

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, June 14, 2010, at 5:17 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were: Michael Barnes, Nancy Carter, Warren Cooksey, Andy Dulin, Warren Peacock III, Patsy Kinsey

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

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

The following Consent Agenda items were discussed: Nos. 36, 37, and 42 by Councilmember Dulin; Nos. 28, and 44 by Ms. Kinsey.

Councilmember Kinsey said this is really picky, but on No. 44, it's closing an alleyway. The neighborhood is not Chantilly. It's Commonwealth-Morningside. I really would appreciate being called about that to make sure the neighborhood is correct because the neighborhood would like to be known by its actual name.

Curt Walton, City Manager, said Item No. 25, the Cannon Cathedral item, the church has reached a contract for demolition and the process has begun, so we don't need to take action on No. 25, so we recommend that be pulled from the agenda. It's a carry-over from the last meeting.

Councilmember Carter said could I ask if they preserved the sign?

City Manager Walton said do we know if they preserved the sign? They were going to try to. It is perilous.

Walter Abernethy, Business and Neighborhood Services, said I spoke to the church this afternoon, and I did ask about the sign. They are going to try to preserve the sign, and that should happen probably later in the week. They are going to try.

Councilmember Carter said thank you very much. Much appreciate that collaboration.

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ITEM NO. 2: HOUSING LOCATIONAL POLICY

Mayor Foxx said we have a lot on the agenda tonight that is really important, and one of the things that is very important tonight is this housing locational policy review. The chair of our Housing and Neighborhood Development Committee is not in the room right now, but I know he and the other members of the committee have done a lot of work on it. I don't know if Mr. Barnes and Mr. Cooksey would like to say anything about this before we get kicked off.

Councilmember Mitchell arrived at 5:20 p.m.

Councilmember Cooksey said I think the public forum part is going to be great and am looking forward to it.

Councilmember Turner arrived at 5:25 p.m.

Stan Wilson, Neighborhood and Business Services, said what I would like to do is provide an overview of the review of the Housing Locational policy. He began a PowerPoint presentation entitled, "City of Charlotte Housing Locational Policy Review," a copy of which is on file in the City Clerk's Office and said on May 24th, if you recall, City Council approved the Housing and Neighborhood Development Committee taking a look at reviewing the policy and also coming

up with a process and a schedule for the review. One of the things I would like to point out is the purpose of this forum is to really brief you on this, and as Councilmember Cooksey mentioned, there will be public forums going on and then all that information will be coming back, so I will detail the schedule a little bit later. The Housing and Neighborhood Development Committee has taken a review of the policy and now we are briefing you on some of the changes that are being proposed, and, as I mentioned, five public forums will be conducted, and those will go on in July and August.

As we talk about the Housing Locational Policy, it is important to understand it is a guide for the development of new, assisted multifamily housing. This housing particularly serves households earning 60% or less of the area median income (AMI). At the bottom, we have an example of a number of projects that have been funded through the Housing Trust Fund – senior living, special needs housing, Seigle Point – just to give you an example of the type of housing that we're talking about.

Let's take a look at our current situation and really put our housing circumstances into context. Within the City of Charlotte, we are talking about approximately 8,000 homeless -- approximately 3,200 are children. In the last study conducted by Robert Charles Lesser, we see 17,000 assisted units being needed. That's a significant number obviously, but on the average when we look at what we do through our Housing Trust Fund, there are approximately 197 new units put on the ground each year, and in terms of rehabilitation, we are talking about 273 units. So as we look at the challenges we are facing with our housing and then we look at what the numbers are for the Housing Trust Fund, as we can see in that next bullet we really can't build our way out of our housing situation with new units. Rehabilitation becomes increasingly more important, more relevant also as we start looking at our current housing stock that is available.

Some of the reasons for the revisions in the policy – well, the policy hasn't been looked at since 2003. There is an increasing demand, as we saw, for affordable or assisted housing. Neighborhood dynamics – neighborhoods are changing. Charlotte is urbanizing. We also see that there is more opportunity for infill development within our city. Then we look at the economic environment, the current economy that we are living in.

One of the approaches or really the primary approach to the review and changes of our Housing Locational Policy is really looking at aligning that Housing Locational Policy with our Quality of Life Study, and that Quality of Life Study gives us a comprehensive analysis and review of our neighborhoods, and this study is done, as you know, every two years. NSAs – Neighborhood Statistical Areas – are characterized as stable, transitioning, challenged, and there are approximately 20 variables with these four dimensions that the quality of life takes into consideration. The quality of life looks at social aspects regarding our neighborhoods. It looks at the economic indicators for our neighborhoods, crime, as well as the physical dimensions of neighborhoods.

When we talk about a stable neighborhood based on the quality of life, we are talking about neighborhoods that exhibit a low level of problems. They score high on social, physical, crime, and economic dimensions. Transitioning neighborhoods – these neighborhoods are average in most of those dimensions but also, too, they have weaknesses in one or more. Then we have our challenged neighborhoods, and these neighborhoods tend to score a low or moderate in some or all dimensions, and the quality of life in these particular neighborhoods they are more at risk.

As we look at the map for the 2008 Quality of Life Study, the green are the stable neighborhoods, the red are your challenged, and then the light yellow there that you see, those are our transitioning neighborhoods. So the proposed policy we are really talking about what is permissible and what is not permissible. New construction is permissible for assisted multifamily in stable neighborhoods. Those are those green neighborhoods that were mentioned. When you look at rehabilitation, we are talking about really improving the housing stock within our neighborhoods. That is permissible and stable, transitioning, and challenged neighborhoods. Then when we look at conversions, conversions are taking a market rate development, multifamily development and converting it to assisted housing. That can be done in stable, transitioning, and challenged neighborhoods as well.

We talk about non-permissible, prohibited. New construction in transitioning and challenged neighborhoods, that's prohibited. And, two, you have proposed new development of affordable housing within a half mile of any existing local, state, or federally assisted multifamily housing projects greater than 24 units. Here again, that is not permissible; that's prohibited. The rationale behind the recommendations is that stable neighborhoods when you look at the quality of life are better suited to accommodate new, assisted multifamily projects. When we look at rehabilitation and conversion, this is an opportunity to improve on the housing stock already in the neighborhoods, and as I mentioned earlier, this is permissible in stable, transitioning, and challenged neighborhoods. Also, too, the revised policy takes into account property management for all assisted developments, and these are developments over 50 units. The difference there the current policy really applies to just new assisted units, but what we are saying here is that all assisted developments will include these property management requirements.

As the Housing and Neighborhood Development Committee looked at this particular locational policy, there are a couple of items we are looking at to put into Phase 2. There has been a lot of discussion around inclusionary zoning, density bonus. The primary reason is these are not really specifically locational issues. They are a little bit broader than that. Then also, too, looking at assisted housing at transit stations is a current policy, but the second phase is really looking at transit by itself and see what is the best policy for assisted housing at transit stations.

As we talked about before, from here with your approval, we will have five public forums. We will be having those forums in July and August, and from that point, the information will be taken back in and final recommendations will be made. We are looking at a public hearing September 13th, committee review and approval in September of the recommended policy, and our objective is to come back to the full Council for review and approval of the recommended policy on September 27th. We have a very aggressive schedule that we are looking to adhere to.

Councilmember Peacock said on the draft document, which is Attachment 1 for us, can you explain the difference – I'm trying to understand the words "special needs population" versus "no exemptions".

Mr. Wilson said the current policy has an exemption for special needs housing. This would be housing for homeless. This would be housing for seniors, housing for persons with disabilities. The current policy makes that exempt, so you could do new development there with those types of housing without adhering to the policy. What it means in terms of no exemptions, we are strictly looking at when you are talking about new, assisted multifamily housing having that built in stable neighborhoods.

Councilmember Peacock said so that is going to be the proposal. This draft document, these changes you are making here are going to be what the public forums are going to be about.

Mr. Wilson said, yes, sir.

Councilmember Peacock said on page 2 my question is – the third bullet is adjoining property owners and neighborhood organizations are notified two weeks prior to City Council review, and it looks like the change is making it go to four weeks. What was the logic behind that?

Mr. Wilson said in looking at that part of the policy the committee felt it was important that the community have more time to learn about the project, more time to ask for questions, so it was a much greater time span for notification.

Councilmember Carter said I have three questions, please. In your statement, group homes and Section 8 vouchers, the clustering of those two types of units, the clustering has not been introduced into the discussion. Is that part of any decision making?

Mr. Wilson said the challenge there with Section 8 vouchers is that the vouchers once a person receives them they have an option of really going to wherever they want to live. When we talk about clustering, that is kind of addressed where it talks about the half mile proximity issue where you don't build another development within a half mile, so that's how you get at the clustering.

Councilmember Carter said on page 6 you talk about the management of the sites. Is this support personnel – social services support personnel or is it simply management of the site itself?

Mr. Wilson said it really deals with property management and on-site management. Part of the committee discussion was to look at other ways we could, for example, move-in work was brought up, other ways we can introduce some of those other elements within a development. But I will point out when you look at assisted supportive housing all of that is always included, and that is included more from a funding side when we fund projects.

Councilmember Carter said that, to me, is a vital point that's always part of my decision to go forward on assisted housing. Finally, when you were discussing the transit corridors, transportation corridors, I truly think that we need to include, and this would be a policy change, as we look at the streetcar corridor – Beatties Ford and Central. I think we need to include that in our discussions because to me that is transit, and the goals of a transit corridor follow along on those two major thoroughfares as well. I think we can expand our concept because we can better serve people along those boulevards as well as we can on the other transit corridors.

Councilmember Peacock said later tonight we are going to be discussing and receiving public comments on the centers, corridors, and wedges growth framework, and I have done a pretty quick scan on this, but one of the things that was critiqued in here was just how some of these policy documents don't really speak to each other. In the conclusion section, there is a very clear diagram on page 28 that talks about land use, transportation, capital facilities, economic development, transit, and the environment. It hits on all of our focus areas but doesn't really talk about affordable housing and our growth framework. I know there are two different documents, but when you read them as one and you read how you all are trying to take a very holistic approach to this, I'm just wondering if in this process that is going to be considered.

Mr. Wilson said from a transit perspective definitely, but I will say we will make sure that this policy and the other that you mention that we do have consistency and it's holistically viewed.

Councilmember Mitchell said, first, Mayor and Council and staff, I just have to thank the committee. We have been working on this at a pretty aggressive schedule and also City staff – Julie Burch, Pat Mumford, and Stan Wilson, thank you so much and for your great work to allow us to move pretty aggressively. Just want to say kudos to everyone.

Mayor Foxx said I have a couple of questions. I think they are probably more directed at the committee than to the staff at this point. Let me ask the staff first. Do we know how much private sector, non-publicly assisted housing gets built in the city on an annual basis?

Mr. Wilson said that's information that we can research and get for you. You are talking about non-federally, state, or locally funded?

Mayor Foxx said yes.

Mr. Wilson said we can get that information for you.

Mayor Foxx said it's more than about 500 units a year.

Mr. Wilson said absolutely. This is very small in comparison.

Mayor Foxx said the reason why I ask that question is because this discussion of locational policy has lots of different pockets to it. One of them is the publicly assisted housing pocket. The other one is potentially how the public sector can incent the private sector to engage more in the construction of affordable housing. We are going to go through a lot of brain damage to get out in the community and talk and interface with citizens to get feedback from them, which I think is an important component of this, but it seems like the conversation is moving at sort of an incremental pace, so I want to kind of get some feedback from the community. How much discussion did you have about some of the private sector side of this?

Councilmember Mitchell said, Mayor, we did not. I think everything we focused on was assisted multifamily. We had some discussion about single family to be included in some of our policy discussions, so we did not have any discussion about private.

Mayor Foxx said when we talk about Phase 2 what is that? Where does that fit in the continuum?

Mr. Wilson said when we talk about Phase 2 we are talking about transit, but they were talking about inclusionary zoning. We are talking about density bonus, and Phase 2 really will get at what type of things can we do in terms of the private sector engaging them in affordable housing. So it's really Phase 2 that will get us to where you are talking.

Mayor Foxx said you see that falling after a decision point is reached by the Council on Phase 1.

Mr. Wilson said it's been discussed that we will move aggressively on Phase 2 as we did Phase 1, so I see that coming very soon after.

Mayor Foxx said I think that's really important because there is a lot more private sector housing getting built than public sector, but I understand where the discussions have been. I want to thank the committee for some good work, and we'll see what comes out of these public hearings and what comes out of committee.

Councilmember Turner said to follow up on your comments I raised that question last week. I'm still very concerned with that, and I just heard your response to it even though it's not part of this study and because of the single family housing, and I use my own district because I'm more familiar with that than trying to stick my nose somewhere else. But I will tell you that is my greatest concern is that we are focusing simply on multifamily. Our policy has been driven by multifamily in the housing need, but we are not considering even our old HUD law we used to have when we built affordable housing, single family housing, that is basically transitioning housing where they were relocated under the training program they had at that time to establish single family housing at an affordable rate. Those neighborhoods were built at very large communities, and a lot of those communities reside in my district.

Where we are proposing to continue to add and look at our policy from an affordable housing standpoint to my only compacts the issue because we don't have all the information, we don't have all the data that would support the theory of whether or not it's a Section 8 or whether or not it's affordable based on our opinion. The fact of the matter is you are talking about two separate entities but the same focus – affordable housing – single family versus multifamily. My concern here is still the same that if we don't have the data to show us where we have homes that were built in older neighborhoods that are transitioning even under our own study, our Quality of Life Study, this is 2008, and 2010 is due. We don't have the facts on what has really happened in some of those neighborhoods that are very unstable. I assume and I can assure you they are even more unstable today than they were two years ago just because of the economy and all the things that are going on in our society today.

So I'm still very, very uncomfortable because going forward or even considering at this point changing our current policy without all the data on the table and the information. I think we have to start looking at this in a much broader scope than just focusing on single family housing because this is what I get from my constituents. If you recall, last year we went through a very long dialogue trying to convince to educate a section of our community about the difference between Section 8, okay, vouchers and affordable housing and who controls and the perception, and there is a reality. The reality is that it was much more than we thought, and they saw the effect of it in a neighborhood of single family housing. So we had to educate them to understand that the City is not the driving force of that. That is a HUD federal program.

Now we are still ready to make decisions that I think these workshops, when we go out, Councilmember Mitchell, will be the focus topic. I think it will be stolen. I think the focus is going to be ambushed because people are going to want to know – we are going to be back stuck on Section 8. We are going to try to explain to folks the difference between what we are doing versus multifamily and single family and how it affects the quality of life that they perceive, and

not our perception, but what they live every day. I just caution us to really look at the totality here, and that's not just stay focused on what is driving our policy.

Mayor Foxx said well made point. I think you have got your feedback, but I know you are going to be moving forward with these public hearings; is that the state of play after tonight?

City Manager Walton said public forums, yes, sir.

Mr. Wilson said you have at the table an outline of the communication strategy that includes the public forums as well.

Mayor Foxx said we'll be looking forward to the feedback. Members of Council, those will be publicized to us, so I encourage you to try to make as many of those as you can make. Thank you very much.

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ITEM NO. 3: 2011 ANNEXATION

Curt Walton, City Manager, said on your agenda tonight, Item No. 17 is the annexation recommendation for three areas that would become effective next June 30th. Jonathan will give you an overview of those three.

Councilmember Howard arrived at 5:48 p.m.

Jonathan Wells, Planning, said June 8th of last year City Council approved the resolution authorizing staff to study about 22.5 square miles within our extraterritorial jurisdiction for potential annexation eligibility. My presentation report tonight is to report back to Council on what we discovered and what we found and what qualifies. The presentation really is a summary of some information you have contained in your packets – the 2011 Preliminary Annexation Report. You should also have a copy of the PowerPoint itself in your packets.

He began a PowerPoint presentation and said we have identified a total of three areas that qualified on the west and eastern edges of the city. There are actually two on the west side and one on the east. Collectively they consist of 3.8 square miles, and they include a portion of the McKee Creek drainage basin on the eastern part of the county. As this graphic illustrates, the three areas are the Rhyne qualifying area, the Whitehall qualifying area on the west side, and the Camp Stewart South qualifying area on the east side.

I will go through these real quickly one at a time. This is the Rhyne qualifying area. It's on the west side of the city. The darker area indicates the current City boundaries. This is Mt. Holly Road here right at the 485 interchange, so the qualifying area consists in large measure of the interchange area itself, the Cedar Mill community located here, and some lower density residential developments on the other side of the interchange.

The Whitehall area is also on the west side. It's located northeast of 485. This is 485 down here. Again, the darker area depicts the current city limits. This is South Tryon Street coming down through here. This is Shopton Road. Here is our Police and Fire Training Academy here. The uncolored area is the qualifying area, and it consists of portions of the Renaissance Business Park up here, portions of the Whitehall Business Park down here as well as the Villas at Laurel and Carrington Place residential communities located here.

A third area is Camp Stewart South. This is located on the east side of the county, again immediately east of the city limits, immediately north of the Town of Mint Hill and Albemarle Road. It is also located west of I-485 and east of Harrisburg Road. This consists of J.H. Gunn residential community, the Lamplighter Village, Cedarbrook, and Woodberry communities. It also includes down here the Wilgrove Air Park.

Councilmember Carter said the Wilgrove Airport is part of my concern and how it will be administered. Will it make a change in the administration of the airport; will that come into more collusion with our Charlotte-Douglas; will it change anything with that airport?

Mr. Wells said I'm going to have to explore that. Cumulatively these consist of approximately 2,433 acres of 3.8 square miles, population of about 4,100 persons residing in about 1,900 dwelling units. Combined real and personal property valuation of about \$340 million. To annex these areas would increase the size of the City of Charlotte from about 299 to about 303 square miles, would increase our population from an estimated just over 726,000 to a little bit over 730,000 population.

In terms of implications associated with expenditures and revenues, what we typically do, and this is detailed much more deeply in the preliminary report in your packets. We take a look at the first three years of both the expenditure and the operating side, and those are outlined here on this slide. If you compare the revenues over expenditures and the net impact to the general fund, you can see there is an increase over time in terms of the balance.

In comparing the 2009 to the 2011 proposed annexations using the same financial figures, as you can see the 2009 annexations had a bit of a larger impact both in terms of negative impact in the first year and positive impact in the second and third years. This illustrates the fact that the 2011 annexation is quite a bit smaller than the 2009 annexations. Measured a little bit differently 2009 annexation was a little over 7,000 acres of 11 square miles compared to the 2,400 acres or 3.8 square miles. The number of dwelling units is quite a bit more modest in the proposed 2011 annexations and so is the population as is the real property value. Really measures between a quarter to a third the size of the 2009 annexations depending on how you wish to measure it.

The anticipated calendar in terms of the process consists of presentation tonight, the preliminary report. You will be asked at the Business Meeting to consider the annexation resolutions of intent and adoption of the area annexation reports that are also in your packets. The resolutions of intent call for a public informational meeting to be held at 7:00 p.m. on August 5th in this room to allow potentially affected property owner to learn more about the annexations, about the process, about the services they would be receiving post-annexation, and to ask any other questions of staff that they might have at that time. The resolutions of intent also call for Council to hold a public hearing that is required as part of the process on August 23rd. We would then plan to come back to Council in all likelihood in November to ask you to consider annexation ordinances, and, of course, whatever is adopted in November becomes effective next June 30th. I would be happy to try to answer any other questions.

Councilmember Carter said the annexation of Camp Stewart has an implication of \$22.9 million for sewer improvement and the provision of services. I understand it is in an approved investment plan. Do we have the capacity to fill that?

City Manager Walton said, yes, we do, and also those improvements would probably be necessary whether we annex or not since we are already providing service or we would provide service countywide. On that point, Mayor and Council, your policy for annexation says we will annex qualifying areas regardless of cost, and we have taken a smaller look at it this time. It's basically what we believe we can get in a three-year payback period, so the areas could have been larger, but the budget implications were also larger. The three areas are primarily water, sewer, fire stations, and street conditions. These three areas were other than that Ms. Carter pointed out were not that expensive, so it is something that is a little bit different than your policy, but we believe it is prudent in this budgetary situation.

Councilmember Dulin said y'all do a pretty good job of looking down the chessboard a couple of moves, so what do we look like in '13 and '15?

Mr. Wells said I honestly wish I knew because annexation is reactive, and when I say that I mean annexation responds or reacts to the type and form and intensity of development that is occurring out there immediately beyond the city limits. It really is nearly impossible to predict or project more than one cycle at a time. I really wish it were possible, but it really isn't.

Councilmember Dulin said my question came from the Rhyne example where 80% of that is the interchange. It is only one, maybe two neighborhoods of any stature in there – not stature – of any size in there. I'm almost like why bother with Rhyne. Leave them alone until '13. Clearly I am not a trained planner like you are, so walk me through that a little bit.

Mr. Wells said what Charlotte's policy has been for quite a number of years is to look at a fewer number of larger annexations rather than a larger number of smaller annexations. I'm not talking about the cumulative acre per annexation cycle but the individual annexation areas. In many respects that allows us to more sort of efficiently and systemically extend those services. For instance, I know everybody uses the fire station example, and I think it's a good example in this instance.

Councilmember Dulin said do what?

Mr. Wells said the fire station example. You may recall back in 2009 when the Hood Road area was annexed, and it was a rather large area. I don't remember the exact acreage, but there was a fire station that accompanied that annexation, but it was a large area that was better justified the annexation in view of the relative size of the annexation relative to the cost of the improvements necessary to extend that service. So any of these annexations could be delayed or deferred, but I think longstanding City policy dictates that at least staff is obligated to present these to Council every other year for your consideration.

Councilmember Dulin said along those lines who picked Rhyne? Did Planning staff, your group, look out there and say, look, clearly we can't go there, you can't go east, you got to go west.

Mr. Wells said based on the study areas that Council adopted about a year ago, and those were identified based on the concentration of development indicators. Rezoning and certificates of occupancy and subdivision applications had been mapped or plotted out. We took a look at all 22.5 square miles with an eye towards what sub-areas – I think we had a total of eight or nine separate areas – what sub-areas those areas in their entirety or sub-areas of those areas would qualify for annexation, and, if so, proceeding through the process of developing service plans and the annexation reports and bringing them forward. So to the extent that Planning staff selected that area I think it's probably fair to say the development characteristics of that area selected it because it qualified for annexation.

Mayor Foxx said any other questions on this?

Mr. Wells said if I could just mention. I have a larger map of the qualifying areas here. If anybody wants to look at them, I would be happy to go over them.

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ITEM NO. 4: ReVENTURE PROJECT

Mayor Foxx said this is a really interesting, provocative opportunity for the area, and I know the Economic Development Committee has been working through some concepts, and Transportation may have had a presentation tonight on it, I think. Ron Kimble, you have been working on this some, and we appreciate your efforts. Please go ahead and give us an update.

Ron Kimble, Deputy City Manager, said we first brought this ReVenture project to you I believe in your first meeting in March. We introduced the project to you at that time. You sent us off to say come back periodically, talk to us about ReVenture, where it stands. This is your first look at it since March. We have been to the Economic Development Committee. They recommended to you tonight this concept framework, and it is on your action agenda tonight, June 14th. The PowerPoint presentation is also, I think, Attachment 7 in your Council notebooks tonight.

Mayor Foxx is right. ReVenture is an adventure. It has got a lot of policy goals of the City Council wrapped up within it. It's very, very complicated. It's very complex. There are a lot of moving parts to it, and it is something that is a great challenge but can yield some great results

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for this city if we are able to bring this about over the next several months but also in the years to come. It's a proposed renewable energy industrial park consisting of 667 acres. It's located on the Mecklenburg County side of the Catawba River on Highway 27. Tom McKittrick, if you would raise your hand, I think everyone has met Tom with Forsite Development. He is their lead representative. Jason Brie is with him tonight, Edna Chirico. They have been meeting with us almost regularly – weekly and biweekly – on the issues that you will see here. Barry Gullet and Barry Shearin from Utilities have been on the team as well Debra Campbell, Tom Flynn, Rob Phocus – we have all been a team working through the various issues here. So it will consume a lot of staff time and deservedly so because it's a very important concept for taking a look at two Superfund sites in this community and turning them into very productive property and meeting some of those energy and environment goals for the City of Charlotte. Clariant is the current owner. It has been located in that particular place since 1936, and their site is a brownfield site on the Superfund list.

He used slides to illustrate his comments and said this was the concept plan that rolled forward with Forsite and ReVenture in early March, and, again, Highway 27, Catawba River. This is just a concept plan for their development. It can have a whole large number of energy and environmentally green kind of industry and projects that will be associated with this. It's a long term build-out. It's not going to happen fast, all at one time. It potentially over the next 15 to 20 years could be as much as a \$900 million build-out with as many as 900 or 1,000 jobs associated with it. It's all going to depend on the economic climate, on the ability to phase this project, and to move forward. It's got many partners in the community, and as we look at this project, it also has a current Long Creek Pump Station site located right here, which is very important to Char-Meck Utilities, and on this concept plan is also shown the future location of a Long Creek (tape change).

Long Creek Pump Station is currently in place there, but it's on land owned by Clariant, and the opportunity to get another wastewater treatment plant because one of our plants that serves most of the southwest and south side of Charlotte is at capacity, and we really need to plan for this. It's included in the rate structure of Char-Meck Utilities as you looked at their rate structure. The potential of this initial wastewater treatment plant could be somewhere between eight million gallons a day and 12 million gallons a day, first phase of a wastewater treatment plant here, and those kinds of numbers are included in the rate modeling that you have looked at in committee recently and approved in your budget for the next five to seven years in the Char-Meck Utilities plan.

Companion to this is the Old Statesville Avenue Landfill site because ReVenture has also placed in the hands of the City an offer to purchase the Old Statesville Avenue Landfill site. You remember about a year and half ago there was a company that came forward and offered to purchase it. We got most of the deal worked out, but in the end, the economy kind of got that project, and in the end, we weren't able to work out some of the liability language that a company would have to absorb to protect against future contamination that might originate from the site, and those are the same kinds of issues that we will have to work through with ReVenture. They are very understanding of those issues; they are very familiar with those issues. We are going to have to have some time to negotiate out with them some of the terms and conditions of that liability language. All of that is going to be handled during this concept framework discussion that we are asking you to look at tonight.

The concept framework that we are talking about is not the end all. It's not all the issues that are going to be on the table. They are the ones that are on the table right now in our negotiations and discussions with Forsite and ReVenture, but I can tell you as we move through the negotiations more items will crop up, some items will drop out, and this is more a process rather than a final end product because the final end product is going to be a development agreement that eventually comes back through the Economic Development Committee and then works its way up to City Council. So what I'm going to talk to you about tonight is the concept framework, the issues that we have identified so far.

There are tens, if not hundreds, of issues that will have to be worked through on the ReVenture project. It is very, very complicated and complex, and we'll walk through a few of those issues right now, and as I walk through them, I will probably have to return to the maps and point out the particular areas that we are talking about in the concept framework. The swatch of the

Statesville Avenue site for the Long Creek Pump Station site, this is the scenario that we believe gives us the greatest opportunity to have a land transaction that would take the Statesville Avenue Landfill site and put it in ReVenture's hands and then take the Long Creek Pump Station site and put that into the City's hand because the Long Creek Pump Station does exist today on land owned by Clariant. So, this would be an exchange of land.

When you have an exchange, what are the terms and conditions and the pricing of that exchange. ReVenture has put on the table with a letter to Curt Walton that I think we shared with you that they will give \$50,000 for the Statesville Avenue Landfill site, and then the value of the pump station site is to be determined by a total value of various components – appraised value. We have an appraisal of the property surrounding the Long Creek Pump Station site. It is about four years old. That appraisal probably isn't the actual dollars that would be in place right now, but we have taken a look at that appraisal. We are making some pretty good judgments on what the appraised value of that site might be now, and I will also go back and show you some of the other issues that would be involved here.

If we couldn't get access to this Long Creek Pump Station site or this future wastewater treatment plant site from ReVenture property, we would eventually have to build off of Whitewater Center Parkway, which, by the way, serves the Whitewater Center down here in this area of the map. We would have to build a road that comes off of the Whitewater Center Parkway to serve the Long Creek Pump Station site and also have that road cross the creek and serve the Long Creek Wastewater Treatment Plant. But, if we can negotiate access to both the Long Creek Pump Station site and access to the future Long Creek Wastewater Treatment Plant site and then get a small bridge that could link these two facilities because predominantly one full-time person operator will be operating both of these and will need to get back and forth between the two facilities, we can save a whole lot of dollars on not having to build a major road to access both of those sites. There is some value to the access easements through the ReVenture property to serve those at a much, much lesser cost than we would have to spend in order to serve the properties off of Whitewater Center Parkway. Those are the kinds of issues that we need to go through a process and value those as it relates to a swap between the Statesville Avenue Landfill site and the Long Creek Pump Station site.

The developer clearly would have to indemnify the City from all federal, state, and third-party claims related to contamination from the Statesville Avenue site. The Statesville Avenue site is a brownfield site. It has contamination. The reason the value of Statesville is set at such a low value is that this is the most crucial part of the value that ReVenture would be giving by its indemnification to the City of all the federal, state, and third-party claims. The proposed development plan at the Old Statesville Avenue site and the proposed uses would have to be mutually agreed upon by the developer and the City. We would not propose coming forward to the City Council without staff's support of the development plan, the proposed uses, the way in which the Statesville Avenue Landfill site would be accessed by trucks in the future, so if you approve the concept framework tonight, you are not necessarily buying into all of these at this moment. You are buying into a process that we would have to negotiate through and bring back the results of those negotiations to you at a later point in time.

Councilmember Barnes said I wanted to ask you a question regarding Item No. 3, and over the last couple of years it's kind of become easy to question indemnification agreements, and I don't know anything about the financial health of the developers. What form will that indemnification take?

Mr. Kimble said financial guarantees, and they are looking at the ways in which those financial guarantees and that indemnification would take place.

Councilmember Barnes said the "G" word has been very popular for the past couple of years, and we discover that it frequently means nothing, so what will we be receiving to back up the financial guarantee?

Mr. Kimble said we have to look deeper at Forsite, at the LLC, limited liability corporation, that they create, the indemnification that they are willing to put on the table, and then what backstops that indemnification in terms of the depth of their LLC.

Councilmember Barnes said I hope we'll talk more about that. You mentioned that the Statesville site is a brownfield site and that the site of the Catawba River is also a Superfund site. Is that all of that site or just the part north of the current Long Creek Plant?

Mr. Kimble said I don't know if I can answer that question. Mr. McKittrick, on the Catawba site, and, Barry, do you know the answer to that question?

Barry Gullet, Utilities, said just the north part is contaminated.

Councilmember Barnes said so the area around our current treatment plant is not contaminated. Okay.

Tom McKittrick said this is generally the line of the contamination is the center line of Long Creek to this yellow line. This property here is contaminated generally. This property here – 338 acres roughly – is clean, untouched acreage.

Mr. Kimble said also as part of their project this would be part of the conservation easement and the Carolina Thread Trail that winds through the property, and they are working to preserve that in both fashions – conservation easement and Carolina Thread Trail property.

Councilmember Barnes said thank you.

Mr. Kimble said as part of the Statesville Avenue Landfill site, we are discussing the possibility of that being the RDF facility, the refuse derived fuel facility that is also an important component of the total ReVenture project. An RDF is a facility where the municipal solid waste stream could come to this particular site. It could be worked through at this particular site in an indoor facility. Additional recyclables could be pulled from that municipal solid waste stream -- those recyclables that persons in our community did not throw into the recycling bin but actually mixed them in with the municipal solid waste, and they could have a facility that could further separate those recyclables that are inside the municipal solid waste, and then they would take the remaining municipal solid waste, put it into confetti, and then bale it into squares or cubes, and those cubes or squares could then be trucked back to the Clariant site and they could be used as waste to energy in the type of operations that would then crop up on the Clariant site out on the Catawba River. So it's an integrated look at how an RDF facility works in concert with the Clariant site for a waste to energy type production that would be beneficial to energy in our community.

Councilmember Carter said as absolutely delighted as I am with the biomass project I have to be responsible and ask for the cost component to the City for the transportation, the separation, the personnel costs of the process.

Mr. Kimble said the process would be privately done. ForSite ReVenture would build the RDF facility and they would operate it privately, and the City's responsibility would be to support the memorandum of understanding that the County just passed the other night that allows a possibility of an RDF, refuse derived fuel, facility to be part of their solid waste plan at Mecklenburg County, and we then if we bought into this system, we would bring all of our municipal waste trucks and municipal stream to the old Statesville Avenue Landfill site, which would save us time, money, wear and tear on equipment, fuel savings for all of our municipal solid waste trucks creating a savings to the City and also creating a waste to energy fuel project.

Councilmember Carter said magnificent response.

Mr. Kimble said there obviously are some concerns –

Councilmember Barnes said I may have asked you this question before, but we will be processing garbage at the Statesville site and putting it in cubes or squares.

Mr. Kimble said they would.

Councilmember Barnes said they will, yes, and taking it to the ReVenture site off the river. Was there any thought put into doing both at that site off the river and talk to us about that, please.

Mr. McKittrick said to answer your specific question we have considered doing that operation at the ReVenture site and felt the center location at Main and Main, if you will, at 77 and 85 logistically makes a lot more sense to do that preparation at this site. It has the added benefit of saving quite a bit of transportation miles that the City trucks are currently incurring. We clearly think this is an excellent redevelopment plan for this property and a great site for a proposed RDF facility.

Councilmember Barnes said right now all our equipment – well, the Solid Waste vehicles are going to Concord.

Mr. McKittrick said that's correct.

Mr. Kimble said in addition the RDF facility in the concept plan would be located adjacent to the asphalt plant. I think there is a concrete recycling area and an auto salvage yard. We would want that facility to be located in this general location because I-85 and I-77 are the routings that we would want to have the trucks come in and actually use this road to then come into a main road and access the RDF. We do not want to come with trucks through these other areas and disturb the neighborhoods that are in the close proximity to the Old Statesville Avenue Landfill site. If you do indeed approve the concept framework tonight, we will begin community meetings with the surrounding area to let them know what is planned in this area.

This also has a conservation area along the backside here of proposed RDF facility. This is just a concept plan, but you could put a solar field in this location, and this is an open space that would be preserved as open space and eventually long term could be used as park space in Mecklenburg County to help serve the area. We all know the budget pinching that is going on at Mecklenburg County. That could be a ways off into the future, but at least it could be preserved as open space, and we will hold out that possibility long term in the future for the residents in the area and for all the businesses in that particular area. So it's a pretty good concept plan and a good reuse of this property provided we get the indemnification that we would need to get from ReVenture to indemnify us from any contamination that might happen for whatever reason long term into the future.

On the future Long Creek Wastewater Treatment site, remember that is adjacent to the Long Creek Pump Station site and next to the Catawba River, the City would want to secure an option for the future Long Creek Wastewater Treatment Plant site, and the City would agree to pay an agreed upon value for the existing discharge and permit allocation on the developer's private treatment plant. Currently Clariant still operates an active sewer treatment plant on the Clariant site. The City would like to take advantage of those nutrient and phosphorus allocation limits that go with that particular wastewater treatment plant and shift those allocations to the new Long Creek Wastewater Treatment Plant thereby allowing the permit for Char-Meck Utilities to be obtained at a level and in a limit amount that is good for us but also good for doing joint operations in the area.

We are also having negotiations with partners in Gaston County because there is a Mt. Holly Wastewater Treatment Plant in operation across the river, and we are still talking with them to determine which direction would they like to go. Would they like to come on board with us or would they like to turn back towards Gaston County, so we are having conversations with them about their particular wastewater treatment plant, too, and those conversations are ongoing. The approach here is to try and get a wastewater treatment plant that can serve the entire area and the geography that we need to serve long term and make sure we are doing this collaboratively, cooperatively, and having that single point source in one location so that we can take care of the environmental issues in our region.

The City would also reserve the right to design, build, own, and operate the future Long Creek Wastewater Treatment Plant as and when the Charlotte City Council may want to move forward with it. There were conversations where they wanted to come in and actually build the facility for us, but we felt after a lot of discussions internally that it would be best that we be in charge of our ultimate fate on how we move forward with that Long Creek Wastewater Treatment Plant site and make sure we have a fully operating, ready-to-go facility once its constructed in this

location, and that is more of a municipal responsibility and something we would want in our control rather than out of our control.

Char-Meck Utilities would treat the contaminated groundwater from the ReVenture site. Currently that wastewater treatment plant is operating on the Clariant site. It's treating the contaminated ground water, so we would agree to treat that contaminated ground water when the Long Creek Wastewater Treatment Plant site is built and up and running, and the developer agrees to accept the treated discharge from the Long Creek Wastewater Treatment Plant equal to or greater than the amount of contaminated ground water that they are sending our way. The reason is that it would be kind of like a treatment of water one step below potable water, and they could use it for recycling water, for cooling water, for gray water in their operations, and we could reuse that water that is coming out of the Long Creek Wastewater Treatment Plant, another great environmental reuse, which is more of what we need to be doing in our community long term to reuse the water that is discharged from our wastewater treatment plant facilities.

The developer would discontinue the treatment of the third party wastewater on the existing private wastewater treatment plant once Long Creek is open, and also another kind of biomass to energy project. Char-Meck Utilities in this concept framework would agree to provide bio-solids not only from the Long Creek Wastewater Treatment Plant but maybe from all of our wastewater treatment plants, and the developer agrees to guarantee the acceptance of these bio-solids that would be used as fuel for the proposed biomass plant on the ReVenture site. So not only do we have the municipal solid waste to energy, we also have the biomass to energy concept included in our conversations.

Other components: ReVenture has asked the City to provide necessary support to the developer in procuring financing through recovery zone bonds from Mecklenburg County. There is sufficient capacity with Mecklenburg County right now. These are bonds that create lower rates of financing and capital for the developer. It is something that the City doesn't do. Mecklenburg County does. They simply would like our support for that effort for the recovery zone bond. They have asked that the City authorize the City Manager's Office to negotiate exclusively with the developer right now while we work through all these issues. They don't want to put a lot of money, time, and energy into plans into moving forward only to find out that somebody comes forward and offers \$50,001 and then says I'll indemnify you. I think it's a good thing for us to do to have some time to negotiate through these issues, and finally the City will provide a formal letter of endorsement illustrating its support for the ReVenture project. It wouldn't be a hard and fast one that says we will under any conditions support it. It would be a support letter that we could say we're in tandem and in partnership for the time being as we negotiate through these issues, and it would be a meaningful letter to outside parties that would be looking at this.

Councilmember Peacock said, Mr. Kimble, does endorsement mean sponsorship as in consistent with our sponsorship policy that we adopted last year?

Mr. Kimble said no. It's just a simple letter of support that maybe the Mayor would sign and we would craft that letter and send it to make sure it was a letter that was the kind of letter that we felt other groups needed to see that we were working with ReVenture in trying to negotiate out all these issues. We also have had some conversations with the Department of Energy and Natural Resources, the City staff has, Mr. McKittrick has. We need to make a trip very soon to Raleigh and sit down with many of the persons in Raleigh. We may have to make a trip to DC or to Atlanta to work with EPA. The Mayor is aware of some of these needs and issues, but we may need that kind of accompaniment from an elected official like the Mayor as we make those visits. This is a very important project. It's a very exciting project. It still has a lot of hurdles to clear, but I think it can mean a lot of policy goals of the City Council as we try to work through these issues.

We are by no means there. We need the balance of the calendar year to work through these issues, but to ReVenture's credit they want us to move forward and find out if you are in agreement with this process and this concept framework before they put any more effort and money and resources into the negotiation.

Mayor Foxx said I want to add an exclamation point to this. This project really isn't supposed to happen. By that what I mean is the silos at the federal and state and local levels aren't supposed

to make something like this work, but this is exactly the kind of innovation that can help make our area the new energy capital of the country. I really want to say that I know a lot of work is going in from the public and private sector to try and make it work, and it's appreciated because you are moving things in a direction where they are not going to go just based on inertia. I want to give you kudos for that effort.

Councilmember Kinsey said this is an interesting project. Do we know yet – I'm sure we don't, but do we have an idea yet what the bottom line is for the City? What is it going to cost us?

Mr. Kimble said right now the costs are associated with Char-Meck Utilities being able to purchase the lands and the option that will then move later to the development of a Long Creek Wastewater Treatment Plant. To date they have not officially put any other asks on the table other than these. This is not in the Charlotte city limits, so we will have to work through some of those issues and figure out – those are some of the other issues that I think as we negotiate through this that we'll be talking about, but so far they have not put any other requests on the table other than the things you have seen right here on the PowerPoint.

Councilmember Kinsey said explain your comment about it's not in the Charlotte city limits. How does that relate to my question?

Mr. Kimble said we would like to get the tax base long term for this particular project and the job base.

Councilmember Kinsey said if it's not in the Charlotte city limits we are not getting it.

Mr. Kimble said that's right, so we would like to eventually figure out how that happens as well.

Councilmember Kinsey said annex. It's in our jurisdiction.

Mr. Kimble said it's in our sphere of influence.

Mayor Foxx said next steps?

Mr. Kimble said City Council to consider the ED recommendation which they made unanimously to this body on the concept framework. We would then continue to discuss and resolve the environmental issues with DENR at EPA. We'll need to reach agreement on the financial issues for the land swap, the Clariant treatment plant, and other considerations. We will continue negotiations with Gaston County entities, and we would eventually bring back the draft agreement to ED Committee and then work its way back to Charlotte City Council. This is on your agenda tonight, your action agenda tonight.

Mayor Foxx said, thank you, Ron. A lot of good work has gone into this.

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ITEM NO. 4: 2009 TRANSPORTATION ACTION PLAN ANNUAL REPORT AND 2010 TRANSPORTATION SURVEY

Danny Pleasant, Transportation, said I bring to you tonight a transportation action plan annual report – actually two presentations in one – and 2010 transportation survey results that I'm pleased to share with you. He began a PowerPoint presentation entitled, "2009 TAP Annual Report and 2010 Transportation Survey Results", a copy of which is on file in the City Clerk's Office and said as most of you know, in May 2006 the City Council adopted a Transportation Action Plan (TAP) – Charlotte's first long-range comprehensive and multimodal transportation plan just for the city itself. We have been part of MUMPO plans. We have been part of area plans. This is the first time we really pulled it all together. Mostly a Council-led endeavor led by the Transportation Committee at the time, and part of the TAP calls for an annual report each year to City Council to just update you on the status of the TAP. We believe this particular plan is important because it is leading into the fifth year where we committed to do a major update of the TAP, and we will be doing that in 2011.

bvj

What's inside the TAP? You received copies of it I think the last two meeting times because we expected to come to you before, so you have copies of that in your records. It's also available on line. It talks about the five goals of the TAP, the achievements, the current activities, issues and challenges of those five goals. Of course, number one is supporting the centers, corridors, and wedges growth framework for the city. Secondly, to prioritize, construct, and maintain transportation facilities and programs and projects over time. The third is to collaborate with our local and regional partners. The fourth deals with communicating with key stakeholders about transportation and transportation needs and what we are doing to accomplish those needs. The fifth, of course, is to seek financial resources.

We have a number of achievements that we are proud of since the TAP was adopted in 2006. Certainly we have had several years now of bond funds coming into the transportation program. In 2008, for example, Council approved a record \$160 million toward transportation projects and programs. The LYNX Blue Line has been a great success since it opened in 2007. Committee of 21 during this time period has made recommendations about funding transportation for the future. The NCDOT we are proud to say has adopted a Complete Streets policy that we felt like was influenced and informed by our own urban street design guidelines and some of the work we have been doing here. In fact, we have a person on our staff now that co-chairs a committee at NCDOT talking about working towards moving from urban street design guidelines or Complete Streets policy into their practices and everyday work, and we are looking forward to that. Speaking of urban street design guidelines as part of the TAP, we did receive EPA's national award for smart growth achievement this past year, and we were able to get the 485 missing link funded by all kinds of influential people appealing to the state to do that.

The City projects really continue to move forward using the TAP as a framework and urban street design guidelines as a way to guide those. For example here, Rozzelles Ferry Road is a project we think really embodies a lot of the aspects of it. It has pedestrian elements, it has the bicycle elements, it has some landscaping, and you can see by looking at either side of the road we had to use some flexibility in placing sidewalks so it made sense to avoid tree removal on the left side and because of constrained right-of-way on the right side, but even though the planting strip is a little narrower than we would like, the bike lane certainly does a nice job of buffering that. So just an example of how these facilities can be built; it's not a one-size-fits-all. It really customizes the design and street right into the landscape and environment and the kind of land uses that is happening in that particular area, so we like to show this. This happens to be a state route that we had to get special approval on to use the urban street design guidelines to develop it, and it's really worked out as a nice way – a connection that didn't exist before between Center City and the Metropolitan development to the southwest. So we just think we have a nice collection now of facilities we can show off. The urban street design guidelines work. Our transportation action plan is helping us move forward.

In 2009, this most recent year, we have had quite a bit of achievement. You can kind of read those on your own and see what we have managed to accomplish. I think we can note we have been fortunate we have been able to bring down the road resurfacing cycle this past year due to a couple of reasons – one of them certainly is the Council stepped up and funded resurfacing at a record rate, and we have the ability for construction prices to go down a bit, asphalt prices to go down a bit, so it allowed us to really make some good progress this year. We have been keeping kind of a dynamic map, a running tally of projects we have been able to accomplish through the urban street design guidelines, and we think it's a pretty respectable body of work since 2007.

Currently the activities we do is we continue to monitor how we are doing in the centers, corridors, and wedges growth framework by looking at various land use and permits and keeping track of that information. We are looking at managed land opportunities. We just spoke to the Transportation and Planning Committee earlier today about possibly converting HOV lanes on I-77 to HOT lanes in the future and how that will unfold through the summer – that discussion will – the Blue Line extension, the street car, north line, all of them are under design now, do various actions, and the actions of a lot of people working to make those accomplishments happen. We expect, as I said, to start on a major update of the TAP in the upcoming year.

We still have key issues and challenges. Although we are very proud of our accomplishments in the past, we keep pushing forward. Certainly funding becomes an issue and continues to become

an issue even though we have stepped it up quite a bit over the past few years. We still face a significant gap, and I'll talk about that in a minute. Sales tax decline has had an effect on CATS, and the percentage of population as it's grown in the city that percent within the quarter mile of transit and within quarter mile of parks is starting to ease off and is less than we would like for it to be and as outlined in the TAP as a goal.

Like I say, we need to continue to work on and stay focused on funding sources, and I'm thinking about that about every day. I think we have something on your agenda that we brought on last minute to talk about today about a mobility fund, for example, but there are other options we are continuing to look at and pay attention to try to bring funding to the TAP.

Councilmember Carter said I'm very interested in that statement about the percentage of population living within a quarter of a mile of transit and parks. Do you attribute that to annexation? What do you see as causal points there?

Councilmember Cannon arrived at 6:38 p.m.

Mr. Pleasant said about 60% of the housing that has been permitted in the last seven years is outside of that quarter mile of transit, so it's just a matter of how we are growing in a relationship between how much transit we can actually put out there and where the dwelling units are actually occurring. Similarly with parks, it's an ability of the County to get parks out there versus how many housing units we are permitting, and I have a little bit more information on that. He continued with the PowerPoint presentation and said this is a graph that indicates sort of the growing gap between needs as articulated in the TAP and the funding that is available to us. You can see that Council does reflect the 2008 bonds where you get this increase and then the 2010 bonds show a little bit of tapering off. The question marks are that as we all know that we aren't seeing our way clear to a 2012 bond at this point in time, so it remains kind of an open question whether we will be able to continue a pace through the 2012 bond period.

As I mentioned to you, the Committee of 21 during the period of the TAP recommended revenue sources, and you recall the Committee of 21 was a committee made up, as you might expect, of 21 folks, seven of whom were appointed by the County, seven of whom were appointed by the City, and seven were appointed by the Chamber. The top four items were part of their recommendation of a vehicle registration fee dedicated to maintenance that would generate about \$18 million they suggested; a half cent sales tax would generate at the time we thought about \$81 million -- that's probably more in the \$65 million range I would suggest now -- tolling interstates and vehicle miles of travel fee.

We went ahead and added other funding sources that they considered but did they did not recommend them in their final report, and we wanted to bring these forward simply as a reminder that there are other funding sources that generate significant amounts of dollars, and particularly since the half cent sales tax, which generated a significant amount of dollars, might be less reachable now since the State added a 1% surcharge that expires in July of 2011, I believe. But these are funding sources that have been considered, have been recommended just as a reminder to you.

Now, we switch to part two. Part two is the 2010 transportation survey that we conducted. The TAP has a provision for conducting annual surveys to benchmark and test how we are doing with the public on transportation and get their opinions there. Your focus area plan also mentions that we should be surveying folks. The survey was conducted by MarketWise, a professional surveying company. We surveyed 855 households, which is statistically valid significant for survey purposes. It was a random survey -- telephone survey -- and it covered a very broad range of topics. The actual survey document itself is a couple of inches thick. It's a lot of data, but we are going to give you sort of a subset of that data this evening. You are welcome to review it. I believe we will have it posted on our Web site so you can have a look at that as well.

When we surveyed and asked people how their drive to work was, what level of congestion they were experiencing, this is completely subjective. We didn't give them to measure, we didn't ask them how long it took, we just asked them what their opinion was about their travel to work. Almost half of the respondents believe that their route to work is either very congested or somewhat congested.

This particular one is kind of interesting because it really asks what should the public do if the route to work becomes congested. What should we do as a state or local government for that? It looks like from these results that the respondents felt we needed a toolbox; we needed to look at several things. Certainly widening existing streets and roads was an intuitive choice for a lot of folks. I might say, too, that these do not add up to 100%. People were allowed to respond to multiple choices and give us that full set of advice on how we should tackle this particular solution. Almost 50% of folks said we ought to think about locating employment near residences or perhaps residences near employment, so people get this idea that you need to have convenient location of places to work, places to go to school, places to play and enjoy our community.

When asked should roads be designed to accommodate all users, overwhelmingly folks said yes. We are happy about that because that's what the TAP and the urban street design guidelines is designed to do is to provide that full complement of transportation services whether you choose to walk to ride your bicycle or use your automobile or ride public transportation. When we asked how should government pay for new roads, again, we didn't give them a whole lot of information. We were looking for intuitive opinions about how they felt we should pay for roads, and we found this very interesting that folks when offered the impact fee option felt like that was a strong option. Taxes certainly becomes a strong option. Tolls – there's a great deal of interest in tolling facilities, and as we talked again about HOT lanes and various tolling opportunities, that seems to make sense. I think folks maybe do see multiple funding sources as something we need to consider and think about over time, and that intuitively makes a lot of sense.

When asked about how we should pay for road maintenance, over 50%, over the majority of residents said we should use taxes to maintain roads. Some felt impact fees were appropriate for maintenance and tolls were appropriate for maintenance, which are non-traditional ways to raise funds for maintenance. When we asked if we should steer growth to areas where there was sufficient infrastructure and away from areas with insufficient infrastructure, almost 70% of them said, yes, we should be steering growth to take advantage of infrastructure that is out there. We found that residents might not know the names "centers", "corridors", and "wedges" as a growth strategy. Certainly they seemed to understand those principles apply in this particular case.

So, we have all this great information that we have compiled, so how do we propose to use the information? Well, some of the ways we expect to use it for the TAP five-year update, which we will be doing in this upcoming year. We can use it to identify changes over time in safety programs and priorities. We did ask about safety concerns and issues of transportation projects and priorities that we should be setting into the future, really looking at trends and emerging transportation issues as they come and then to provide a good resource on line for folks that might be interested in that kind of data. That's all I have for you tonight. Be happy to respond to questions as best I can.

Mayor Foxx said this is the fifth year of this report?

Mr. Pleasant said this is. We'll be finishing up this five-year segment and moving on to the next five years next year.

Mayor Foxx said, Danny, the only observation I have is going back to that slide where you showed how people thought we should pay for roads. It seems like there is consensus in our community we need to keep building infrastructure, but there seems to be a lack of consensus on how to pay for it because I think the public is pretty split on it. For the public's information, there is in our budget this year there is a significant infrastructure bond that is part of that that will go and deploy more infrastructure in our community. So it's something we continue to work on. Thank you, Danny.

Councilmember Carter said are we looking forward to making this the next ten-year plan? In other words, we are midpoint, so instead of looking simply at the next five years, do we look at the next ten?

Mayor Foxx said, as I recall – Danny, correct me if I’m wrong – I think the TAP lays out a pretty specific set of targets on the five-year increments, so there actually is a plan for the next several years.

Councilmember Carter said I was thinking given that funding that it would be very wise to look to the future and not wait for the end of this ten years but to get a jump on it, so it sounds as if we are doing so.

Mr. Pleasant said yes. We do take a longer look. The longer you look for funding the less reliable those numbers can be, but we still go ahead and do some of that casting ahead.

Councilmember Barnes said I will say though that having been a part of the TAP for the last five years it is good to see this plan evolving and becoming more meaningful. I know this is a lot of work for staff, Curt and Danny, and we appreciate your efforts, and I hope that this evolves into what we hope in terms of transportation options and so forth.

Councilmember Howard said I wanted to go in the same direction as Mr. Barnes and ask you, Danny, if you would. I’m not sure how much Council knows about the recent recognition that your department has gained and wondered if you would take a minute just to share that. I know there was an award and then there is the fact the state has adopted our complete streets approach and thought it would be good to get that on the record.

Mr. Pleasant said, yes, we certainly are getting plenty of recognition. Certainly the EPA award felt good, it felt really good for the urban street design guidelines to be recognized as one of many solutions to move a city towards a more sustainable future and quite honestly a more environmentally friendly future, so that was a nice accomplishment for us. The state taking up the complete street policy, using some of our work to model that, being very open to the input we provided to them because they knew we had been through quite a bit of this on our own. We have an active Web site. Lots of folks are inquiring and looking at the urban street design guidelines. Our staff gets invited to speak on them to professional groups and others on a fairly routine basis, so it’s recognized generally as good work. We never fail to turn it back to City Council because City Council has been involved with this diligently for the last seven years, so it really is a great credit to this board and earlier groups of folks who have been on Council as well.

Mayor Foxx said one other thing that I will add to this is that this policy is related like a web to a lot of other things including the transit policies as well as some of our other planning policies. They really have to go together. I was thinking about this on a very much too long plane ride to Oklahoma City that long breaks in the transit deployment could pose a threat to this vision because what you are really trying to do is move away from sprawl and more into building upon existing infrastructure and making that infrastructure flow better. So that is something for us to keep in mind that it’s sort of like a three-legged stool. If one leg doesn’t stand pretty strong, the other ones fall apart, too. So, random thoughts on an airplane.

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ANSWERS TO MAYOR AND COUNCIL CONSENT ITEMS

Curt Walton, City Manager, said Item 28 Councilmember Kinsey asked about verification of the streets. Between the contracting when we resurface we do re-verify the need. On Item 36, the IT contract, Mr. Dulin asked how many man hours \$98,000 at \$82 an hour was – 1,195 man hours at 23 hours a week – just under 1,200 hours.

Councilmember Dulin said we’ll burn through those, and they will be officially done.

City Manager Walton said, yes, sir. Item No. 37, that’s the agreement with Mecklenburg County, those employees are scheduled to be laid off June 30th, so what we are recommending here is that we contract with Mecklenburg County that they stay on Mecklenburg County’s payroll; we pay Mecklenburg County; Mecklenburg County pays the employee \$400,000, which is around one year. So they stay on the County’s benefits. It’s loaded into that contract, but they don’t go onto our insurance.

Councilmember Dulin said they will continue to be officed in the County space, etc.?

City Manager Walton said, yes, sir, all that is loaded in.

Councilmember Dulin said who will supervise them?

City Manager Walton said we will because they will be working for us essentially. The contract just runs the money through the County. On 42, the LYNX Blue Line sales tax, Mr. Dulin, the vendors usually bill us for the sales tax, and we pay the sales tax to the state. The state then refunds the sales tax to the City. In this case, Siemens never charged us for the sales tax, so that is what this item is doing – increasing our contract with Siemens for the rail cars from 67 to 72 so we can pay that, and then the state will reimburse us the \$5 million, so it comes back down to 67. The last one, Ms. Kinsey, we made a note of the Chantilly, so we'll handle that. I think that's all, Mayor.

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The meeting was recessed at 6:55 p.m. for the Council to go to the Chamber for the regularly scheduled Business Meeting.

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BUSINESS MEETING

The Council reconvened for the regularly scheduled Business Meeting at 7:06 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding.

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Mayor Foxx said I want to say a special hello to Susan Burgess. I know you are watching, and I just want to say hello to you.

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INVOCATION AND PLEDGE

The Beatties Ford Road Saints led the Council in the Pledge of Allegiance to the Flag.

Councilmember Barnes gave the Invocation.

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AWARDS AND RECOGNITIONS

ACCESS TO CAPITAL CONFERENCE ON JUNE 29

Mayor Foxx recognized Charlotte Chamber Senior Vice president for Member Value, Keva Walton, and City of Charlotte Economic Development Director, Tom Flynn, to highlight the activities of the "Access to Capital for Small Businesses and activities of the "Access to Capital for Small Businesses and Entrepreneurs Conference" on Tuesday, June 29, 2010, from 8:00 a.m. to 4:00 p.m. at the Charlotte Convention Center.

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RECOGNITION OF CONTRIBUTIONS BY SUSAN BURGESS

Dr. Gloria Rembert, Charlotte-Mecklenburg Black Political Caucus, said, Susan, on behalf of the executive committee and members of the Black Political Caucus of Mecklenburg, I am grateful for the opportunity to speak about your leadership and your effectiveness as a City

Council member and community leader. Woodrow Wilson said, “The ear of the leader must ring with the people.” As an at-large member of the City Council, you led with vision, integrity, and courage. You listened and you heard the voices of people from every neighborhood in Charlotte. The Caucus repeatedly endorsed your bid for public office because you listened to the people, because you served with integrity and compassion and because you represented all of the citizens of Charlotte.

Armed with an engaging and infectious smile, you worked hard to do the right thing for communities and for the citizens who make up those communities. You never lost sight of the words “at large” attached to your title. You represented all of Charlotte without favoritism or bias toward a particular group or a community. The Black Political Caucus of Charlotte is proud of your work, and on behalf of the citizens of Charlotte. So, on behalf of all the citizens of Charlotte and most particularly the African American citizens, we say thank you for the passion and the compassion you demonstrated as you represented people and communities in Charlotte.

Thank you for staying above the political fray and remaining focused on people, issues, and communities. Thank you for modeling quiet, yet very effective leadership – the kind of leadership of which we can all be proud. Thank you for your gift of service. Thank you for the many contributions you have made to the City of Charlotte to making communities better places to live, work, and play. Thank you for not betraying the confidence and trust of the people you represented. Thank you for your faith and courage. Yes, the ear of the leader must ring with the people, and thank you for your leadership, and thank you for dazzling us with the smile that has endeared you to all of us. We appreciate you and the work you have done.

Mayor Foxx said thank you for those heartfelt words, Dr. Rembert.

CONSENT AGENDA

[Motion was made by Councilmember Turner, seconded by Councilmember Howard, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of]
[Item No. 25, which was pulled by staff, and Item No. 48-J for speakers.]

The following items were approved:

28. Low bid contract in the amount of \$4,874,014.89 to Blythe Construction, Inc. for street resurfacing during FY2010 for Transportation.

Summary of Bids

Blythe Construction, Inc.	\$4,874,014.89
Ferebee Corporation	\$4,963,922.05
Rea Contracting, LLC	\$5,403,193.42
Blythe Brothers Asphalt	\$6,558,934.36

29. Low bid unit price contract to Concrete Supply Co. for the purchase of Portland Cement Concrete, a brand of ready-mix concrete, for the term of one year for Transportation, and authorize the City Manager to extend the contracts for four additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The FY2010 expenditures are anticipated to be an estimated total of \$670,000.

Summary of Bids

Concrete Supply Co.	\$475,940.00
Southern Concrete Materials	\$654,136.50

30. Low bid contract of \$1,429,660.10 to 8-Star Construction Company for York-Cama neighborhood improvements/Peterson Drive storm drain improvements for Engineering and Property Management.

Summary of Bids

8-Star Construction Company	\$1,429,660.10
Blythe Development, Inc.	\$1,619,794.00
Ferebee Corporation	\$1,740,902.19
Showalter Construction, Inc.	\$1,761,489.18
Callahan Grading, Inc.	\$1,870,886.60
United Construction, Inc.	\$1,875,182.10
Sealand Contractors, Inc.	\$1,885,405.06
D.H. Griffin Construction, Inc.	\$1,913,395.20

31. Low bid contract of \$793,980 to Blythe Development Company for construction to preserve, enhance, and restore creeks within the Stoney Creek Watershed area for Engineering and Property Management.

Summary of Bids

Blythe Development Company	\$793,980.00
United Construction Company	\$848,268.85
R.H. Price, Inc.	\$888,672.95
Environmental Quality Resources, Inc.	\$1,047,506.56

32. Low bid contract of \$1,492,840.25 by Dallas 1 Construction LLC for replacement of aging water mains throughout Mecklenburg County for Utilities.

Summary of Bids

Dallas 1 Construction, LLC	\$1,492,840.25
Davis Grading, Inc.	\$1,535,662.70
R.H. Price	\$1,572,432.40
State Utility Contractors, Inc.	\$1,610,184.40
Blythe Development Co.	\$1,708,784.00
Propst Construction Co.	\$1,811,407.95

33. Amendment #1 to the three current contracts for dewatering polymers used at all Utilities' wastewater treatment plants in the total amount of \$578,000.
34. Purchase of McNeilus Refuse Collection truck body parts as authorized by the sole source exemption of G.S. 143-129(e)(6), contract with McNeilus Truck & Manufacturing for the purchase of repair and replacement parts in the estimated annual amount of \$220,000 for the term of five years, and authorize the City Manager to extend the contract for two additional one-year terms as authorized by the contract.
35. Authorize the City Manager to execute six-month contract extensions with Republic Services d/b/a Allied Waste Services of Fort Mill beginning July 1, 2010, and ending December 31, 2010, for the: 1) Multifamily refuse and recyclables collection contract, and 2) Multifamily bulky item collection contract. The combined cost of the six-month extensions is not to exceed \$1.5 million.
36. One-year contract with KBA Computer Services, Inc. in an annual amount not to exceed \$98,000 to provide project management and technical support services for the citywide deployment of several software applications, and authorize the City Manager to approve up to three, one-year renewal options as authorized by the contract contingent upon the company's satisfactory performance.
37. Authorize the City Manager to approve agreements with Mecklenburg County for temporary use of Mecklenburg County Information Technology Services employees to work on City technology projects for an initial term of one year in the estimated amount of \$400,000, and authorize the City Manager to enter into other agreements with Mecklenburg County to use County IT staff within approved funding/budget.
38. Purchase of cellular services as authorized by the cooperative purchasing exemption of G.S. 143-129(e)(3), approve agreements with the following three vendors for the provision of cellular services in the estimated annual amount of \$1,335,000: 1) AT&T

Mobility, 2) Sprint/Nextel, and 3) Verizon Wireless; and authorize the City Manager to extend the agreements for additional terms as allowed by the cooperative purchasing contracts with possible price adjustments at the time of annual renewal as authorized by the agreements.

39. Authorize the City Manager to negotiate and execute a reimbursement agreement with Steele Creek (1997) LLC in the amount of \$134,000 for the difference in cost to upgrade the traffic signal installation from wood poles to steel poles/mast arms as part of a current project, and adopt Budget Ordinance No. 4449-X appropriating \$134,000 in contractor reimbursement funding for traffic signal upgrades.

The ordinance is recorded in Ordinance Book 56 at Page 646.

40. Contract with AECOM Technical Services, Inc. to provide professional travel demand modeling services to support transit project evaluation and design and federally required "Before and After" studies for the LYNX Blue Line and in a not-to-exceed amount of \$500,000.

41. Contract with Loram Maintenance of Way, Inc. of Hamel, MN for rail grinding services along the entire mainline of the CATS Lynx Blue Line and in an amount not to exceed \$213,142.

42. Administrative amendment to increase the gross value of the Siemens Transportation Systems, Inc. contract for the LYNX blue Line light rail vehicles by \$5,100,000 to a not-to-exceed amount of \$72,800,000 in order to account for the North Carolina sales and use tax due, which must be paid to the State directly or through the vendor but which is subsequently refundable by the State to the City.

43. Resolution declaring specific vehicles as surplus, and authorize said items for sale by electronic auctions beginning July 1, 2010, and ending September 1, 2010.

The resolution is recorded in Resolution Book 42 at Pages 550-551.

44. Resolution stating that the alleyway located between The Plaza and St. Julien Street is not part of the adopted street plan (thoroughfare plan).

The resolution is recorded in Resolution Book 42 at Pages 552-557.

45. Resolution of intent to abandon a portion of East 12th Street, and set a public hearing for July 26, 2010.

The resolution is recorded in Resolution Book 42 at Page 558.

46. Resolution of intent to abandon an unopened portion of Hanover Street, and set a public hearing for July 26, 2010.

The resolution is recorded in Resolution Book 42 at Page 559.

47. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$1,621.99, and resolution authorizing the refund of business privilege license payments made in the amount of \$66,406.05.

The resolution authorizing refund of property taxes is recorded in Resolution Book 42 at Pages 560-561.

The resolution authorizing refund of business privilege license payments is recorded in Resolution Book 42 at Pages 562-563.

- 48-A. Acquisition of 15,196 square feet in sanitary sewer easement plus 25,327 square feet in temporary construction easement at 13632 Brown Grier Road from Ralph S. Grier, Jr. Revocable Trust Dated 12/2/99 in the amount of \$16,616 for 2009 Annexation Berewick Sewer Improvements, Parcel #3.

- 48-B. Acquisition of 46,855 square feet in sanitary sewer easement plus 72,315 square feet in temporary construction easement on Steele Creek Road from Steele Creek (1997) Limited Partnership for \$37,350 for 2009 Annexation Berewick Sewer Improvements, Parcel # 4.
- 48-C. Acquisition of 15,143 square feet in sanitary sewer easement plus 19,767 square feet in temporary construction easement on Beard Road from Christenbury Farms Incorporated for \$18,133 for 2009 Annexation – Eastfield South, Parcel #6.
- 48-D. Acquisition of 3,784 square feet in sanitary sewer easement plus 924 square feet in temporary construction easement at 2801 Randolph Road from Springs Investment, LLC for \$51,075 for Briar Creek Relief Sewer Phase 2, Parcel #3.
- 48-E. Acquisition of 5,774 square feet in storm drainage easement plus 3,353 square feet in sidewalk and utility easement plus 3,242 square feet in sidewalk and utility easement overlap plus 512 square feet in temporary construction easement at 3122 Mt. Holly-Huntersville Road from Cooks Community Volunteer Fire Department, Inc. for \$21,875 for Brookshire/I-485 Area Plan Improvements, Parcel #16.
- 48-F. Acquisition of 941 square feet in sanitary sewer easement plus 3,579 square feet in storm drainage easement plus 719 square feet in temporary construction easement at 4816 Fairheath Road from Stephen L. Feber and wife, Jocelyn T. Feber, for \$22,675 for Eastburn Storm Water Capital Improvement Project, Parcel #35.
- 48-G. Acquisition of 678 square feet in fee simple plus 2,273 square feet in temporary construction easement at 5001 Rea Road from Aamer A. Qureshi and wife, Naila Shalkh, for \$13,925 for Rea Road Widening, Parcel #105.
- 48-H. Acquisition of 560 square feet in fee simple plus 105 square feet in storm drainage easement plus 16 square feet in utility easement plus 5,037 square feet in temporary construction easement at 5400 Statesville Road from James McDonald Howell for \$62,475 for Statesville Road Widening (I-85 to Sunset Road), Parcel #73.
- 48-I. Resolution of condemnation of 2,995 square feet of sanitary sewer easement at 337 Fannie Circle from Wachovia Bank, N.A. and any other parties of interest for \$700 for Briar Creek Relief Sewer Phase 2, Parcel #9.

The resolution is recorded in Resolution Book 42 at Page 564.

- 48-K. Resolution of condemnation of 43,613 square feet of fee simple plus storm drainage easement plus utility easement plus combined permanent utility and storm drainage plus temporary construction easement at 4525 Statesville Road from The Realty Associates Fund IX, L.P. and any other parties of interest for \$113,100 for Statesville Road Widening (I-85 to Sunset Road), Parcel #17.

The resolution is recorded in Resolution Book 42 at Page 566.

- 48-L. Resolution of condemnation of 2,157 square feet of storm drainage easement plus temporary construction easement at 5330 Sunset Road from Fifth Third Bank, National Association, and any other parties of interest for \$7,750 for Statesville Road Widening (I-85 to Sunset Road), Parcel #121.

The resolution is recorded in Resolution Book 42 at Page 567.

- 48-M. Resolution of condemnation of 2,923 square feet of storm drainage easement plus temporary construction easement at 6360 Statesville Road from GP Portfolio Landlord #4, LLC and any other parties of interest for \$10,250 for Statesville Road Widening (I-85 to Sunset Road), Parcel #123.

The resolution is recorded in Resolution Book 42 at Page 568.

48-N. Resolution of condemnation of 22,669 square feet of fee simple plus storm drainage easement plus utility easement plus temporary construction easement at 3005 Crosspoint Center Lane from The Realty Associates Fund IX, L.P. and any other parties of interest for \$23,825 for Statesville Road Widening (I-85 to Sunset Road), Parcel #124.

The resolution is recorded in Resolution Book 42 at Page 549.

49. Titles, motions, and votes reflected in the Clerk's record as the Minutes of the April 19, 2010, Zoning Meeting.

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ITEM NO. 48-J: CONDEMNATION AT 4444 STATESVILLE ROAD

Martin Waters, 610 Colville Rd., said I have been in the real estate business since the year of 1948. For those of you that can't do quick arithmetic, that's 62 years. Our family corporation, Domar Corporation, owns a Statesville Avenue or Statesville Road property, a portion of which the City needs to use for the Statesville Road widening. The City has furnished us with an easement agreement – not a contract to purchase by condemnation -- an easement agreement which contains a paragraph of representations and warranties having to do with the environmental conditions of the property. This easement agreement is a contract. It's a contract, and we will not sign it because of the representations and warranties that it contains. We understand that this possibly may lead to condemnation. We have been furnished no documents legal in this state that say that under the threat of condemnation or condemnation procedure that we must agree with and we must execute these representations and warranties. The question I would ask really rhetorically is what would a court of law say about making an owner execute and agree with these representations and warranties. Over my 62 years in the real estate business, I participated in scores and scores of condemnation proceedings, both on our own account and for those of clients, and I have never seen even once the kinds of representations and warranty language that we are being asked to agree with and execute. The money which was offered to us was \$10,000. We didn't ask for more at all. The environmental issues -- problems, if you will -- is being mediated as we speak by the Southland Corporation of Dallas, Texas. The last time I looked, the Southland Corporation had over 4,000 convenience stores – a New York Stock Exchange company – powerful. Now, we regret – our family does – that we are more or less cast in the role of being the bad guys.

Mayor Foxx said, sir, I'm sorry, your three minutes has expired, but let me ask you a question. It sounds like you don't have an objection to the amount. It sounds like it's an issue of the representations and warranties.

Mr. Waters said that is correct.

Mayor Foxx said, Mac, has there been or, Walter, has there been negotiation over those, or is it boilerplate?

DeWitt McCarley, City Attorney, said there were some attempts at negotiations, and where I think we have landed on this one is the condemnation is probably the easiest way to satisfy their concerns but also put it into our hands in a way that we can deal with the issues. There is some contamination on the site.

Mr. Waters said the contamination has been under remediation for at least ten years. I don't know how much contamination is left, but that could be found out by talking to the office in Mooresville, if anybody wanted to do that.

Mayor Foxx said, thank you, sir, I appreciate that.

Councilmember Dulin said may I ask a question of Mr. Waters?

Mayor Foxx said sure.

bvj

Councilmember Dulin said tell us what your perception of the City's side of our negotiations have been? Have you found us agreeable to discuss things or disagreeable to discuss things because I know Mr. Waters to be an honorable and fair man and not one to be disagreeable. I have never done business with him, but I know the man.

Mr. Waters said we have found the City willing to talk about it. I know Mac McCarley and think a lot of him. The trouble is that they simply are unmovable on the representations and warranties. They insist there has not been one change. As near as I can tell, not a comma or a word has been changed from the first easement agreement that was furnished to us on the representations and warranties, and the representations and warranties are said to survive the date of closing, which means they last forever. We are not going to sign it. Can't do it. They are too onerous.

Councilmember Dulin said who do we have negotiating on our side?

Mr. McCarley said the Real Estate folks have been doing this, and my folks have been advising them. Let me put this in context. We are looking at a site with contamination, and we are asking for the same kinds of representations and warranties that we would ask any time we purchase for you a contaminated. That obvious and easy answer in this case is a condemnation of the property. He won't have to sign any representations or warranties. It's on for a condemnation, and we will work out whatever details we have to with him on purchase price of the property once you agree to let us condemn it. I don't think he is going to agree. I understand that they are not going to agree to the normal conditions the seller would have to agree to when selling contaminated land.

Mr. Waters said we are not selling contaminated land.

Mayor Foxx said, I'm sorry, sir. I'm going to have to reclaim –

Councilmember Dulin said we are not talking about a whole bunch of land, are we? It's not a very big site.

Mr. Waters said 363 square feet.

Mayor Foxx said I know this is a very big issue, but I just want to make sure to keep order.

Councilmember Dulin said what can we do to –

Mayor Foxx said Andy is not doing it either.

Councilmember Dulin said I'm sorry.

Mayor Foxx said go ahead.

Councilmember Dulin said what can we do to meet these folks and help them?

Mr. McCarley said condemn the property. If we condemn the property, they won't have to sign any representations or warranties about what's in the ground.

Councilmember Dulin said one more question for Mr. Waters, please.

Mayor Foxx said okay.

Councilmember Dulin said, by the way, I promise it was painful for him to have to come down here and see us tonight. Mr. Waters, you don't want us to condemn that property, but we are moving that way, and our attorney is going to recommend that we condemn it. Tell me where that sits with you guys, and you said you have been involved in many, many scores and scores of condemnations. That certainly will satisfy your repertory of trouble, but tell us briefly where that would be with you.

Mr. Waters said that would be all right. It would be fine with us. I think it is shameful however because in this representations and warranties paragraph, which has got 12 different things we have to represent and warrant about in it, if it could be eliminated, the deal is over and finished. They could begin their widening. The process would move forward, and it seems a shame to me from a citizen's point of view that over a taking of 363 square feet, which is the corner – it's triangular in shape, but if it were rectangular, it would be roughly 20 feet by 18. You can do the math; that's 360 square feet, so it's small, very small. The likelihood of any kind of thing – any environmental trouble is minute, I would say, so it seems like it ought to go forward rather than go through the process, but the process suits us fine.

Mayor Foxx said we need to make a decision here. I think we have got the attorney's view. The item is slated for condemnation. Is there a motion on this?

Councilmember Dulin said since I asked all the questions I make a motion to move on then with the proposed condemnation of this parcel.

[Motion was made by Councilmember Dulin, seconded by Councilmember Mitchell, and]
[carried unanimously to approve a resolution of condemnation for 5,330 square feet of]
[sidewalk and utility easement plus permanent easement plus temporary construction easement]
[at 4444 Statesville Road from Domar Corporation, Inc. and any other parties of interest for]
[\$10,250 for Statesville Road Widening (I-85 to Sunset Road), Parcel Nos. 16 and 18.]

The resolution is recorded in Resolution Book 42 at Page 565.

Councilmember Dulin said I'm sorry we couldn't get that figured out for you, Mr. Waters.

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ITEM NO. 9: CENTERS, CORRIDORS, AND WEDGES GROWTH FRAMEWORK

The scheduled public hearing was held on the subject item.

Councilmember Howard said this is a conversation that we all know a lot about. We are trying to figure out how we develop our community going forward. It actually dates back to 1994 when we first came up with the Centers and Corridors Plan a couple of years ago, and this actually started when I was chairman of the Planning Commission. We started talking about expanding that conversation to include wedges as well. With that, I think we have Laura Harmon here to maybe make a short presentation, Mayor.

Laura Harmon, Planning, began a PowerPoint presentation and said I will give you all a brief update on centers, corridors, and wedges. This is a concept that, as Councilmember Howard was originally developed in the mid-1990s and endorsed by both the City Council and the County Commission, and it was illustrated in the Centers and Corridors Sourcebook for 1998. It provides a very general growth concept for Charlotte. We are near the tail end of updating centers, corridors, and wedges.

We started out a year and a half ago with an interdepartmental staff team. You can see a number of different departments working with us, and then moved through public input process that included both general public meetings as well as the citizen advisory group. Most recently we have been working with both the full Planning Commission as well as the Council Transportation and Planning Committee in reviewing the documents.

So what's new about this update, we did add a goal statement and a set of guiding principles. We expanded the concept to include wedges. The original concept really focused on centers and corridors but didn't talk much about the areas in between. We added sub-areas to growth corridors and redefined our activity centers, and we added a lot more guidance for both land use and transportation, the original focus of centers, corridors, and wedges, but also information on infrastructure, public facilities, urban design, and the natural environment. We added a section on how to use centers, corridors, and wedges and also a glossary of key planning terms.

The goal that we developed – and this was really developed closely with our citizen advisory group – was that Charlotte would continue to be one of the most livable cities in the country with a vibrant economy, a thriving natural environment, a diverse population, and cosmopolitan outlook, and that Charlotteans would enjoy a range of choices for housing, transportation, education, entertainment, and employment. We would have safe and attractive neighborhoods that would continue to be central to the City's identity, and finally that citizen involvement would continue to be a key to our viability.

Again, we see centers, corridors, and wedges as a framework or a vision for Charlotte, and it establishes the vision for future growth and development by, one, incorporating that overall goal statement, and we also have complimentary guiding principles – probably more importantly dividing the community into three broad geographic area types and outlining the desired characteristics of each of these area types. Those are obviously activity centers, growth corridors and wedges – activity centers being our focal point of economic activity; growth corridors being our five elongated areas that stretch from Center City to the edge of Charlotte, and wedges being the large areas between the corridors and outside the activity centers.

We have three types of activity centers – Center City, our mixed use activity centers, and industrial centers. About 10% of our land area is located within activity centers, and the way we expect these to change in the future is that we think they will become more urban in form, more intensely developed. We'll see a lot of infill and redevelopment in these areas, a greater mixture of uses particularly within our mixed use activity centers, more interconnected network of streets with pedestrian and bicycle facilities and enhanced infrastructure.

In our growth corridors, we have four sub-areas of our growth corridors – our transit station areas, the areas where we have probably done the most study in the past, interchange areas, established neighborhoods, and then the rest of our corridors that we call our general corridor areas. Again, we expect to see a mixture of uses particularly in transit station areas, also industrial and warehouse in addition to that office, residential, and mixed use in our corridor, more redevelopment in infill, greater intensity, and more pedestrian form of development with transit station areas being particularly important for that. Preservation enhancement of established single family neighborhoods and corridors. We don't see the establishment of new single family neighborhoods, but we think it's very important to protect those neighborhoods that we do have in corridors, and, again, that dense network of streets and enhanced infrastructure.

Then finally wedges – these are, again, the large areas between our corridors where we have most of our neighborhoods, and it's important in the future that we preserve and enhance them. We see these as places that have a diversity of housing for residents at every stage of their life; mainly low density, but we also see some moderate to high density housing in these areas. And, then to support the residents that live in wedges, our neighborhood scale commercial and civic uses and transportation systems that will help to connect the residents to areas for shopping, schools, recreation, and work.

One thing we spent a lot of time working with our citizen advisory group on is how centers, corridors, and wedges would be used, and really what centers, corridors, and wedges is. We see it as a foundation document for more detailed policies, plans, and regulations. It is not the plan, but it's a starting point as we develop particularly area plans and also in looking at capital facilities and so forth. We have been to the Transportation and Planning Committee. Some of the things that we have discussed with that committee so far is the protection of our established neighborhoods, how growth corridors are defined, clarification of density in residential, and, again, how centers, corridors, and wedges will be used.

We also took this to our full Planning Commission, and they discussed how centers, corridors, and wedges impact economic development, how we develop the boundaries of growth corridors and activity centers, the role of centers, corridors, and wedges with respect to comprehensive planning in Charlotte, the use of centers, corridors, and wedges in area planning, and the need to develop an explanation particularly for our citizens of how not just centers, corridors, and wedges but all of the City's plans and policies related to physical development fit together, and we did last Monday get a unanimous recommendation from that committee supporting centers, corridors, and wedges.

June 14, 2010
Business Meeting
Minute Book 130, Page 749

Our next step after today, the 14th, is to go on the 24th to the Transportation and Planning Committee for a recommendation and back to you all as a body on June 28th.

Mayor Foxx said thank you very much, Laura, and I know we have a couple of speakers.

Daniel McClerin, 6814 Pence Rd., said I am here in spirit with a simple message to one and all in confronting the impending fathom of division, disparity, and short-term economic expediency and your challenge to develop a framework for community growth. As a family of neighbors, we wish again to yet remind you that everyone, everyone is our true source of resource. We are the resource of each and every community. It is its people and its neighbors. Indeed communities and neighbors exist for the mutual benefit of one another, and point of fact is the misinterpretation and unbridled worship of the almighty numbers at the expense of flesh and blood figures, which is at issue here and now in our land and floating like black ink on an azure sea from a bottomless pit. Currently ours is a house divided. It is essential for the County government to unite with the City government administration. The two must be united to be efficient. It is impossible for the County to shoulder and balance the need of the nonprofit sector of what was once called the “community chest” on the Monopoly board and solely depend upon donation and tax subsidy while the profit centers and revenue stream flow exclusively into City government. Where is corporate philanthropy? Our publicly owned Utilities as licensed by our people should be the endowment of our community nonprofit sector and not the budgetary line expense to effectively constitute multiple taxation. This one change would create a growth incentive and serve to increase stability. Why was this not considered and commissioned as an initial remedial approach to avoid irresponsible leadership as exemplified by the proposed 2011 budget and subsequent announced closing and personnel ejections. Ladies and gentlemen, we can make anything happen. You know that. The resources are available contingent upon our mutually dedicated and unifying will. Your commission as public servants is not to preside over nor accommodate closure but rather your responsibility is to see to growth. Your primary responsibility as representatives of our people is to keep all but the worst open and fully utilize the resources that comprise our people. Absolutely nothing else will suffice. Everything else is accommodation, a sell-out to so-called sustainability, and an abdication of leadership and deficit, bankrupt agenda. You have the power to make it happen. We, as the community, have the power to make it happen, and it is our mutual need to see to our mutual benefit as a consequence. I place it in your hands, ladies and gentlemen, but for me and my house, we have mutually decided that we can do better than this, and we are looking and expecting you to do likewise. Thank you very much for being there and taking on the responsibility of us all because ultimately we all must win or we all shall lose.

Mayor Foxx said do you support the centers and corridors, wedges plan or not?

Mr. McClerin said I support growth. (inaudible – not near a microphone)

Martin Zimmerman said thank you for the privilege of being before you tonight to congratulate everyone involved in putting together this plan, this activity and growth plan for our community. I think it’s a job very well done. I wear many hats, as some of you know on City Council. I am the executive director of the Charlotte Area Bicycle Alliance, I’m a retired city planner, and I have written extensively on city planning. Most recently an article on Vancouver, which I consider to be a model for Charlotte Center City, and that’s what I wish to speak about very briefly in the couple of minutes I have tonight is the Center City – not only a model for Charlotte Center City but by extension the Center City of Charlotte as a model for the other activity centers in the city. I also wanted to say that I am serving on the Transportation Advisory working group to the Center City plans, but then directly involved in the vision process. I have just two or three quick comments. One, for the City Planning staff, I think you are a little bit behind the curve. I’m hoping that folks are coming to the vision committee meetings and to the larger vision plan meetings because I think they are a little bit ahead of you in terms of language in some of the pages of this document that I went through today. Specifically in a couple of cases, the Center City that is used as the premise for the Vision 2020 Plan includes more uptown. It’s actually uptown and the surrounding neighborhoods, and that’s a fundamental difference from the 2010 Plan that was done ten years ago. That’s one fundamental difference. It’s not reflected in the document I read today. A second difference that is only evolving in the process – the process right now is at the idea stage – is the concept of the city of bikes. There is actually a concept on the table now to fundamentally change the role of bicycling in the center of the city, and that

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relates to my third comment, which is that from a multimodal standpoint, on page 12, and I'm now being very specific of this report. It basically says there will be reliance on the auto and local transit to get in and out of the Center City as part of this document. I think that should be seriously reconsidered so the modal split is much more heavily leaning toward walking, bicycling, and transit or as Brent Toderian, who is the city planner for Vancouver, said to me when I interviewed him for the article I wrote the auto comes last in the center city of Vancouver. I think that is something we need to really plan for if we are going to make Charlotte Center City the sustainable model for the rest of the community.

Mayor Foxx said thank you very much. You have been a real tireless advocate of smart growth strategies and making sure the community looks at holistically, so thanks for coming out today and commenting.

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

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ITEM NO. 10: CITY MANAGER'S REPORT

Mayor Foxx said I'm very much looking forward to your report tonight, which is going to be on utilities. We have all gotten a lot of not so happy phone calls over the last several months about utility bills, and I know you have been looking at the advisory committee review that Mayor Tart in Cornelius put together in trying to work through some of the issues raised there, so we are all looking forward to your report.

Curt Walton, City Manager, said there are a number of issues that we have been working on relative to Utilities customer service. We had a time scheduled last Monday for a larger briefing, but there are several specific items we wanted to update you on tonight, so I wanted Barry Gullet, our interim director of Utilities, to just touch several of those points, and then we'll come back with a more detailed briefing in the future.

Barry Gullet, Utilities, said I'm glad to be here tonight to tell you a little about improvements that have taken place in Utilities for customer service. First of all, you mentioned the Cornelius Water Solutions Taskforce, and that taskforce report focused on three aspects of utilities: financial management, customer service, and technical measurement and reporting. Utilities has taken action and has work under way in each of those three areas, and our Utilities Advisory Committee has reviewed the taskforce report and has prepared a response. You have a copy of the response in front of you, and it's also posted on the City's Web site.

Just to highlight a few actions. Before the taskforce report, the City Manager initiated a nine part customer service evaluation project that is well underway and will be completed in August. We have worked with the Council's Restructuring Government Committee and the Utilities Advisory Committee all spring – all through the budget session season, and we are doing a rate methodology study that will address the questions raised about the water rate tiers and equity issues. That study should be complete by February 2011. We will be working with those committees – the advisory committee, Restructuring Government Committee – and the project will have a public involvement component as well.

In the customer service area, the taskforce focused on attitude and processes. We have done additional training and are working on changing processes that deal with billing errors, turn-on and turn-offs, and delinquent payments. A water meter equipment audit is underway to help us understand if there are problems with the metering equipment we are using, and if so, what we should do to solve them. The audit is about a third complete. It's right on track. It's right where we thought it would be when we presented information to you on May 3rd about it. It's too early right now to draw any conclusions from the data, but the audit is going to do two things for us.

First of all, it's going to provide some statistical data and statistical basis for managing and deciding how we deal with our metering infrastructure going forward. The second thing it's doing is it's bringing fresh eyes to the problem. It's giving us a different perspective on things.

We brought in an outside private firm to do the audit itself, and we have made some reassignments internally within Utilities to bring some people into solving the issue that haven't been involved before, so we are hearing new ideas and getting different perspective. The audit process is very deliberate, it's very intense. We are not looking at the symptoms. We are trying to find the root causes of the problems with the audit. The field work for the audit will be completed around July 19th, and then the engineering analysis of all that data and all of our findings will take place through August, and after that, we will be back to report the results to you.

City Manager Walton said unless you have questions that's our report.

Mayor Foxx said I think the main thing is the public needs to know that we are not stopping looking at the system, and I think that's the central point that you were making, Mr. Manager, by bringing this up.

City Manager Walton said, yes, sir, we are going to continue the audit, and all of the other eight points in our review, and we'll be coming back later in the summer.

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ITEM NO. 11: FILLING THE CURRENT COUNCIL MEMBER VACANCY

Mayor Foxx said there has been a lot of discussion over the last week or so about this item. I just want to say a couple of things at the outset. The first thing is that we are not going to be able to replace Susan Burgess. That is not going to happen. We are being called to fill a seat, which is a different proposition. I know you are watching, Susan, and we are still thinking about you and praying for you. This decision also comes at a critical juncture in the history of our city and requires that we take the decision about this very seriously. Last week we collectively and unanimously asked the City Manager to develop and deploy a process to put our body in a position where we could make a decision tonight. The City Manager has done that. We have had several people apply. I think it's somewhere on the order of 24. Some of them are actually Charlotte residents. So we have gone through that part of the process.

But the second major piece of this is that this process is actually the Council's process. It can be iterative if you choose for it to be, it can come to a conclusion tonight if you choose for it to be, but I continue to read and hear people complaining about the process, but we are all still kind of involved in the process. The third piece is that as we talk about this tonight I think it's important for us to maybe spend a little time at the outset talking about the process and testing our readiness to make a decision tonight, and if there is readiness to make a decision, to go ahead and make that decision. So I would suggest that we start out with a process discussion, and then if there is readiness we move to a decision. If there is an unreadiness, then we can figure out where the consensus is on what we need to go forward.

I think the last thing I will mention is this is a hard decision to make at any time, but it's particularly hard to make when you have such strong feelings of sentimentality and personal friendship and connection to our former mayor pro tem. As we make a decision tonight, I hope that as we work through this process either tonight or at some point in the future that we make sure we are making this decision for the whole community. Realize that we have got a lot of issues we are going to be taking up and a lot of very complex things, and there are so many capable people that have put their names in that I just want to make sure that we make this decision based on the totality of what it means because it really is a decision for the community. With that, why don't we have a process discussion and maybe have a vote on readiness before we have a vote on anything else.

Councilmember Peacock said one suggestion, and this is only because much of this occurred behind cameras last week would be for Manager Walton or Mr. McCarley just to give us a little bit of a brief and for the viewing public a brief historical background on the replacement procedure, the process, very much what Mayor Foxx is describing – either one of you.

City Manager Walton said are you talking about this specific process or –

Councilmember Peacock said and possibly some of the history of this very process that we are going through right now.

City Manager Walton said last Monday when you requested a process that would allow you to be in a position to consider making an appointment tonight on Tuesday we posted on our Web site and did a media release, media advisory, of the opportunity to go online and provide a statement of interest as to why any candidate was interested in filling the at-large seat. There are by statute I think only four requirements: that they be a City of Charlotte resident, they be a registered Democrat, that they be 21 years of age, and they not be a convicted felon. So those are the only criteria that guide statutorily what your decisions are. The process for this one and all others is completely up to the Mayor and Council. I think that has been one point of confusion since there have been other processes in the community that are statutorily driven in a different way, so this one the timeline is up to you, the process is up to you, the selection is up to you as long as the candidate you choose meets those four criteria.

Councilmember Dulin said I'm three weeks into a month healing process with a broken finger everybody, so I'm flagged down here. Process – and I have been relatively vocal this week in the community about the feeling of this being a little bit rushed. And with all respect to our good friend, Susan, with all respect, we have 24 folks – 23 of them actually do live in Charlotte. I don't know how that lady would have missed the deal that you have to live in Charlotte to be on the Charlotte City Council, but she did. Some of them are legitimate, and some of them aren't. All of them have raised their hand up and said, you know, I watch what is going on around here, and I would like the opportunity to serve. Would you consider me? We can consider them or not consider them.

What I have been concerned of though this week was they haven't had a voice. They haven't had any way to come down and talk to us. I have said repeatedly that I would like for those folks to have an opportunity to come see us like we have done in the past. We did it in 2004 before some of us were even on the Council, Mayor, but I do remember vividly after Malcolm Graham won his Senate seat that Council had a night when folks came down and had their three minutes to make their case as to why they wanted to be a Charlotte City Council member. The Council listened to those, and they made a selection of Greg Phipps, who served admirably for the last year of Malcolm's terms.

Of the 23 that would actually be eligible, my guess is half of them might really truly be serious and want to come down and say something to us, and I have simply been saying this week that I would like for them to be able to come and publicly speak to us and ask us for the job. There is one applicant in here. From the name, I don't know if it's a male or female. Somebody has called me advocating – a Republican has called me advocating for this person saying they don't know of any finer fellow, so that told me it was a male, and I said thank you very much. So there are some folks here I think are worthy of our consideration.

Now, I have said this many times, too. With all respect to Jason Burgess, he is a fine fellow, and he is way too smart to want to do it, but if he wants to put his name into consideration, we might end up back at Jason. We would like to hear from Jason, too, but so far he is the only one we have heard from. I have got nothing against Jason Burgess – zero. I met tonight his wife for the first time. All I would like to do is push this thing out one week. We have zoning next week on the 21st of June. We don't typically comingle zoning and some business, but we all know that our zoning matters are finished very quickly these days because unfortunately we don't have many zoning matters to look at, but we have got plenty of time next Monday after a brief zoning matter to let the folks that would like to come speak to us that have signed up in the time schedule, which was brief, but it had to be, to come and speak to us. I will after we finish our discussion, I would like to make a motion to that effect, and we can vote it up or vote it down, but I'm very adamant that we give those folks an opportunity to have a voice.

Councilmember Howard said in order to move this process along since we did open it up for the time we did and we do have 23 people, I think I would like to move forward that we close on the said 23 people.

[Motion was made by Councilmember Howard and seconded by Councilmember Cannon to]
[close the application process with the existing 23 applications.]

Councilmember Howard said what that does it – I mean I’m not talking one way or the other about going another week. I’m just saying – I think I kind of heard you say we shouldn’t necessarily open the process.

Councilmember Dulin said, no, sir, I do not advocate opening the process. We have our candidates.

Councilmember Howard said and I’m making a motion to close on those said 23.

Mayor Foxx said there is a motion and second to close. Any further discussion of this?

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

Mayor Foxx said we are still to the point of readiness tonight.

Councilmember Mitchell said let me just remind everyone about 2004 since my good colleague, Andy Dulin, brought it to our attention, and that was the seat vacated by Senator Malcolm Graham. The process you said was correct. We had citizens to come down here and voice their concern to replace District 4. What you don’t recall is that was a very tough time for those of us who were a part of the Democratic Party at that time. Maxine Eaves received five votes, Greg Phipps received five votes, and the Mayor, Pat McCrory, had to break the tie, so I just want us to be very careful that sometimes our process has a tendency to cause some hard feelings among some of the colleagues.

Secondly, if you can remember, there was a candidate who eventually ran for the office and is serving with us now – Councilmember Michael Barnes – so I would encourage all 23 of those candidates if you are serious about serving for the City of Charlotte do it the Barnes’ way. He got out there and campaigned. He worked extremely hard, and he has served that district very well. I have no doubt I spoke to some of the candidates who are seeking this position. I have no doubt they can one day serve us, but I look around this table, and I clearly think we have one candidate that has the majority of support of City Council. I would like to make a motion today, if I can, Mayor –

Mayor Foxx said hold on. I want you to understand we do have speakers on this.

Councilmember Mitchell said I will yield to the speakers, Mayor, first, and then make my comment after I hear from the speakers.

Mayor Foxx said I also want to stay on process because I want to make sure we get through that part of the discussion. Further comments?

Councilmember Barnes said I think that based upon emails I have received and other communications I think there is some valid concern that we may have gotten to the checkered flag a little quicker than people would have expected because of Susan’s request of us last week and the process we asked the Manager to implement to conclude at noon on this past Friday. If, in fact, a majority of us would support Jason as Susan’s replacement, I don’t know that it does a lot of good to extend it. I ordinarily would have liked to have seen the process that we went through when I came down here and spoke to you guys five plus years ago, and that was to hear from each speaker and evaluate – or each applicant and evaluate the applicants, but that does not appear to be the will of the Council, and in order to move the Council forward and also give the applicants an opportunity to receive some closure to their efforts – and Mr. Mayor, I’m not trying to circumvent the process because I know we have got speakers, but at some point, that might be appropriate just to see if we even need to go beyond tonight.

Mayor Foxx said there are some of the applicants who have signed up to speak, by the way, so I would like to recognize them.

Councilmember Carter said I think that's an important issue that people have signed up to speak tonight. Anyone can sign up to speak to an issue that is on the agenda, so the capacity for anyone to address us was there, and the desire would be matched by the intention of the Council to hear. The other point I would like to make is that many of us will be away on the Chamber trip and not accessible to conversations throughout the end of the week, so extending this process would not have that interim of interaction here in the city that we might desire if we wanted to extend.

Mayor Foxx said do you all want to vote on readiness before we hear from the speakers? Why don't we hear from the speakers?

Jason Burgess, 717 Mt. Vernon Ave., said good evening and thank you for this opportunity to talk with you tonight. My name is Jason Burgess, and I am here to request your vote to fill the vacant at-large seat on the City Council. You all have my resume, so I won't waste your time and recite it. I love Charlotte, and I would be honored to serve this city on City Council. This is my main point. Charlotte voters time after time elected Susan Burgess because they approved of her brand of public service. Those voters, almost 60,000 last fall, deserve to know that her vision and ideals will continue through the end of her term. She and I both believe that I am the most qualified for that job. No one can replace my mother, but I pledge to be thoughtful in my deliberations, to study the issues thoroughly, to make fair decisions, and to be attentive to constituent needs. I strive to be a good son, a good father, and a good husband, a good doctor, and a good citizen, and I would work hard to be a good City Council member until voters can decide in November of 2011 who will fill this at-large seat, and as you know, I will not be a candidate in that election. Thank you for your time and consideration.

Nancy Wiggins, 3010 Crosby Rd. #122, said it's nice to be back in the Council Chambers, Mr. Mayor and Council members. I was a long-time member of the Planning Commission and did a lot of rezonings particularly Ballantyne and First Ward and a few other things. I'm here tonight as a candidate. I have worked tirelessly for this city, and I have lived here for six decades. I think that we have a wonderful city, and I think that a number of us who have put our names forward could in fact provide you with very good service. We might not be able to vote exactly as Susan would vote on each and every issue, but we would give the consideration of our city its utmost importance. I would like to suggest that it is important that each and every one of the 23 people be considered. This is a due process issue, and I, for one, while Jason is a nice guy, I, for one, am a bit worried that there will only be two women on the City Council. Susan was elected, yes, and she was also elected as a fine Democratic woman, and I think it is important that we represent a huge, substantial portion of our population. I just ask that you do give deliberation and let others speak, too.

Svend Deal said those of you on the Council that don't know me – probably most of you – I'm also a native Charlottean. Went to public school here for my entire career going to college, and over the course of that time and then after school, I have lived in Charlotte all my life significantly. I was a small business owner, well known in various parts of the community, and then went back to law school recently and have taken training and worked on issues that I think are important to the Council now. If you are looking for somebody that is qualified to hit the ground running, I think I'm that person. That said, I know Jason – I knew Jason when he was in junior high school. That's when I met him. I met his mom at a North Carolina basketball game. We were both watching him play. We were kind of hoping he gets a couple of minutes. He didn't get in much unless we had a big lead. So, if you don't choose him, I think I'm probably your best candidate and not just for me, not just for where I live, but also for the greater city and for all the constituents both Republican and Democrat.

Councilmember Cannon said, Mr. Burgess, it's been said and/or suggested that you really don't want to serve. I would disagree with that, but would you be so kind as to respond as to the suggestion that you really don't want to serve in this capacity.

Mr. Burgess said I grew up in Charlotte. We moved here in 1982. I went to Alexander Graham Junior High, Myers Park High School. I love Charlotte. We went away for higher education, met my wife, Liz, had a child, and we were very excited to move back to Charlotte because we love it here. It's true I have a busy surgical practice now, but I know that I can change my workload and I'm willing to put forth the effort. I do want to serve Charlotte.

Councilmember Cannon said thank you. I appreciate that. Mr. Mayor, question for Mr. Deal. Mr. Deal, I notice that Ms. Wiggins has indicated in her state of interest to us that she, too, like Mr. Burgess would not seek reelection once the term expires. What is your intention, sir?

Mr. Deal said I believe it is tradition not to do so, and I would follow that tradition.

Councilmember Turner said this entire process has obviously been very difficult for this entire Council. My concern during this last week is that we have received a tremendous amount of calls and emails from citizens that believe that this entire Council's mind was made up on one candidate before anyone else had the opportunity. I sat on this Council during the process when we went about filling the seat for Senator Graham. I believe that any candidate that will fill this seat will want the general public to believe that there was a transparency, no hidden agendas, no pre-notions of what we have done. I'm going to support that I believe that we should follow the process, and I think it would only be fair since now we know we have 23 or 24 candidates who have filed seeking this seat to give them their due time to come before this Council to speak to us as we would want the same opportunity. I don't think that Mr. Burgess would think that would affect whatever individuals here that have already made up their mind or believe that he is the best candidate. I just think it is a fair process, and being his mother's son, I believe that he would also support that. It is fair, and I believe we have to be fair to the general public so we can remove any of those kinds of rumors, and I think it also gives any other candidate a clear slate to come on this Council and serve the remainder of that time for this at-large seat without having to deal with that every day.

Mayor Foxx said I'm hearing some readiness and some unreadiness, so can somebody put a motion up for us to do something?

Councilmember Dulin said, Mayor, I would like to make a motion for the Council to delay our decision until one week from tonight, June 21st, after the Zoning Meeting. Again, it is our process. It is our meeting. We can do with it as we wish at which point everyone except for – Now, some of them have been smart – Mr. Deal and Ms. Wiggins and Mr. Burgess are smart enough to come down here and get some bonus time. That's working harder than the other folks, too. I notice Mr. Freeland in the audience. To those folks, other than the lady who lives in Huntersville, if they wish to come down here and speak to us again then I would like to have the opportunity to hear them, and I would like to make the motion that we delay until week from tonight, June 21st, after our Zoning Meeting for those three-minute speeches, and after that if we would like to make a decision, I'll be all for it, and I'll be satisfied.

Mayor Foxx said that's a motion. Is there a second to that motion?

[Motion was made by Councilmember Dulin and seconded by Councilmember Cooksey to]
[delay the decision to fill the Council member vacancy until June 21, 2010, at the Zoning]
[Meeting.]

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

AYES: Councilmembers Cooksey, Dulin, Peacock, Turner

NAYS: Councilmembers Barnes, Cannon, Carter, Howard, Kinsey, Mitchell

Mayor Foxx said that does not pass.

Councilmember Mitchell said I would like to make a motion that tonight we appoint Jason Burgess to fill the at-large Council member vacancy.

[Motion was made by Councilmember Mitchell and seconded by Councilmember Carter to]
[appoint Jason Burgess to fill the at-large Council member vacancy.]

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

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

NAYS: Councilmembers Cooksey, Turner

Mayor Foxx said that passes. Mr. Burgess, congratulations. For those of you who have applied, I do want to echo something that I think Councilmember Mitchell said, which is that staying in the process and staying engaged is helpful, and we hope that you all choose to do so. Council, my intention is to maybe do a swearing in tomorrow, if it suits Mr. Burgess, and he can take his first meeting next week. I think it would be a little unfair to throw him in without having seen the agenda.

ITEM NO. 12: ELECTING A MAYOR PRO TEM

Mayor Foxx said we typically do this at the beginning of our Council term, and obviously we are having to consider this item again.

Councilmember Mitchell said, Mayor and Council, I would like to make a motion to elect Patrick Cannon to serve as our Mayor Pro Tem of the City Council.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Dulin, and]
[carried unanimously to elect Patrick Cannon as Mayor Pro Tem.]

Councilmember Cannon said let me thank my colleagues here on the City Council for allowing me to fill some shoes that really I can't wear nor will I attempt to wear. I don't think I can walk well high heels, and I'm not going to try to. But I do know this. I would have been perfectly okay if we would have just in honor of Susan Burgess – you got a letter from me obviously – but in honor of her just allowing that post of Mayor Pro Tem to remain vacant. David Howard said we can still do it. Given you have already made a decision, I have to say this. She has served this community well in any and all capacities that we can all relate and understand. Inasmuch as I certainly welcome the title, I still regard it as hers because she worked hard, and she earned that title. I watched her on the campaign trail. We both ran up and down the streets – north, east, west, and south Charlotte, and, Susan, do know that you have done an extraordinary job. You can't be replaced. We all have learned that inasmuch as we don't mind having a title that it's not about a title. It's about our level of service, and you have represented that well, and I hope that I can do just as good a job as you have in the past.

Mayor Foxx said congratulations again, Mr. Cannon.

ITEM NO. 13: NEW COCA COLA PROMOTIONAL RECYCLING AGREEMENT

Councilmember Peacock said I will start with what I call part two on the Coca Cola initiative to help our city increase recycling. If you recall, this Council approved last year a program that helped us to not only partner with a local business that has been so prominent in our community, which has been Coca Cola Consolidated, and their effort to help increase recycling. They not only did it, but they did it very successfully and became a great partner with our Solid Waste Division. They are now launching our second part, which is bigger and better, and if I would point everybody on Council here and anybody in the audience who is looking to a couple of points here.

First and foremost, the objective primarily is obviously to reduce the amount of recyclables that we put into our landfills, and that is what this program is all about. Victoria Garland – I don't know if she is here or not. Victoria, I will call on you real briefly. I think you are going to give a brief talk on what bigger and better is, so without further ado, I will let you lead us off on that.

Victoria Garland, Solid Waste Services, said Coca Cola came back to us about doing what they call bigger and better for Recycle and Win, and basically what that was is instead of doing \$50 per week they are going to do \$100 per week along with our bimonthly collection. It will be for a six-month period running from October through March of the following year. They shortened the program, but the cash award is still the same. The overall program is still the same, and we are so excited about it because after single stream starts July 5th, this will be another reinvigoration of our program by having it put back in front of the public to tell them the importance of recycling. We think it's just a win-win situation overall, and we are looking forward to it.

Councilmember Cooksey said we have lost the Mayor and Mayor Pro Tem.

Councilmember Peacock said I think that would put me in charge; is that correct. Victoria, is anyone here from Coca Cola?

Jim Bailey, Coca Cola Consolidated, said I want to thank my good friend, Victoria, for a wonderful partnership not only this year we are looking forward to but last year. The whole Recycle and Win Program really has been a significant venture for us but also for the City of Charlotte. The good work that was done here last year has really sent a nice signal out to other cities. I think what has really been exciting about this is Raleigh looked at what this city did last year, decided to step up and take that program on, and now two weeks ago we kicked it off up in Charleston, West Virginia, and we are going to be taking it to Nashville, Tennessee, in the fall. First of all, I wanted to thank the Council for allowing us to participate in this with our good partners in Solid Waste. The good work that you did last year has really rippled out there, and we are looking forward to taking it to even more cities next year.

As relates to the second wave, our goal here was really what can we do together with the City Council, with the City of Charlotte, with Solid Waste to really help merchandise single stream. We started talking about this really a couple of months ago, and I think after some good discussions with Victoria we really said let's hold back and maybe kick this thing off in the fall when the dust has settled on the new recycling containers, people have had a chance to use it and really understand what the ramifications are and how the program works, and then let's come in and find ways to promote what we put in and what we do not put into our big, green recycling containers. So, again, I just wanted to thank the Council for allowing us to do it last year and hope there is an opportunity for us to move on with bigger and better for this this year.

Councilmember Peacock said one final point, Jim, that I wanted to amplify as to what you just said. I believe our marketing budget right now in Solid Waste could not help us to educate the public as much as you will be able to help us, and I think that is really what needs to be underscored here is that you all are helping our community to better understand how single stream recycling works, more importantly helping us to increase the message that it helps to reduce the amount of waste that goes into our landfills, which reduces the costs, which helps us to save money. That's the part where if we didn't have what I call a one plus one equals three here we could not get there alone, and I think that's really where I'm especially grateful to you and Victoria in Solid Waste for being open-minded about this. I know there was some resistance at first just because this was something new. Our Attorney's Office worked very hard to obviously make sure we were having the protection here of City of Charlotte property, and we worked through that, and as a result, it has really been just that. So we wish you continued success, and we hope to get a positive report from you real soon.

[Motion was made by Councilmember Peacock and seconded by Councilmember Carter to]
[approve the Environment Committee recommendation to authorize the City Manager to]
[execute a six-month partnership agreement with Coca Cola Consolidated to implement]
[within the City of Charlotte a recycling promotion program entitled "Recycle and Win --]
[Bigger and Better" that is designed to educate and expand citizen participation in residential]
[recycling.]

Councilmember Turner said I want to just make sure because this is one of the questions that I posed when we first started, and I supported it then and I still support it now. I just want to make sure the public understands that this is still free will. Then we had to put the sticker on the trash

bin, and you had to agree to that. That was not something that we forced on our residents, so that is still the case.

Ms. Garland said, yes, basically by adhering the sticker to the green cart you are opted into the program. If you don't have a sticker on your cart, then you have decided not to participate.

Councilmember Turner said I wanted to make sure that was still clear to the general public.

Councilmember Barnes said I like to remain as consistent as possible. I think Coca Cola is a fine company. I asked the first time we did this about our willingness to open it up to other entities, and I imagine that still hasn't happened, so I'm not going to vote to support it.

Councilmember Cannon said just for the sake of information because I think I came in a little bit late on this. What was the rationale for not opening it up to other companies?

Ms. Garland said Coke was the only company that really approached us at that time to ask us to partner with them and to kick it off here in Charlotte back when we did it the first time last year and starting in February of last year. They were the only ones that approached us with that concept – not that we wasn't open to anyone else. They just came to us.

Councilmember Cannon said you say they were the only company to really approach you.

Ms. Garland said yes.

Councilmember Cannon said does that mean that you put it out then for other soft drink companies to participate?

Ms. Garland said, no, we didn't seek. They came, and they came with the idea. At that time, the goal was to help Charlotte increase the recycling participation.

Councilmember Cannon said I think that is a great idea – not just a good idea; I think it's a great idea. I guess the question becomes then when you first got that information from them regarding this great idea did nothing dawn on anyone on staff to say, well, shall we put this out to others to see if they might be interested as well?

Ms. Garland said at the time what was happening is that we were getting ready to convert to the large container. We was afraid that we didn't have the capacity to take on additional, so we were really concerned about what it would do to us at that time. That was the biggest thing because at that time we only had the red bins, and that required a lot more work at that time.

Councilmember Cannon said I understand. I'm just trying to catch up. Thank you so much.

Councilmember Cooksey said I just wanted to elaborate on the answer for Mr. Cannon. To cross a line that I think Ms. Garland is being kind enough not to cross, the staff recommendation on this actually was against it because of concern for higher costs. If folks increased recycling and we didn't have the staff to keep up with that then staff, in doing their job of watching the numbers, was concerned there would be an added cost to the City. It was the previous Council that chose to overrule the concern about costs in the name of pursuing the policy of increasing recycling, and clearly it's worked out very well. I can't stress enough this was not a City-originated idea. It was something that a private company came to us for, and thanks to the new sponsorship policy that we have, we are open to any private company that wants to do something to help us carry out our focus area plans, and we'll take it under consideration. So that's a little more of the background. Hope it helps.

Councilmember Dulin said also audience and Mr. Cannon Coke was thinking outside the box. They have got leadership amongst their executives that are big recyclers. I mean they are in the recyclable business. They want to recycle those cans and bottles and reuse them. It's good business. It's also good for our environment, and they are thinking outside the box. They go get Red Moon, and they put together this program, which really helped our recycling. Coke's largest competitors don't do the kind of work that they are doing here to help communities, and they have since rolled this out in Nashville and what other cities, sir?

Mr. Bailey said Raleigh. Charleston, West Virginia, and we'll be in Nashville in the fall.

Councilmember Dulin said very good. Their rewards they put out are evenly spread out in all areas of the country. They have proven that, and I really would like Council to support this. It is good for our city, it is good for our environment, it is good for the kids that we are teaching about recycling.

Councilmember Peacock said just one brief comment to Mr. Cooksey. Mr. Cannon, this was something unique that was brought to us, and I think it did catch staff off guard because it did relate to something that wouldn't possibly cost us something, but what led to it was, first of all, a very vigorous legal agreement for that first 12 months that protected the city and really what was at stake here was City of Charlotte property and that sticker being on it and was staff properly prepared to answer the questions on 311. As a result, after 12 months of data, we have come to the conclusion that we didn't have increased costs. We tracked every single phone call that came in, and we basically received mainly positive comments about this, and certainly when you consider their partnership with Harris Teeter and handing out gift cards for people simply to get food, it really made a win-win for not only you all but Harris Teeter and the citizens.

The final thing that came to it because all of a sudden after that we had another sponsorship opportunity from another company that was thinking of something similar and it really brought about the need for Mr. Cooksey's committee now, Restructuring Government, to take on the sponsorship policy, which is very important that we have and clearly in place. We didn't arrive here quietly.

Councilmember Kinsey said I was going to reference the sponsorship policy. I just make note that it is consistent with our policy.

Councilmember Cannon said I was just going to simply say that one of the things we have been about is believing in healthy competition – competition that means there is going to be a savings in the end for the taxpayer. That is essentially what led to my question because that is how we have always operated for the most part in the vein of competition and ensuring that we have it across the board. That was really the rationale for my question. I have gotten my answer, and I'm glad to know we are where we are, and I hope it can potentially continue to do so.

Councilmember Barnes said just for sake of clarity I want to make a couple of more points. As I understand it – Mr. Manager, correct me if I'm wrong – we actually did not experience an increase in recycled tonnage through the program. I understand that nationally recycling went down in a number of areas, but ours did not go up; it just didn't go down. Also, the first time around the gift certificates totaled about \$17,850, and there will be a similar value this time because they cut in half the number of certificates but increased the value of those certificates. The point I'm making that while recycling is a great thing – we all acknowledge that – I had concerns about the nature of the program, and I was in the minority then. I'm in the minority tonight, and that's fine, but I'm just letting you know why I feel the way I do.

Mayor Foxx said I don't think there are any more folks waiting to speak, so why don't we go ahead and vote on this.

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

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

NAYS: Councilmember Barnes

ITEM NO. 14: SMALL BUSINESS STRATEGIC PLAN

Mayor Foxx said let me compliment the Economic Development Committee on the work on this, and Mr. Mitchell, vice chair, will introduce this.

Councilmember Mitchell said I would like to thank my other committee members: Councilmembers Kinsey, Carter, Dulin, and our fearless leader, Susan Burgess. This is our commitment, and, Mayor, to your appointed Small Business Opportunity Taskforce. They agreed that the one thing that was missing in our community from a small business perspective was information and opportunities. I would like to have Tom Flynn just to come and talk about the Web portal, which we as step number two requested \$150,000 to be able to do a business web portal.

Tom Flynn, Neighborhood and Business Services, said thank you very much to the ED Committee and all the good, hard work you put in on this and finding out a whole lot more about small business in this process. Also, I want to thank our partners, who are in the room today, and I think there are a couple that have signed up to speak to show their support for this item. To summarize and get back to Councilmember Mitchell's point, the big idea out of this after four or five months of study really was there were a lot of good organizations doing a lot of good work in the community to help support small business, but they were small organizations. A lot of them did not have the ability to sort of project and market themselves, and so really the idea here is the first big step really is to take and use \$150,000 of City money that would come from your Business Corridor Revitalization Fund and use that to build, market, and brand a web portal that would provide exactly the type of information that Councilmember Mitchell just talked about. It would bring up that, have a higher presence on the web.

It would provide small business calendars, and this addresses the needs of the 27,000 small businesses. That is really the target audience here is the 27,000 small businesses in Charlotte-Mecklenburg representing about 55% of all employment in Charlotte-Mecklenburg. That is really the big idea. There is a lot of other things in here. We are hoping to really work with the other partners to build a consortium. Once we get this done, one of the next things we are looking at a much more vibrant and vigorous small business week next year as a part of that consortium. There are other items on here as well that we would work through, but the big thing for us and our target date to go live would be first quarter of 2011 with this web portal. With that, I will stop and take any questions, and you may also want to ask some of the other speakers, Mayor.

Scott Stone, 13213 Whisper Creek Dr., said on behalf of the City's Business Advisory Committee I'm pleased to be here tonight to ask for your support for the proposed Small Business Strategic Plan. As you know, the Business Advisory Committee for the past several months has been working closely with staff and our community small business partners to create a strategy that supports the life's blood of our economy – small business. The plan includes the input of many. The input came from numerous and ongoing meetings with our small business partners as well as directly from small business owners through surveys and through the small business forum we hosted in March. This plan attempts to address their concerns and challenges. You have heard the statistics – 27,000 small businesses in Mecklenburg County plus another 70,000 individual companies that are registered. Many of those are sole proprietors. Those together -- 100,000 businesses. If half of those small business hired one person in the next year, that's 50,000 jobs in the Charlotte area. Traditionally it's been small businesses that are the net job creators. That is not happening in this recession – not nationally and particularly not locally. Frankly, while we are seeing some minor successes, I don't think we are seeing widespread improvement. We need to move forward today and begin the execution of this plan so we can get our local economy back on track. Long-term success and growth for Charlotte area small businesses and, therefore, our overall economy will only come from collaboration, cooperation, and a thoughtfully conceived and executed strategy. I'm confident that this strategy accomplishes those elements. Central to the strategy, as Tom mentioned, is the development and marketing of the web portal. This web portal will be a one-stop shop where small business owners can go, get information on resources, and also a step-by-step on processes they need to either start their small businesses or grow their small business. With the approval of this plan, I believe we are witnessing a watershed moment for our community. Years from now we may look back at this moment, at this point in time, as the time when we pull together and made the

single biggest impact in decades in creating jobs in Charlotte. This plan does not provide a short-term temporary fix but establishes a strategy for long-term job creation. As you consider this plan, I want you to know the great effort that went into creating this document. I want to recognize the members of the Business Advisory Committee past and present, some of whom are here. He introduced the members. I also want to particularly recognize the staff that have put in so much tremendous effort in pulling this plan together – Nancy Rosado, Emily Cantrell, Dennis Marstall, Jerriane Jackson, Gail Whitcomb, and especially Tom, who I like to refer to in this process who has been the chief cat herder in pulling a lot of different elements together, a lot of our partners together on this. The elements of this plan should not be new to most of you as it's been before the committee many times and before Council several times over the past nine months, so a vote yes tonight is a vote for job creation. A vote yes tonight is for a vote for getting our community back to work.

Mary Vickers-Koch, CPCC, said I am with Central Piedmont Community College. Last year in our Institute for Entrepreneurship we served 4,000 unemployed citizens, and we are tracking who has gone into business. We feel that we are strong with the state support and some of the county support, but we are much stronger as a partnership together, and we particularly commend Tom and the Chamber staff for their thoughtfulness about how we would market and how we could be coordinated with each other about providing the services, so we certainly support it at Central Piedmont Community College and ask for your support.

Keva Walton, 330 S. Tryon St., said we started the evening talking about the access to capital conference, and that is one shining example of this collaborative effort. I think from my perspective this plan represents a comprehensive and a long-term approach to ensuring we collectively and collaboratively support our small business community. The process was collaborative and remains that way, and I think that sends an important signal to our small business community. The Chamber is excited to be a part of this and an integral part of moving forward and helping with implementation, and I would add to you that with regard to the portal as we prepare for our trip to Boston we are finding that the City of Boston is actually in the process of considering something similar, so we will be listening to what they have found as well, so I'm proud to say that we are ahead of the game in this instance, and this is going to be a great process and again a vote for small business, so thank you for your consideration.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon,]
[and carried unanimously to approve the recommendations of the Economic Development]
[Committee to: 1) approve the Small Business Strategic Plan, and 2) authorize expenditures]
[up to \$150,000 from the Business Corridor Revitalization Strategy Fund for the development,]
[marketing, and branding of a small business web portal.]

Mayor Foxx said that's really good work. We are really working to build up small businesses another step along the way.

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ITEM NO. 15: REVENTURE PROJECT CONCEPT FRAMEWORK

Mayor Foxx said another exciting project – ReVenture Project concept framework. We heard a lot about this at dinner. Mr. Mitchell, unless you have something else to add, is there a motion?

Stephanie Kelly, City Clerk, said, Mayor, we have a speaker.

Shannon Binns, 1413 Briarcreek Rd., said sorry to slow down the vote on this issue, but I think I have some good reasons. First of all, thanks to all of you for your service to our community, and for those of you I haven't yet met, my name is Shannon Binns, and I recently founded a nonprofit organization called Sustain Charlotte. Our mission is to promote local and sustainable decision making, and as you have surely noticed the term "economic development", the name of this subcommittee, has been replaced with the term "sustainable development" reflecting the need to develop our economy in a way that looks beyond the short term and easy to measure economic benefits and costs and considers the long term and often more difficult to monetize benefits and costs to our economy as well. Let me start by saying I believe the

ReVenture project is well intended and has many positive aspects, particularly the plan to generate solar power on the proposed site, which is a truly renewable energy; however, I am deeply concerned about the plan to generate power by incinerating our municipal waste and 80% of our compostable yard debris for the next 20 years through a process known as gasification. I have many reasons for my concern, and tonight I will quickly share five of those reasons. First, all types of incinerators require a large amount of capital investment, but they create relatively few jobs when compared to recycling and composting programs, which you heard a little bit about tonight with the Coke project. Furthermore, let me back up and say that the EPA has said for every 100 recycling jobs created only ten jobs were lost in the solid waste industry, and because incinerators compete with recycling programs for the same funding and materials, constructing a gasification incinerator can undermine job creation in communities here. Regions that have made commitments to increase recycling rather than disposal are realizing tangible benefits to their local economies. For instance, in the state of California, they require that recycling and reuse of 50% of all municipal waste, and this accounts for 85,000 jobs and generates \$4 billion in salaries and wages. Secondly, when compared to conventional mass burn incinerators, which have faced a lot of public resistance here for the past several decades, staged incinerators like the one proposed at ReVenture emit comparable levels of toxic emissions. Overall the just identified emissions from staged incinerators include particulate matter, volatile organic compounds of EOCs, heavy metals, dioxins, sulfur dioxide, carbon dioxide, mercury, carbon dioxide and furons. Even small amounts of some of these toxins can be harmful to human health and the environment. The most potent carcinogen known to mankind is dioxin, and there is no known safe level for exposure. The third reason I want to mention briefly is the gasification incinerators have a dismal track record plagued by malfunctions, explosions, and shutdowns. Many operational problems at staged incinerators have proven costly and dangerous for the communities where such facilities have been constructed. For example, (inaudible) Germany incinerator, one of the largest solid waste incinerators in the world –

Mayor Foxx said, sorry, Mr. Binns. We are out of time.

Mr. Binns said, sure, I will just cut to my bottom line real quickly.

Mayor Foxx said I'm sorry. The time has actually expired. I'm sorry.

Mr. Binns said I would like to ask the Council to refer this to the Environment Committee for further consideration.

Councilmember Barnes said I just want to make it clear that this vote tonight essentially allows our staff to continue to work on the project. It's not an approval of it. It's not a final decision by us on the issue. It's simply to allow our folks to continue work to see if it's something we should do.

Councilmember Howard said I would like to add that it more than likely will come back through that committee or ED again on the way back, so we'll see it a lot before this is over.

Mayor Foxx said maybe in the interim maybe check into some of the things talked about right there.

[Motion was made by Councilmember Cannon, seconded by Councilmember Howard, and]
[carried unanimously to approve the Economic Development Committee's recommendation]
[to recommend the ReVenture Concept Framework.]

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ITEM NO. 16: CAROLINA THREAD TRAIL MASTER PLAN RESOLUTION

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously to adopt a resolution supporting the Carolina Thread Trail Master Plan]
[for Mecklenburg County.]

The resolution is recorded in Resolution Book 42 at Pages 523-524.

bvj

ITEM NO. 16A: NORTH CAROLINA MOBILITY FUND

[Motion was made by Councilmember Howard, seconded by Councilmember Mitchell,]
[and carried unanimously to approve a resolution in support of the proposed North Carolina]
[Mobility Fund.]

The resolution is recorded in Resolution Book 42 at Page 525.

ITEM NO. 17: 2001 ANNEXATION PROCESS

[Motion was made by Councilmember Howard, seconded by Councilmember Carter, and]
[carried unanimously to A) adopt three resolutions of intent that state the City's intent to]
[consider annexation of areas with an anticipated effective date of June 30, 2011; B) Establish]
[a schedule for holding the public informational meetings and the public hearings for the]
[proposed annexation areas, and C) adopt the annexation reports developed for each of the]
[three 2011 annexation areas.]

The resolution to annex effective June 30, 2011, is recorded in Resolution Book 42 at Pages 526-530.

The resolution to establish a schedule for public meetings and hearings is recorded in Resolution Book 42 at Pages 531-537.

The resolution to adopt annexation reports is recorded in Resolution Book 42 at Pages 538-547.

ITEM NO. 18: AIRPORT INTERMODAL FACILITY

Mayor Foxx said this is a major, major, major deal, probably one of the most significant economic development infrastructure projects we have had in quite some time. Is Jerry Orr here somewhere to talk about it a little bit? Jerry, can you come down and give us the elevator speech on the intermodal?

Curt Walton, City Manager, said he will not be verbose.

Mayor Foxx said for the people watching and people at home can you just talk about this just maybe 60 seconds or less?

Jerry Orr, Aviation, said 60 seconds, yes, sir. This is a great project for the community. The Airport benefits because it will generate revenue that helps us diversify our revenue stream. It also groups like industries in the same area, which has great future potential with respect to air quality and traffic. It will put Charlotte at the intersection of those rivers of commerce that determine our future.

Mayor Foxx said let me ask you one other question about this. How long has this been in the work?

Mr. Orr said a long, long time – even in government time. We started on this about 1995.

Mayor Foxx said so it's been going on for 15 years. This is huge for Charlotte. How many intermodals are there across the country?

Mr. Orr said I don't know, but this one has the potential to be the same capacity as the one at Alliance, Texas.

Councilmember Carter said, Mr. Orr, if you could provide us with a summary about the security aspects of this development? I would be very interested in seeing a write-up.

Mr. Orr said certainly.

[Motion was made by Councilmember Howard, seconded by Councilmember Mitchell, and]
[carried unanimously to approve a Master Development Agreement with Norfolk Southern]
[Railway Company, which will result in the execution of a lease with option to purchase]
[Airport land upon which to construct an intermodal facility.]

Councilmember Dulin said in last week's *Business Journal* there was a small article that I would like to bring to everybody's attention. It says, "The International Air Transport Association handed out its annual industry awards this week in Berlin with Charlotte-Douglas International Airport named the best airport in the world, which is relatively big I'm pretty sure. It goes on to say -- Thank you very much for your service to the citizens of Charlotte, Mr. Orr.

Councilmember Cannon said, Councilmember Dulin, thank you so much for recognizing him for that.

ITEM NO. 19: AIRPORT BUS PURCHASE AND GRANT ACCEPTANCE

[Motion was made by Councilmember Howard, seconded by Councilmember Carter, and]
[carried unanimously to recuse Mayor Foxx from this item.]

[Motion was made by Councilmember Howard and seconded by Councilmember Carter to]
[A) adopt a resolution accepting a U.S. Department of Energy grant from Triangle J Council]
[of Government in the amount of \$1,000,000 for the purchase of five DesignLine turbine/]
[electric hybrid buses; B) approve the purchase of turbine/electric hybrid buses as authorized]
[by the sole source purchasing exemption of G.S. 143-129(3)(6); C) approve a contract with]
[DesignLine International Holdings, LLC for the purchase of five turbine/electric hybrid]
[buses in the amount of \$535,000 each (for total of \$2,675,000), and D) adopt Budget]
[Ordinance No. 4444-X appropriating \$1,000,000 received from the grant to the Airport's]
[Capital Project Fund. Matching funds of \$1,675,000 are available in the Airport Operating]
[Budget.]

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

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

NAYS: Councilmembers Cooksey, Dulin, Peacock

ITEM NO. 20: 2010 HOUSING TRUST FUND PROJECTS

[Motion was made by Councilmember Mitchell and seconded by Councilmember Cannon]
[to A) approve a financial commitment of \$1,400,000 for the Arrowood Station Senior Multi-]
[Family Rental Housing Development; and B) approve financial commitments of \$500,000]
[for Moore Place and \$500,000 for Carya House, a total of \$1,000,000 for Special Needs]
[Housing Developments.]

Councilmember Kinsey said is this money from current bonds or from any future bonds we might put on the ballot?

Curt Walton, City Manager, said I believe – I will have to look back, Ms. Kinsey, but I believe part of these are part of the \$15 million that would be on the November ballot.

Councilmember Kinsey said future bonds.

City Manager Walton said, yes, ma'am.

Councilmember Kinsey said so we are in trouble if they don't –

City Manager Walton said no.

Patrick Mumford, Neighborhood and Business Services, said at the risk of correcting my boss, actually these are leftover dollars that you all reappropriated, so this is bond money that we have today.

Councilmember Barnes said I am out of support for my neighborhood, Druid Hills. I'm going to vote against it.

Mayor Foxx said do you want to separate these?

Councilmember Barnes said that would be fine if we could do that.

Mayor Foxx said let's have a vote on A and then we'll have a vote on B.

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

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

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

NAYS: Councilmembers Barnes

**ITEM NO. 21: CHARLOTTE-MECKLENBURG HOUSING PARTNERSHIP
LOCATIONAL POLICY WAIVER REQUEST FOR THE WESTINGHOUSE
APARTMENTS PROJECT**

[Motion was made by Councilmember Carter, seconded by Councilmember Barnes, and]
[carried unanimously to recuse Councilmember Howard from this item.]

Mayor Foxx said there are a lot of speakers, so I would ask the speakers be mindful if someone has already made the same point that you have made you might focus on other points for purposes of this.

Jerry Meek, 301 S. College St., said I'm an attorney with Poyner Spruill, and I represent the residents of Ayrsley in this matter. If you don't know, Ayrsley is a racially and socioeconomically diverse community made up primarily of young folks, who are middle class, and it may surprise you to know that in what we know of as Ayrsley there are 731 apartments and 300 townhomes. A lot of those, as you will hear, are actually vacant. Now, you are going to hear from some of the residents today. All these folks live in the community except for me. The folks who have signed up on the other side have for the most part listed their address as being at the Housing Partnership offices. Let me tell you a little about this half mile rule. It was created in the late 1960s, the early 1970s as a result of a lawsuit against the City in which it was alleged that the City's housing policies led to racial segregation. We have this policy to prevent segregation in our community and to prevent clustering of low-income communities. So, the issue now is under what circumstances should we waive this policy, and I would submit to you that only in compelling circumstances should you do that. Now, the Housing Partnership is going to tell you, well, we don't have in this zip code -- we don't have low income housing. It is

not about this zip code, folks. There are other lots in this zip code where this low income housing community could be created. They will tell you, look, this has site selection got a high rating with the North Carolina Finance Agency. Well, it did get a high rating for this particular site, but there are other factors that the North Carolina Finance Agency consider including their marketing study shows that this is a worthwhile project, and, guess, what? Their marketing study shows that of the six proposed projects in Mecklenburg County this ranks number four in its potential. Why waive an important public policy when you don't have compelling circumstances to support that, and here you simply don't. Add to that the fact that we have no NSA data whatsoever for Ayrslley. It is such a community in transition that it's not even included in the NSA data. Folks, it's not about the Housing Partnership either. There is no doubt they are a competent organization. In 2008, they had over \$51 million of assets. Their president, Pat Garrett, made over \$200,000. They spent over \$100,000 on lobbyists. They know what they are doing, but it's about waiving a policy that exists for a reason. Right now we are considering creating a new housing location policy, and citizens are going to be asked to comment on that policy. Why go through the charade, folks? I mean if you waive it under these circumstances, you can waive it under any circumstances, and there is no reason to have a policy at all if that's the case. I strongly urge you to vote against this waiver.

Councilmember Cooksey said, Mr. Meek, briefly could you cite for me in your opinion one or two reasons that would be compelling enough to justify a waiver?

Mr. Meek said let me approach it this way, Councilman. There are some members of the Council that I have spoken to who believe there should not be a waiver under any circumstance.

Councilmember Cooksey said, Mayor, let me be clear. I'm not referring to this case. I'm referring to in general. You have cited that this Council should consider a waiver only in light of compelling circumstances. I would be interested in knowing categorically – not project based – one or two examples in your opinion of what would be compelling.

Mr. Meek said, well, to answer your question, Councilman, I don't have an answer to that question. I think it's something that needs to be done on a case-by-case circumstances, but certainly under these circumstances I don't see any indication that's compelling.

Shawn Widrick, 7702 Jackson Pond Ln., said I'm a resident in Ayrslley community. Tonight I ask the Council to please vote no on the waiver. As Mr. Meek just stated, there is no compelling reason to grant this waiver. Ayrslley is not Ballantyne nor are we Berewick. We are a young, developing community that was recently labeled as transitional. We are not stable like these two communities nor do we have the resources or the contacts at Ballantyne or Berewick. Actually the development I live in won't be finished for approximately two more years. Half of the communities in Ayrslley are still so young and far from being completed that the developer still has control over the HOAs. Ayrslley residents are not saying "Not in our backyard." Residents bought into this community knowing there was a government assisted complex nearby. We fully support the work that the CHP does, however, we do not support this particular project. Although the CHP has well designed facilities and are well managed, this is simply not the case here among you tonight. The proposed site is considered a prohibited site according to the housing location policy. As you are well aware, this policy has been in place since 2001. Recently the Housing Committee voted unanimously to keep the half mile restriction in place. Please vote to uphold this policy. Charlotte is not so densely populated that we need to grant this waiver. Currently there is not a need for another apartment complex in our area. Our area is currently oversaturated with apartments and rentals that are price point for every family. If a family would like to live in this area, they have plenty of options to choose from. In addition, the Housing Trust Fund has determined that funding should not be allocated for this project. The project currently does not have the support of the Ayrslley community nor does it have the proper financing from the Housing Trust Fund. Mayor Foxx was recently quoted as saying that he was against the clustering of these projects. This proposed site is simply the wrong location for this project. Council, please vote to uphold the City's location policy. Please vote no to the waiver. Councilmember Cooksey, if I can, I think I might have an answer to the question you posed earlier.

Councilmember Cooksey said sure.

Mr. Widrick said the question being what would be compelling reasons. I don't have anything prepared or have a good answer either, but I would say if there is not a site suitable for a project where these types of projects are needed. In fact, in our community, nearby there are several plots of land not more than 500 yards down the road that are currently up for sale and would be a phenomenal site for this location. You wouldn't have to go through and get the waiver. It's street front frontage, and it would be a phenomenal place. The proposed site is just currently the wrong location for this project.

Aaron Beck, 9409 Kings Parade Blvd., said as a member of the Ayrnsley Fairness Action Committee as well as an actual resident down in the community of Ayrnsley, this is something near and dear to our heart. Ultimately we just want to say thank you for taking the time. Furthermore, just want to make sure everyone understands that we think that everything the Charlotte-Mecklenburg Housing Partnership does is phenomenal, and in the right situation, it is a great thing to actually have that government assisted housing. In the interest of time, I will just go through a few things here. Obviously, Mr. Meek brought up the fact that there are over 700 different apartments within our little community of Ayrnsley. Right now you are looking at NSA data that is lapped us in with essentially Whitehall, which is across the street and goes all the way over to I believe Arrowood Road, which is quite a few miles away. Right now in Ayrnsley, we are looking at essentially a residential community, which consists of two apartment complexes, ultimately about 750 apartment homes, as well as about 300 townhomes built by four different developers. We also have a little commercial area with anything from boutiques to restaurants to other locales for the neighbors to hang out and enjoy their time. In talking to most of my friends as well as some of you on the Council, it seems like everybody says, you know what, we do this in every location here in the City of Charlotte, and I think it's a phenomenal thing we do. Ultimately though in some of those areas such as SouthPark, Dilworth, other areas here in Charlotte, they are actually developed communities. Our community is one in which essentially there is apartment complexes and 300 townhomes. The view out of my front door is essentially a vacant lot that looks at 17 undeveloped housing sites with one single family home there. Right behind me there are probably about 40 undeveloped home sites that are still waiting and sitting there, and the only thing that has been developed next door is about 20 home sites that are still up for sale. Ultimately, our area is so underdeveloped that this is not a good idea for this location. Thank you very much for our time. The only thing I do ask you is do deny the waiver request at least until we have the opportunity to develop our community enough that we can sustain low income housing in that community.

Kapil Jagtiani, 10016 King's Parade Blvd., said I'm a resident of Ayrnsley. I stand before you this evening and urge you, City Council members, to vote no on the waiver request for Westinghouse Apartments. As a prospective homebuyer a couple of years ago, Ayrnsley was sold to me as a mixed use, retail, business, and neighborhood community with the convenience, advantage, and excitement of living in a pedestrian friendly town. As home buyers, this concept of a mixed use community development was built into the sales price of our homes. The parcel of land for the proposed Westinghouse Apartments for years had a sign that said future home for the YMCA practice fields. This sign appeared on the property until around last December when this property was sold to the Housing Partnership. The developer of Ayrnsley for months has advertised this site as future neighborhood retail. When we asked the Housing Partnership whether they were aware of the representations that were made to potential homebuyers in Ayrnsley about the future of this land, at first they responded by saying they did not respond to our questions at first, and later said they had no knowledge of the representations that were made to Ayrnsley residents about the future of this land. This really strains credibility for two reasons because if this was true, it would mean they purchased this land unseen because there was a big sign that said "future home for YMCA practice fields". Also, the vice president for special projects of the Charlotte-Mecklenburg Housing Partnership is also on the board for the YMCA Steele Creek. So this raises serious questions about how well conceived this project has been. The Ayrnsley developer up until this morning continues to advertise this parcel of land as future neighborhood retail misleading potential buyers even up to this point. It is really one thing for Ayrnsley residents to suffer the indignity of this deception, but it is quite another for our taxpayer dollars to subsidize this. The City of Charlotte should never give this project its blessing. The City should not put its stamp of approval on something that has misled homebuyers. I urge you to take into consideration the over 600 signatures that we have on this petition of residents that are opposed to this project.

Carlos Mondragon, 9582 Kings Parade Blvd., said I'm a resident and owner of one of the townhomes at the Ayrslley community since 2005 when I purchased my townhome directly from the builder. My request basically is to vote no for the request. Before I want you to vote no, I want you to understand how important to me it is to be heard. I came to this country looking for the quality. I am here in United States under asylum status because in the country where I was raised people don't have the ability to be heard, therefore, I really appreciate this opportunity to ask you to vote no for the waiver. When I moved to Ayrslley, I felt the vision and the future of the community, and it was very appealing to me. I felt it would be a safe place to walk, to shop, to eat, and to have family and friends, but more importantly to live. Before buying, of course, I made my homework, and I found out about the affordable housing community named Summerfield Apartments that was already mentioned here, and I talked to my real estate agent about it, but basically he explained to me that the City has policies and regulations that prevents this clustering of low income housing developments to be built in one area. Well, I just really don't understand that these rules and regulations are in place why I have to be here in front of you raising my voice requesting to maintain the current rules. I just basically want to say that the whole intent of the policy is to stop segregation and avoid clustering of the affordable housing, which is no good for low income residents themselves. It was intended to keep an economic balance and to encourage growth and development of an area. From what I know, this policy comes from the '60s and '70s. I wasn't here then, but I think it was for the City's failure to adopt a proper housing location policy that resulted in racial segregation. As you can see from the residents here, segregation is not an issue for the Ayrslley community. We have a very diverse group of owners and renters. We have people from different races, nationalities, gender, marital status, as well as religious and political beliefs. I don't feel like we need the government to intervene and potentially disrupt the natural diversity that our community has already achieved. As far as to the point of ability of affordable housing, I feel there are plenty of affordable housing solutions in the area including the Summerfield Apartments. I don't think and I don't feel that there is a valid basis to approve this waiver, therefore, I'm asking you again to maintain the regulations and to vote no for this waiver.

Bob Darrough, 9930 Kings Parade Blvd., said I'm a resident of the Ayrslley community. I have been there for just a little over three years. One of the big selling points when we decided to move into the Ayrslley community. I'll retire in approximately four years hopefully if all goes well. It would be a nice place to retire. It's a very diverse, very fun area right now. It's young. One of the big selling points was the YMCA practice fields right around the corner from where I live. As the fields stated, there was a sign up there when I was looking to buy that it was the home of future YMCA practice fields. That would have been a great place to take our kids or grandkids and have them play. As there is no park, there really is no place for the kids to play in our community, so we are really excited about that. That was a big selling point. Big disappointment when we found out the developer had sold that out from underneath us. I'm not here for sympathy. I just wanted to show you that is a big example that we are still a community in transition. We are not the stable community that the housing people would like you to believe it is – Housing Partners. It's very transitional. The Colonial Grand Apartments behind me, there is an overabundance. Actually it was there "today" of apartments that are very affordable in the \$500 and \$600 starting range. Ryan Homes is still building single family homes, townhomes, just starting at a little over \$100,000, very affordable homes. As was stated, the Ayrslley community does have four homeowners associations, two of which are still controlled by the developer since there are not enough units sold already, and I don't know how you can call that stable. Again, you are being asked to make your decision also that is based on NSA data for a community which has no, as far as I can tell, NSA data available for the Ayrslley community. It's a fantastically diverse, beautiful area to live in, racially and socioeconomically. I truly support the need as does everybody in our community for affordable housing in the Charlotte area, but I also support the City's stance against clustering. Again, I see no compelling reason either to waive the restriction that is currently in place.

Marilyn Goodrich, 9726 S. Kings Parade Blvd., said I also am an Ayrslley resident, and I am here to encourage you to vote no for the waiver. Not only does it violate the half-mile rule that you have heard tonight, but I did a lot of research on our area. And, as you have heard tonight, the NSA data that has been quoted several times really has never included our community. It stops well beyond our community. In fact, the 2008 NSA data had our community listed as nonresidential and unstable. I can tell you for a fact as you have heard we have 731 apartment units currently – only 300 townhomes. That's a 41% homeownership. According to your

current policy, it's a prohibited area if you are in an area where homeownership is less than 50%. So not only does this project violate the half-mile rule, in my estimation it also violates the City's policy on 50% ownership because our community does not have 50% ownership. You would have to go a long circle around Ayrnsley before you found enough homes to get us up to that 50% ownership. We are in a very industrial area if you have been in and seen our area. You can walk miles to the north of us, and all you are going to see is Sam's Warehouse and other very, very commercial projects. We are really the first residential area to move into this area, and we are in transition, as you have heard. We are not a stable community. One of the apartment communities is less than 60% occupied, so you are asking to allow another apartment community to come in and to compete with units that are currently being built that are struggling to get rented up. We have a business district that is less than 50% occupied. Again, you are struggling to get this area stabilized and now you are going to add this element to it. With no NSA data available on our community and the existence of affordable housing within a half mile, I implore you not to grant this waiver tonight. There is no need for it.

Chris Stulginsky, 7730 Jackson Pond Dr., said I live and work in Ayrnsley. It's simple logic that when you are proud of what you do and you have nothing to hide, you are transparent about what you do, and this is why the last two months my neighbors and I have been so frustrated. My official notice for the Housing Partnership meeting was a postcard that resembled a junk mailer that we all receive advertising apartments that we get in the mail every single day. Despite the fact that it was bought four months before we were notified, we got one week's notice, and the meeting was during spring break week. Those people who were actually able to attend our meeting were told by Partnership representatives it was a courtesy meeting. They were not there for community input, tonight's waiver and the taxpayer funding were not a concern of theirs, and there was nothing that residents could do about it. Answers to our questions were vague at best. I cited the Housing Partnership's own Web site that says they target stable communities and asked how they considered Ayrnsley less than 50% of the businesses, less than 40% build out in the neighborhoods, with 730 apartments and only 300 townhomes surrounded by industry and 485, how we were considered stable. The answer I got "We like Ayrnsley for the same reason you like Ayrnsley". I'm still waiting for an actual answer to my question. It was very clear then that we were not going to get answers from the Housing Partnership. When someone is asking for taxpayer money, taxpayers deserve actual answers. Taxpayers should not have to feel their only recourse is to go to the press. We should not go and meet our new neighbors and ask them, hi, welcome to our neighborhood. Can you help fund our lawyer? Taxpayers shouldn't have to wait three weeks while someone crafts a response to simple questions, and then when we get the answer really wonder are we being lied to or are we being called stupid because it's absolutely inconceivable that anyone, especially a group asking for taxpayer support and asking you to waive a City policy, would spend \$900,000 on a piece of land sight unseen because somehow they missed the 20-foot signs. Taxpayers deserve better treatment than we have gotten in this situation. People who are going to benefit from low income housing deserve better representation. I have to think that our past Councils have learned from cities that have grown before us, seeing examples of why clustering did not work. We are not so densely populated as a city that we need to waive the half-mile rule and add to an already high number of apartments in this specific section of the city. There is a reason the policy was unanimously put in place. There was a reason when it was taken out and put back in a few weeks ago, and there was a reason that revision was unanimously voted on less than a week ago tonight. This is not about race, this is not about socioeconomics, this is not about culture. Ayrnsley is a diverse quilt. We are sitting right there of culture, race, and socio- and economic diversity. Anyone who says otherwise has not taken the time to walk our streets. This is about transparency, respect for taxpayers, respect for representation for those who live in affordable housing. Please, do what is right. Do not condone this lack of transparency, uphold your policy, and vote no on the waiver.

Larry Fraser, 4601 Charlotte Park Dr., Ste. 350, said I'm the vice chair of the Housing Partnership Board of Directors. You are going to hear tonight from my fellow board members – Ted Fillette and Bert Green. Carol Hardison with the Crisis Assistance Ministry wanted to be here on our behalf but had a conflict, and I believe she provided you with her comments. I just wanted to provide you with an understanding of our organization, its history, and its mission. The Housing Partnership's 20th anniversary was celebrated this past year and marked a really reflective time to celebrate and a time to keep working hard to bring future workforce housing resources to the citizens of Charlotte. I would like to share part of that reflection with you. Our

history began with a very urgent need voiced by the citizens of Charlotte over 20 years ago. A forum was called by a former mayor and a current Housing Partnership member, Mayor Harvey Gantt. The charge at that forum was to raise awareness of community housing issues among a climate of rising costs and diminishing federal resources. Charlotte families needed an ally in finding affordable housing in their city. Their efforts culminated in a pivotal citywide symposium that challenged Charlotte to eliminate substandard housing and expand affordable options. Out of that came the concept of creating a community wide organization to coordinate public and private resources to address the City's housing needs. The Housing Partnership has since provided housing related services and solutions to literally thousands of families in Charlotte. By developing affordable housing, it's a priority for us not merely as a noble cause but as an organization that was started by and for the citizens of Charlotte to meet City Council and community articulated needs. Our work honors the commitments and dreams of city leaders and the public that had a dream for a better Charlotte. The very forward thinking taskforce created the Housing Partnership. An equally inspired group of board members, community partners, and staff are taking us forward now to meet Charlotte's revitalization, education, and development needs. Our board alumni and our current board are very impressive. They represent a cause they are passionate about across political affiliations. They promote a healthier Charlotte. It's good for them personally, their employees, and their neighborhoods. The City is one of our most important partners of the financial partner and a partner in reaching for a strong vision of Charlotte. I would like to introduce Jackson Wright. He is a resident of the Rivermere Development, and he lives in our workforce housing, and we want to move him up on the schedule. He has to go to work right after this meeting, so I will introduce Jackson Wright.

Jackson Wright, 10420-308 Shady Creek Rd., said my name is Jackson Wright, and I'm here with my wife and my son, who was born three weeks ago. Before we lived at the Rivermere, I was worried about not being able to find a safe and affordable place for my wife and my newborn child. I was very happy when I found the Rivermere Apartments. It is a beautiful, safe, and staff has treated us with a great amount of respect. I work at Wal-Mart third shift, and the Rivermere is very close to my job, and I feel comfortable with leaving my family alone at night while I work. I did not think it would be possible for me to find such a nice place to live on the salary I make, but the Rivermere Apartments made it possible. I love my apartment, I love the staff, and I hope to live there until I find a place for me, my wife, and my son to have our first home.

Ted Fillette, 4601 Charlotte Park Dr., Ste. 350, said I'm a member of the board of the Housing Partnership. I have been on the board for most of the 20 years of our organization and seen it grow from the time we opened up the revitalization of Greenville and did the Genesis Park development and made a lot of difference in this community. I'm here to just give a context to the half mile rule. This is a rule that came out of a period of public housing, the first three decades of public housing in the country and in the nation where virtually all the public housing was a large scale, similar to the ones we had here in Charlotte like Piedmont Courts and Fairview Homes. The development of all those projects was pretty much totally on the west side of Charlotte. This then resulted in a lawsuit in 1970 that ended up in a settlement where the half mile rule was part of the settlement of that case; that is to try to scatter and not continue the concentration of poverty and racial concentration on the west side that we had. This rule then got imported from the settlement of that lawsuit into our housing plans that the staff had to provide to HUD in order to qualify for our HUD grants with community development block grants and other revenue sharing. During the time this rule was in effect, all the people that were in public housing were extremely poor. There was no mixed income housing. It was owned and operated by the Housing Authority. We are in a completely different era now. There is no more large scale public housing being built by the Housing Authority or funded by HUD. The only types of developments that are available now come from replacement housing through the HOPE VI developments like Rivermere and the low income housing tax credits we have employed in the city very successfully. We have a wide range of workforce housing with people that have jobs, have cars, go to work, have childcare, the same kinds of needs that people in stable neighborhoods all over the city have done. I think it's very interesting listening to these folks tonight saying if this proposal was just 500 feet down the road it would be fine with us. Well, that's exactly the problem with this policy. We are making a proposal that is 400 feet inside the half mile radius, so there's nothing wrong with this. We would be glad to have it waived.

Bert Green, 4601 Charlotte Park Dr., Ste. 350, said I'm also a member of the Housing Partnership Board of Directors and of another well known organization that you may have heard of that believes in increasing both the quality and quantity of affordable housing in Charlotte. I'm here tonight to provide you a little better understanding of the need for affordable housing in Charlotte. How the Housing Partnership approaches current and future developments is rooted in its history and its mission and the City's history with affordable housing and housing policies as Mr. Fraser and Mr. Fillette mentioned. It is also rooted in the need for more affordable housing. The current draft of the Charlotte-Mecklenburg Consortium Consolidated Housing Plan indicates that we have 121,000 renters in Mecklenburg County. Twenty six plus thousand of those folks pay more than 30% of their income for housing. Another 25 plus thousand pay more than 50% of their income for housing. This plan also forecasts that by 2012 we will still need over 17,000 affordable units in our community. Charlotte Housing Authority further has an almost 6,000 applicant waiting list for their units. The bottom line is we need more affordable housing. We need it now, and we need it spread throughout our community, throughout our entire community. We have the pleasure of working at Habitat with the Housing Partnership since 1992 in the Genesis Park community. The Housing Partnership builds a quality product, ensures that their housing will be managed well, and they participate in countless forums and planning sessions to plan for the need for more affordable housing that is efficient and cost effective as well. Any neighborhood in our community will be fortunate to have a Housing Partnership development in their community. I strongly encourage you to grant the waiver requested tonight for the Westinghouse Apartments. You will be proud of the finished product in the process.

Bart Landis said I'm standing in for Brian Collier from Foundation for the Carolinas. I'm senior vice president at Foundation for the Carolinas. Foundation for the Carolinas is the community foundation for Charlotte-Mecklenburg and the 12 surrounding counties. I have the good fortune to work with folks who are very generous and very community minded, and one of those is Nell Rose Bates. Nell was a 40-year, fourth grade teacher here in Charlotte, and when she died because of her thrift she had a million and a half dollars to leave to charity. She put that into several different activities, but two of them were with Foundation for the Carolinas – a fund to benefit her church and activities there and a fund to benefit low income children in need of about a million dollars. Ms. Bates only gave us that general restriction. It was created last spring at the time of her death. The estate was closed in early fall and the money was available for use. The Charlotte-Mecklenburg Housing Partnership identified property to be purchased out of the fund, and the Foundation for the Carolinas was able to make a no-interest loan, which will be repaid out of the take-out financing when the development is done. So my role is to help you understand Ms. Bates and her role in this. She was a long-time child advocate both in her role as teacher but also in her role in the community, and it was her literal dying wish to have this money go to the benefit of needy children in our community. The Foundation was pleased and proud to be able to do this. We also understand that the Council is faced with a very difficult decision. You are faced with balancing two goods in the community. You have the strong good of the locational policy, which encourages every neighborhood to do its fair share, to develop affordable housing in our community and the strong good just identified by Mr. Green of an immediate and compelling need for current low income housing units for affordability and particularly for children. All I would ask of you is that you consider Ms. Bates as you make your decision and her desire to have children that are vulnerable in our community to have the opportunity to have affordable and safe housing.

Pat Garrett, 4601 Charlotte Park Dr., Ste. 350, said I would like to talk to you a little bit about the Westinghouse Apartments. On April 6th, we did invite over 400 residents of the Ayrley community to come talk to us about our plans. We tried to answer the questions as frankly as we could. We discussed it, and this was a voluntary effort on our part, but it's something we always do. It's something we like to do because we like for people to know what we are doing. It will include 90 two-bedroom and three-bedroom apartments. It will exceed the required staffing for affordable apartments of this size with three full-time staff. The area is close to so many job opportunities. According to the Chamber of Commerce, there are more than 62,000 jobs in the 28273 zip code. This is an extremely important thing for our families. We believe that the existing Summerfield Apartments, which CMHP actually assisted with over 15 years ago, does not cause concentration. The City's locational policy allows Council to waive any of the requirements, and we ask that you do that. Now, I would like to talk just a little bit about who our residents are because I think there is a lot of misunderstanding about that. I asked

our property managers to tell me where people were generally in our apartments, and these are the numbers I got. They are not all-inclusive, and we did not include any of our elderly apartments. Two hundred and forty three are in customer service. That can be everything from the Airport to the bank, 132 work in schools or daycare, 103 are in healthcare, 70 work in retail services, 71 work in food service and hospitality, 46 receive SSI, and 43 are retired. In fact, 19 of our residents work for the City of Charlotte. Lastly, I would like to tell you a personal story about our first tenant at the McNeal. The McNeal is a 48-unit family property that we opened two weeks ago. Our first tenant is a mother with three children who works for CMS and makes less than the 50% median income. When she was presented with the keys to her new apartment and she walked in, she burst into tears. The property manager thought, oh, what's wrong. She said, "What's wrong? What's the problem?" And, the tenant replied, "You don't know where I came from. This is wonderful." Needless to say the property manager was also in tears, and we all tear up when we hear the story. Now, that's why we do this so families have a good place to live and raise their families.

Brandolyn Ensor, 9315 Lynox Pointe Dr., said I'm a resident at Ayrley. My husband and I got married in September of last year and pretty soon after started looking for a place to buy. Our last few residences have all been around the Ayrley area, so every time we look somewhere we always found ourselves coming back because we love it there. When we entertained the idea to buy, we had a couple of concerns. We would be the end unit at the time nearby a completed home. We would be the end unit at the time, and there was a lot of open area, some empty warehouses, very industrial. We were backed up to the road. We also had a 60-pound, 11-month-old black Lab puppy, which if anybody knows what they are like, they are completely crazy and full of energy for days. So it was a big deal to us that she had room enough to play. We moved from a house in the country on an acre of land to a townhouse with no yard, so it's not fair to her that she had nowhere to go. When we questioned our sales agent, we were told these are the practice fields. You can go look at the sign. The rest of the space that you see as vacant will soon be taken up with new townhomes with future retail space for the area. There should be a dog walking area, etc. If you have any questions, you would like a visual, go consult the community site map on-line. So we did that, and we were assured everything is going to be great, you are going to have plenty of space for your dog, it's going to be a wonderful neighborhood once it's completed. So, in November, we actually put in an offer to buy our home. Due to holdups on the builder's end, we were put off until the very last day of February to close on our home. Because of those issues with the builder, we were in contact with them on a daily basis – with our sales agent, with corporate Ryan Homes, with our sales agent's manager, with the developer every day. Never once were we told that this was going to be taking place. It was almost a three-month period between the time that the property was purchased to the time we were closed, and that property being slated as a maintained practice field for the YMCA was an integral part of us deciding to choose Ayrley to move into for our dog. If you don't have children, your dogs are your pets or your kids. So, John and I took a giant leap of faith in arguably the toughest economic times of my life and decided to purchase there, and four short weeks after felt lied to, betrayed, and completely deceived after making such a big purchase. This happened again today, ladies and gentlemen. A new resident sent an email to her sales agent, "I never knew this was happening. I just closed on my house today. I'm so worried. I don't know what is going to happen." It's just really unsettling the steps that were taken. My husband and I never even got a mailer because our address was too new. I sincerely hope that the Council will not turn a blind eye to this sort of deception as it carries a pretty daunting message throughout the neighborhood. It says to me as a consumer it's okay to be lied to and deceived just as long as we can get you to sign the contract at the end of the day, so please vote no for the waiver.

Jim Hendry, 9726 S. Kings Parade Blvd., said I work in Ayrley, work for a law firm that has an office there, and I am also a resident of Ayrley. I heard earlier today that the choice for you was between supporting public housing and supporting the half-mile rule. That's not true. The choice is between supporting a community that has embraced affordable housing. It is already in our community. We share our restaurants with those residents, we shop at the same stores, we use the same roads, children who live in our community – my children are all grown, but I would assume they go to the same schools. We have embraced it. Until this came up, I never heard one negative word about affordable housing in our community or the residents that live there. They were simply part of our community. So you have a community that has done its fair share, whatever that means. We have affordable housing. On the other hand, you have a developer that

took money that was targeted for the public good and recklessly spent it on land for an intended use that was in direct opposition to City policy. That's your choice. Who do you support – a community that has embraced affordable housing or a developer who recklessly spent money on a use and is now coming to you to ask for permission after-the-fact on a use that was against your policy? I'm asking you to vote against the waiver. Cast a vote for communities that embrace affordable housing. Support us. Don't make us run to other communities. I think we have all seen the news. The Housing Partnerships backed away from Berewick, a community without affordable housing in the face of opposition. The Charlotte Housing Authority backed away from Ballantyne in the face of opposition, another community without affordable housing. We have affordable housing. We embrace it. There is no stigmatization to these people who live there. They simply share our community with us. I'm asking you to enforce your policy and deny the waiver.

Kelly Lynn, 10312 Barrands Ln., said I am encouraging you to approve this waiver tonight. I live in the Steele Creek area of southwest Charlotte where this development would be built. Steele Creek is a wonderful area to live for families and one that is best served at families of all income levels. To me it makes common sense. When families are concentrated in poverty, it's much harder for them to see a better way of life. When families are exposed to opportunities around them, it gives them hope and inspiration to make their own lives better. Keep in mind that these families that we are talking about moving into this development are working families, and I think there's a stigma that is there that shouldn't be because they are all hard working. One thing I want to point out. It's very difficult to get low income housing tax credits. If the City approves the waiver, the N.C. Housing Financing Agency will award the tax credits to make this project work. If the waiver is not approved, this tax money will be left on the table. The Housing Partnership of which I am not affiliated in any way but just doing my research on them, they do have an excellent track record in affordable housing developments. They have highly trained on-site staff, they do extensive criminal background and reference checks on its applicants, and they do what they can do ensure the safety of all the residents there. They already have successful developments in the SouthPark area, the Mountain Island Lake areas of Charlotte among others. As you heard, so many good jobs that the residents there hold including bank tellers, nursing assistants, and others. So I'm just here tonight saying please grant this waiver for housing development that will offer hope and opportunity for its future residents as we work to make affordable a reality for everyone in our community.

Mayor Foxx said, Ms. Garrett, would you come forward. I think Mr. Peacock has some questions for you, and there may be other questions.

Councilmember Peacock said, Pat, you know I support you, and you know I have been a fan of the product that you have shown me, and you all were very instrumental in helping me to understand the affordable housing issues and the complexity of this. I must confess and I confess publicly and multiple times that it's the most complex subject that Council members deal with. But tonight the way I'm reacting to what I'm hearing right now is this feels like a public hearing, and it feels like a public hearing that I'm getting ready to make a decision on, and I didn't know that, and I think a lot of residents don't know that. We are hearing a lot of jabs thrown at you and at our community about this. We are hearing lots and lots about this subject from the two previously mentioned items – Berewick and Ballantyne – and I'm being forced here to make a decision tonight on something that has to do about what I feel about should be correct as far as affordable housing is concerned, so I have a couple of questions for you, and then I'm going to come back to some points I'm going to make on top of that.

The first question is they were making some jabs at you about recklessly spending money about something, and I want to hear your answer to that. My second question to you – I'm seeing a pretty weak write-up here on the staff, and I'm hearing some stats from the community here about homeownership rates being below 50%, and I'm also hearing some things about your project is only 400 feet over on that, so my question is recklessly spending, your homeownership stat – is that correct or not – this 400 feet; and the final question I want of you, Pat, what is the compelling reason here because that is what I'm looking for. I'm looking at the City-approved Housing Locational Policy waivers. I asked Councilmember Cannon, who was on Council at the time, we have Tyvola Crossing, Nia Point Apartments, South Oak Crossing, McAden Apartments, Crossing at Seigle Point, McNeel Apartments, and Savanna Woods Apartments.

Did those feel like this? I don't think so, and that's what I'm not liking about this process right now.

Council, I don't know how you are feeling, but if I were to do this over again, I would say press the pause button and let's have a public hearing on this because that's exactly what it feels like, and I would hope that we could come to some type of bridge where we could bring you together as a petitioner and as those protesting your petition to try to find solutions, but if we approve tonight, we are getting ready to do this, and that is what is making me feel uncomfortable. I will let you answer each question; I will let my Council members react to this; I know we are going to have a lot of discussion on this – it's important.

Ms. Garrett said, first of all, you may have to tell me each of the questions.

Councilmember Peacock said I will fire them off at you. The first one is recklessly spending.

Ms. Garrett said we don't believe that we recklessly spent. First of all, we did check zoning and all of those things we would normally do for deciding whether it was a good site or not, and that included many of the things that I talked about tonight – employment, services. I cannot answer the question about homeownership because it was not in NSA, and the City Neighborhood Development has determined that if it were in an NSA it would meet those requirements for homeownership. We did not check that because it was not in an NSA.

Councilmember Peacock said let me pause you right there. Stan Wilson, you are the one that put this in here along with Zelleka Biermann here. True or not true, or, Pat, if you want to answer that. What is the truth here? Are we asking for homeownership rates above or below 50%?

Pat Mumford, Neighborhood and Business Services, said we do not have an NSA for that area currently. What we have used is the proposed 2010 Quality of Life NSA, which would include this area. That is about a little over 51% homeownership. That's all the data that we had at the time.

Councilmember Peacock said, Pat, my next question was the 400 feet. If your project was another 600 feet on the other side, we wouldn't even be here; is that correct?

Ms. Garrett said that's right.

Councilmember Peacock said my final question is compelling reason. We're getting a lot of really passionate, very compassionate reasons that I'm not hearing them say that we are not for affordable housing. They are giving very compelling reasons that we receive normally in a protested petition where we hear very loud and clear that two parties are very far apart here, so whatever public hearing you held, if it was held over spring break or not, it doesn't sound like we have even come close to bringing you all together on this. Is there any compromise here? Is there any value to waiting or deferring this project on that? I will let you answer what your compelling reason as to why you think this Council should waive tonight.

Ms. Garrett said I think the most compelling reason is the one that some of my board members talked about is the need, and the need is great. Not only is the need great, but this is a wonderful site for affordable housing.

Councilmember Peacock said I will come back to making some points after this and after I hear my colleagues.

Councilmember Cannon said any questions or comments? Councilmember Turner?

Councilmember Turner said I have no questions for Ms. Garrett. Are we ready for Council comments?

Councilmember Cannon said, yes, sir.

Councilmember Turner said has, of course, been a very interesting process. I had the opportunity to speak with Ms. Garrett when this was brought to my attention, and even then

when I had the discussion with her I asked her was she aware of our current policy, but also I asked her was she aware of the Summerfield Apartments that is just right across the street that are fine, affordable, and assisted housing. When you look at my district where we are talking about in this area, I think we have to be very careful about what we are talking about here. I have not had the opportunity to speak to anyone, and I spoke to everybody, but no one in regards to they didn't want affordable housing. This is about a policy issue.

The fact of the matter is that we have more than our share of affordable housing or affordable apartments. I listed just alone – I just start at Carowinds Boulevard, and I came all the way up to Arrowood Road, starting with the one that is closest to this in proximity which is affordable and assisted is Summerfield, right across the street; Colonial Village, Carowinds Boulevard; The Crossing at the Points; Stone Ridge; Coffee Creek, which is 30 years old; Whitehall Apartment Estates; Colonial Village Southwest; Timberstone; and not only that, other land that we have as a Council that I also supported to change the zoning and support future build-out, but the fact of the matter is that we are talking about at a market rate.

Today the current circumstances that we face, even in my neighborhood where there is apartment complex when you come into The Crossings, that apartment complex when we start building townhomes and condominiums there, they now have a big sign that says “vacancies at reduced rent”. Everything is affordable. We even have an extended stay hotel right down the street. All of these people make up our community, and as this community, you can see them walking, jogging. It is a well diverse area. But, they, ladies and gentlemen, invested in an area that they took the trust in the developer that I think is an excellent and beautiful project. Not only did they take the risk of it developing and buying into an industrial area but to later be told when there is vacant land – and that sign has been there, and I'm a member of the Steele Creek Y, that's is absolutely right. They are not exaggerating. That sign has been there right by the church, and here we are today telling these individuals and these citizens who have invested their livelihood and not cheap property -- \$200,000, \$300,000 condominiums and apartments – and you are going to tell them today that, hey, due to this structure and this market, they have already lost a value because I have lost value in my house just because of the economy. But then you are going to tell them, well, we are now going to bamboozle you, change this on you and say, hey, we are going to sell this land and we are going to put affordable apartments on it. That's not the issue here. The issue is the deposit, but they invested in something that they had no knowledge of.

And as I told them, I won't support them or anyone else that lobbies this Council that is against affordable housing. I am not against affordable housing, and I have not found one of these individuals to be against affordable housing. What we are against tonight, Mayor Foxx and this Council, is a policy issue. If you don't know this area, then you don't know it. All you are stuck on is Ayrslay. The fact of the matter is we are very diverse, and we have a lot of affordable. You start, as I say, you have more apartments and not just future land that is zoned for apartments, but they won't be affordable based on when the market comes back. We hope that we will continue to look at the totality of this project.

I took a scenario from the CMS. I have to make this point. CMS uses one of their measures to determine reduced and affordable lunch. I went to Olympic High School, Smith, and Sterling, but in that area, Steele Creek, Lake Wylie, Rivergate, Wingate Elementary, Kennedy, Southwest Middle, you can't find one of those schools today that are the same as they were two years ago even under the rezoning issue. All of these things have an impact. It is not fair to this community or to any school that is already struggling to deal with the diverse and the change of affordable housing and affordable apartments to continue to impact us beyond our capability and our capacity to sustain ourselves, and all we are asking is a fair opportunity to be able to do that, and I think that's all these people are being asked to do is for us to continue to give them a fair opportunity to sustain their quality of life but also be willing to incorporate other folks as they move into the area. This is not an issue where Ballantyne faced wanting no affordable housing. This is not a Berewick issue.

This is a policy issue, and I am asking this Council to uphold the policy because someone was wise enough, as the board member indicated, that this is created for a reason and a purpose, to keep things from happening in a negative way that impacts the total quality of life – not just in our community but in our schools and everywhere else. This is important to us; it is important to

the city in order for us to go forward to look at the totality of what we are asking here. All we are asking you to do is stick with the policy, and if this is something that is really true and dear to them, I say make it a priority and put it as their number one priority and allow them to fund it. I'm going to make the motion that we not uphold the waiver and vote against this. The motion is we continue to enforce our current policy.

[Motion was made by Councilmember Turner and seconded by Councilmember Cannon to]
[continue to enforce the current housing locational policy.]

Mayor Foxx said let me make a couple of points on this. This subject of affordable housing is a difficult subject, and as these neighbors and as these advocates for affordable housing, our community also knows. It is a difficult subject because try as we might to intellectualize it you can't intellectualize it all the way. We can talk about the numbers of people in this community who need affordable housing, and they are tremendous – 3,000 children who are homeless every night, the 17,000 units of housing we know we need over time, the fact that we are supporting through our Housing Trust Fund a fraction of the need for units that are actually needed out there, and the fact there is surplus supply out in the marketplace. So the data all says that, and try as we might to craft policies over time to deal with the data, it always comes back to a specific decision about a specific neighborhood and a specific set of concerns and issues.

So I don't think there is any intellectual argument we can make in this community that will overcome the emotion that we feel as homeowners or as neighbors about the context and the texture of the communities in which we live. What I will say about that though is that if everybody says that, we all say that, then we end up right where we are right now – 3,000 kids who don't have a place to live. These neighbors are right in the sense that our housing policy, our locational policy is broken. It's broken because we keep ending up finding ourselves going back to places where the dirt is cheaper, where there is already affordable housing in existence, and the issue of spreading it into the broader community continues to be a challenge for us, but these advocates are also right. If you took 17,000 units and you try to figure out a way to put those units all around our city, even the places that are prohibited would have to accept some of it. That's just the reality of it, but they shouldn't accept all of it, and that's the discussion we are having tonight.

I'm a little concerned that this item is on our agenda. Has it worked its way through a committee? I think it has come straight to the full Council, and I think in the context of the fact that we are having a discussion right now tonight we just set off a conversation about housing location policy and looking to completely redo the policy that we have today. I think it may deserve some consideration in a committee to work through some of the issues here because we really are getting this in our laps tonight, and there is a lot of emotion on both sides of it. I know it's not popular, and, folks, I understand you have had your chance to speak, but I would strongly recommend that we move this to the HAND Committee for further review.

Councilmember Cannon said do you mean in terms of the policy issue of the half-mile radius?

Mayor Foxx said not the half-mile radius but the issue of whether this is an instance in which we should waive the policy or not. That's the question.

Councilmember Cannon said thank you for the clarity.

Councilmember Carter said do we know the impact of a delay on the project itself?

Mayor Foxx said it's not on the list of things that has to be acted on tonight.

Mr. Mumford said actually the Housing Partnership needs to know an answer this evening so they can have that as part of their application for the housing tax credits, and that deadline is a week away.

Councilmember Turner said, Mr. Mayor, I had a motion on the floor that was seconded. Call for the vote.

Mayor Foxx said, well, you can call for the vote, sir, but I can speak to the motion. All right, so it looks like we have to make a decision tonight. Any further discussion? This is in favor of turning down the request. I think that's the way Mr. Turner phrased it.

The vote was taken on the motion to enforce the current policy and recorded as follows:

AYES: Councilmembers Cannon, Cooksey, Dulin, Kinsey, Peacock, Turner

NAYS: Councilmembers Barnes, Burgess, Carter, Howard, Mitchell

Mayor Foxx said six. That carries.

ITEM NO. 22: SIXTH AMENDMENT TO AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY TO SCALEYBARK PARTNERS, LLC

[Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and]
[carried unanimously to A) authorize the City Manager to execute a sixth amendment to]
[Agreement for Purchase and Sale of Real Property with Scaleybark Partners, LLC to reflect]
[a technical restructuring of the City's \$2,000,000 investment in the Scaleybark Station]
[transit-oriented development, and B) authorize the City Manager to negotiate and execute]
[such other documents necessary to complete the restructuring contemplated by the Sixth]
[Amendment to Agreement for Purchase and Sale of Real Property with Scaleybark Partners,]
[LLC.]

ITEM NO. 23: CHARLOTTETOWN TERRACE LOAN RESTRUCTURING

[Motion was made by Councilmember Mitchell, seconded by Councilmember Barnes]
[and carried unanimously to approve the Charlotte Housing Authority's request to]
[restructure the Charlottetown Terrace Housing Trust Fund (HTF) award from a loan]
[award to a grant award.]

ITEM NO. 24: CODE ENFORCEMENT DEMOLITION OF 2403 WILKINSON BOULEVARD

Mayor Foxx said we have speakers on this.

Brian Fincher, 2441 Greenland Ave., said I'm president of Camp Greene Neighborhood Association. Our neighborhood runs from Wilkinson Boulevard, West Morehead Street, to Freedom Drive. The said property, the motel, it has been in disrepair for over 15 years that I have lived in the neighborhood. It had a fire 15 years ago, and the Fire Department shut the motel down. The property owner has had a chance for numerous years to fix the damage from the fire and try to reopen the property, and that has not happened, and also when the property was open and operating as a motel calls for service for the Police Department were unbelievable. I between shootings at residents, people's cars being broken into, and just vandalism in the area. So I hope you go with what the City recommends about tearing down this property, and also it will help clean up the Wilkinson corridor because it is the gateway from the Airport into downtown. So this one more step – cleaning up Wilkinson.

Vatsal Raval, 2360 South Pointe Rd., said I'm surprised that I have never seen that gentleman before at my motel to help me if he is with the neighborhood development man. Why he didn't come and talk to me when I had the motel running? But besides that, since November 2009, we have been working and making improvements to the property. We clean up the property,

complete its roof work and finish the framing and painted the motel from the front. It has passed the framing inspection, and we are ready to start the room improvements. We are planning to complete all the renovations and spend about half a million dollars for improvements. We are secure and assure financing from our family and friends as the banks are not coming forward to give the funds. We are currently working with nonprofit organizers who are interested in leasing our property for community building initiative. (Inaudible) housing issues. We are offering them very attractive proposal of no rent for up to three years. Due to the current economic situation, many have lost jobs and due to (inaudible) experience it is hard for them to recover and get recruited. Their incomes have dropped, and they are not in position to pay rent, and thus being thrown out and have no place to stay. To avoid them being homeless, Haitian and African community leaders like (inaudible) have approached us and asked us to use the property, get it fixed so they can settle these families for temporary period, train them in various skills, and help them go ahead. Mr. Mayor was talking about 3,000 children, homeless children. Some of them are these refugees also, which will help them to get settled. We also provided them space for Haitian project and currently have some material on site for (inaudible) and other stuff. We have been approved by framing inspector, as you see in Attachment B. Currently we install new roof and we are waiting for other completion. We kindly request the City and County to at least give us ten to 12 months and cooperate with us to get the project to final completion. We are also facing hardship to get financing, and we secure that hurdle by approaching our family and friends.

Rob Pressley, 1815 South Tryon St., said I'm president of Coldwell Banker Commercial MECA and the developer of 2459 Wilkinson Boulevard, which is known today as the Dye Stuff Commercial Law Office. My partners and I developed the Dye Stuff project over the last two years and invested more than \$6 million to do so. We converted this 1939 building into commercial condominiums in a large part due to its location on Wilkinson Boulevard, which is the gateway of the Center City from the Airport. We saw a diamond in the rough, and with some attention, we thought it would be a wonderful asset to an emerging area of town. Dye Stuff is located next to 2403 Wilkinson Boulevard, and I'm here to share with you the negative impact of the decaying vacant hotel property is having on our development in the greater sub-market. While there are many other vacant and neglected properties along Wilkinson, this one has grown noticeably worse over the last few years. Besides its appearance, which is a hindrance to economic development, it is a haven for criminal activity and rodent infestation. For those of you who know me and my company, MECA Properties, we have a history of saving old structures and adaptively reusing them where possible. However, in the case of this old hotel, there is no viable adaptive reuse that could enhance this property that makes economic sense. If there were, it would have been done by now. The owner of that property has had it on the market, properly exposed to the market, for almost three years. If it had an opportunity to be saved or rehabbed or put back into a good, adaptive reuse, I have to believe it would have occurred by now. It is deteriorating. It's pulling down the neighborhood – both the commercial corridor and the residential area behind it. With that said, I hope you will vote to demolish this structure and make way for redevelopment that could benefit the corridor and the surrounding neighborhoods.

Nimish Bhatt said I have been a community worker for a long time. Many of you know me. I have worked with you. I'm here just to request you that from last one year we have been working with this owner. They have let us use their property. Right now we have our property in there, property right now like storage for the dragon boat, Haitian storage, and we are supplying those things overseas whenever we have trucks and things ready. They are working. They have spent about almost \$100,000 in the last three months, and they have permission for the framing, and you have all those documentation. If you give them ten to 12 more months, the property will be completed, and we can resettle refugees who are right now not able to pay the rents. I would urge again and again please think about those who are without homes. I know there is an issue going on with us economic. Development is very needed but not at the cost of people's lives and their homes.

Councilmember Turner said I'm going to kind of refresh our memory. At that time, you were a Council member, an at-large member, and you served on the Public Safety Committee with myself, and this very issue we had discussion about, but at that time we had no arm, no legal authority over demolishing such structures. I remember vividly when this facility caught on fire, and Mr. Abernethy came before us with all the pictures indicating showing all the different

violations from fire code violations, from wiring to health issues – all of the above. This facility has still been there, has remained there, excuse me, under such circumstances. The owners have had plenty of opportunity to address these issues. We received the police reports or the 911 calls that were there. We also received reports where vagrants were living in the facilities even after it caught on fire, and the filth that the Health Department tagged it with. For us to continue this saga would be wrong to the citizens, would be wrong to those that have worked very diligently to help improve the quality of life in the Camp Greene and Wilkinson Boulevard corridor and this business corridor. I will move moving to ask that this Council will uphold A and B and move forward with the recommendation.

[Motion was made by Councilmember Turner and seconded by Councilmember Cannon to]
[adopt Ordinance No. 4445-X authorizing the use of In Rem Remedy to demolish and remove]
[four buildings located at 2403 Wilkinson Boulevard, and approve a demolition contract with]
[Environmental Holdings Group, LLC in the amount of \$232,590 for demolition of structures]
[at 2403 Wilkinson Boulevard.]

Councilmember Carter said I was wondering if we could ask the persons who are responsible for the use currently if there is one building where their use is concentrated, and, if so, if that is the building that is under alleged repair. I see there are four separate entities that are listed here.

Mr. Raval said Building No. 4, which has a big conference about 60x30.

Councilmember Carter said this is where you have concentrated your repairs of \$100,000?

Mr. Raval said we have concentrated repair on all the three buildings, but that is the major building we have some stuff from the nonprofit organizations – Building No. 4.

Councilmember Carter said is this the area that is proposed for the immigrant settlement?

Mr. Raval said, please. We were doing the work on it first and then work on the other buildings.

Councilmember Carter said there does seem to be major neighborhood concern about this property, but there does seem to be some possible positive use of this one building, and I'm wondering if passage of demolition of the first three buildings would mitigate and give an opportunity for redevelopment for this other area that will give a very valid use to some hard working folks because I have worked with Mr. Bhatt before and know that he is very concentrated in this mission to serve the immigrant population of our city.

Walter Abernethy, Neighborhood and Business Services, said all four buildings are a blight. The buildings are located right next to a nightclub. There are accessibility issues constantly. Frankly, conditions are so bad that you can't secure the building. The owner pulled a \$2,000 permit for repair -- \$2,000 when you are talking about a \$350,000 repair. Four years delinquent taxes over \$72,000, and honestly so many neighborhood concerns voiced to Code Enforcement over the last several years that I have been on the site. I have seen the rodents. I have seen the other wildlife and some of the evidence of the inability to secure the building at all. It's just a really bad situation. As far as Building No. 4, we estimated repair costs just on that one building at over \$168,000.

Councilmember Carter said if the owner has invested \$100,000 concentrating on this building and the repair cost is \$168,000.

Mr. Abernethy said I haven't seen that investment.

Mr. Raval said it's not \$100,000. It's 50 to 55,000 as of now, and we are ready to spend the rest of the money. The structure itself is a big structure, and each room has a cinderblock wall, and the ceilings and the floors are cement, so it's a very solid structure. It requires all the improvements and repairs, but we are ready to do it for the refugees and other community nonprofit organizations.

Councilmember Carter said I would like to offer a friendly amendment for the demolition of the first three buildings and a mitigated time limit on Building 4 for renovation of say six months.

Mayor Foxx said is that friendly?

Councilmember Turner said no. I would please ask her to go by and see this facility, but it's too late. I don't accept the friendly motion.

Councilmember Dulin said I would like to call for the vote.

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

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

NAYS: Councilmember Carter

The ordinance is recorded in Ordinance Book 56 at Page 642.

ITEM NO. 25: CODE ENFORCEMENT DEMOLITION OF 200 WESLEY HEIGHTS WAY

Councilmember Mitchell said some of the citizens don't realize Item 25 was pulled earlier, but I want to thank Walter Abernethy and New Greater Bethel for working for this Council for allowing the church to go out and get a demo at a cheaper price, but more importantly, if you go out there to that site now they have torn down – the mansion is already down, so Walter and Council, thank you for the confidence in allowing the church to move forward, and, Walter, thank you for your work. Appreciate it.

ITEM NO. 26: NOMINATIONS TO BOARDS AND COMMISSIONS

Ten-Year Plan to End and Prevent Homelessness Advisory Board – The following nominations for made for six appointments for staggered initial terms beginning July 1, 2010:

Affordable Housing Community Representative

1. David Furman, nominated by Councilmembers Barnes, Cannon, Carter, Howard, Kinsey, Mitchell, Peacock
2. Jason Tuttle, nominated by Councilmembers Cooksey, Dulin

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and]
[carried unanimously to appoint David Furman.]

Mr. Furman was appointed.

Community Representative

1. Michael Clement, nominated by Councilmembers Dulin and Peacock
2. Ken Szymanski, nominated by Councilmember Cannon
3. Kenyatta Wheeler, nominated by Councilmembers Barnes, Mitchell, Turner
4. Keith Wilson, nominated by Councilmember Cooksey
5. Moira Quinn Klein, nominated by Councilmembers Howard, Kinsey

Mayor Foxx said those will move forward to the next time.

Donor/Philanthropic Community Representative

1. Herb Gray, nominated by Councilmembers Cannon, Mitchell, Turner

Mayor Foxx said if there is only one I guess the question is are there others because if there is only one we might as well –

Councilmember Kinsey said we didn't have any backup materials, so I don't know this Gray, I don't believe.

Councilmember Cannon said I think to your point that is absolutely right. There were no applications received in our materials. It basically asks if we just want to nominate someone. We don't even know right now if Mr. Gray will accept the nomination, so a call still would need to be made to him to see if he is willing to accept it, so to move forward to appointing him obviously may be a stretch.

Councilmember Cooksey said in light of the fact that this is a brand new board, a brand new composition and fairly quickly done, I would like to move that we hold open nominations for the donor/philanthropic category for another week and see if there is more interest than we may have otherwise known.

[Motion was made by Councilmember Cooksey and seconded by Councilmember Dulin to]
[hold the donor/philanthropic category open for another week.]

Mayor Foxx said I think that is probably not a bad idea. If nothing else, people will get more information about Herb Gray.

Councilmember Cooksey said as far as I can tell, as far as I know, this is even a new category for us. I don't think the donor/philanthropic community is used to having a slot for themselves in a Council committee, so it is completely brand new, and the more we can do to get the word out perhaps specifically to donor and philanthropic groups the better off I think we'll be.

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

Financial Community Representative

1. Michael Clement, nominated by Councilmembers Dulin and Peacock
2. Abel Massalee, Jr., nominated by Councilmembers Mitchell, Turner
3. Keith Wilson, nominated by Councilmember Carter
4. Patrick Williams, nominated by Councilmembers Barnes, Cooksey
5. Renata Henderson, nominated by Councilmembers Howard, Kinsey

Mayor Foxx said we'll bring those back.

Legal Community Representative

1. David Jones, nominated by Councilmembers Barnes, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Peacock, Turner

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and]
[carried unanimously to appoint David Jones.]

Mr. Jones was appointed.

Real Estate Community Representative

1. William Miller, nominated by Councilmembers Carter, Cooksey, Dulin, Peacock, Turner
2. Ken Szymanski, nominated by Councilmembers Barnes, Cannon, Howard, Kinsey, Mitchell

Mayor Foxx said we'll get that one back next time.

bvj

Councilmember Mitchell said let me ask for a clarification on Renata Henderson. What category is she?

Stephanie Kelly, City Clerk, said she was in the financial community category.

* * * * *

MAYOR AND COUNCIL TOPICS

Mayor Foxx said I do want to be very brief and give you just a real quick update on the U.S. Conference of Mayors. I went over the weekend, and there were a number of topics, and probably the two hottest topics were energy efficiency development block grant funding. There is a lot of energy in the U.S. Conference of Mayors to push for additional outlays of that resource. We have gotten \$6.7 million we are putting to work, and there is a real push to try to get more of that coming through the pipeline. There is some effort to lobby Congress. It seems like right now it's falling a little bit on deaf ears, but they are going to keep working at that because there is great potential in the country to use it to good effect.

The second big piece really takes just about every major department that affects us into account. There is a lot of conversation at the federal level about pulling down the silos between U.S. Department of Transportation and HUD and EPA and so forth, but a lot of cities, not just us, a lot of cities are facing some challenges with seeing that actually play out because even though the political appointed sort of push in that direction when you get down into the staff level sometimes the silos still exist, so there is a lot of conversation about trying to push the administration to live up to some of the things they are talking about. So, for example, the sustainable communities effort that is starting to move forward with trying to match up EPA, Transportation, and HUD to promote more livable communities, there is a lot of concern about whether that will actually work as well as its intended because of some of those silos. There is a lot of pushing going on in the U.S. Conference of Mayors to try to work with the administration to try to make sure those things actually work the way they want.

There is also another big push going on for another jobs bill that may include a youth employment component, if it actually passes. There is some work going on in the Senate side to see whether there is interest in the Senate approving such a bill. The House has already approved one, and we'll just keep posted there, but those are sort of the main topics. A lot of things came up. The NFL collective bargaining was one of the topics that came up. You know we have a franchise so there is a lot of concern about that among cities that do. But if there are any questions I will try to put a little note together to you to give you more information on the topics that came up.

Councilmember Dulin said thank you for the update from Mayors Conference, Mayor. Formally and publicly I would like to welcome Jason to the Council, and your honeymoon is officially over. It's time to get to work.

Councilmember Turner said I hate to do this to us, but I just got a text. The person that Mr. Mitchell just inquired about whether or not she is in the right category is watching us on television from her house because she just texted saying it should have been real estate – Renata Henderson. She said it should have been real estate instead of whatever it was that whoever nominated. That doesn't change anything.

Mayor Foxx said we decided to hold real estate over. There was a 5-5 vote on that.

Ms. Kelly said I will have to go back and look at the applications. I'm not sure. This was a write-in on the financial community category. That's all I have.

Mayor Foxx said we'll leave it as is unless something else comes up.

Councilmember Cannon said real quick. I would be remiss if I didn't – you know, earlier I was thanking some people for the Mayor Pro Tem piece, but I just want to thank. I heard a few

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emails went out and some phone calls were made. I want to thank those people for doing that, but I certainly want to thank my mother also for calling Andy Dulin.

Councilmember Dulin said you know what I told your mom?

Councilmember Cannon said what did you say?

Councilmember Dulin said I said, yes, ma'am.

Councilmember Cannon said, again, thank you all again for the opportunity.

Mayor Foxx said we will send out some information on when we will do the swearing in for Jason Burgess and get that out to you.

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ADJOURNMENT

The meeting was adjourned at 10:36 p.m.

Stephanie C. Kelly, CMC, City Clerk

Length of Meeting: 5 Hours, 8 Minutes
Minutes Completed: June 21, 2010