment, Mayor. I need to thank the Housing and Trust Fund board that we currently have and the chairman, Bobby Drakeford, for a great year last year. To the members, we really appreciate your service, and you still have one more responsibility. This committee does not have a name. We are giving the Housing Trust Fund the opportunity to help us develop a name for this new committee, so, Bobby, to your team, thank you for your work and your service.

Mayor Foxx said this has been really good discussion, and I would add, I think, to Councilmember Peacock's point about the waves. I think to some extent some of the burden of taking that wave effect away rests on this dais with at least doing our part tonight. Our part of that is approving this action.

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

ITEM NO. 24: RESOLUTION SUPPORTING THE CONNECT REGIONAL VISION

Councilmember Kinsey said the CONNECT regional vision process was established to proactively to address growth and quality of life, and Centralina and Catawba Regional Council of Governments and the Charlotte Regional Partnership initiated the action. The process is to develop the regional vision including a review of current adopted plans and policies, selection of common themes, and six core values, and development of prioritized action agenda. Broad based public input and comment were part of the one-year process. Six core values and components for the regional vision are: sustainable well managed growth; safe and healthy environment; strong, diverse economy; high quality educational opportunities; enhanced social equity and engagement; increased collaboration among jurisdictions.

Since it's anticipated that a partnership consisting of HUD, USDOT, and the EPA will be announcing a sustainable communities initiative grant very soon with a very short time line to respond, the intent of the competitive grant based on information received to date is to encourage regional and sustainable integrated planning initiatives that connect values closely aligned with those initiatives. Centralina Council of Government would be the grant applicant in partnership with member jurisdictions and area MPOs and RPOs. The grant award could be up to \$5 million. The important thing to know is that this would not cost the City anything. So I am hopeful that you have read the material. There is a resolution included. I hope you will approve it tonight and let us move forward on this regional effort by the two COGs mentioned and also the regional partnership.

[Motion was made by Councilmember Kinsey and seconded by Councilmember Howard to]
[adopt a resolution supporting the CONNECT Regional Vision and Action Agenda.]

Councilmember Howard said I believe Councilmember Cooksey knows this. While on the Planning Commission, they supported the CONNECT effort wholeheartedly. As chair, I supported it and actually sit on one of their cabinets. I actually that CONNECT is a great way to make sure that we continue to talk about how we grow and deal with our roads and deal with growth, so I would ask my colleagues to support this. I think this is just the start of us continuing to think there is a region and grow with the region.

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

The resolution is recorded in Resolution Book 42 at Pages 495-496.

ITEM NO. 24A: PARTICIPATION IN COMMITTEE MEETINGS BY TELEPHONE OR OTHER ELECTRONIC MEANS BY MEMBERS OF CITY COUNCIL

[Motion was made by Councilmember Howard, seconded by Councilmember Carter, and]
[carried unanimously to amend the Rules of Procedure for the Charlotte City Council by]
[adding a new Rule 30 to allow injured or ill members of Council to participate in committee]
[meetings by telephone or other electronic means.]

ITEM NO. 25: 2010 ASSISTANCE TO FIREFIGHTERS GRANT APPLICATION

[Motion was made by Councilmember Carter, seconded by Councilmember Mitchell, and]
[carried unanimously to approve the Fire Department's individual application for grant]
[funding from the U.S. Department of Homeland Security to purchase turnout gear, and]
[approve the Fire Department's joint application with the City of Gastonia Fire Department]
[for grant funding from the U.S. Department of Homeland Security to purchase communi-]
[cations equipment to enhance interoperable communications in Gaston County.]

ITEM NO. 27: CODE ENFORCEMENT DEMOLITION OF CANNON CATHEDRAL

Steve Nett, 133 South Summit Ave., said I know it's been a long night, and it's actually been a long process that brings us here tonight before you to talk about this very important issue asking you to support funding for the demolition of the building and parcel at 200 Wesley Heights Way. It's important as evidenced at this late hour by the number of residents we still have here in attendance on this very issue. This is important because the building in question here actually bookends historic Wesley Heights. I am a board member of Wesley Heights. I have lived there with my wife the last five years, and this parcel bookends our neighborhood. If you have ever been in our neighborhood or attended one of our festivals, something about our community is we are very diverse and very vibrant. We have a number of neighborhood elders, young professionals. We have students from Johnson and Wales and Johnson C. Smith University that live in our neighborhood. We have a growing number of young families and many, many kids in our neighborhood. I think the mommies group is probably one of the most active and engaged groups within our neighborhood. This building, make no question about it, is about safety. We have shown and demonstrated the commitment that we place on safety in our neighborhood by reestablishing our neighborhood watch. We have used our own money to fund off-duty CMPD patrols. We are working closely with Captain Bellamy. This is a safety issue, make no doubt about it. The building in question – from my porch I can see it – is a haven for drug activity, it is a haven for vagrancy, it is a fire hazard, there is rodent infestation. Decay breeds decay, and while we all wish for development, and I know it was maybe three or four years ago that the owners of the property touted development. I think the headlines wrote in the paper, "City leaders rejoice over West End development." You may recall. It didn't come to fruition. While we wish for development, we need safety. The day that this building parcel is demolished our neighborhood is safer. So we are rooting for the owners. We want to see development, but what we need today is safety. It's a mile from Trade and Tryon. It sits along our business corridor. We are asking for the Democratic National Convention. Are you going to be proud to show this to our Democratic National party in seeing this dilapidated building? It's a safety issue. I just ask you to please support our neighbors in the funding of this demolition. I think it will spur development and not spurn it.

Councilmember Carter said if I could ask Mr. Abernethy if there has been a successful attempt to save the sign on to top of this building.

Walter Abernethy, Neighborhood and Business Services, said I have been in touch with Allen Thomas, I believe is the gentleman's name. I actually started back in December when the Housing Appeals Board upheld the order to demolish the building. There have been several conversations. The first part of the conversations dealt with we were giving him as much help as we could give them in terms of scheduling and that kind of things, in terms of getting them plenty of time to make arrangements to get the sign off. The first discussions were that – I think it's Garr Memorial had a contractor, but the contractor was concerned about the liability issues, and I do understand that. The operation as described to me is very dangerous, and frankly also we are not certain what will happen when that sign were to come off the top of the building because of the extreme conditions of the building, but he wanted the City to indemnify him against any unintended consequences, and we were not able to support that.

Now, just recently in the last two or three weeks, I had another conversation with Mr. Thomas, who told me he has another contractor who may be willing to step up and provide some type of insurance coverage that would help them with that issue. So that was the last conversation I had with them, and he kind of had that as a plan in place and was asking me if you approve the demolition tonight how much time they had to get the sign if indeed they decide to move forward with that.

Councilmember Carter said I very much hope we can preserve some of our history. It would be very appropriate to move to the east side where Garr Memorial is based now having originated in that area, and we have another sign that is of interest – the Amity Gardens sign at the WalMart, so the east side is razing its history, and I hope we can preserve it.

Mr. Abernethy said the unique nature of this sign and where it's located and the fact that the roof has collapsed – the roofing system in the Cannon Cathedral is literally gone, and not to say the same with the flooring system, but with the roofing system. We are concerned when the sign comes off what's going to happen to the building because the building is imminently unsafe, so we'll see where we go with the sign.

Councilmember Mitchell said I would like to enter a substitute motion, and I can tell you why. First of all, I totally agree with all the citizens, especially Steve in Wesley Heights, that we need to demolish Cannon Cathedral and move on so we can continue to change that corridor. The motion I would like to make is adopt A and C tonight and then for B put that on June 14th agenda for approval, and, Council, let me tell you why. The property owner has entered a contract with another company at a price of \$195,000 as opposed to what we have here at \$236,000. Secondly, we can delay to June 14th it would give Walter and them very comfortable that the new company can meet all the requirements of demolishing the site. The owner has already submitted his demo permit today, and they have assured me that if we approve it on June 14th they can start the demo on June 15th, so I would like to enter as a substitute motion that we adopt A and C and on June 14th we'll come back and approve Action Item B.

Mayor Foxx said that's a motion in the form of a substitute.

[Substitute motion was made by Councilmember Mitchell and seconded by Councilmember]
[Howard to A) adopt ordinances authorizing the use of In Rem Remedy to demolish and]
[remove the structures at 200-1, 200-2, and 200-4 Wesley Heights Way, Cannon Cathedral;]
[and C) approve the use of Business Corridor Revitalization Strategy funds for the demolition]
[contract; and bring back to Council on June 14th and B) approve a demolition contract with]
[Environmental Holdings Group, LLC in the amount of \$236,000 for demolition of three]
[structures at 200 Wesley Heights Way and a not-to-exceed contingency of \$75,000 for the]
[unknown asbestos removal due to areas identified as unsafe conditions during the inspection.]

Councilmember Barnes said I'm not going to second it. I have a question. Mr. Mitchell, are you suggesting that there is another vendor who will do both the demolition and the asbestos abatement for –

Councilmember Mitchell said \$195,000.

Councilmember Barnes said both the asbestos and demolition for that price?

Councilmember Mitchell said yes. I'm sorry. Excuse me. No. The removal that is \$236,000 they will do it at \$195,000.

Councilmember Barnes said then would they be willing to fund the asbestos removal up to \$75,000?

Councilmember Mitchell said that I do not know. Walter?

Mayor Foxx said, Walter, while you are coming, I also would like to know what the staff's response to this substitute is.

Mr. Abernethy said I found out about this about 4:00 this afternoon that they have a contractor. We would need some time to evaluate that bid. My concern is about the asbestos. I spoke to Mr. Drakeford around 4:00 or 4:30. I can't remember exactly the time about it. The conditions are so imminently dangerous that our asbestos study that we have to do on just about everything now especially in a demolition with this unique nature that's why you see a \$75,000 contingency in there. We really could not get in and take a close enough look or our asbestos people couldn't because it was just unsafe. You cannot get into the building enough to do that. Now, I asked that question this afternoon of Mr. Drakeford did their proposal include that, and it was my understanding that it did not. It only included what they put into the bit. There was no contingency. I guess if they got in and they found what we are anticipating possibly with the conditions in the asbestos there would have to be some type of renegotiation of that particular price.

bvj

This is a really complex demolition. We had a review team. It took weeks to go over the bids to get the right people to do the job. There is no setback here. If you know where the church sits, there is zero setback, and frankly it's a complicated process. It is unconventional construction, and we are convinced that our contractor of choice can do the job and do it safely. That includes everything from air sampling requirements with this to everything else. We have been trying to get to that point with them for quite a while. We started this almost a year ago. The Housing Appeals Board unanimously upheld the demolition in December and asked us to move forward promptly with the demo, so I understand why, but I have some reservations frankly – I really do – and that involves the fact that we spent so much time trying to find a vendor who can do this job and do it correctly. I'm not saying the other guy can't, but we have not had a chance to look at that. We found out about the vendor today.

Councilmember Barnes said, Mayor, if I might continue?

Mayor Foxx said Mac has something he wants to interject in here.

DeWitt McCarley, City Attorney, said the question of whether or not the new vendor is that a private contract between that vendor and the property owner?

Councilmember Mitchell said yes.

Mr. McCarley said not the City contracting.

Councilmember Mitchell said correct.

Councilmember Barnes said the concern I have, Mr. Mitchell, is dealing with removing the asbestos safely and also not knocking the building down because I believe you would have to remove the asbestos before you knock the building down.

Mr. Abernethy said that's correct.

Councilmember Barnes said it might fall down once you start trying to remove the asbestos.

Mr. Abernethy said it's complicated because even the signage issue we talked about earlier could impact that also. I think there is some idea at hand that they may want to still try to salvage that sign rather than knocking the building down, so it's a complicated process. This is about as unique a demolition as I have seen in my years, and that's the way it is.

Councilmember Barnes said I just feel more comfortable with the process that we have before us – A through C – as it's laid out now.

Mayor Foxx said still on the substitute.

Councilmember Howard said I want to explain why I made a second. The difference between 195 and 236 is insignificant in what we are talking about, and if we do it it's putting a lien against the property. That is something I would like to give -- a church that is trying to do good work in the community at least some time to absorb. It's not like one of the smaller houses that we deal with on a normal basis where it's a couple of thousand dollars. We are talking about a significant amount of money, and that's why I'm open to at least having a conversation. I wanted to ask you, Walter, if I could, the 7,500, if \$236,000 that is what they told you they anticipate to do the whole thing.

Mr. Abernethy said, yes, sir.

Councilmember Howard said \$75,000 is what you are reserving in case it goes over that.

Mr. Abernethy said, correct, in case they get in having not been able to do a really comprehensive asbestos survey – if they get in and find the asbestos is more extreme, that's what the \$75,000 contingency is for.

Councilmember Howard said so it's not that plus necessarily.

Mr. Abernethy said, no, it's not necessarily. It's just a contingency. It's a precautionary act on our part to be fair with the contractor understanding how complicated this demolition is.

Councilmember Howard said I just want to let Council know I probably will stay with supporting this motion just to be on the church's side. I have been on a couple of losing ones tonight, so I'll stay here if necessary, but that's my reason for doing that.

Councilmember Cannon said you weren't on the main losing one tonight, but either way. Mr. Mitchell, do we know if the entity is represented here tonight. I'm wondering a little about their level of experience and if they have been engaged in something to this level and/or caliber especially when we are talking about the asbestos. It seems to be a huge undertaking as we are getting this report back. Initially I have been open to the idea, but I don't know really much about the entity. Walter just spoke with him at 4:00 today, so I don't know how much you have been able to gather.

Mr. Abernethy said I really am not familiar with them. Just to give you an idea though. We had five original bidders on the job. We threw three of them out because they didn't have enough experience.

Councilmember Cannon said I would be really interested, Councilmember Mitchell. Do you know the level of experience they may have?

Councilmember Mitchell said, no, I do not.

Councilmember Cannon said I see Mr. Drakeford here tonight. Is the entity represented with him? Mr. Drakeford, do you know enough about the entity that we are having some discussion over sir to be able to tell us, please? Is that all right, Mr. Mayor, if he can come down?

Bobby Drakeford said with me is Joyce Martin with New Bethel Ministries, the successor to the Cannon Cathedral. Before we comment, we would just like to state that we work very well with staff, and staff has been very open and honest with us. We do apologize for this 12th hour request. It's been a long discussion with this particular contractor, and I think what has happened is they see the opportunity materialize, and they submitted a more aggressive bid. The company is CST. They are a national firm. They have, for instance, in seven or eight major cities. I'm not sure how long they have been in Charlotte, but what actually occurred is the church executed a contract with them today. Ms. Martin can speak a lot more about the extended negotiations they have had with this contractor directly, but as Walter has stated, we have had a lot of dialogue with this contractor and Walter. He and Mike Jenkins have been very forthcoming and given us a lot of information. We have sent this contractor –

Councilmember Cannon said, I'm sorry, Mr. Drakeford. I'm trying to keep it aligned with just a question, and I know sometimes we go outside of that, and I know we want to stay within that frame unless you get some other questions, as I understand, Mr. Mayor; is that right? Number one, thank you so much for being here tonight and hanging in here with us. Do we know the level of experience that CST has with regards to taking on a project of this nature with asbestos being involved?

Joyce Martin said thank you for the question. As Mr. Drakeford spoke earlier, they are a national firm, and they do lots of work. They have very major contracts with very large institutions, and we feel very confident that they can do the work. It wasn't the 11th hour for us. We have been working with them since last year, December, when the order was upheld. They were one of our original contractors that we took a look at, and we actually took the specifications outlined by the City and put them in front of all the contractors that we took a second look at. To Bobby's point, they actually saw this opportunity and submitted a more aggressive bid and it was all-inclusive. It is what it is. When they get in there, they are going to complete the work regardless of what they find, which I thought is what the City – that's how I understood the City's specification is everything was going to be included in the submitted price, so I was kind of confused by the \$75,000 contingency.

Councilmember Cannon said let me understand something. You have been working with this entity for over a year.

Ms. Martin said, no, we have been talking with them since December when the order was upheld. We went back.

Councilmember Cannon said, Walter, when did this go out?

Mr. Abernethy said the bid?

Councilmember Cannon said yes.

Mr. Abernethy said it was a month ago, something like that.

Councilmember Cannon said, ma'am, why didn't they participate?

Ms. Martin said, no, no, no. We have been working with the contractor – we have been trying to gather contractors on our own. We didn't wait until now to start looking for contractors, but we used the City's specifications to get through and find a contractor.

Councilmember Cannon said that answers my question. I guess that goes back, Mayor and Council, to this whole issue between the City having a side and the private sector, but I think Walter wanted to comment.

Mr. Abernethy said I hate to extend the evening, but Chief Granger and Captain Bellamy have been very much involved with this, so if I could indulge you for a moment.

Deputy Chief Rich Granger, Charlotte-Mecklenburg Police Department, said thank you for the opportunity to speak tonight, but we would ask that you move forward with the process now. This is something we have been very interested in for many years. We do go by daily and weekly. The fences are cut or broken. The window coverings are pulled back. It's quite a safety risk for everybody especially if it caught on fire. If it catches on fire, there is still that opportunity that somebody may be in there, and we have to decide whether we send people in. I do have to give them credit. They are very responsible to us. They repair the fences and repair the windows as quickly as possible, but it is a daily situation that we are dealing with that we would like to resolve as quickly as possible.

Captain Bruce Bellamy, Charlotte-Mecklenburg Police Department, said I, too, want to echo those sentiments. Being the captain over in that area, I personally have received at least two Emerald complaints through the City from citizens about kids accessing the building, playing around in there. If you have been by that building, there are huge holes in the roof. So, from a safety standpoint, it's a big concern of mine as division captain, and we hear constant complaints of this location being used as an area for illegal activities or for the transient to set up residence. Now, being the division commander, I will also state that I have a serious reservation if there is a need to send an officer in there to make that call just due to safety concerns and the condition of the building. This has been a long process. I have been in Metro Division now about three years, and I know for the building to have been in worse shape even longer than that, so I would ask that we would look to continue to move forward with that.

Councilmember Mitchell said, Walter, if we move forward, when would we start the demo?

Mr. Abernethy said actually the process for this one because of so much preparation and staff time has moved forward quicker than a normal In Rem. There has been so much time and work put into this, we are thinking inside of 30 days we should be ready to go and probably more like ten to 15 days.

Councilmember Mitchell said ten to 15 days from today?

Mr. Abernethy said, yes, sir.

Councilmember Mitchell said so we could start by June 14th?

bvj

Mr. Abernethy said we should be able to execute it within 15 days, yes.

Councilmember Mitchell said, Joyce, if we were to delay this, when could CST start the demo?

Ms. Martin said the permit request is June 11th they would start, and there is some time in there. They are going to work 40 hours a week, and they think it is going to take about 30 days to complete.

Mr. Abernethy said there is a ten-day waiting period. They have to do the same thing. On this type of permit, it is a commercial demolition permit of this nature. There is a ten-day period of waiting associated with executing that permit. That gives the permit folks and the state an opportunity to look at the air contamination issues associated with the demo.

Councilmember Mitchell said I never like to put my colleagues in this type of predicament because we are all on board. We want the building torn down. I think the discussion is here do we have some flexibility from a timeframe to give the church an opportunity on June 14th or do we move forward now, so I just want the viewers very clear it's going to be 11 hands to go up and say demo it. It's just a matter of scheduling. I see some uncomfortable feelings around here, so, Councilmember Turner, I yield to you, but I'm in favor of removing my substitute motion.

Councilmember Turner said a couple of things here. I hear everybody pretty much saying the same thing. I think the issue is that building does need to come down, but there is a cost factor here. Walter, you have someone in place. They are the owners. They say they have someone in place. We are talking about a few days and the difference between who can get the job started. As a legal ramification here that OSHA that also they have to meet those requirements. They have to know how to properly dispose of any asbestos they find in that building, but they have to identify that and know where it is where they have to remove it from. Now, I'm going to give them a vote of confidence this is what they do, and that church has hired them to do that. I think we should allow them to do that. If they got a contract on the table and somebody tells them they are going to do it at a cheaper price than what we are seeing in our proposal today, I think we should give them that opportunity, and that's just my position because the bottom line is this building is coming down. It don't matter to me who takes it down; it's coming down. They think they have someone in place to do it at a cheaper rate, then so be it, and I don't think four days makes a big difference.

Councilmember Kinsey said I support the original motion in the process we have gone through. I know it needs to come down, and I'm a little more comfortable with the process we have gone through, but I think if we don't go through our own process and use the contractor that we have selected do we have any liability? I would say we wouldn't even go forward with A and C. Why would we if we are not using our contractor, and I would think we might have some liability there with that direction. I prefer going with the original motion, and that's what I would support.

Mayor Foxx said not to prolong this any longer than necessary but the issue of liability is one that I think is worth understanding some. For example, if this private contractor is used in this situation and something happens with this demolition given there is so much asbestos in the air and so forth, I would imagine there would be a significant amount of exposure, and what assurance is there that there the ability to recover and to what extent is the public protected if we do it? Is there a difference?

Unidentified Speaker said I would probably defer to the City Attorney on the greater liability issue, but if the owner does contract through a private contract with a demolition contractor the City would not be a party to that. It's still owned by the owner. I think you have voted on In Rems before, and owners have demolished themselves. I don't think the sheer fact that you vote on an In Rem, support an In Rem ordinance creates liability.

Mr. McCarley said I agree.

Mayor Foxx said we have had a lot of discussion about this. I think we are ready to make a decision, and I appreciate all sides of this issue for sure, but let's go ahead and make a decision.

bvj

There is a substitute on the table that would approve Items A and C and bring B back on June 14th, and that is what we are voting on first.

Councilmember Dulin said for clarification does that motion put it back in the hands of the neighborhood association?

Mayor Foxx said, no, it would give –

Councilmember Dulin said it keeps it in the hands of the church.

Mayor Foxx said, right, for another several days.

Mayor Foxx said I'm going to say I really think the staff got this one right, and I think as hard as it is to say by upsetting this we are going to throw things into flux.

Councilmember Howard said out of fairness, Mr. Mayor, if it comes back on the 14th what we are doing is we can make that same vote that night. If they are mobilized already, they can – so you pull the permit the next day, Walter, right? So, he has the ten-day waiting period.

Mr. Abernethy said, yes, sir.

Mayor Foxx said I guess I would argue the point the other way. It seems to me that if we vote to take the action tonight there is still some time for them to prove their case, and staff could go the other way, but we are introducing some uncertainty, and frankly, I think our staff has looked at all of the issues. Anyway, let's go ahead and vote.

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

AYES: Councilmembers Cannon, Carter, Dulin, Howard, Mitchell, Turner

NAYS: Councilmembers Barnes, Cooksey, Kinsey, Peacock

Ordinance No. 4425-X is recorded in Ordinance Book 56 at Page 619.
Ordinance No. 4426-X is recorded in Ordinance Book 56 at Page 620.
Ordinance No. 4427-X is recorded in Ordinance Book 56 at Page 621.

ITEM NO. 28: ONE NC GRANT AND BUSINESS INVESTMENT GRANT FOR CLARIANT CORPORATION

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously to A) approve contracts with the NC Department of Commerce (NCDOC)]
[and Clariant Corporation for a \$55,000 One North Carolina Grant from the State to Clariant,]
[B) adopt Budget Ordinance No. 4428-X appropriating \$55,000 from a One North Carolina]
[Grant to Clariant, and C) approve the City's share of a Business Investment Grant to Clariant]
[for a total estimated amount of \$30,188 over three years (total City/County grant estimated at]
[\$85,396).]

The ordinance is recorded in Ordinance Book 56 at Page 622.

ITEM NO. 29: APPOINTMENTS TO BOARDS AND COMMISSIONS

Civil Service Board – The following nominees were considered for one appointment:

1. James Harrell, nominated by Councilmembers Mitchell and Turner
2. Jason McGrath, nominated by Councilmembers Burgess, Cooksey, Dulin, Peacock

Results of the first ballot were recorded as follows:

1. James Harrell, 6 votes – Councilmembers Barnes, Cannon, Howard, Mitchell, Peacock, Turner
2. Jason McGrath, 5 votes – Councilmembers Burgess, Carter, Cooksey, Dulin, Kinsey

Planning Commission – The following nominee was considered for one appointment:

1. Margaret Nealon, 11 votes – Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner

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ITEM NO. 13: MAYOR AND COUNCIL TOPICS

Councilmember Mitchell said, Mayor, I'll be very quick, but this is a huge thank you to Neighborhood Services for Peachtree community. We did a Kaboom playground, and I have to thank staff and my colleague, Councilmember Cannon, who was out there with me building a playground. He thanked several people who participated. Home Depot was a financial sponsor as well as we had a lot of volunteers from Bank of America. Thank you, Pat, your staff is doing an excellent job in turning around a community that we put so many resources, so a big thank you to staff and to Councilmember Cannon.

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ADJOURNMENT

The meeting was adjourned at 11:15 p.m.

Melissa T. Johnson, Deputy City Clerk

Length of Meeting: 5 Hours, 54 Minutes
Minutes Completed: June 28, 2010