

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, August 23, 2010, at 5:15 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were: Michael Barnes, Jason Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, Edwin Peacock III

ABSENT: Councilmembers James Mitchell, Warren Turner

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Councilmember Cooksey said this isn't a consent but it's an agenda that might stretch out a little time more for Mr. Barnes in the interest that he may get here. I'm sorry, Madame Clerk, I should have asked this off-line, but it's also in the course of events. At the end of last month, we deferred an appointment to the Business Advisory Committee due to a misprinted ballot, but I didn't see that item return on our agenda tonight. What happened to that appointment?

Stephanie Kelly, City Clerk, said I think there was a problem or a question, and it will be back in September.

Councilmember Cooksey said so it's September. Because the issue was that Councilmember Kinsey's nominee had not been put on the ballot, and I was looking for that today, and then when I went back and read it, I realized there was a recommendation perhaps to postpone that until a restructuring item came up, but we didn't act on that either. If it's September, then it will be September.

Councilmember Barnes said this is a first that I have had this number of consent items, but, Mr. Manager, I have quite a few, and these are I believe basic questions. The first one concerns Item 25, the Providence/I-485 Area Plan Improvements, and the question I have is when we approve the area plan are we implementing the plans in any chronological order or what sort of priority order are we using to implement parts of the various area plans because as I recall last budget cycle we either reduced or kept funding level for area plan improvements. The second question concerns Item 26, which is road humps, and it noted in the write-up that part of the contract would cover stamping and coloring for some of the road humps, and I know that costs more, and I wanted to know who pays for that increased cost and how do we determine where we are going to stamp and/or color road humps.

The third question concerns Item 32, the Providence Police Division Office, and towards the end of that write-up there is a discussion about LEED certification. I think we had talked sometime in the past as a Council about working to accomplish the elements of LEED without spending the money to become actually certified, and I wanted to know if we could simply integrate those LEED elements without spending the money for certification in, in fact, we are spending that money. It reads as if we are going to spend money to seek certification, but I wanted to confirm that with you.

The next item is 34, the Center City Transit Access and Circulation Study. The question I have is when is the Gateway project, the Gateway Multimodal Station Project, supposed to start, and the concern I have is whether this information could become stale, if that's a possibility. We talked about that with some area plans and implementation of those plans becoming stale, and I wanted to make sure that this \$275,000 wouldn't simply put us in a position where we are getting information that's relevant to 2010 but not necessarily relevant to 2018 or 2020 or whenever the plan might be implemented or whenever the station may be built at Gateway.

The next item is 35, and I wanted to know if the Municipal Service Agreement with the State, that \$75,000, whether that covers all the costs for doing those markings and putting in the markers. Also, Mr. Manager, let me back up, if I might, Mr. Mayor, to Item 34. There is a discussion about us acquiring the Greyhound Station with Federal grant money. I don't know what has delayed us in doing that, but has a condemnation been discussed as a proposal? Then

also is the half-cent sales tax being used to pay for work at the Gateway Station? I think I know the answer to that one. The next one is Item No. 50, the Police electronic monitoring contract. Again, I think I know the answer to the first part of this, but I would like to know something else. I wanted to know whether the monitors send a signal when they are cut and whether there are any efforts being made in that industry to make them cut-proof or cut-resistant. They may already be; I don't know, but there are too many people who seem to be able to cut these things off and go out and re-offend. I would like to know that.

Also, Item 60, which concerns the Lawyers Road Extension between Albemarle Road and W.T. Harris Boulevard. The action item asks us to approve a change order in a contract with Hanover Insurance Company for \$450,000, and the funding source is the Transportation Capital Investment Plan, and I wanted to make sure that Hanover Insurance, as the surety, is actually paying the 450 and it's not coming out of our pocket. The next item is 61, the Rea Road widening contract amendment. The second dash indicates that this amendment will cover the design of a temporary road to avoid a main road closing during construction. I wanted to know if the cost of construction of the main road is included in the – I believe we are up to about \$1.7 million now on the project. Is that construction included, and also is the construction of the bridge included in that number? Will all that be done within the \$22.5 million budget? In fact, I think I misspoke. The budget for the project is \$22.5 million, and we have got some available funds within that budget, and I want to know if – in other words, is the balance of that project subject to being paid for, financed, within the budget we approved?

The next one, Mr. Manager, and the final one is No. 62, Milhaven Lane culverts and sidewalks. This is the fourth amendment on this contract, and it is \$105,000 amendment. The contract started out at \$200,000, and with this amendment will be a \$925,000 contract. I raise this one because one of the things I have mentioned before is a concern about people underbidding our contracts in order to get them, in order to secure the contract, and then doing enough work and submitting enough amendments and change orders to blow the value of the contract up to where it probably should have been at the beginning in terms of where they bid the contract. I have some concern about that one because it's essentially going up more than 400%, and that's a concern of mine, and I would like to hear your response to that one. And, I believe that is it for me, Mr. Mayor.

Councilmember Carter said thank you so much, Mr. Barnes, for raising that question because I have been talking about that consistently for the past ten years – seeing if businesses would bid, raise it up, and then go ahead as business as usual to see if we had a registry or a record of those businesses and if there is a practice that is ongoing and if it has established a pattern of doing a bid that is low, submitting a bid that is low and then increasing by change order and doing this consistently because I think that is an indicator that perhaps the preparation time for the bid is not appropriate. I understand sometimes there is rock underneath that we don't anticipate and there has been inadequate testing for rock, but if it's a consistent pattern, I think we need to look at that as we evaluate the bids.

Councilmember Barnes said related to that, Mr. Mayor. Potentially one of the most pernicious things about it is that once the work has begun when you ask the question that I asked and the question that Councilmember Carter is asking the response is frequently there is not much we can do because the work has begun. So, if we say what happens if we turn down, deny the money, it is that the project stops or something else bad happens to the City, and that's the part that bothers me is that they get the contract and they get to work, and then they say, well, we need another half million dollars to continue the work, and at that point, we lose a lot of money trying to find another contractor. I would like to know the answer to her question as well.

City Manager Walton said we will answer that, and we will give you a report. Keep in mind, we initiate the contract amendments. It's not the company coming back to us and saying we need more money to complete this job. So it is generally more expensive and more time consuming to start over or to stop where we are and go back out, so I don't think there is anything nefarious on the part of the companies' parts to do that. It's a process we control, and the bids are based on what we know at the time, but there are so many different conditions that can change with a capital project that we just can't foresee all of those.

Councilmember Cannon said I don't know that is better news, but we'll get the information back. I had a question regarding 25. I don't know if Mr. Barnes in all of his pullings had that one. He may have. It's about Providence and I-485 area plan improvements. Essentially I just want to get the information on – there is one bullet here that talks about these improvements were identified in the Providence/I-485 Area Plan adopted by the City Council. I need some refreshing on when that was adopted by the City Council, and then beyond that, are we implementing these plans evenly around the city. Are they falling in any particular order in terms of implementation? Just want to make sure the older plans are not being looked over, but indeed they are being adopted accordingly.

Mayor Foxx said with regard to Item 33, the Goodwill Youth Job Connection contract, I want to reference a conversation we had probably in June or May about our youth employment program and the possibility of trying to do some things to expand it some. I know our Economic Development folks are working on that restructuring, but, Curt, can you kind of help me figure out how this contract falls into that discussion because I'm a little worried that we may be making some changes at some point but we have this contract here and we lock ourselves in today when we are potentially going to be doing some different things in the future.

City Manager Walton said it follows our existing practice and policy, and so it is not forecasting anything new or different. This is what we have been doing, and it is consistent with the Council policy. We wouldn't know, I don't believe, at this point what to do, what is going to be different, what is going to be new, so that is why it is here to bring it forward because it's consistent with where we are in our current policy.

Mayor Foxx said I think it's a great program, and it did some great work last summer, so it's not a knock on it at all, but the question I have is whether we ought to go forward today. What would be the impact of deferring it for a month, say, the contract part of it?

City Manager Walton said from what I understand Goodwill has some sunk costs in this, so if we deferred it and you ultimately decided to award the contract that would all be included in the contract. If you decided to go in a different direction and Goodwill was not the group with whom we would contract, there would be I think about \$60,000 that we would need to pay them back because they have been working on our behalf.

Mayor Foxx said why don't we – and I wanted to raise the issue because I have talked about it some and others have talked about it, but I am not going to recommend deferring it, but I did want to have that conversation put on the record that I do hope we are able to come back to this conversation in a couple of months after the staff has some time to look at it.

ITEM NO. 2: FEDERAL LEGISLATIVE UPDATE

Mayor Foxx said we are happy to have Holland & Knight here with us to give us an update on our federal issues. Mr. Manager, do you want to introduce everybody?

Curt Walton, City Manager, said sure. Dana, are you going to kick this off – Dana Fenton – but Lisa Tofil, Rich Gold are here from Holland & Knight. They have been here today meeting with some of you and our staff about our federal program. We have worked closely with them for a number of years. It has been a good relationship, and they just wanted to update you on the current environment in Washington and where we stand with some of our initiatives.

Lisa Tofil, Holland & Knight, said thank you for the opportunity to be here to give you an update as to our work for you and what has been going on in Washington, DC. We are going to start by talking about some of our general accomplishments over the last few years, where we stand with regards to the City's requests on appropriations for this year. Then Rich is going to talk a little about the political environment and some specific transit issues, and then we'll talk about next steps in terms of developing the City's priorities and agenda for next year. She began a PowerPoint presentation entitled, "City of Charlotte Federal Update", a copy of which is on file in the City Clerk's Office.

Councilmember Barnes said, Lisa, I'm going to restrain my emotions to the extent that I can talking about that first item. Can you give me some background as to what's happening in Washington that creates these greatly reduced numbers? We have for the last several years I think made a very clear case as to why the northeast corridor is important to the city and this region, and recently we saw this number you put on the screen. Also it has always been my understanding that the Obama administration was very positive on light rail and other sort of rail projects, but can you give me some background as to what is happening up there that would create the environment where we are struggling to get \$4 million for appropriations and only \$3.7 for the northeast corridor?

Ms. Tofil said there are a number of different factors that are contributing to the change this year that we are seeing. One is just an overall environment of a massive budget deficit, lots of concern within the Congress and the administration with regard to the deficit and the debt. So going into the beginning of the fiscal year, the President laid the marker for a cap on discretionary spending other than that for national security and obviously for the wars. So at the beginning of the year that created some challenges in terms of the funding levels. I think that is one factor in terms of what is different this year. Allocations overall within the appropriations bills were – and I'm going to speak generally, if I could – lower, and the number of projects that were funded were reduced. So, overall you had reductions all over the place but most particularly in terms of the number of earmarks that were included.

One of the things we saw this year with the evolution in the appropriations process, it really is an evolving process and it does shift year after year in terms of the way that it operates, and you see certain trend lines. But one of the things that was required this year is that members of Congress were asked not just to prioritize in terms of the individual appropriations bills and their request per bill – you know, pick your bill. There are 12 appropriations bills. They were also asked to prioritize across the bills. So they were limited to a prioritization of ten projects across 12 bills. So, it became more difficult for members of Congress in terms of what they were all choosing. This is a big generic answer to your question, and the other big change this year is that there were no – with a tiny handful of exceptions, there were no Republican requests for earmarks and for projects, so the Republican Conference decided not to request any earmarks at all. So that was different than what we have seen. So there was just a massive shift in terms of what was – the process this year. There were a lot of things that were very different with it.

I think more specifically to your request one of the decisions that was made by the Appropriations Committee jointly between the House and the Senate was that they would earmark fewer dollars at the Congressional level and they would provide more discretionary funding to the administration for the New Starts Program. As a result, all of the numbers for the new starts in transit line numbers came down. So, to put it in perspective, that \$3.7 million was the third largest project that was funded in the Senate legislation.

Councilmember Barnes said in the country?

Ms. Tofil said yes. So it was certainly less than we had requested and less than we were able to secure last year, but now instead of having as much money funded via the Congressional allocation process more money is moving to the administration where the administration will be providing – utilizing the funds to go out. We are seeing that in a number of different fronts where the administration is going to have more and more grant funding that is provided vis a vie the administration and less through the Congressional earmarking process, so it will be more balanced. I don't know, Rich, if you wanted to add to any of that.

Councilmember Barnes said do you know the size of that pool of money that the administration will receive for earmarking purposes?

Mr. Gold said over the last two years – so this current fiscal year that is coming up that starts October 1st and the fiscal year that we are currently in that ends October 1st, it will be about \$300 million in discretionary grant funding for the New Starts Program. Now, there is a question as to where that money is going to go. In other words, it doesn't necessarily need to be spent on projects in ordinary engineering. I could be spent – the FTA Administrator's big issue right now

is state of good repair, so he could decide to put money into state of good repair plans or something like that. That's what we need to find out.

Councilmember Barnes said they haven't spent any of it yet though is what you are saying?

Ms. Tofil said correct.

Councilmember Barnes said you mentioned that Republicans did not submit any earmark requests. Was that on the House side?

Ms. Tofil said that was on the House side, yes.

Councilmember Barnes said because Burr did ask on the Senate.

Ms. Tofil said absolutely. I'm sorry. Thank you for the clarification. That was just on the House side.

Councilmember Barnes said thanks.

Councilmember Howard said I want to follow up on where Councilmember Barnes was going. The first thing is that number one and number two amounts were what for the other two cities? We were number three. What were the other two; do we know?

Ms. Tofil said off the top of my head the first one was 40.

Rich Gold, Holland & Knight, said Seattle got the largest project added. The chairman of the Appropriations Committee, Senator Murray of Washington State, added \$40 million for her New Start project. Senator Feinstein added – I forget the total dollar amount -- \$6 or \$7 million for Los Angeles, and then us third.

Councilmember Howard said the second part is it sounds like where Councilmember Barnes was going with the strategy for the way we get money for this is going to be different. You alluded to the fact that you are not sure if they are spending on engineering or not. Traditionally what the administration has done is actually put the money into projects that are already engineered that are ready to go. So, if all the money is shifting to the administration, how else do we get engineering for these lines done if they are going to put money into projects already going and the maintenance of projects that are already in operation?

Mr. Rich said I'm not suggesting that is a decision that has been made. I think that is a debate that is going to happen with the administration, and we are certainly going to be – as well as the delegation – will be weighing in on your behalf to say that you can't – in fact, people have already had several meetings on the Hill to basically say you won't have projects advancing into full funding grant agreements if you cut them off at this stage and don't provide funding for engineering because it is the only way projects are making it through the pipeline. That debate is going to happen, and we'll flesh this out. I'm just suggesting to you that they are not limited to spending it only on preliminary engineering. There are a number of activities within the light rail program, the New Starts Program, that they could spend it on.

Councilmember Howard said then more specifically then. I guess what I'm wondering is maybe hearing back from you guys it sounds like the strategy has to change. It's not going to the Hill and us going up and lobbying our delegation anymore. The money is going to the administration now. We need to be talking to people in Mr. LaHood's department now it sounds like. Is there a strategy where we can send the Mayor up and talk to folks? Is there a different way of doing this now that we should be pursuing?

Ms. Tofil said it's all of the above. It is continuing to work with the Congressional delegation through the earmarking process, it is working with the administration with regard to their discretionary dollars, and it's also working with our delegation and asking for their assistance for weighing in with the administration in terms of the allocation and where the discretionary dollars go. So we'll continue to need the delegation as we ramp up and move forward on the project. We agree wholeheartedly and have spent a good amount of time working with the staff in terms

of that strategy, and I think that's true not only with regard to the Blue Line Extension but with regard to other City priorities as well. In the new world order, what is the best means by which to achieve the City's objectives and secure funding for its priorities, so some of it will be through the traditional means, but some of it will need to be through other means via the administration as well.

Mayor Foxx said I'm just going to interject there. I think there has been a lot of what I think are unfair critiques of our approach in this period of time when transit policy is changing. The fact of the matter is if there is more grant based activity one has to respond to what the grants are offering, and it's just a different environment, and it's one we are going to have to figure out. We could obviously make decisions in the future to not pursue grant funding because it doesn't fit with what we want to do at a given point in time, but you may not get the money for what you want to do because of how the environment is; so it's really a tough time, and it's clearly a point where we are all in transition, and we are just going to have to work through this. The MTC is also going to be talking a little more about how we manage through a time when we have got lower sales tax revenues. We have got time lines that our sales tax revenues won't meet.

Ms. Tofil said, Mr. Mayor, we will continue to be working to be working to look for all of those potential avenues that may be of interest to the City such that the City can make a decision and Council can decide whether or not to explore something it may not have thought about before. She continued with the PowerPoint presentation with the top slide on page 3.

Councilmember Cannon said did they all submit at the same level, and, if they did not, what were those levels of each one of those individuals that submitted that?

Ms. Tofil said I believe I have it over here, and I will double check for you, sir, but I believe that they all submitted at the same level for the Gang of One, but I will double check it while Rich is speaking, and if it's different than what I just said to you, I will let you know. She continued with the same slide.

Mr. Gold continued with the slide on page 6 and said just to give you some background on the upcoming election, so you have a little bit of context as we head into the fall, you can see the numbers in terms of the breakdown between the House and Senate now, and without getting into any prognosticating because I'm the last person you should ever ask about what is going to happen in an election to somebody who spends all their time in Washington, DC. Suffice to say that right now the House is sort of pitched between potential turnover to Republicans in November, probably right on the edge 50-50 or a slight edge to Republicans right now, although as you will see back in July *Congressional Quarterly* showed the Republicans coming up short on the number of seats. A lot will depend on what happens here in September and October particularly in terms of the economic numbers we see and the President's approval ratings. Those are the two best indicators moving forward in terms of economic growth and the President's approval ratings pertaining thereto.

On the Senate side, Republican turnover much less likely – most likely pickup of five to seven seats, somewhere in that range, but in either scenario whether you have a Democratic House and Democratic Senate or whether you have turnover of one or both of the bodies the majorities are going to be very, very tight, and there will almost be a situation of either forced working together or absolute gridlock. While there has been a lot of friction over the last two years in Congress given all the conflict around healthcare reform and climate change and some of the issues that have been taken up, this has still been the most productive Congress since about 1966 in terms of the actual scope in number of items that have been passed, so it wouldn't be unusual for the next Congress to be much more sedate up there in terms of actual final laws being enacted.

In terms of the remaining policy issues for 2010, we come back the week after Labor Day, and we are really here for two and a half to three weeks, so there are really a couple of things we are going to focus on – the Small Business Lending Fund Act, which is described herein. It's a \$30 billion loan fund for small businesses to help get money flowing again and create jobs. We are expected to be able to get cloture on that in the Senate. The majority leader has brought it up several times and hasn't been able to get 60 votes to proceed forward, but it's unlikely that will actually receive final approval in terms of both House and Senate approval before the elections as after the Senate passes the bill it will have to be reconciled with the House bill. We do think

there is a pretty good chance this will pass this year, but a high chance it will pass after the elections as we are very likely, almost certain to be back after the elections for a lame duck session where we will take up and finish the appropriations.

Councilmember Howard said, Rich, that money for small businesses, is that going to be through the SBA or passed down to the states?

Mr. Gold said that still remains to be different approaches in the House and Senate, so it remains to be seen how they are going to reconcile those differences. I think there is a discussion around whether it goes out through the SBA and community banks and the like or whether it goes out to the states, and I don't think we have got a final determination on that, but we will keep you posted as things go forward.

Councilmember Howard said the only reason I asked, Mr. Mayor, is because you have done so much work with the small business that I thought some of that \$30 billion could help. It will be nice to watch that.

Mayor Foxx said, Rich, let me ask you. Are the contents of that bill still fairly fluid? There was a good idea –

Mr. Gold said I think there is opportunity that certainly in terms of as the bills get reconciled between the House and the Senate I think the bill that will be considered on the Senate floor in September is pretty tightly constructed at this point because they have had to go through significant negotiations between the majority and the minority to get agreement on a bill that would get 60 votes, but they will have time between then and conference to be able to adjust things. So talking with the Senators and Mr. Lott, who obviously is most relevant given his position on Financial Services, about ideas is definitely still in play and an option. He continued with the bottom slide on page 7. He said just to circle back a little on transit, a couple of factors that are constraining transit right now are the expiration of the Transportation Authorization Bill, which we are currently debating to renew. He continued with the bottom slide on page 9.

He said on the Blue Line Extension obviously the goal right now is to get into final design and into the President's budget, and that's what we are all working toward. Obviously funding is a key part of that. FTA is very supportive of the project, and we do have a good relationship. Your staff has done a great job working with FTA to have this front and center as a major project that they are focused on moving forward. It is going to be key here moving forward, and I can't emphasize this enough, to have adequate state and local funding when we get there. If anything is going to be constraining, it's not going to be the federal funding side of things; it's going to be the ability to match from the state level and match from sales tax level. Obviously you all are well aware of the streetcar grant. Congratulations on being able to move forward on that opportunity, and we think there will be other opportunities, grant fund opportunities, like that coming down the path that we will keep you all posted on.

Councilmember Howard said, Rich, a second ago you talked about the administration moving forward with really caring about land use in addition to the economic development potentials along lines. Would that be with the Smart Start and what do you call the funding for the North Line – Small Starts. Would that be for both types of projects?

Mr. Gold said yes. It cuts across programs from different size projects, yes. Obviously there is a new program, a sustainability program that staff is working on grant submissions for that cuts not only across transportation but across HUD and EPA as well to bring all of that together. The north corridor we still have some work to do, although it is progressing along. Obviously that will require additional state and local funding as well.

Just to give you a quick sense of timeline, we will be continuing to advocate and will be calling on you to continue to advocate on City priorities through the end of 2010, and also at the same time ramping up for next year's FY2012 appropriations requests so that when the Mayor comes to Washington and the Council comes to Washington early next year we have everything in order, have all your budget requests submitted, know generally the grant programs that we are going to be working on for the year so we can talk to the delegation and move forward from there. Obviously you will be approving your agendas in 2011 for both state and federal

legislative advocacy. With that, we'll open it up to questions outside of ones you asked as we went along. I hope you have a clarification on the request.

Ms. Tofil said it was across-the-board just over \$1 million. There was a little bit of variation in terms of the request levels for the other projects but not for Gang of One. It was requested by all four – both Senators and Representatives Kissell and Watt at that level.

Councilmember Howard said one last small one, and I think this may be for Dana and for Curt. One of the things Rich just talked about is the importance of having the matches in place. The sales tax we can figure out ourselves locally, but we need to figure out the state as well. I guess the question is what are we doing to make sure the state knows that if and when this happens we need them to fall into place as well?

City Manager Walton said the state does know, and they have been supportive. That is one area that the state has always moved along with pretty good surety. Going forward, we will just have to keep working with them, but there have been continual conversations with them about the northeast, and they have been supportive.

Councilmember Howard said I guess I'm even saying that one of the strategies that the Mayor talked about the MTC talking about a different approach if it goes to more of a grant process and it has to be done in segments. We need the state to be committed to that process as well and not just kind of the whole big line if we have to do it incrementally, so maybe that is a conversation we should have with them now so they know it may come that way and not the big way we did the south line.

City Manager Walton said I think one thing we may want to think about when it comes time for the state package is to consider asking them to fund, instead of half of the local share, 25% of the project, so fix the 25% so we have a little more predictability about what that is going to be.

Councilmember Cooksey said just quickly. What is the status of the bill to mandate collective bargaining with public safety employees for municipalities?

Mr. Gold said there was talk about it being brought up on I believe the small business bill in July. That never happened. We are pretty much at the time in the session where it's very, very difficult to even raise very controversial issues, and that happens to be one of them, so we are not expecting that is going to be moving anywhere certainly before the election. The only asterisk I would put on the end of that statement is, as I mentioned previously, we are coming back for a lame duck session in November, and having spent enough years in Washington at this point, I think it's fair to say that if you have a bunch of members of Congress coming back, some of whom won't be coming back the following year, anything can happen in November and December, so we would need to look out for things like that at that point.

Councilmember Cooksey said thanks for the cautious optimism.

Councilmember Carter said we had a good conversation this afternoon talking about the agenda that is before you, and something that was suggested is looking at our projects that we submit in a more holistic fashion, seeing how we can batch in our approach to Washington looking at affordable housing, transit, green issues, economic development, and paring them so we have more of a batched situation that appeals to the administration. Not only that way but to look regionally and to work with partners outside Mecklenburg County to see how we can act in making it a wider reach, and I think we could be successful in that approach.

Mayor Foxx said I think it's great. In fact, we are kind of doing it in a way. Some of us were out at the Boulevard Homes announcement a few weeks ago where potentially there will be a new school, new housing project, and transportation access, and it's such a confluence of things that the administration is doing. But part of the challenge right now is that some of the regs aren't written, so it's not clear what qualifies and what doesn't, and this grant versus appropriation issue is one that I think we are going to continue to have to wrestle with at least until things settle down some.

Ms. Tofil said we had several conversations with some of your departments after we met following exactly the line of strategy that you had developed, and I can think of at least two areas where there may be potential to partner more regionally in terms of an approach on the homeland security front and trying to secure funding whether it's through the administrative process or through the earmarking process, but where there is an opportunity to work more collaboratively with other folks, and it may enhance our ability to succeed collectively. So it was very helpful that you brought it up because it went ding, ding, ding, you know, as we were having the conversation today.

Mayor Foxx said thank you very much, and we'll look forward to continuing to do battle when we need to.

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ITEM NO. 3: ENERGY GRANT UPDATE

Rob Phocus, Energy and Sustainability Manager, said I'm going to give you a quick update in our remaining time on our energy block grant projects. I would like to point out in addition to the information I'll be presenting we have all of the project managers here for our 17 projects if you have specific questions that I don't know the details on. I think they are making up the majority of the room right now. He began a PowerPoint presentation entitled, "Energy Efficiency & Conservation Block Grant Update," a copy of which is on file in the City Clerk's Office.

Councilmember Barnes said would you go back a slide – 17. I forget the length of the contract. What is the length of the grant?

Mr. Phocus said the length of the grant from the time it was awarded is two and a half years.

Councilmember Barnes said the 356 is to cover one person for two years?

Mr. Phocus said, no, that number was actually raised recently. We decreased on one of our projects the dollar amount, and partially on advice from the Department of Energy and after we had time to think about it we realized there is the potential for some of the projects to have overruns, so we took some of the money that we decreased from another project and put it in there in case other projects need additional funds.

Councilmember Barnes said what is the salary for that now?

Mr. Phocus said I can't remember what the total is over the two-year period.

Councilmember Barnes said isn't that you?

Mr. Phocus said that is me.

Councilmember Barnes said so who can tell me what the salary is? If it's \$180,000, you are going to get a pretty significant no from me on the whole thing. Who can tell us what the number is?

City Manager Walton said I don't know the number right now, Mr. Barnes.

Mr. Phocus said the number is a little below \$100,000.

Councilmember Barnes said let me articulate it another way. I'm just asking whether or not the 356 covers the salary of that person for two years and whether it covers anything else.

Mr. Phocus said it does. It covers the salary. It also covers equipment costs, benefit costs, supply costs, and there is an additional \$56,000 added to it recently as a result of decreasing that other project amount. So when it came before Council, it was at 300, and then recently it was bumped up the additional \$56,000.

bvj

Councilmember Barnes said earlier in the slides there was one that had \$200,000 for marketing the program – that one – the outreach and education campaign. Again, I recognize the action we took on June 28th. I'm wondering what we're getting for that \$200,000 that we couldn't do through the City's Web site as it currently exists.

Kim McMillan, Corporate Communications, said thank you for the question, Councilmember Barnes. When the project amount came to you for approval, we also included backing out some monies so we could possibly get our own signage done through our sign shop and take care of some collateral that we knew we had the capacity to develop inside in the organization. Then we took each of those 17 projects and basically allocated about \$5,000 to \$7,000 for each of those to market them properly. As we get into the grants and as the projects develop, we will come back with a more comprehensive marketing plan. But the Web site is the largest deliverable that we hope to give to the community, and it will have a brand that we'll be able to live on beyond the grant, and we are going to be putting a lot of interactive components into the Web site so people can pull up and get maps and really create almost an energy efficiency trail we have been calling it. So we want this to live on beyond the grant, and that's the purpose of branding it separately. Of course, we had our own Web site migration and project going on at the time, so it made sense to be quickly on schedule and to keep schedule and keep pace with the other projects that had already been developed through the grants.

Councilmember Barnes said so that's the charlottenc.gov.

Ms. McMillan said that's our main site, and then charmeck is our customer service site, and this site will be launched shortly. We'll be communicating to Council the brand and the Web site, so that's coming very quickly.

Councilmember Barnes said, Mr. Phocus, I think Item 3 is the one I wanted to ask you about, I think. Go back one more. I would like to make sure we are getting the bang for the buck on this. Okay, thank you.

Councilmember Peacock said, Rob, can you provide an update? I see these are broken down into six categories. Can you give us an update on the number of jobs created? That was one of the questions we had as we were developing the 17. Can you get back to that?

Mr. Phocus said to date with the money we have spent from our initial award about 11.5 jobs using the DOE calculators that we used to submit our reports to them.

Mayor Foxx said do you have an estimate of how many once all these projects are deployed?

Mr. Phocus said I cannot remember what the DOE estimate was. I believe it was around 80. I will have to get back with you on that, Mr. Mayor, with the number.

Councilmember Peacock said that would be great if you could get back to us with the number of jobs created beside each one.

Mr. Phocus said for each category? Okay.

Councilmember Peacock said for each category it would be great on what the initial DOE calculation was, and then as the Mayor pointed out through actual. Then if you could also go into breakdown whether it's a private sector job or a public sector job that we are creating.

Mr. Phocus said, okay, we'll provide that to you.

Mayor Foxx said good work, and thank you. Mr. Manager, I know we have to run down and take a picture, but I know you have rapid fire answers.

City Manager Walton said actually I don't yet, so go take the pictures.

The meeting was recessed at 6:20 p.m. for the Council to move to the Council Meeting Chamber.

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BUSINESS MEETING

The Council reconvened for the regularly scheduled Business Meeting at 6:45 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding.

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INVOCATION AND PLEDGE

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

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CITIZENS' FORUM

FALSE IMPRISONMENT

Scottie McCluney, 428 Jones St., said

Mayor Foxx said I have two issues, but I have got three minutes to do this. I have a problem with how a Mecklenburg County agency access program right beside the Men's Shelter handled my Social Security Administration benefits during the time I was held in Mecklenburg County Jail System. They spent my money the whole time I was in there, and I cannot yet find me a place to stay because I can't afford none. It ain't the issue about how they investigated it. The point is if they had followed the rules in the handbook, the handbook says if you are in the system for over 30 days that your benefits must stop. They didn't stop it, so that's irrelevant with the investigation and how somebody spent my money. The second issue. I just got a call from James Exum. My mother passed away in 2007, and they are trying to sell her Habitat house. I can't afford the place, but there is a house out there paid for -- \$5,000 pay off or something like that that I got money invested in, but my name ain't on the deed. My sister's name is on the deed, and the probate courts won't talk to me, and nobody won't talk to me because my name isn't on the deed, but they are going to sell the house. My sister is in the house with this for sale sign in front of the house waiting on the people to throw her out when the house can be saved. Legal Aid, there are no attorneys around here that can help me. I'm coming to you guys because y'all run this city, you know what I'm saying, and our family is going to need a house, you know what I mean. Just because one party ain't cooperating. We need somebody to come in and do something about both of these issues. I know y'all are up there and all you got to do is listen, but I need some help from you guys. Thank you.

Mayor Foxx said, Mr. McCluney, thank you for coming. The first issue you raised sounds like an issue with the County, and what I would suggest, Mr. City Manager, if we could, is to have Mr. McCluney's information shared with the County to maybe run through and see what is going on with his payments. On the second issue with the Habitat house, we don't have the ability within this Council to help you with a legal issue, but there are some resources that our staff can help point you to. Mr. McCarley, you may have some folks that can help him find some resources that may be able to help him on a pro bono basis.

Mr. McCluney said one more question.

Mayor Foxx said, I'm sorry, sir, I can't extend it out at this point, but I appreciate you, and thank you for coming. Mr. McCluney, you might want to stick around here because I think we have some people that need to talk to you before you go.

bvj

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SILVER FOX CHEERLEADERS

Mayor Foxx said for those of you in the audience who haven't had the opportunity to see the Silver Foxes this is something that you are in for a treat tonight.

Blanche Penn, 2207 Century Oaks Ln., said I am with the Silver Fox Cheerleaders, and we are out of the Wallace Pruitt Recreation Center where we are housed and we practice, and I have some people here with me that are going to introduce themselves. We are so excited this year to have a man on our team. A lot of people ask us do he lift us up, so we go, yeah, but we are with the Senior Games, and we won our competition here in Charlotte, and we are on our way to Raleigh September 30th, so we are going to need some cheering on that. Once we have finished, I have a second piece that I need to share with you about men taking kids to school the first day. The cheerleaders introduced themselves. Ms. Penn said our ages start from 55 all the way up as far as they can go. If you have not ever seen us cheer, it is a treat. We try to do all the different things. These are our new uniforms that we have, and we are very excited about that, so if you want to cheer us on for our competition. The other piece I want to share with you – one of the things with our cheering piece is that if you haven't seen our routine he plays Ike and I play Tina, and in our routine is we bring Tina and Ike out, so that's one of the good things about our cheering piece, so he has on part of his little Ike costume here. The other piece I want to do, and, Mayor, I'm going to let Ike bring this to the Mayor, and this is men taking kids to school on the first day, and we are very excited about that. If you have children, please take your children to school on the first day because it's very important, and we are looking forward to that. I'm going to let Kate take this information over there to Mayor Pro Tem Cannon, and then, Shirley, you can give all these cards to everyone. I just wanted y'all to see our cheerleaders. Basically this is the Million Fathers March, men taking kids to school all year. With so many problems and things we got going on with the school system, we are going to have to have a lot of people involved. I'm just so amazed with the shuttle stops and all this stuff they are going to be doing and the teachers, not having the teachers and stuff, so we are going to have some people involved. If you have never seen this picture, this is our police chief, Chief Monroe, and he took the children to school last year, and I was very excited when he did that. We are inviting all the fathers to please take your children to school the first day, and we are the Silver Fox.

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TURNTABLES AS A METHOD OF SPORT

Claude Whitfield, 1816#C Stroud Park Ct., said I'm founder and executive director of With These Hands Mix Academy. I am here before you today to ask that you and induct turntableism as a sport here in Charlotte, North Carolina. With These Hands Mix Academy is a nonprofit organization that teaches students ages 12 to 18 a skill in the world of music and disc-jockeying. Our award-winning program teaches students in the 21st Century. With These Hands provides under-served youth with conflict resolution education, cultural awareness, academic ability, and service projects through regular program meetings and corporate as well as community partnerships. For the past five years, I have seen the growth within Charlotte communities, and with that growth Charlotte has accepted and responded to With These Hands Mix Academy teaching the students turntableism and providing an avenue for us to show our students what they have learned in different events. With These Hands Mix Academy has also been able to cut budgets by doing internships with Charlotte-Mecklenburg Schools by doing their school functions, work with other clubs and musical programs in CMS to teach children a trade. We provide services to Johnson C. Smith and UNCC as well. In our efforts to teach turntableism, it has led us to one of our students doing his senior exit project, Mr. Caleb Walls, on turntableism 101. With this being said, it has led him to receive the perfect project graduation award for Harding University High School for the school year of 2009-2010. With all of this being said, I would like to address what disc-jockeys do in the form of being turntableists is a form of art, and it's a sport. Disc-jockeys enter competitions year after year to see who has the better technique, style, form, and creative abilities. Here in Charlotte the competition is "We are the champions (WATC)". WATC brings disk-jockeys from around the world to compete for platinum prizes,

platinum plaques, and also our WATC championship belt, which this one is our old one from our first year, and our second one is held by a DJ in California. This competition began here, and we want to keep it here in the City of Charlotte for all WATC events, which has led me to ask that Charlotte become the first city to induct turntableism as a sport.

Mayor Foxx said thank you. That's the end of the time, but I have got the information here, and we'll be back in touch with you, okay. Thank you so much for coming. Congratulations on all your good work, by the way.

ROAD REPAIRS (FRAZIER AVE)

Tom Polito, 400 Frazier Ave., said I am here representing the neighbors and residents that live in the Frazier Avenue, Wake Street area, which is, if you don't know, off Fifth Street between Fifth Street and Johnson C. Smith University. The reason I'm here tonight is unfortunately I have to come to Council because I haven't been able to get anywhere with the staff people in the City. We have had some work done in the neighborhood. First of all, we need to go back. A year ago they came back and resurfaced our streets. Our neighborhood is a transitional neighborhood, it's a diverse neighborhood, it's a growing neighborhood, everybody is investing a lot of money in their homes to bring this neighborhood up, and quite frankly, the City – we are only a mile from Center City, and the City should be proud of our neighborhood. But unfortunately what they did is they came in, and we had some issues with storm sewer, so they paved our street first last year and then they came back this year and they tore it all up to put storm sewers in. I did get a letter from the City stating that they made a mistake, and they weren't suppose to pave the street, but unfortunately they did anyway. So, now we are left with a street that is basically all cut up. It's very unsightly. We are having a hard time selling houses as it is in our neighborhood, and now we are having a hard time when people come in the neighborhood and see this cut up street, which we are going to have to look at, I imagine, for the next ten or 12 years because that's I think your repaving schedule. What we are asking – also, they put storm sewers in and didn't install any concrete curbs, so we just have these big, ugly storm sewers with little asphalt curbs on both sides, and there is no concrete that makes the water go into the storm sewer, so they are basically useless. So, what I'm asking, what I asked storm sewer people was to come back, and they told us that they would look at resurfacing our street because of the mess they made, and then after the fact I got a letter stating that there is nothing wrong with it, and that's the way it's going to stay. So, unfortunately, my Councilman isn't here this evening, but I'm asking for some help because, you know, there was an inspector on the job, and quite frankly, every time I question the contractor the contractor said I'm just doing what I'm told. For somebody from the City to let them come in there and just do a job that is just unsightly. It's just chopped up, it's bad, it's bad construction. I mean, I have been in the construction field for 30 years. I'm a project manager, so I have a background in construction, and to let these people basically do what they did is just uncalled for, and basically it's our tax dollars. I mean the work they did was fine, but to come back in and finish it and leave it look like that just doesn't make any sense, and it's hard for us to swallow, and we can't accept it. So, I thank you for your time.

Mayor Foxx said thank you, Mr. Polito.

Councilmember Cannon said Councilmember Mitchell did state, Manager Walton, if he could get a report back on this. He could not be with us this day, this hour, largely in part because he is with his daughter at one of the open house for CMS schools. That's going on right now. I know that is the same thing that is happening for Councilmember Turner, but he did suggest that he would like to get a report back on this, Mr. Mayor and Council, so if we could get that.

Curt Walton, City Manager, said it is a problem, and we are working to resolve it.

TAXICABS

Ted Russell, P.O. Box 560248, said two months ago I stood here and requested that City Council take a serious look at some of the problems surrounding the taxi drivers and the ordinances that we're forced to work under. I do appreciate the fact that one of our taxi drivers will be appointed to the PVH board, which is a step in the right direction, and for that I thank you. But two months ago, Mr. Mayor, you directed that I would be the contact person for the subcommittee to get in touch with to assure our concerns were being addressed, but that never happened. The union learned from our drivers about the meetings held with the drivers and the assistant city attorney and the assistant city manager. No one bothered to call the union, so when I called your assistant, I was told these were not the meetings for the issues which would be presented to the Safety Board, so what were these meetings for? The issue is still here. The taxi driver has to purchase a business license for \$15, which entitles everyone else to operate as an independent businessman except the taxi driver. He pays around \$95 for his operating permit, gets inspected at PVH for a fee of about \$50, pays his commercial insurance, which is around \$1,400, gets his vehicle painted for about \$500, yet he has to pay the cab owner to work, which is absolutely a disgrace in this city. If Mr. Dulin wants to get on TV and talk about eliminating the smelly cabs, well how about the smell of this City ordinance because it really stinks. The City needs to understand the taxi provides a desperately needed mobility for the poor, disabled, and elderly, which is an important lifeline service for these groups. Now we see the new policy issued by Jerry Orr, which is going to create more hardship on these drivers. I still can't understand why the Airport and this Council can't see that this type of policy leads to discrimination by the cab owners. Why would the Airport allow the cab companies to bid on positions at the Airport when they do no dispatching of these drivers? They are solely dispatched and controlled by the Airport authorities. These fees will be passed on to the drivers at a higher cost than they pay now because it will be a premium job. They will have to work long hours, which is a safety issue. The bottom line – these drivers will pay all the costs to work at the Airport, and the owners will continue to get the profits from doing absolutely nothing. These rights should be given to the drivers to bid on, and if the Airport is concerned about the condition of a cab, then make sure that provision is in there. These drivers have dedicated their lives to this profession, and this City should do everything in their power to see that they are treated with respect and dignity. I would like to request that this policy be put on hold and discussed before it is implemented. I am aware that Jerry Orr does not need the approval of the City Council to enact this policy, and that really disturbs me that one individual can make a decision like this which would impact so many lives without this Council having the power to review it and maybe change or stop it. Whatever happened to the balance of power that city governments are supposed to have? Mr. Mayor, if you and this Council want to see the City of Charlotte become a shining star then let's start doing the right thing and not business as usual. The last administration was good at ignoring the rights of the working class. I hope you don't fall in those footsteps, and I thank you.

Mayor Foxx said let me check with our staff. My recollection is we referred this issue to the Public Safety Committee when this last came up.

Curt Walton, City Manager, said, no, sir, you discussed that, but I don't think you actually did. The action from the Airport will come to the Council. It's scheduled for October 11, 2010.

Mayor Foxx said can we have someone check on that because my recollection is pretty clear that we did ask for that to be referred because I remember Mr. Barnes having a lot of discussion about it. So, Madame Clerk, even in the context of this meeting, we need to make sure. If not, we will re-refer it, but I'm pretty sure we did – the issue of the taxi cab driver issues. I may be wrong, but I'm pretty sure that I'm not.

Councilmember Cannon said we do have coming before the Public Safety Committee on September 16th – we are still trying to close out the issue regarding towing as well as we will be addressing the noise issue. We could potentially place a third item on the agenda at least start to open the discussion up if that would be the will of you and the Council, and just go ahead and get the ball rolling. We could do that at that particular time given we have enough time in the committee to address it.

Mayor Foxx said I think the question is whether the ball –

bvj

City Manager Walton said the ordinance was referred. I thought you were talking about the RFP at the Airport.

Mayor Foxx said, no, I was talking about the ordinance.

City Manager Walton said the broader issue, the RFP, has not.

Mayor Foxx said very good. That's what I was recalling.

Councilmember Cannon said we still only have two items on the 16th, so, again, if it's the will of the body to have it on third as well as yourself, Mr. Mayor, then we can –

Mayor Foxx said I think if it's available to be brought up whenever the committee brings it up. It's been referred, so if y'all want to put it up on the 16th, I think you should.

Councilmember Cannon said the issue has been out there for a very long time, and we have had a lot of emails going back and forth regarding this issue, and I think the sooner we can get on this the better.

Mayor Foxx said in any regard the point is the last time you all came we made the reference to the Public Safety Committee, and it's there to be dealt with. Anyway, at least as far as the general issue of the ordinance. The Airport issue is a separate one that has not been referred based on what the City Manager has said.

Amanuel Hagos, 4120 Providence Rd., Apt. B., said June 28th when you came here before the City Council to ask for a lasting solution to our problem, the City Council respond by forming a committee to study the matter, and when we have been waiting for that patiently and with great anticipation. However, on the same day, Mr. Jerry Orr announced that he is working on a separate plan to resolve the problem. Even though we have always been given promises from the Airport director before, we thought this might be different because he made public statement in front of the City Council that he and his lawyers were working on the plan to end all the problems that Airport taxi drivers are facing every day. When we asked for a meeting to assess the validity of this so-called solution to our problem, he was not willing to disclose anything, however, when we asked him if it was going to help drivers, he said that is what we are trying to do. Admittedly when the so-called solution was disclosed last week, we definitely understood why it was kept a secret because it could have prolonged that nightmare that we have been going through for the past few days. We urge all the City Council members to read out the letter regarding this request for proposal sent out to all the companies, which we believe will perpetrate our enslavement by creating a (inaudible). I don't understand why it is so difficult to resolve such a simple problem. Just give the Airport drivers the chance to choose the companies they want, and let them negotiate the rest, or give us our medallion like most other cities and allow us Airport drivers to work as independent cabs under independent logo. Case closed. No more modern slavery. Thank you.

Abdul Caligacal, 1423 Briar Creek Rd., said I am here tonight to follow up from the last meeting we had, and we have complained about the City ordinance, and now there is a proposal called RFP from the Airport. It has been issued on last Wednesday. We all oppose proposal. All drivers oppose that proposal. This proposal has related with a City Code Ordinance. If you guys have come out with a solution with a City ordinance, this proposal would not have been issued. We have been complaining the City ordinance for a long time because the City ordinance has given more power for certain individuals and cab companies. This kind of institutional oppression is illegal. The voters have elected you, and you guys must have the ultimate power – not an individual. We were expecting from you a solution because you guys promised us last meeting that you guys would come with a solution, and we never hear anything. We just see from on-line this proposal. If you had seen some of the provisions from that proposal, it was designed to eliminate (inaudible) operators. It's technical elimination. We don't have big lobbyists, Mr. Mayor. We are poor people. We cannot afford to lose our jobs. If we miss our jobs for two weeks, all of us would lose our houses, and our children will go to the Social Services, and now they are forcing us to buy new cars. I have four-year-old car I bought two years ago. I didn't finish my payment yet. My car is owned by the bank. There are two

years left, and this new proposal says I have to buy a three-year-old car to drive at the Airport. Who has that money? Do I have that money? Those people who are responsible are problems are written in this proposal, and they want to take over and kick us out. They have done it before. We have performed some of the (inaudible). They didn't do anything, and now we have only three weeks. Some of those owners, they have to –

Mayor Foxx said I'm sorry, sir.

Abdie Duale, 6818 Chiestain Dr., said I'm speaking here as a citizen of this great city. I have been living here 20 years. I am also a cab driver. I brought with me my voter registration card just to make sure that some of you might not think I'm from Arizona. Most of the people here are voters. They have been living here 20, 30 years. They live every district. I was hoping that I should ask each one of them to stand when I call the districts, but the time will not allow me. It's only three minutes. We have been working hard day and night to solve this problem. We come here. July -- we were here six months ago. We have been talking to the City officials. The City officials have been trying very hard to send our grievance in writing. Things have been very slow. It would be easier for me to get access to Ft. Knox than to get done anything here to be honest with you. The point I'm trying to make is we want a solution fast. We really can't wait no more. We are suffering. Imagine getting up every day not knowing what your future is about, not knowing if you have a job a month, a week from now? It's very difficult. We have mortgage to pay. It's true, Mr. Mayor, you did refer this, or you guys referred to Safety Committee. We have been trying to get to committee. In fact, September 16th was the hope we had, and we have been waiting patiently. The thing is this RFP, this report from the Airport came out recently on August 16th. The whole thing is undercutting the same thing you guys promised you were going to address. If it takes place, to be honest with you, there is no reason for us to hold that meeting. It is over. We show you the numbers. We pay almost \$2 million in fees, to be honest with you. The Airport was not getting much of that. We show you that the City can generate more revenue from when we bring it, and we are willing to pay that. The same city that we are trying to work with come up with RFP, request for proposal of business, that very much eliminates everything that you guys are trying to do. Soon, a couple of months. There's not enough time. The main thing is we want this RFP to be put on hold until the underlying problem is solved because if the underlying problem is not solved you are going to have (inaudible) and you are going to need a lot of people to enforce the current City ordinance because we are going to feed their families. In conclusion, please put this on hold and give us a chance to work with you.

William Dobbins, 7910 Waterford Ridge Dr., #608, said first thing in order, honor to my Father, Jesus, and respect for you, Mayor, and the City Council. I would like to first of all just state that we are here today for a couple of different reasons. The first one really relates to a situation that happened this weekend. One of my colleagues, my vice president, was shot. His name was Jamal Solei. Jamal was shot because he had been working at the Airport, and he was dismissed from the Airport. He worked for Yellow Cab. Yellow Cab decided to bring another company in removing Mr. Jamal from that position. In turn, he had to take a part-time job because he has a family. Like most people, he had to work. In his work, he was shot on Saturday, and he died Saturday evening. This is directly related to the facts of what we are talking about today. We put in a request to City Council, which you gentlemen and ladies have seen, which relates to a medallion. A medallion is not a huge thing to ask for. We asked for the medallion because it relates to us having security. Anyone that works a job would like to have some type of security in their position. This medallion allows us to have that security. The appointment that you made I was sitting here. I made a speech to you last time we were here. I know you appointed them to act on their behalf. Nothing has happened. At this point, we have a proposition, a proposal from Mr. Jerry Orr. Mr. Orr issued a position that is in direct defiance to anything that we actually attempted to do here. His recommendation requires him to reduce the employees at the Airport by about a third, take the cost up on what we are paying to about two-thirds of what we are paying right now over and above what we are paying, and put this in an unreasonable area even relating to the cars this gentleman was just discussing with you. The point is once you have looked through that proposal that Mr. Orr has, it needs to be tabled. We put a position to you which related to the medallion. That is the most important thing for all these drivers and myself. Please do not ignore that particular request that we made. This gentleman that died over the weekend was directly related to the fact that he couldn't work at the Airport anymore. That's blood on somebody's hands, and my point is when we sit back and not

do anything -- you make as much noise by not doing anything as you do when you do something. We all know that. Action always calls for a reaction. This far it looks like no one is supporting us. Now, we are a reasonable group of people. We have a union now. We haven't put any of this into litigation, but that's the only place we have left if you refuse to do anything for us, and we are simply talking to you now because we would like to give you a last opportunity to act on this before something more serious happens to one of these gentlemen in their day-to-day pursuit of their livelihood.

Frank Hinson, Checker Cab, 3504 N. Tryon St., said in case you haven't noticed, Mr. Russell and I are silver foxes of a different sort, but I'm the operations manager at Charlotte Checker Cab Company. I'm also the secretary-treasurer of the Charlotte Taxi Cab Company Owners Association. That's a mouthful. Let me begin by saying much has been made recently about the taxi service at Charlotte-Douglas Airport. The service has been described as poor in adjectives such as old and smelly have been broadcast in our area. This is not only an insult to our industry but a back-handed slap at the PVH inspector as well as the inspectors at the Airport, who work tirelessly to keep the standards of service high. Charlotte now has newer and cleaner taxis than at any time in our past thanks to the efforts of the companies and the inspectors. That is not to say we cannot improve, but the changes in service at the Airport are not a guarantee of improved service. Some of us have answered every demand from the Airport authorities including installing GPS units as well as credit card swipes in the rear passenger area. These improvements have not come easily in this economy. Indeed the fees have continued to rise at the PVH inspector's office, and the new proposal at the Airport promises to more than double the cost of doing business there. The true cost of the proposal will be the loss of about 30% of the jobs there and the danger to the companies of falling below the minimum numbers required by the City. If that happens, companies will be forced to close and more jobs will be lost. This will result in fewer overall cabs and poorer service throughout the city. Poor service at the Airport could be mitigated by a slight increase in the amount of taxis there and a corresponding increase in parking spaces. However, I don't believe the true issue at the Airport is poor service. Having an exclusive contract with the Airport has been the desire of some of my colleagues for years. Some of these companies have made it very difficult for their drivers to make a living. Charlotte City Council should consider, please, some companies will remain at the Airport, and those who are excluded will vigorously fight for their right to exist in the courts.

Mayor Foxx said that concludes the Speakers' Forum tonight. Mr. Manager, I do want to ask you a couple of things about this Airport issue. As I understand it from the speakers, the RFP process closes in September; is that right?

City Manager Walton said September 9th.

Mayor Foxx said what's the driver in terms of timing on that?

City Manager Walton said, Jerry, would you come address that, please?

Jerry Orr, Aviation, said, as you know, we have been working on this for close to two years, and there is no specific driver that would lock us in to the 9th of September, but we really do need to move forward with it. These are two very separate and distinct issues, the ordinance, which addresses the 600 taxi drivers in Charlotte and the requests for proposals to companies to operate at the Airport. Under the ordinance, we have to deal with cab companies because all the drivers under the ordinance are required to be associated with a cab company. If the ordinance were to change, then that would drive changes in our proposal.

Mayor Foxx said I guess that's the question. Mr. Cannon, how quickly could we get this to the Public Safety Committee, and, from the staff perspective, what kind of timeline are we looking at?

Councilmember Cannon said I think presently the quickest we can get something to committee will be September 16th, which means if what I hear is true upon the date of September 9th is what is in order in terms of being able to move this forward, I guess, Jerry, in your office to make some type of determination to look at the proposals and determine where you are going to go. That would have passed us by, and so I guess the question would have to become I heard you, and we understand they are two separate issues; one, the ordinance; the other, the RFP. But

bvj

obviously there are questions with regard to what's in the RFP. By the way, thank you and your staff for getting some information back to me. I have not had an opportunity to check electronic email in terms of getting the RFP and peruse it, but it's something I think the entire Council needs to be able to have and take a look at as well as the Mayor if we are to look at this and understand what is all going on. I have yet because I have been out of town to meet with persons about the RFP. We have had some discussions about the ordinance but not so much this RFP. So, it would just seem to me that we need some better clarity. I hear you on the delay, but how much time could we have? Jerry, how much of a cushion might there be in order to address some of the concerns to the Mayor's point about having us to address this?

Mr. Orr said September 9th is the date we set to receive the proposals. It wouldn't come to Council for action until October 11th.

Councilmember Barnes said if I understand, Mr. Orr, if the committee were to make recommendations to the full Council to change the ordinance that would have an impact on the RFP.

Mr. Orr said actually on the October 11th date.

Councilmember Barnes said if I might just speak for myself as a person who initially referred this to Public Safety Committee, first of all, for the folks who are here on the issue, I think we all hear you. I hear you. I have no interest in putting you all out of business or threatening your livelihood. What I want to do is figure out what we can do to help you and also do what is in the best interest of our Airport operation. What I'm trying to figure out is if the committee meets on the 16th of September and makes some recommendation to the full Council that wouldn't really come back until October 11th, which would be the same night you would ask us to approve the winner of the RFP. It seems that would put the two at odds; is that right?

Mr. Orr said there certainly is that potential, and obviously we would know a lot more after September 16th.

Councilmember Barnes said let me ask you this. Regarding the timing of the RFP, could you delay it beyond September 9th, the deadline?

Mr. Orr said yes.

Councilmember Barnes said I ask you that question because if you could extend the deadline and give the committee – I'm on the committee – give the committee an opportunity to review the matter more in-depth and then respond to this full Council regarding the issue and then have the deadline set at some point after that. If it doesn't cause a problem for you and for the Airport operation, I think that would be a fair thing to do because right now they all feel like we're working against them, and I don't want them to feel that way because I'm not. What I mean by that is that I don't know that any of us knows enough about the intricacies of what you all are dealing with to be working against you on purpose, so the more information we get the better because we want to work with Mr. Orr and the Manager and that side of our team as well as the elected side of our team to come up with a solution that works for everybody, if we can. Nothing we do is perfect. Sometimes we upset people – I know that, but if we can come up with a solution that helps you all stay in business and also takes care of the needs of the Airport and our expectations at the Airport, that's what we want to do. But from you, Mr. Orr, I need to know what sort of deadline extension would be workable in your mind.

Mayor Foxx said I think there is a suggestion that is moving around the dais here to try to get some closure on this, and, Mr. Peacock – Mr. Cannon?

Councilmember Cannon said I yield to Mr. Peacock.

Councilmember Peacock said, Mr. Barnes, I was going to recommend that we move this subject to 3:00 on Tuesday, September 7th, just before the Government Affairs Committee – just to move it up, and this subject is the only sole subject for Public Safety to meet on September 7th at 3:00. That's the Tuesday after Labor Day.

Mayor Foxx said to make it clear I think you are going to interject, Curt, that we are going to decide whether we want to have the Airport issue as part of that conversation or not.

City Manager Walton said I think the first thing is Governmental Affairs move to 3:00 that day, and that's the Workshop at the Airport that night, and, so, I think it would have to be earlier in the day if you wanted to use the 7th.

Councilmember Peacock said I recommend 12:00 then for approval on the committee.

Mayor Foxx said if there's an objection to that?

Councilmember Barnes said, Mr. Mayor, in all honesty, I have no idea what my calendar looks like that day. I know what I'm planning to do that night because we are meeting at the Airport, but I don't know what – I don't have a Blackberry.

Councilmember Cannon said we all need to be there as best we can if we can on that day at 12:00, and a quorum. We hope that your calendar will allow. Mr. Barnes, if you could just get back and let us know if we can do that or not, but it just seems if we wait until the 16th what I don't want to do is push it too far out for all parties involved – those here tonight as well as the Airport and given the stack that we have to deal with on the 16th, we wouldn't give those other items the due diligence they need in order to be implemented.

Councilmember Barnes said here, though, Mr. Mayor and Mr. Mayor Pro Tem, is the reason why I asked him about the extension. Even if the committee takes some action on the 7th, the full Council won't take action until the 16th, and his deadline runs on the 9th. That's why I was suggesting that Mr. Orr tell us whether he can extend the RFP deadline to some point beyond the 9th to allow the committee time to act, time for the full Council to act.

Mayor Foxx said, Jerry, you have got a comment. We will be having a Council meeting on the 7th, so theoretically – Workshop – so if we decided to take some action, we could.

Mr. Orr said I'm not elected, so I may be out of order, but I know these people don't believe it, but we have worked very hard to improve their lot at the Airport, too. We'll just be in abeyance until you tell us to go forward.

Councilmember Barnes said I think that's fair. That gives us a chance to do some work.

Mayor Foxx said and we'll try to do it as rapidly as we can because we know there are a lot of complexities to it. Thank you, Jerry. So, the state of play, as I understand it, is there will be a Public Safety Meeting on the 7th of September at noon to discuss this issue, which has been referred. It was referred on June 28th. It is going to get taken up on the 7th, and that the RFP is going to be held in abeyance until the committee gets back to the full Council to move forward.

Mr. Orr said, yes, sir, it's already out, so we'll just put out a notice and delay the due date.

Councilmember Howard said, Mr. Mayor, the only thing I would ask is whatever point in the conversation the committee deals with the Airport RFP that I would like the committee to really explore the reasons why Mr. Orr is going in the direction he is going in as well. I think it's fair to give understanding to both sides on this issue so that we know what his intent was when he went in this direction, and that's where the middle ground should be between those.

Mayor Foxx said I think that's right, and I also think as ordinance changes are discussed we need also know the impact that it does have on the Airport as well, so with those two things, we can move forward. Is there any objection to move forward in that fashion? Hearing none, that's what we'll do.

Councilmember Dulin said one quick question. While I have got Mr. Hagos here, we are still on for 1:00 tomorrow, right? Your right, 2:00. I have a meeting set up with one of our speakers tonight. Good time to confirm that.

Mayor Foxx said I do want to acknowledge that we have a Boy Scout Troop here tonight. Boy Scout Troop 79 is here from Carmel Presbyterian Church. Welcome, and we're glad to have you tonight and stay as long as you want.

Mayor Foxx said we have had ten speakers, so that concludes the Speakers' Forum tonight.

AWARDS AND RECOGNITIONS

JUNIOR LEAGUE OF CHARLOTTE 85TH ANNIVERSARY

Mayor Foxx presented Junior League of Charlotte members with a proclamation in recognition of the Junior League of Charlotte's 85th anniversary.

DILWORTH COMMUNITY DEVELOPMENT ASSOCIATION HOME TOUR

Mayor Foxx recognized David Matvey, who said on behalf of the Dilworth Community Development Association he would like to thank Council for their public service, and he invited Council to the 2010 Dilworth Home Tour.

AMERICAN CANCER SOCIETY RELAY FOR LIFE

Mayor Foxx recognized American Cancer Society representatives, Brooke Moose and Jen Pearson, who discussed the results of the 2010 Race for Life season and how the Council could get involved in the 2011 efforts.

CONSENT AGENDA

[Motion was made by Councilmember Cannon, seconded by Councilmember Barnes, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of]
[Item Nos. 25, 26, 30, 31, 32, 34, 35, 50, 60, 61, 62, 74-N, 74-O, 74-P, and 74-R.]

The following items were approved:

20. Contract to the lowest bidder, Baker Roofing Company, in the amount of \$522,200 to replace a portion of the roof on Concourse B for Aviation.

Summary of Bids

Baker Roofing Company	\$522,200.00
Interstate Roofing	\$525,000.00
Davco Roofing & Sheet Metal	\$538,560.00
Tecta America Carolinas LLC	\$544,650.00
All American Roofing	\$570,000.00
AAR of North Carolina, Inc.	\$596,000.00
Radco Construction	\$632,000.00

21. Contract to the lowest bidder, Blythe Construction, Inc., in the amount of \$376,857.00 for improvements to Danga Lake for Aviation.

bvj

Summary of Bids

Blythe Construction	\$376,857.00
Scurry Construction	\$395,257.90
United Construction	\$396,260.00
Hall Contracting	\$410,504.00
Paul Howard Construction	\$436,984.00
Onsite Development	\$466,330.00
Showalter Construction	\$466,389.00
Blythe Development	\$542,639.32

22. Contract to the lowest bidder, Averest, Inc., in the amount of \$141,176.13 for the purchase of outdoor battery chargers for baggage carts for Aviation.

Summary of Bids

Averest, Inc.	\$141,176.13
Johnson Batteries	\$154,275.00
AeroVironment, Inc.	\$169,357.40

23. Contract to the lowest bidder, Central Carolina Seeding, Inc., in the amount of \$239,725.00 for additional grass seeding in the vicinity of the new runway for Aviation.

Summary of Bids

Central Carolina Seeding, Inc.	\$239,725.00
GML Contractors	\$387,375.00
Superior Seeding, Inc.	\$471,375.00

24. Contract to the lowest bidder, Callahan Grading, in the amount of \$378,740.00 for construction of a new intersection on Wilkinson Boulevard at the Airport for Aviation.

Summary of Bids

Callahan Grading	\$378,740.00
Rea Construction	\$389,874.75
Blythe Development	\$418,800.00
United Construction	\$425,617.00
Showalter Construction	\$435,215.40
Siteworks, LLC	\$443,621.00
Sealand Contractors	\$459,952.60
Blythe Construction	\$585,045.00

27. Contract to the lowest bidders, Ligon Electric Supply and Safety Products, Inc., in the combined total of \$82,997.83 for Business Support Services.

Summary of Bids

Safety Resource, Inc.	\$76,167.19
Safety Products, Inc.	\$41,384.14
ER Abernathy Industrial, Inc.	\$50,440.37
American Safety Supply Corp.	\$51,777.17
Core Supply	\$48,837.64
Ligon Electric Supply	\$56,334.59

28. Contract to the lowest bidder, Cummins Atlantic LLC, in the amount of \$150,000 for Cummins diesel repair and replacement parts for Business Support Services.

Summary of Bids

Cummins Atlantic LLC	\$32,550.31
Muncie Transit Supply	\$41,034.12

29. Contract to the lowest bidder, OnSite Development, in the amount of \$610,690.00 for Stream Restoration and Facility Maintenance Services FY2011 for Engineering and Property Management.

Summary of Bids

Onsite Development	\$610,690.00
Blythe Development Company	\$637,555.00
L-J, Inc.	\$761,022.00
Showalter Construction Company	\$771,783.00

31. Contract to the lowest bidder, Prestige Building Company, Inc., in the amount of \$518,984.40 for CMPD Headquarters Division Workspace Renovation Project plus technology costs of \$236,015.60 for a total estimated project cost of \$755,000.00, and Budget Ordinance No. 4484-X allocating \$600,000 in police assets forfeiture funds for Engineering and Property Management.

The ordinance is recorded in Ordinance Book 56 at Page 720.

Summary of Bids

Prestige Building Co., Inc.	\$518,984.40
Holden Building Co., Inc.	\$542,166.90
Cox & Schepp, Inc.	\$547,140.00
D.E. Brown Construction, Inc.	\$591,364.40
M.V. Momentum Construction, LLC	\$612,700.00
Camps Construction Company	\$629,200.00
The Bowers Group	\$646,800.00

33. Contract with Goodwill Industries of the Southern Piedmont for the operation of the Youth Job Connection for FY2011.

36. Resolution authorizing the Key Business Executive for Transportation to execute separate Municipal Agreements with the South Carolina Department of Transportation, the City of Rock Hill, the City of Gastonia, and the City of Concord to reimburse CDOT for development and maintenance of the Metrolina Regional Travel Demand Model, and adopt Budget Ordinance No. 4485-X appropriating \$330,103.

The ordinance is recorded in Ordinance Book 56 at Page 721.

37. Contract for \$124,500 with Thompson-Gordon-Shook Engineers, Inc. (TGS) for the inspection of non-qualifying City bridges.

38. Lease of ten Syneco Peacemaker Dry Air Scrubber units for three years at a total cost of \$367,276.

39. Agreement with Hinde Engineering Inc. in the amount of \$1,260,792.14 for design of water and sewer relocations necessitated by the widening of Independence Boulevard (Hwy 74).

40. Agreement with Duke Energy in the amount of \$793,496 for temporary and permanent power line relocations associated with the Franklin Water Treatment Plant Raw Water Reservoir construction.

41. Purchase of three replacement filter mechanisms as authorized by the sole source purchasing exemption G.S. 143-129(e)(6) from Infilco Degremont in the not-to-exceed amount of \$170,000.

42. Low bid contract of \$1,359,404.20 by Sanders Utility Construction, Inc. for construction of the Eastfield North and South annexation areas, and award a contract to Hazen and Sawyer in the amount of \$275,110 for professional engineering construction phase services for the Eastfield North and South 2009 annexation project.

43. Two contracts for pre- and post-blast surveys and blast monitoring services during construction of portions of the McKee Creek Interceptor, Eastfield Road, and all sections of the Hood Road Annexation areas: 1) Vibration Control Engineering, Inc. in the not-to-

exceed amount of \$200,000, and 2) ECS Carolinas, LLP in the not-to-exceed amount of \$200,000.

44. Contract to Storm Reconstruction Services, Inc. for up to \$400,000 for emergency storm debris removal services over a four-year period.
45. Contract with Dewberry & Davis, Inc. in the amount of \$200,000 for surveying services, contract with ESP Associates, P.A. in the amount of \$200,000 for surveying services, contract with McKim & Creed, P.A. in the amount of \$200,000 for surveying services, contract with Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) in the amount of \$200,000 for surveying services, and authorize the City Manager to execute up to two renewals to each contract for \$200,000.
46. Accept the Brownfield Community-wide Assessment Grant in the amount of \$400,000, Budget Ordinance No. 4485-X appropriating \$400,000, and change to the City's existing Local Brownfield Grant Program, which will provide site cleanup funds during the term of the community wide grant.

The ordinance is recorded in Ordinance Book 56 at Page 722.

47. Budget Ordinance No. 4487-X appropriating \$273,670 in police assets forfeiture funds.

The ordinance is recorded in Ordinance Book 56 at Page 723.

48. Accept FY2010 Justice Assistance Grant in the amount of \$940,519 from the U.S. Department of Justice, and adopt Budget Ordinance No. 4488-X appropriating \$940,519 from the U.S. Department of Justice.

The ordinance is recorded in Ordinance Book 56 at Page 724.

49. Grant from the Governor's Crime Commission in the amount of \$76,510 for a homicide support group, and adopt Budget Ordinance No. 4489-X appropriating \$76,510 from the Governor's Crime Commission.

The ordinance is recorded in Ordinance Book 56 at Page 725.

51. Five-year contract with Bruel & Kjaer EMS, Inc. in the amount of \$225,403.12 for a flight track monitoring system, and adopt Budget Ordinance No. 4490-X in the amount of \$225,403.12 from the Airport Discretionary fund to be replaced with future Federal Aviation Administration grant proceeds and/or future General Airport Revenue Bond proceeds.

The ordinance is recorded in Ordinance Book 56 at Page 726.

52. Contract with Bullock Cleaning and Radiator Service Inc. for vehicle and equipment radiator, air charge cooler, and fuel tank repair service for an initial term of one year in the estimated amount of \$150,000, and authorize the City Manager to approve up to four, one-year renewal options as authorized by the contract and contingent upon the company's satisfactory performance.
53. Purchase of International/Navistar truck equipment parts as authorized by the sole source exemption of G.S. 143-129(e)(6) and approve a contract with Rush Truck Center for the purchase of repair and replacement parts and services in the estimated annual amount of \$250,000 for the term of five years.
54. Purchase of Daimler, Freightliner, and Sterling truck and equipment parts as authorized by the sole source exemption of G.S. 143-129(e)(6), contract with Charlotte Truck Center for the purchase of Daimler, Freightliner, and Sterling truck parts and services in the estimated annual amount of \$400,000 for the term of three years, and authorize the City Manager to extend the contract for two additional one-year terms with possible price

adjustments at the time of renewal as deemed reasonable and appropriate by the City Manager.

55. Purchase of Elgin Pro-Patch and Vactor Equipment parts as authorized by the sole source exemption of G.S. 143-129(e)(6) and contract with Public Works Equipment for the purchase of repair and replacement parts and services in the estimated annual amount of \$275,000 for the term of five years.
56. Purchase of Gradall excavator equipment parts as authorized by the sole source exemption of G.S. 143-129(e)(6), and contract with H&E Equipment Services for the purchase, repair, and replacement parts in the estimated annual amount of \$150,000 for the term of five years.
57. 2010-2011 Cooperative Program Agreement in the amount of \$334,460 with the United States Geological Survey (USGS) for storm water data collection activities.
58. Contracts for storm water treatment facility maintenance with: 1) Haz-Mat Environmental Services, LLC in the amount of \$16,680 for storm water treatment facility maintenance, and 2) Harvest Environmental Services, Inc. in the amount of \$50,980 for storm water treatment facility maintenance.
59. Design contract in the amount of \$400,000 with HNTB North Carolina, P.C. for engineering services for the South Tryon Street conversion.
63. Contract to Cardno North Carolina, PLLC in the amount of \$75,000 for utility locating services, contract to LDSI, Inc. in the amount of \$75,000 for utility locating services, contract to Taylor Wiseman and Taylor in the amount of \$75,000 for utility locating services, and authorize the City Manager to approve two renewals in the amount of \$75,000 for each contract.
64. Contract amendments to extend real estate appraiser services at the same unit rates with the following firms: 1) Fortenberry Lambert, Inc., \$150,000; 2) The Hopkins-McElhannon Group, Inc., \$150,000; 3) James M. Owens, \$150,000; 4) Integra Realty Resources – Charlotte, LLC, \$150,000; 5) T.B. Harris, Jr. & Associates, Inc., \$150,000; 6) Bryant & Rutledge, LLC, \$150,000; 7) Ray E. Crawford & Company, Inc., \$95,000; 8) The Hanes Group, Inc., \$95,000.
65. Authorize the Fire Chief to accept funds in an amount not to exceed \$200,000 from member companies of the Paw Creek Petro Chemical Association Operators' Group, and adopt Budget Ordinance No. 4491-X in the amount of \$200,000 to establish an account to track the funding and purchases.

The ordinance is recorded in Ordinance Book 56 at Page 727.

66. Accept the 2009 Assistance to Firefighters Grant award, and adopt Budget Ordinance No. 4492-X appropriating \$1,537,140 including a \$1,229,712 appropriation in Assistance to Firefighters Grant funding and a transfer of \$307,428 for City matching funds from within the General Capital Equipment Fund from savings on previous purchases.

The ordinance is recorded in Ordinance Book 56 at Page 728.

67. Resolution to donate a Gator Utility Vehicle, City Property No. F71791 to West Mecklenburg Volunteer Fire Department.

The resolution is recorded in Resolution Book 42 at Page 674.

68. Appoint the University City Partners Board of Directors for FY2011 as nominated by the existing University City Partners Board.

69. Resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus, and authorize said items for sale by public auctions on September 25, 2010, and October 2, 2010.

The resolution is recorded in Resolution Book 42 at Pages 675-680.

70. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$59,221.36, and resolution authorizing the refund of business privilege license payments made in the amount of \$6,530.02.

The resolution for refund of property taxes is recorded in Resolution Book 42 at Pages 681-682.

The resolution for refund of business privilege license payments is recorded in Resolution Book 42 at Pages 683-684.

71. Resolution of intent to abandon Moss Street, Benson Street, and portions of Dearborn Avenue, Badger Court, and Horne Drive, and set a public hearing for September 27, 2010.

The resolution is recorded in Resolution Book 42 at Pages 685-686.

72. Resolution of intent to abandon Dunbar Street and a portion of McNinch Street, and set a public hearing for September 27, 2010.

The resolution is recorded in Resolution Book 42 at Pages 687-688.

- 73-A. Ordinance No. 4493-X authorizing the use of In Rem Remedy to demolish and remove the structure at 9300 Misenheimer Road (Neighborhood Statistical Area 146 – Bradfield Farms neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 729.

- 73-B. Ordinance No. 4494-X authorizing the use of In Rem Remedy to demolish and remove the structure at 613A & B Billingsley Road (Neighborhood Statistical Area 59 – Grier Heights neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 730.

- 73-C. Ordinance No. 4495-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2315 Eastway (Neighborhood Statistical Area 150 – Windsor Park neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 731.

- 73-D. Ordinance No. 4496-X authorizing the use of In Rem Remedy to demolish and remove the structure at 507 N. Linwood Avenue (Neighborhood Statistical Area 19 – Thomasboro/Hoskins neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 732.

- 73-E. Ordinance No. 4497-X authorizing the use of In Rem Remedy to demolish and remove the structure at 522 N. Linwood Avenue (Neighborhood Statistical Area 19 – Thomasboro/Hoskins neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 733.

- 73-F. Ordinance No. 4498-X authorizing the use of In Rem Remedy to demolish and remove the structure at 822 Marble Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 734.

- 73-G. Ordinance No. 4499-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3310 Orr Street (Neighborhood Statistical Area 125 – Nevin Community neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 735.

- 73-H. Ordinance No. 4500-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1631 a/k/a 1621 Parker Drive (Neighborhood Statistical Area 8 – West Boulevard neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 736.

- 74-A. Acquisition of 209,660 square feet in fee simple plus 22,732 square feet in sidewalk and utility easement on Back Creek Church Road from Kenneth R. Walters and wife, Victoria B. Walters, for \$625,000 for Back Creek Farm to Market, Parcel #1.

- 74-B. Acquisition of 2,320 square feet in storm drainage easement plus 1 square foot in utility easement plus 1,030 square feet in temporary construction easement at 6313 Hazelton Drive from Justin C. Brown for \$10,750 for Eastburn Storm Water Capital Improvement Project, Parcel #42.

- 74-C. Acquisition of 32,054 square feet in fee simple at 3551 Dewitt Lane from R.G. Thomas Properties, LLC for \$550,000 for Peterson Drive Storm Drainage Improvement, Parcel #1.

- 74-D. Acquisition of 967 square feet in fee simple plus 1,271 square feet in temporary construction easement at 5336 Rea Road from Valerie L. Miller f/k/a Valerie L. Ward for \$27,800 for Rea Road Widening, Parcel #42.

- 74-E. Acquisition of 913 square feet in fee simple plus 3,017 square feet in temporary construction easement at 5328 Rea Road from Mason Foster and Amy Pohl for \$27,111 for Rea Road Widening, Parcel #43.

- 74-F. Acquisition of 1,698 square feet in fee simple plus 5,412 square feet in temporary construction easement at 5301 Five Knolls Drive from Manuel S. Hernandez and wife, Carmen R. Hernandez for \$42,875 for Rea Road Widening, Parcel #48.

- 74-G. Acquisition of 1,019 square feet in fee simple plus 1,559 square feet in temporary construction easement at 5120 Rea Road from David G. Peters and wife, Donna A. Peters, for \$23,000 for Rea Road Widening, Parcel #56.

- 74-H. Acquisition of 1,155 square feet in fee simple plus 2,109 square feet in temporary construction easement at 5024 Rea Road from Keith Bradford Alyea, Trustee of the Keith Bradford Alyea RFT u/t/d/ 3/21/08 and Fidel Dennis Montoya Trustee for the Fidel Dennis Montoya RLT u/t/d 3/21/08 for \$33,000 for Rea Road Widening, Parcel #66.

- 74-I. Resolution of condemnation of 59,014 square feet of sanitary sewer easement plus permanent easement in right-of-way plus temporary construction easement at 3501 Beard Road from Janet Benton Motley, et al, and any other parties of interest for \$14,400 for 2009 Annexation – Eastfield South, Parcel #8.

The resolution is recorded in Resolution Book 42 at Page 689.

- 74-J. Resolution of condemnation of 8,393 square feet of sanitary sewer easement plus temporary construction easement at 10725 Starwood Avenue from Aqua North Carolina, Inc. f/k/a Rayco Utilities, Inc. and any other parties of interest for \$2,850 for 2009 Annexation – Hood Road North Sanitary Sewer Improvements, Parcel #87.

The resolution is recorded in Resolution Book 42 at Page 690.

- 74-K. Resolution of condemnation of 2,031 square feet of sanitary sewer easement on Robinson Church Road from Aqua North Carolina, Inc. f/k/a Rayco Utilities, Inc. for \$325 for 2009 Annexation – Hood Road South Sanitary Sewer Improvements (Phase 1), Parcel #31.

The resolution is recorded in Resolution Book 42 at Page 691.

- 74-L. Resolution of condemnation of 4,973 square feet of sidewalk and utility easement plus temporary construction easement at 2912 Monarch Drive from Robert J. Lowery, Jr. and any other parties of interest for \$1,025 for Brookshire/I-485 Area Plan Improvements, Parcel #4.

The resolution is recorded in Resolution Book 42 at Page 692.

- 74-M. Resolution of condemnation of 15,615 square feet of fee simple plus existing right-of-way plus sidewalk and utility easement plus temporary construction easement at 3222 Mt. Holly-Huntersville Road from Frank Barnette and wife, Barbara H. Barnette, and any other parties of interest for \$5,500 for Brookshire/I-485 Area Plan Improvements, Parcel #18.

The resolution is recorded in Resolution Book 42 at Page 693.

- 74-Q. Resolution of condemnation of 8,294 square feet of storm drainage easement plus utility easement plus temporary construction easement at 6330 Hazelton Drive from Steece G. Stegall and any other parties of interest for \$31,175 for Eastburn Storm Water Capital Improvement Project, Parcel #47.

The resolution is recorded in Resolution Book 42 at Page 696.

- 74-S. Resolution of condemnation of 200 square feet of temporary construction easement at 6337 South Park Drive from German De Castro and wife, Olma Echeverri De Castro, and any other parties of interest for \$200 for Eastburn Storm Water Capital Improvement Project, #69.

The resolution is recorded in Resolution Book 42 at Page 697.

- 74-T. Resolution of condemnation of 12,131 square feet of fee simple plus slope easement plus temporary construction easement on Jocelyn Lane from Prosperity Village Homeowners Association and any other parties of interest for \$11,800 for Prosperity/I-485, Parcel #1.

The resolution is recorded in Resolution Book 42 at Page 698.

- 74-U. Resolution of condemnation of 1,731 square feet of utility easement plus temporary construction easement at 4615 Shadycroft Circle from Constance L. Prothman and any other parties of interest for \$3,450 for Rea Road Widening, Parcel #160.

The resolution is recorded in Resolution Book 42 at Page 699.

75. Titles, motions, and votes reflected in the Clerk's record as the Minutes of the May 26, 2010, Budget Adjustments and Straw Votes.

* * * * *

ITEM NO. 25: PROVIDENCE I-485 AREA PLAN IMPROVEMENTS

Councilmember Barnes said this item is a part of our implementation of one of our area plans, the Providence/I-485 Area Plan Improvements, and I had a couple of questions and I believe Mayor Pro Tem did as well. Mr. Schumacher, do you have a response?

Jim Schumacher, Assistant City Manager, said, yes, I hopefully do. That particular plan was approved in 2000, and those plans obviously called for many different improvements. The way

the staff prioritizes those improvements among all those plans across all of the city is looking for places to leverage the funds. When they can find where there's another project, either sidewalk project or roadway project, and can incorporate some improvements or if they can see that development is going to occur and put in some of the improvements, they will try to leverage that and match up to that. The Transportation and Planning Committee actually just here in the last month has discussed the assessment process and how the assessments are looked at, and that will be coming back to the committee here in September to talk in more detail about how they are prioritized.

Councilmember Cannon said they are older plans as well. They are being incorporated in this also.

Mr. Schumacher said yes.

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and]
[carried unanimously to award the low bid contract of \$198,686.78 to Alpha Development]
[Co., Inc. for the Providence I-485 Area Plan Improvements.]

Summary of Bids

Alpha Development Co., Inc.	\$109,686.78
W.M. Warr & Son, Inc.	\$237,146.81
Sealand Contractors	\$253,776.34
Blythe Development Company	\$255,855.00
Ferebee Corporation	\$275,856.63
United Construction Company	\$287,412.30
Carolina Cajun Concrete	\$306,033.00
Callahan Grading, LLC	\$371,004.90

ITEM NO. 26: ROAD HUMPS, FY2010

Councilmember Barnes said it's a contract for \$218,000 for road humps, and I pulled the item because it mentions that stamping and coloring of road humps is included in some of the work, and I understand that costs more, and I wanted to know who was covering that additional cost above and beyond a simple asphalt road hump.

Mr. Schumacher said that's correct. There is a premium to add that to the humps, and the neighborhood that petitions for the hump does pay that cost. We get that amount from the neighborhood up front before the road hump is installed.

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and]
[carried unanimously to award the low bid contract of \$218,137.50 to Oliver Paving for Road]
[Humps, FY2010.]

Summary of Bids

Oliver Paving Company	\$218,137.50
Carolina Cajun Concrete	240,187.50
Trull Contracting	\$251,448.76

ITEM NO. 30: EDWARDS BRANCH STREAM RESTORATION PHASE 3

Councilmember Carter said, if I might, this is to inform the folks who live in the area bounded by Central Avenue, Sharon Amity, Independence Boulevard, and Norland Road that the City is investing \$765,000 in the stream restoration there. Edwards Branch is an important area in this bounded area, and we are very appreciative of the funds dedicated to bringing that stream back to health and a natural state.

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[Motion was made by Councilmember Carter, seconded by Councilmember Barnes, and]
[carried unanimously to award a contract to the low bidder, Ferebee Corporation, in the]
[amount of \$765,040.71 for construction of the Edwards Branch Stream Restoration Phase]
[3 project.]

Summary of Bids

Ferebee Corporation	\$765,040.71
United Construction Company	\$998,733.07
L-J, Inc.	\$1,153,164.97
Sealand Contractors	\$1,158,414.18
Eagle Wood Inc.	\$1,179,514.45
Blythe Development Company	\$1,369,841.00

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ITEM NO. 32: POLICE PROVIDENCE DIVISION OFFICE

Councilmember Barnes said this is an item for a \$3.215 million contract for construction of the Providence Police Division Office over on Wendover and Ellington, and the question I asked concerns the LEED certification process. And, the reason I ask the question is because in an effort to save money if we can integrate the LEED characteristics into the project without spending the money to become necessarily certified LEED, I would be interested in doing that, and I wanted to know essentially whether that was something we were contemplating, and, if not, why not?

Jim Schumacher, Assistant City Manager, said this is the first police or fire station to really go all the way through the process once the policy has been in place, but the policy does speak to the LEED decision – certification decision – being on a case-by-case basis. The thinking of the staff in going into this project is that, as I say, this is the first police or fire station, and the idea, the thought, is to go all the way through the certification process on this first case and learn from that. Then on subsequent police and fire stations we probably would not actually do the certification but would feel that we have done what we would have had to do to get certified because we did go all the way through the experience here on this first project.

Councilmember Barnes said, Mr. Schumacher, if you could then, tell me what portion of the \$3.215 million the LEED certification represents, number one; and then, number two, when we built the Metro Police Station, didn't we try to integrate some of those environmentally sensitive design issues and efficiency issues or techniques and tools into that facility without seeking LEED certification?

Mr. Schumacher said, yes, I think that's correct. Back to the first question – the cost – we expect the cost related to LEED on this project to be less than \$5,000 overall, and the actual cost to get certified is just – a relatively small portion of that. We pay fees to the architects. The architects have to be certified LEED architects, so they go through the process. They certify to LEED what things are done on the project. There is a process of paying the architect on an item-by-item basis as we are trying to accumulate the points we need for certification.

Councilmember Cannon said on here, Mr. Schumacher, there was a reject of one of the bidders on this; is that correct, with the award to another company.

Mr. Schumacher said yes.

Councilmember Cannon said did this other company that is being recommended did they meet or exceed the good faith effort requirement of the SBO Program, and, if so, at what percentage did they do so?

Mr. Schumacher said if the answer to that is different from what's in the information I might ask the SBO staff to come forward and speak to that.

City Manager Walton said 14.03%, Mayor Pro Tem.

Councilmember Cannon said, well, actually 14.03, so they exceeded. Okay, very well.

[Motion was made by Councilmember Cannon and seconded by Councilmember Barnes to]
[reject the low bid contract of \$3,003,702 by Cox & Schepp, Inc. for failure to comply with]
[the Small Business Enterprise Program, and award a contract to the lowest responsive and]
[responsible bidder, Camps Construction Company, in the amount of \$3,215,746.63 for]
[construction of the Charlotte-Mecklenburg Police Department's Providence Division Office.]

Councilmember Howard said just a little more on the LEED certification. Are there different prices for different levels?

Mr. Schumacher said I think you would pay the architects more fees. The more things you want to do to get more points that involves more of their work to pursue whatever is required for that particular point. So, yes, you would pay more in architectural fees, and if that item has a premium cost, then you would bear that cost as well.

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

Summary of Bids

Cox Schepp Construction, Inc.	\$3,003,702.00
Camps Construction Company	\$3,215,746.63
MV Momentum Const, LLC	\$3,217,112.00
Ledcor Construction, Inc.	\$3,282,331.00
J.D. Goodrum Company, Inc.	\$3,301,828.87
Murray Const Co. of Monroe	\$3,361,472.80
Matthews Const Co., Inc.	\$3,373,234.00
Southside Constructors, Inc.	\$3,379,183.00
Ike's Construction, Inc.	\$3,414,000.00
Able Constructors	\$3,431,830.00
Beam Construction Co., Inc.	\$3,458,945.00
R.J. Leeper	\$3,459,569.83
G.W. Liles Const Co., Inc.	\$3,477,720.00

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ITEM NO. 34: CENTER CITY TRANSIT ACCESS AND CIRCULATION STUDY

Councilmember Barnes said this is a \$275,000 contract for the evaluation and recommendations regarding strategies to integrate the CATS Transportation Center with the Gateway Multimodal Station over in Third Ward, and the question I asked was when is the Gateway project supposed to start. It's a state project. When is it supposed to start, and the reason I asked the question is I was concerned about the money we are spending and the work product we get becoming stale if it's going to be ten years down the road in part because of other potential infrastructure projects that might occur between our Transportation Center and the Gateway location. I also asked the question about condemnation regarding the Greyhound Station.

Jim Schumacher, Assistant City Manager, said the North Carolina Rail Division intends to proceed with the Gateway project as quickly as they can. I don't think we can say they have a definite schedule they can say 2011 or 12 or 13 right now, but a couple of things just in this last year that have changed that very much relate to that, and that is the \$545 million in stimulus money that the State Rail Division acquired through the stimulus process, and many of those dollars are going to construction that will advance the Gateway Station, primarily the grade separation of the two railroads that are close to the station location. The other thing is high speed rail, the emphasis that the federal government is now putting on high speed rail and that high speed rail project coming into the proposed Gateway Station. Those are factors that the state believes and we believe are going to move the Gateway project further along.

Councilmember Barnes said so there is no timeline right now. In your professional opinion, is this item premature?

Mr. Schumacher said, no, we think it's timely for a couple of reasons. One we need to begin to understand what the high speed rail – how that impacts what happens at the station. We need to understand how the streetcar will relate to the Transportation Center. Understand this study includes Gateway Station but also includes the Transportation Center across the street from the arena. It's looking at the operations of both of the hub facilities downtown and how they work together and how all the different modes needs to be coordinated between them.

Councilmember Barnes said the streetcar project right now will stop at the Transportation Center.

Mr. Schumacher said yes.

Councilmember Barnes said so there has to be a decision made regarding the power mode used to get it through Trade and Tryon, for example, so there are a number of issues there that are to be determined, right?

Mr. Schumacher said that would not be a part of this study, and don't let me mislead you. The streetcar is not the driving factor for this contract, Gateway Station and how it functions and relates to the grade separations that the state is going to do and the high speed rail, but the fact that the study does include both stations. Since the streetcar is one thing that is going to be changing in the coming years, that is something that will be incorporated in the study.

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and]
[carried unanimously to approve a contract with Kimley-Horn and Associates, Inc. in a not-]
[to-exceed amount of \$275,000 to evaluate and make recommendations regarding strategies]
[that integrate and optimize CATS Charlotte Transportation Center operations with public]
[transportation services planned for the Charlotte Gateway Multimodal Station.]

Mr. Schumacher said, if I could, Mr. Barnes, I should also mention the Greyhound acquisition. We have been in negotiation with Greyhound to acquire their existing station, which is a portion of the site of the future Gateway Station, and we expect to bring that to closure one way or another either through a negotiation or to bring to you for a condemnation in the next few months. That acquisition is funded primarily through federal and state grant money, and we don't want that money to get at risk, so we do want to move that along.

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ITEM NO. 35: MUNICIPAL AGREEMENT TO MAINTAIN SIGNS & SUPPORTS AND PAVEMENT MARKINGS AND MARKERS

Councilmember Barnes said this is a municipal agreement between the City and the State regarding pavement markings and markers, and I wanted to know if the \$75,000 included all of our costs.

Jim Schumacher, Assistant City Manager, said this one has a very short answer – yes. We recover our costs.

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and]
[carried unanimously to adopt a resolution to authorize the Transportation Key Business]
[Executive to execute Municipal Agreements and any subsequent renewals up to five years]
[with the North Carolina Department of Transportation (NCDOT) for annual maintenance]
[of signs/supports and pavement markings/markers.]

The resolution is recorded in Resolution Book 42 at Page 672.

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ITEM NO. 50: POLICE ELECTRONIC MONITORING CONTRACT

Councilmember Barnes said Item 50 concerns a contract for \$440,000 for the purchase of or actually the monitoring of police electronic monitoring devices. I wanted to know whether the device sends a signal when it's cut. I understand the answer to that is yes. I also wanted to know whether there is being any effort made in that industry to make a cut-proof type monitor because people are able to cut them off. I know our folks are doing a good job of catching them. I wanted to know if there is any effort made in that industry among other vendors or other entities to make a cut-through type bracelet?

Jim Schumacher, Assistant City Manager, said, yes, I can give you the short answer. Maybe Greene can give it to you in much more detail if need be. The short answer is yes. The technology is continually evolving, and that's why we only want to do these contracts a year at a time so it gives us the opportunity to evaluate what the different companies are doing and go where the best technology is in place.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously to approve a one-year service contract with Omnilink Inc. to provide]
[GPS monitoring equipment and support at a cost not to exceed \$440,000, and authorize]
[the City Manager to approve a one-year extension to the contract if funding is available.]

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ITEM NO. 60: LAWYERS ROAD EXTENSION, ALBEMARLE ROAD TO W.T. HARRIS BOULEVARD

Councilmember Barnes said this concerns Lawyers Road Extension, and the action is to approve a \$450,000 change order with Hanover Insurance Company, and then the funding indicates that it will be paid for through our Transportation Capital Investment Plan, and I just wanted to make sure that the surety, Hanover, is actually paying and not us.

Jim Schumacher, Assistant City Manager, said that's a little complicated. Hanover is the surety of the original contractor who defaulted on their contract, so there was a period of time where work ceased on the site, and we maintain such things as traffic control and erosion control on the site while we went through the process of getting the surety geared up and for them to hire another contractor to come and complete the work. We back-charged Hanover for those costs, for those erosion control and traffic control costs. Also, once the work picked back up, we determined there was some restoration work to some of the pipes in the ground that needed to be done. Hanover will be bearing those costs, but the costs of the primary work, which we would have paid the original contractor that's really what this change order represents – work that is the primary scope of work, and we would have paid the original contractor. In this case, those dollars ultimately go to the replacement contractor. All the dollars come out of the project budget. All of the dollars are within the existing budget.

Councilmember Barnes said so is Hanover the pass-through?

Mr. Schumacher said yes.

Councilmember Barnes said for purposes of the way this item is written?

Mr. Schumacher said yes.

Councilmember Barnes said just so I'm clear that the 450 covers overruns; is that correct?

Mr. Schumacher said it's partly overruns, and it's partly adding some scope to the work. The Utility Department added some, I believe some water line work to the project, so that represents about \$200,000 of that cost number that we are adding to the contract amount. When we say overruns, what that typically means is that we have used more units of a particular type of material. This type of construction is done on a unit price basis so that the contractor, for

example, bids \$20 per foot to put 24-inch pipe in the ground. So if he only puts in 18 feet then we only pay for 18 feet. If he puts in 30 feet, we pay for 30 feet. The original numbers that are used in the original contract, for example, might be based on an assumption that he is going to put in 25 feet. If he actually puts in 30 because that's what the field conditions require, then that's where the term overrun comes from. If the overruns exceed the under-runs, that's where you can get into the case of needing a change order.

Councilmember Barnes said this change order actually would keep us within the original project budget.

Mr. Schumacher said yes.

[Motion was made by Councilmember Barnes and seconded by Councilmember Cannon]
[to approve Change Order #1 in the amount of \$450,000 to the contract with the Hanover]
[Insurance Company.]

Councilmember Carter said, Mr. Schumacher, I understand also that there is improvement to the asphalt base both on Albemarle Road and Harris Boulevard, which is an extension of the project, and I think very much needed, very much appreciated, and it will be an improvement for the area, and this whole project is projected to finish this September; is that correct?

Mr. Schumacher said I believe that is correct, yes.

Councilmember Carter said I would definitely approve this matter since it's in District 5.

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

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ITEM NO. 61: REA ROAD WIDENING CONTRACT AMENDMENT

Councilmember Barnes said this is a contract amendment for \$403,000 for the Rea Road Widening Project. The question I had was there is a mention of the design of a temporary road to avoid a main road closing, and I wanted to know if the construction of that temporary road is included and whether the cost of the bridge is included in the original \$22.5 million contract.

Jim Schumacher, Assistant City Manager, said, yes, we still believe that all those costs will be within the project budget.

Councilmember Dulin said I pulled this as well for information for the citizens of South Charlotte – the 15 or 20 of them that are watching us tonight. Those folks need to know that help is on its way on Rea Road. That road backs up coming into town in the mornings and leaving town in the afternoons. This was originally brought before Council in 2003, got delayed in 2005. This is the last piece of the engineering, so nothing works very fast around here, but help is coming to the folks that use Rea Road, and I wanted to make that public statement so folks could know it.

[Motion was made by Councilmember Cooksey, seconded by Councilmember Cannon, and]
[carried unanimously to approve contract amendment #2 in the amount of \$403,000 with]
[Michael Baker Engineering, Inc.]

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ITEM NO. 62: MILHAVEN LANE CULVERTS AND SIDEWALKS CONTRACT AMENDMENT

Councilmember Barnes said one final item, Mr. Mayor. This is a contract amendment, the fourth amendment, for \$105,000 for culverts and sidewalks along Milhaven Lane. The reason I pulled it is because when the contract was originally approved in 2005 it was for \$200,000. With this

fourth amendment, it has ballooned into \$925,000, and I pulled it to essentially vote against it. If you would like to respond?

Jim Schumacher, Assistant City Manager, said I can explain the circumstances. Different from what we were speaking about a moment ago – construction contracts – this is professional services where we are paying engineers who do planning studies and design work. We negotiate fees with them. They have been doing sidewalk work, and, as you know, we have literally dozens of sidewalk projects underway at any given time, and we have several of the design consultants working on sidewalks. They started out with the \$200,000 contract. When we identified additional sidewalks that were needed to begin the study process, we added that scope of work to that consultant because they were doing good work, but generally when you see adding work to consultants doing professional services work on sidewalks it's because they are doing a good job, and they can best continue the work that we are doing.

For example, the consultant who has done the planning work is in the best position to most efficiently and effectively do the design work for that sidewalk and then the construction administration if that comes into play. Most of these additions that is adding sidewalks to their scope of work, so the one circumstance that this describes differently from that is a flood study. One of those sidewalks triggered the need for the study of some flooding where the sidewalk would be built, and that resulted in the identification of additional drainage improvements that need to be added to the scope of the sidewalk contract, so the amendment to the designer's contract is adding the scope of work for them to do that additional work.

Councilmember Barnes said does any of the \$925,000 include actual construction of sidewalk, or is it just professional services?

Mr. Schumacher said, no, this is all design work.

Councilmember Howard said that begs another question, Jim. Professional services are not necessarily bid when you find someone you like working with; is that correct?

Mr. Schumacher said actually the law requires that we not bid price on professional services, that we negotiate the price once we select based on the qualifications of the firm.

Councilmember Howard said so another way of looking at this is this was actually five different contracts – different scopes of work.

Mr. Schumacher said different scopes of work; that's correct.

Councilmember Howard said so we didn't just do new contracts, and that may be some questions all by itself, but I mean this is really five different projects.

Mr. Schumacher said but we do periodically turn around and go back and start the process over. The write-up mentions that Mulkey was one of six firms that was originally selected in this group. We periodically, every year or two or so, put another group of professional designers under contract to do this type of work, and that does go through that selection process.

Councilmember Howard said the way this is written up I can understand what Councilmember Barnes was talking about. It does look like it's just ballooned, and it's not ballooning. It's additional contracts. You just expanded the scope of the original contract.

Mr. Schumacher said right. They are not being paid any more dollars for the original scope of work than was originally contracted.

Councilmember Howard said I think it's just the way it's written up. Probably could be changed a little bit.

Mr. Schumacher said it can be confusing.

[Motion was made by Councilmember Howard and seconded by Councilmember Cannon to]
[approve contract amendment #4 with Mulkey, Inc. in the amount of \$105,000 for engineering]
[services.]

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

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

NAYS: Councilmember Barnes

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ITEM NO. 74-O: RESOLUTION OF CONDEMNATION AT 4827 FAIRHEATH ROAD

James Mason, 7 Sands Ave., Annapolis, MD, said this is regarding the Eastburn project, and, first of all, just to make it clear I'm not opposed to the Eastburn project. I'm opposed to the way my property is being treated. This is what my property will look like once these easements have been incorporated. Almost 60% of my total property will be under City easement. I attended the first meeting in the fall on this project, and that's when I first saw the total devastation to my property. The second thing that was pointed out was a current existing sewer pipe that was running along my foundation and had to be left in place because it was dangerously close. The third thing was inconvenience and disruption this was going to cause. You can see this doesn't include the ten-foot temporary easement, which makes this project almost in my front door. The problem is it's totally unnecessary because there are four similar cases within my immediate neighborhood that has this 45-degree turn across the property where they have gone straight to the street. Mine is the only one that was never resolved. The one across the street, the exact same situation, was resolved because they tell me there was a tree in the City right-of-way that had to be protected. Protect the City's tree, devastate my property. Then in March, the City came back that they would revise the plan and go straight to the street, but, number one, I had to donate the entire easement to the City; number two, there would be no further compromises; and, number three, is during our walk-through, we found the current City sewer pipe had caused damage to the foundation, and the City would not even consider that saying it was a separate issue. They are asking me to trust them with a six foot by four foot sewer running between two houses that are 24 feet apart, yet they are denying even to consider this because they never installed the pipe in the first place. I had a professional engineer look at it and said there was no chance –

Mayor Foxx said thank you, sir. Questions from the Council?

Councilmember Cannon said the professional engineer said that?

Mr. Mason said there was no question what caused the problem. The City has never denied the cause. They have only denied that they never installed the pipe.

Councilmember Cannon said do we know who did install the pipe?

Matthew Gustis, Storm Water Services, said we have actually been in discussions with Mr. Mason, and we have gone through some evaluation of our existing files back to 1960 when the subdivision was developed, and from what we can surmise it was actually installed by the developer. It was not put in by the City of Charlotte.

Councilmember Cannon said in terms of continuing to dialogue it has been stated there was no more room to, I guess, dialogue; is that correct, no comprise. There was made mention of compromises being made. I guess are you still able to work toward anything in terms of a resolution?

Mr. Gustis said we have been trying to negotiate with Mr. Mason. We have actually considered design considerations for the realignment of the pipe system. The only issue is that he has brought up about the existing pipe that we suspect was put in by the developer. As far as we are concerned, that's a separate issue from what we are trying to evaluate with our project, so we

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have actually recommended that he contact Risk Management and file a claim through that process.

Councilmember Cannon said I want to be careful. You don't suspect, you know that it was put in by a developer.

Mr. Gustis said based on the evaluation of the records that we received back in 1960 when the development was originally put in that is the information that we have available. We have no recordation of the City putting in a pipe.

Councilmember Dulin said, Mr. Mason, good to see you again. He has come down from – I suspect he has come down from Maryland.

Mr. Mason said fourth trip.

Councilmember Dulin said fourth trip to come see us tonight, so he has got an investment in it. I have been on his property, and I have been there and looked at it. Unfortunately, this is one of those pieces of property that is at the absolute congruence of all things low lying in this neighborhood. I mean it all comes to him. He understands that we have got to get in there and put this pipe in. He knows the pipe is coming through. What we are trying to work with is how we can – you can't really minimize the damage to this man's property. All we can do is try to shave it off a little bit, scrub some of the damage off, some of the disruption. The people next door have settled on a price. We are still in negotiations with this man. At the same time at the back of the property, we have an old drain, and there's a ten-foot deep, six-foot wide sinkhole that has opened up in the back of his property that is a City problem. I think we are going to go ahead and start working on that; is that right, sir?

Mr. Gustis said we have actually offered that to Mr. Mason. Unfortunately, it is on private property. The only way for us to work on that as a maintenance repair would be to obtain an easement to access his property to do that.

Mr. Mason said I have offered a right of entry or temporary easement.

Mr. Gustis said we would need a permanent easement for that.

Councilmember Dulin said these parties are still apart. Mr. Mason, it's your right to come down and speak to us and bring this to our attention. I hope our folks and you can together and find an equitable solution to it. I don't know why we have such a hard time going out to the road and hooking right like we have done other places, but, Mr. Mason, I'm going to leave that up to our professionals, and I wish you the best on getting this thing settled.

[Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and]
[carried unanimously to approve a resolution of condemnation of 6,048 square feet of storm]
[drainage easement plus utility easement plus temporary construction easement at 4827 Fair-]
[heath Road from James E. Mason and any other parties of interest for \$16,050 for Eastburn]
[Storm Water Capital Improvement Project, Parcel #38.]

The resolution is recorded in Resolution Book 42 at Page 694.

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ITEM NO. 74-P: RESOLUTION OF CONDEMNATION AT 4824 ASPEN COURT

Councilmember Dulin said, Mayor, this is the same project. These next two speakers also.

Adam Foodman, 4824 Aspen Ct., said I am from Foodman, Hunter, and Karras. I'm here representing the Ghazi family, who are the owners of 4824 Aspen Court. Part of their property along with four trees is being taken as part of the Eastburn Storm Drainage Project that we were just discussing. My clients asked me to come here and discuss a couple of issues in relation to the valuation that has been offered to him for his property. The first issue has to do with the

value of the trees. The trees that are being taken in the back of his property provide a screening from the neighbors and he feels like are of particular value in this particular instance. He is sensitive to the value of trees because his profession is one of a developer. You may be familiar with him, and in his capacity as a developer, he has in certain circumstances had to take trees out of the City right-of-ways, and when that is done, he has compensated the cities for the value of those trees, and the value of those trees has been determined through an appraisal process through the City arbor, and in this instance, what he is asking is the same valuation, the same consideration be given to the trees that he has that are being taken from his property as part of this project. The second issue that he has that he has asked me to speak about has to do with the actual value of his property. The property, of course, is tax based on an appraisal that the City has, and what he is looking for is a valuation that is something that is commensurate with how the City taxes him based on the value of the property. In this instance, he has come up with a value he believes the property is worth based upon the square foot valuation, not with the improvements but just of the real property, and when the offer had been made to him by the City, which I think you can see in your notes, is substantially beneath the value that we believe the property would be worth along with the value that the City would in their own circumstance assign to trees that they would have taken from their own property. So what he had asked me to come here to request from the City Council is that they direct the staff that they have who are working with us and making these offers to tell us how they actually have valued these trees. I have gone through the process, which I think is a trunk I think they employ, and I have looked at some of the other valuations they have done – trunk formula method – so we can determine whether the offer that is being made is something that is fair. It doesn't look that way to us. Our hope here is we are not talking about giant sums of money but that we don't have to use resources that don't really seem necessary to fight this in court, that we can work it out, and those are the primary concerns he asked me to raise with you this evening.

[Motion was made by Councilmember Barnes and seconded by Councilmember Cannon to]
[approve a resolution of condemnation of 4,359 square feet of storm drainage easement plus]
[utility easement plus temporary construction easement at 4824 Aspen Court from Darius]
[Ghazi and wife, Mariam Ghazi, and Armin C. Ghazi, and any other parties of interest for]
[\$6,325 for Eastburn Storm Water Capital Improvement Project, Parcel #41.]

Councilmember Howard said so the next steps would be to continue negotiation.

Curt Walton, City Manager, said continue negotiation but the court ultimately decides compensation.

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

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ITEM NO. 74-R: RESOLUTION OF CONDEMNATION AT 6330 HAZELTON DRIVE

Andrew Thrasher, 6400 Hazelton Dr., said I'm a constituent of Councilmember Dulin in District 6. I am here tonight to express my concerns with the Eastburn Storm Drainage Improvement Project. Tonight the City Council votes to move forward with an eminent domain action affecting my home on Hazelton Drive to pave the way for this project. I understand that these decisions are fairly routine and are handled by the City Council throughout the year, however, in this case, I feel it's my duty to inform you of the impact of your decision. I have lived in my home for seven years now. In that time, I have never experienced a flooding event, yet Storm Water Services sees a need to prepare the entire watershed for a 100-year flooding event. This project calls for the installation of a six-foot wide underground culvert along the side of my property requiring the removal of up to four large, historic oak trees. I have grown to love Charlotte, and one of the big reasons is the relative beauty of our city compared to other places I have been, so I'm here tonight defending my trees. It has been well documented – I don't know why this is emotional for me, but it is. It has been well documented that half of Charlotte's tree canopy has been destroyed since 1985. Studies show the mature trees, aside from providing significant beauty to a city, help control storm water, and yet here we are discussing the City's plan to tear down four stately oak trees. The City did not hesitate to spend a million dollars to protect our trees from cankerworms with a squadron of airplanes, and, as you well know, any

development in Charlotte must comply with a strict tree ordinance that protects existing trees and mandates the planting of new trees. Yet in the City's own projects such as the Eastburn project, trees are viewed merely as removable construction obstacles. In addition to the impact on our city's tree canopy, this project stands to severely impact me and my family. We purchased our home in an older neighborhood with mature trees, and we certainly paid a premium for it. This project would instantly dissolve a significant portion of the value in that investment and the compensation offered to date by the City in no way can be considered fair. And, we are worried about the safety of our children and pets. During construction, a 12-foot deep trench will run through my yard. After construction, my back yard will feature an above-ground open throat drain. With Councilmember Dulin's help, I have met with the city engineer and members of the Eastburn team to express my concerns and propose alternatives to the current plan. Despite these efforts, no adjustments have been made. Based upon prior decisions by this Council, it is clear that this project is moving forward, but I wanted the record to show that I object. It is difficult to understand how a city can move forward with a project estimated to cost \$12.5 million at a time when budget shortfalls demand such severe reactions both in our schools and elsewhere. I realize that my words here to you tonight are not going to stop the processes already in motion. My objections are no match for the engineer's blueprints, the computer models of 100-year floods, and the army of contractors ready to bid, but I could not sit idle on the sidelines. I felt I had to be the voice of those who will be impacted the most by this project – my three-, five-, and six-year-old, who will no longer have a shady yard and the 100-year oak trees.

Mayor Foxx said we got your point, and I really do appreciate you coming.

Councilmember Howard said somebody – above the ground line that he mentioned, so this is not buried? Is that what you said, sir?

Mr. Thrasher said, yes, and an above-ground culvert in the back corner that feeds into the underground drain.

Matthew Anderson, Engineering, said what he is referring to is we have an inlet in the back of the property where there is a ditch currently. We are going to intercept that with the system. The rest of it will be underground.

Councilmember Burgess said how big is that?

Unidentified Speaker said that's two inlets, and then we have a tying into a six by four culvert that intercepts the flow coming off the Sharon Towers.

Councilmember Dulin said this is three houses away from Mr. Mason's house – just uphill still. I still don't understand the design of this. The engineers are figuring it out, I guess, but literally I think the water is coming down off the hill from Sharon Towers. It's going to intersect with this new pipe and go up the hill for one or two houses and then cut right in between this man's house and the house next door.

Mr. Thrasher said we bought the home to be above the low point, and now we are at ground zero of this project.

Councilmember Dulin said he literally has never been wet, and I'm not sure why the water has to go uphill. I mean I have been over there. Mr. Thrasher, you don't even know how many times I have driven by there and nobody has been home. I was over there just the other day. As a matter of fact, I was there twice in one day seeing Mr. Mason one other time and stopped and looked at your home. Is there not another way we can get that water captured into the street and across the street and to Mr. Mason's house. These people are getting ready to get hammered, and it's not their water.

Mr. Anderson said we try to keep the pipe systems on the properties that currently have the systems, and that is the case here that the easements do extend across the property onto him. We looked at several alignments during planning. We also looked at several alignments during the design phase, and subsequent to his concerns looked at several new alternates to see if there was any other way out around this. This is the best, most efficient, cost effective option for us.

Mr. Thrasher said easiest option.

Councilmember Dulin said the problem, too, Mr. Thrasher – I'm going to vote no tonight, folks, just for a matter of principle. I just have to help protect this man and his family. The problem with that, sir, is that we are going to bump down two houses and hammer that guy because this project has to come through there. This is tough on all of us because we all care up here about folks. I don't know him. I met his wife a couple of times, too. It's just tough, and I just – golly, it's hard, and I just don't see -- the water is going to come down, and then they are going to take it uphill and pass the Thrasher's house, and I just don't see why we should do that. I'm not going to be able to make the motion because I'm going to vote no.

Councilmember Kinsey said I am concerned about the City taking down trees when we are trying to get more planted, but this is just the easiest way if that's the only way. Sometimes if you pay a little bit more money you can save trees. I'm not a designer. I don't know, but I am concerned that we are taking down four big trees, and, as Mr. Dulin said, Mr. Thrasher's property is dry. If we are just trying to save – I appreciate saving big bucks, but we are losing four trees at a time when the whole county is losing trees and at a time when we are trying to have people plant trees. I'm sort of a no on this, too, to tell you the truth because I think maybe we are taking the easy way out when maybe for a nickel more we could find a better way to do it and save those trees.

Councilmember Barnes said point of clarification to our staff resource. Mr. Dulin made mention of people being hammered by the water. Are the pipelines underground?

Mr. Anderson said, yes, currently there is a 48-inch CMP system running through a property line, and that system is very tight through there. We cannot improve the system. The pipes were put in and the homes were put in afterwards, and we also have rock out there. It's very tight through that location, so we are keeping the pipe on the property. It's just shifting around the other side.

Mr. Thrasher said the current pipe is not on my property.

Councilmember Barnes said are you putting in a larger pipe?

Mr. Anderson said, yes, indeed.

Councilmember Barnes said still underground though.

Mr. Anderson said still underground.

Councilmember Howard said I'm wondering if my colleagues would be open to deferring this, and I guess I want to ask staff first if that is a problem if we defer it, and I'll say why if not. Is there a problem with deferring it?

Mr. Anderson said time wise, no. We have looked at the options though.

Councilmember Howard said I think I'm making that motion. I am making that motion.

Councilmember Dulin said where would you like to defer it to, Councilman.

Councilmember Howard said just to defer, just to get more information.

Mayor Foxx said for a month?

Councilmember Howard said for a month to get more information about who this project is serving, number one, because it's such a big pipe, and I'm hearing it's coming from somewhere else. I would like to understand what that's about, and then this route that Councilmember Kinsey talked about. Why this one and not another one, and what is the most cost efficient? I would love to know more about this downhill, uphill thing that Andy is talking about.

Mayor Foxx said that for this one or for the other two as well?

bvj

Councilmember Howard said we passed those already, so I guess I'm talking about this one.

Councilmember Peacock said would you mind sending us some digital photos of the site so I can get more of a visual of what Mr. Dulin is referring to.

Councilmember Dulin said this water is coming off of Sharon Towers. Is there anything we can do up there to keep it up on the hill before it starts coming down?

Mr. Anderson said that was one of their concerns we did look at. Obviously it's a developed site and would entail the removal of sizable infrastructure to install a detention basin or something of that sort. At this point, we just want to carry it through with the bigger system that will be consistent to that neighborhood.

Councilmember Dulin said, Mr. Thrasher, defer for more information is a big time win tonight, so I'm going to second that motion, Mr. Howard, and we are going to get more information here. That is going to raise the level of staff's involvement and perk them up a little bit to make sure we are doing what we need to be doing over there. Let us get this vote done, and then y'all go home happy. I'm not saying we are not going to be back, but –

Councilmember Carter said if I remember correctly as we added an additional development at Sharon Towers there was a detention pond that was built. Is there not one there?

Mr. Anderson said with the expansion they did put in detention, yes.

Councilmember Carter said is this area not drained into this detention pond? It's on the other side; is that the problem?

Mr. Anderson said just the amount of volume that is coming off the hill. The 48-inch pipe is undersized for that amount of flow even with detention.

Councilmember Carter said was that factored in at that development?

Mr. Anderson said from my knowledge they did submit a plan through Land Development, and it did meet the requirements.

Mayor Foxx said I think this is enormously complicated, and it may take us a little more time to get this figured out, so there is a motion to defer on the table. That may be a good way to go.

[Motion was made by Councilmember Howard and seconded by Councilmember Peacock to]
[defer this item for a month.]

Councilmember Turner said the concern I have here is we have already voted on O and P, and we are now willing to defer our decision tonight that obviously are connected. I'm a little concerned whether or not we should have considered that also for the other folks and not just this gentleman, which I will support that, but I think we have kind of been a little unfair here if we are going to defer for this particular project, which is part of the same project and not consider the other folks' request. I think we should allow staff, if they are going to bring anything back, if we are going to look at reconsideration of what our other options are that very well will have the impact of the entire project if we can find a better option. So, Mr. Mayor, I would like for that to be reconsidered, and I think that's what you were hinting at earlier, but I just don't find that to be feasible to do one and not look at the entire project when we are talking about the other property owners as well.

Councilmember Howard said just real quick. My colleague, Mr. Burgess, pointed out that you really can't start this project at all without this one, so really you are kind of putting all of it on hold.

Councilmember Turner said and I understand that, but we have already voted, and I think the City Attorney will give us a legal aspect from this.

DeWitt McCarley, City Attorney, said if you pass this motion to defer we are not going to file condemnation actions on the rest of it until you have finished it.

Councilmember Turner said that's all I needed.

Mayor Foxx said why don't we go ahead and vote on the motion to defer.

The vote was taken on the motion to defer for one month and recorded as unanimous.

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ITEM NO. 9: PUBLIC HEARING ON VOLUNTARY ANNEXATION (Brantley Oaks Common Area)

The scheduled public hearing was held on the subject item.

Councilmember Barnes said I spoke with some of the neighborhood leaders out there. The leadership was aware of it, and it's voluntary.

[There being no speakers either for or against, a motion was made by Councilmember Barnes,]
[seconded by Councilmember Cannon, and carried unanimously to close the public hearing]
[and adopt Ordinance No. 4482-X with an effective date of December 31, 2010, to extend the]
[corporate limits to include the Brantley Oaks Common Area.]

The ordinance is recorded in Ordinance Book 56 at Pages 717-718.

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ITEM NO. 10: PUBLIC HEARING ON 2011 ANNEXATION PROCESS

The scheduled public hearing was held on the subject item.

Jonathan Wells, Planning, said I would like to quickly go over where we are on the 2011 annexation process and give Council a little bit of additional information. You do have at your places copies of this presentation. You can follow along while I go through this real quickly. In June 2009, Council adopted a resolution of consideration basically creating study areas for the 2011 annexation process. This past June 14th you received for information a preliminary annexation report and also adopted a resolution of intent and approved annexation report basically authorizing us to proceed to the next stage of the annexation process including holding a public information meeting, which was held on August 5th, with approximately 20 citizens in attendance. That brings us to this evening's public hearings. We anticipate coming back to Council in November with annexation ordinances and a request for your consideration of those ordinances, and, of course, on June 30, 2011, the annexation would become effective and the services would be extended. As a reminder, we have three qualifying areas, Rhyne, Whitehall, and Camp Stewart South cumulatively representing about 3.8 square miles. The annexation reports that were adopted by Council on June 14, 2010, are currently available for review in the City Clerk's Office. They are also on file at a number of different public libraries and also viewable on-line on the Planning Department's Web site.

How does an annexation area qualify? Well, first and foremost, it must be contiguous to or next to current City boundaries having at least 12.5% boundary in common with the current city limits, and it cannot already be part of another existing municipality. As you can see here, the 12.5% limit test is met quite liberally with all three of the qualifying areas. There are three standards that have been established by statute for the annexation areas to qualify. Any of the standards can be met by an area in order to qualify. There is a population standard of at least 2.3 people per acre; subdivision standard, which requires at least one person per acre and at least 60% of the acreage of the lots to be in lots three acres or less and at least 65% of the lots must be one acre or less. The land use requirement that leaves 60% of the lots must be in use, and at least 60% of residential and vacant lots must be three acres or less. As this slide indicates, two of the

three qualifying areas – Rhyne and Whitehall – qualify under the population standards. Camp Stewart South qualifies under both the subdivision and the land use requirement.

There is a feature of the statutes called Subsection D, which basically states that a percentage of the qualifying area doesn't need to meet the annexation standards as long as it's not in excess of 25% of the area, and it must also share at least 60% of the boundary of the qualifying area and of the study boundary. As this table indicates, all three areas do meet the Subsection D requirement. Services affected by annexation will be extended on the effective date, specifically police, transportation, and solid waste, while fire and utility service will be extended in accordance with the applicable annexation statutes. Police services, of course, protect life and property on a 24-hour basis providing a variety of services including 911 emergency service, traffic control, computerized information services, community policing, criminal investigations across the city. Annexation areas and other portions of the county services are administered uniformly. The service in the annexation areas would, of course, remain unchanged by the annexation, therefore, no additional personnel or equipment would be required. The funding shift from the law enforcement service district, which is about 20.46 cents per hundred would not be collected as part of the County property tax upon annexation.

Fire service is provided by 41 engine companies, 15 ladder companies housed in 41 stations throughout the city staffed by 1,165 full-time employees. Charlotte Fire Department maintains standards consistent with the requirements of the Insurance Services Office rating of three. Services will be commensurate level of protection to be provided through existing facilities, meaning additional fire stations would not need to be constructed or developed in order to provide protection to the annexation qualifying areas. A contract with a volunteer fire department may be an acceptable means of providing fire services. As you can see here, each of the three qualifying areas would be served from existing stations. In addition, the right-hand column summarizes the amount in the general fund that would be required to provide service to each of those three qualifying areas for a total of about \$107,000 in FY12.

Transportation services to be provided by the Charlotte Department of Transportation providing safe, efficient, and balanced transportation system, maintaining qualifying street signals and traffic control equipment, as well as maintaining, fabricating, and installing street names, traffic signs, and other traffic markings. The Charlotte DOT can accept for maintenance the streets that are maintained by the State DOT at the time of annexation. The City DOT also conducts a city sidewalk program and can accept for maintenance private streets that qualify under the City's non-system residential street program. CDOT also authorizes street light installations by Duke Energy and approved take-over billing for existing street lighting on public streets. This table indicates what both the operating expenses as well as street maintenance are. The operating expenses as well as street maintenance are the operation expenses provided by the general fund that totals about \$215,000 in FY12. Street maintenance that would be funded through the Powell Bill total about \$997,000 in FY12.

Solid Waste Services provides weekly collection of garbage and yard waste, bi-weekly collection of recyclable materials, as well as call-in service for bulk items, white goods, large appliance pick-up, tires, dead animals, and provides coordination with neighborhood clean-up programs. It also furnishes refuse recyclable collection at multifamily complexes through private service contracts. Weekly garbage collection is also provided for qualified small businesses, and also a contract with a private collection firm would be an acceptable method of providing services. From a cost standpoint out of the general fund to extend services in the first year of annexation by qualifying area would total about \$209,000 altogether.

Charlotte-Mecklenburg Utilities operates, maintains, and extends sewer and water facilities throughout Charlotte-Mecklenburg County providing the area with adequate quantities of potable water and also returning treated wastewater back to our streams and rivers. CMUD, of course, operates on revenues generated by the sale of water and sewer services. The construction of these systems to serve the annexation area will meet requirements of annexation law and would be completed within two years of the effective date of annexation.

Construction also would be consistent with the City's sewer and water extension policy, which stipulates that water mains for fire protection would be extended to within 750 feet of residential properties and that gravity sewer mains would be extended or installed to the low point of public

roadways. This would, in turn, enable all properties to access utilities in accordance with the extension policy. Our annexation plans do include preliminary designs of those utility expansions. This table indicates the operating costs and capital costs in the first year. As you can see, there would be no operating costs in the first year of annexation. The capital costs, which would be funded through the water-sewer revenue bonds, would equal \$5.9 million.

For an economic summary, what you see here is that there would be operating costs, start-up costs in the current fiscal year of \$645,000 against no operating revenues, however, in FY12 the operating costs exceed the operating revenues by about \$146,000. In contrast, in FY13, which would be the second year of annexation, the revenues exceed the operating costs by about \$411,000. This table indicates a financial comparison for an owner of a typical \$200,000 value single family home. As you can see, prior to annexation if one looks at a fact of the property tax, the police service district tax, solid waste and storm water fees, factoring in the cost of a private waste hauler for Solid Waste, and the impact really equals about \$250 a year. I would also be quick to point out that this doesn't include potential additional savings that could be realized by individual property owners through reduced utility fees, reduced insurance premiums, and any homeowner association fees that might be applicable. This also doesn't include fees unrelated to real estate such as auto registration. I will now turn it back to Council to conduct the public hearing.

Councilmember Cannon said thank you very much for your presentation. Of course, we do have several speakers lined up, and if they would come in this order and be prepared to fall behind one another.

Mr. McCarley said may we separate these into three separate public hearings, and I'm not sure which particular one these folks are on, but we need to hold three separate public hearings – one for the Rhyne annexation area, one for Whitehall, and one for Camp Stewart South. I will suggest just calling a public hearing for Rhyne and see if any of these folks are signed up for that one.

Councilmember Cannon said who is here for Rhyne? You are the only one. Are you Mr. Ray Tyson? You come right on, and then we'll follow behind you with those represented from Whitehall.

Rhyne Area

Ray Tyson, 207 Rockwood Dr., said I'm in kind of a low income section of Rhyne. We are aware of services that the city has given the people of Charlotte, and we had a rental in Charlotte for 20 years, and we had the police come one time to have us report our tenants stealing all our stuff. Basically they said we can't help you. They wouldn't pursue it. They said why don't you sell this property. It's in a "drug infested hell hole of a neighborhood," so, guess what, we did. We sold it, and we bought in another county, and we have 500 extra square feet and about half the property taxes that we are paying compared to what we were paying in Charlotte. I think the police were admitting defeat there, but really what it boils down to is we live in the county. We recycle when we need to recycle. We take it to the West Meck Recycle Center. It's a greener way to go because we save gas, and we don't have to roll a big trashcan down the road in the rain. We can save money that way and save fuel. We have a great volunteer fire department, West Meck. They have been great. They give us great service. You raised the county taxes 25% a while back, and we didn't see any quality of police services or anything improve, so basically I just want to say we don't want it, we don't need it, we didn't ask for it, and we can't afford it. We are struggling, our neighbors are struggling. We don't need the extra cost.

[Motion was made by Councilmember Peacock, seconded by Councilmember Carter, and]
[carried unanimously to close the public hearing on proposed 2011 annexation of the Rhyne]
[area.]

Whitehall Area

Mayor Foxx said Whitehall we have a number of speakers signed up. They are not identified as to which ones, so if folks who are associated with Whitehall annexation would you come forward.

bvj

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and]
[carried unanimously to close the public hearing on proposed 2011 annexation of the White-]
[hall area.]

Camp Stewart South Area

Brown Bobbitt, 7916 Cedarbrook Dr., said I know that every one of you has in front of you this gripping report that was prepared by City staff for the annexation of the area Camp Stewart South. I am only talking about my neighborhood, which is Cedarbrook Acres. I have lived in Cedarbrook for 15 years, and I'm a relative newcomer compared to some of the neighbors that are with me this evening. The reason I moved there is because I have got room to stretch and see life. Cedarbrook Drive is a little unique in the sense that here is a street that is almost two miles long, but in its entire length there are less than 100 homes. Now, think about that. We are talking about both sides of the road, so basically we are really talking about a four-mile long stretch at extremely low density. You don't want Cedarbrook Acres. What you do want are the neighborhoods of Woodberry, Lamplighter Village, and Meadowbrook because of the density that is in those neighborhoods. Cedarbrook Acres is being taken in as a matter of convenience, in our opinion, to gain access to those other neighborhoods. We really don't think the density is properly being applied. We think that the expenses incurred to us aren't really going to be improvements in our lives. I am involved in our neighborhood association. We don't have a homeowners association, and in speaking with many of the folks that are involved with that association, no one has come to me saying, boy, I can't wait to pay \$4,000 to hook up to City sewer, and I'm also really looking forward to paying an additional \$2,000 to hook up to City water. My point is that by the time you folks go through the expense and the work you are going to be required to do by annexing us you are going to have very few takers, if any at all initially, and you have expended a tremendous amount of money and really disrupted the physical structure of the neighborhood significantly. We had intended, rather I had intended to present you with some maps that are in your report, and I'm not quite sure how to fly the program that we brought in and put in, but I think if you folks – terrific. Somebody is looking after me upstairs. If you would look at a map of this area, you see that this –

Mayor Foxx said I'm sorry. That's your time.

Mr. Bobbitt said I have some folks behind me that will continue, and I'm going to leave that slide up for their benefit.

Tim Miner, 10745 Eastlake Rd., said if you will notice on the handout, and it's the same map that you have coming up of the Camp Stewart South, there are really two areas that give us the density that we need in order to qualify. That would have been what I circled as A, which is the newer development, as well as Lamplighter. I wanted to thank Councilmember Barnes for his astute paring of all of the items that he pulled for tonight as well as Councilmember Kinsey trying to also get down to the bottom of what things are. If you take a look at the map, you will see that center section, Cedarbrook Acres, constitutes at least half of the development, and there are very few lots there. You will be expending most of the – thank you, John, for the figures. Most of the \$5.1 million will be going into putting in infrastructure because there is no infrastructure there whereas with the newer developments and with Lamplighter there is already infrastructure there for water, for sewer, and all the City has to do is hook up to it. So, in the interest of saving money, it would behoove the City Council to table this and take a look at paring it down, and it's not like the Town of Mint Hill is imminently going to be after us because I don't believe that they will have the money to put into our infrastructure, but this is something that, again, I also agree. I would like to keep my neighborhood as it is. We all have our own wells. We all have our own septic, and the likelihood of us tapping is very low.

Ricky Hedden, 7916 Harrisburg Rd., said while recognizing the obvious need for cities to continue to expand for economic stability, I think there are limits and circumstances that should supersede that need. When a group of people who are adamantly opposed to such a move that ultimately will negatively impact them both economically and personally, I think that group should have a much more powerful voice in the eventual determination involving their property. In addition to a cumbersome tax burden on people in this struggling economy, the impact on the personal lifestyles of many people will be compounded by regulations and service fees that we

chose to avoid when we bought our property where we did. When someone spends ten, 20, or even 30 or more years crafting out a home and lifestyle they may have chosen to have, I feel strongly that just because the power to do so as you ultimately choose is available to you as a board does not mean there are not circumstances that exist that should give you pause in making a final decision that will affect them in a negative fashion. That would be the thing that I mentioned prior, which includes an enormous tax increase in a time when people are already at their most vulnerable point economically in history, being forced to live by ordinances and rules that if I had any remote desire to be required to abide by, I would have chosen a place within the city limits to begin with. One argument I have heard from the board for annexation is that we as unincorporated are receiving services we do not pay for. I assure you that I take care of all those services such as water and sewer, trash collection for myself. As far as for the police services, I believe the property taxes I presently pay is by far an adequate amount for the services I have received. Not one time I have ever requested the services of the Charlotte Police Department has it yielded any positive results. Three break-ins and a drunken trespasser are two examples of things I have solicited help from the Police Department and gotten not one ounce of satisfaction. I am fairly certain that once the report was completed by the officers so was the inquiry to see if any of my stolen items could be recovered. I feel this way because not once have I ever had any contact with the department after the incidences unless I called and requested a response, which also rendered zero results. Unfortunately, I feel like no matter what anyone who speaks here tonight has to say or may present to the City as a reason not to annex this area especially at this point will have any impact on the decision since the work to be done if the annexation is approved has been going on in my area for over a month now. I fear that many people may not be able to absorb the tax increase and may meet the fate so many have already – foreclosures and bankruptcy. And, if you say, ah, they will be able to pay for it with no problem, it must be nice to be in that comfortable position. Just remember, many people are not in that position.

Alan Cobb, 6927 Cedarbrook Dr., said hopefully I will give you some more ideas about some things that might give you some pause this evening. When Mr. Wells showed up earlier, he talked about one of the final numbers he put up there was the fact that it looks like this thing is going to be so profitable come FY13. That's only is you look at Whitehall and Rhyne. If you look at your initial projections for Camp Stewart South, you are spending a million and a half, maybe two million for Rhyne and Whitehall. You are going to issue \$27, \$28 million worth of revenue bonds for water and sewer to cover the Camp Stewart South area that Camp Stewart South does not need. Cedarbrook doesn't need it. Very few of the areas around there need it. In fact, if you look at the year 2013 from a Camp Stewart South standpoint, your expenses are \$1.14 million, your revenues are \$538,000, leaving a revenue over expense shortfall of \$602,000. But we have created \$28 million worth of debt service, yet the bottom line says that impacts the general fund positively with \$106 increase. I don't see how you take a \$600 loss and turn that into a one hundred plus thousand dollar increase in the general fund. I don't believe it's going to work. We barely meet any of the requirements. In one case, a 25% requirement, we meet at 24.8% -- a 0.3% error of four acres out of 1,500 means we don't fulfill that requirement. In one case, it's a 61.8% requirement that we meet for 60% minimum requirement. That's 19 acres. That's about 0.3% or 0.2% again. So, a slight margin of error, a minor oops in the figures, or just a little bit different is what that tells us is, number one, our area does not qualify well from a statute standpoint, hence it doesn't qualify well from a financial standpoint. In these times, I think you need to stick with what gives you the most bang for the buck instead of trying to give us something we don't need, which is a 25% tax increase, and that's all we are going to get out of this and nothing else. Everything else we already have. It's pretty well a foregone conclusion even by Planning staff at the August 5th meeting that Cedarbrook area residents nowhere in the near future if even in the further future will have need for any sewer services. Ms. Brown said we are getting sucked in just because of where we are. Either postpone it – we are always going to be there. Mint Hill can't take us.

Stephen Herbster, 10733 Eastlake Rd., said while I can see the advantages of annexation actually outweighing the disadvantages of it, I, too, share many of the concerns of my neighbors. When I purchased my home in Cedarbrook Acres, it was because of the large wooden lots and quiet rural settings that it felt like home to me. I'm concerned that annexation will cause unnecessary changes within my neighborhood. But rather than put my time and energy into opposition of the annexation, I seek compromise and cooperation. I would like to formally request that an advisory committee made up of homeowners from the Camp Stewart South be given a seat at the table in the planning and execution of the services that annexation could bring.

I ask that the residents of Camp Stewart South be given every opportunity to express all of our concerns in the planning process and the implementation process of these utilities into our neighborhood if we are annexed. I ask for transparency and involvement into these decisions that will affect our homes, our property values, and the way of life we have chosen. Cedarbrook Acres is the type of neighborhood that should be a model for builders and contractors throughout Charlotte. We have a healthy population of red-tailed hawks, owls, and deer, and even red fox. These animals have found their final refuge in our neighborhood in the undeveloped areas of Camp Stewart South region as developers such as Centex Homes have clear-cut their forests trying to shove in more houses to these vinyl villages. I ask that City Council give us a seat at the table so that when and if these services are installed into our neighborhood and they are finished that the only noticeable difference in our neighborhood is that we will have fire hydrants. Lastly, I ask that each of you take the time to come into our neighborhood and visit with us, and I don't mean just drive through it. I'm asking you to come to our homes and speak to all the homeowners in our area and to ask our thoughts and concerns personally. I would specifically like to invite Nancy Carter of District 5 to do so, and if we are annexed, it looks like we'll be part of your district. I appreciate your time and your consideration and ask that you allow us to be part of this process if it's to happen and not force it upon us. I think it's interesting that we had Mr. Mason here, who is trying to deal with things that are happening, and we seek to prevent everything that has happened to him and those other homeowners as you are looking to install water lines and sewer lines, and I think everyone here will tell you straight up none of us want water and sewer service at our house. We are all going to reject, so I don't see it necessarily a huge bad thing. I just want a seat at the table so that a tree isn't cut down in favor of a sewer line, and as you put the trunk line through it, you don't clear-cut a bunch of the trees that are in our neighborhood; that our neighborhood looks the way it is today with fire hydrants if you decide to do this.

Richard Carr, 8613 Dogwood Dr., said I would like to start out here, since I only have three minutes, just saying I agree with a lot of what is going on as being said. Camp Stewart area, if you look over the numbers, will cost the most to annex and for the smallest amount of financial gain from taxes and services of all the areas that are proposed to be annexed. Let's start out with that. I am here today to openly and formally express my opposition to the annexation proposed for the Camp Stewart South area. I reside in Cedarbrook Acres neighborhood, which is affected by the proposed annexation. When I purchased my home on Dogwood Drive, there were several factors that were instrumental in my decision making, the most prevalent of which was the fact that I could afford to pay both the mortgage and property taxes as well as all the other expenses incurred as a result of homeownership. Short, I wanted to live outside the City of Charlotte and free from the additional tax burden that homeownership inside the city limits was laden with. Many of my neighbors, myself included, have been affected by the recession that is gripping our nation and our communities. Many of us have been diligent and financially responsible in our budgeting. We cannot endure ruthless property tax hikes in the guise of urban development solely for the purpose of financing additional frivolous spending. This undermines all the efforts we have made so far to stay in our homes. I also love the trees and the surrounding areas, and I would like to keep them relatively unaffected by this if, in fact, it has to happen. Since purchasing my home, I have witnessed the careless destruction of wetlands and the total clearing of old growth trees to accommodate the maximum profit gain off of quarter acre lots with seas of vinyl and poorly constructed homes. Most of these partially developed areas are terrible eyesores and poorly maintained properties with scores of vacant and foreclosed homes sitting in disrepair. This is a result of hastily built subdivisions in suburban or rural areas, areas devoid of proper research and ample measuring and poor planning. Couple this with the recent economic downturn, and you have an abundance of inventory on basically worthless property. Is this what the City of Charlotte has planned for our neighborhood? I certainly hope not. We are a community of people who look after ourselves and the interests of our neighbors without the assistance of the City of Charlotte. We have no necessity for the services that are offered as part of the annexation. We furthermore have no desire for them. Many of the homes in Cedarbrook Acres have privately owned wells, as stated before, and we have no desire to hook on to City water or City sewers. I'm not speaking only for myself, but I have also been speaking with many of my neighbors over the first several weeks. We are, in fact, circulating a petition, which has gathered many signatures in the area opposing this annexation. I'm speaking here also for the Henry's and the Beaver's, who have seen the street in front of their homes for more than 40 years become a thoroughfare for the Centex neighborhood that was spoken of before. I speak for the Kovac's and Mrs. Scott, who have had their privacy invaded by development that went

unchecked in the Planning Department when the trees were cut down on the easement that was not supposed to be disturbed. I'm also speaking for the beautiful oak trees and the manicured yards that will be destroyed to give our neighborhood that urban sheen.

John Carpenter, 8301 Denbur Dr., said I grew up and have been a resident of the Albemarle Road area since 1949. Camp Stewart Road South is the area that I am concerned with. I have lived in Cedarbrook Acres neighborhood for seven years. The City wants to annex my neighborhood now, but what has the City done to help promote this area. We do have a few big box stores and two grocery stores of the same chain nearby. Rezoning for a neighborhood center was rejected about five years ago at Albemarle Road and Denbur Drive. For adequate shopping and entertainment, I travel to Concord Mills, Matthews, and the University area, all at least ten miles away. Why do we deserve to be in the city when we do not have now nor in the foreseeable future the amenities and variety of other Charlotte areas? The 4.2 miles of road in Cedarbrook Acres are of varying widths. There is 2.2 miles of 18-foot width, and the remaining two miles varies from ten feet in width to 16 feet in width. It will take many taxpayer dollars to widen roads and shoulders to City standards. The community is served by wells and septic tanks. City water is on about two miles of the roads. A new well is being drilled right across from a fire hydrant. The Parkton Road Recycling Center is two and a half miles away on my way to Charlotte. I do not need or want water, sewer, or garbage pickup. I consider myself a rural neighbor and will not be waiting or wanting for any of these services. The cost of these services will not be repaid in any reasonable time. During this time of budgetary crisis, I am against annexation of Cedarbrook Acres at this time.

Butch Harrison, 10232 Glenmac Rd., said my house is in Cedarbrook Acres, which is part of the area that you want to annex. We live on Glenmac Road. My wife and I purchased this home 16 years ago. We purchased from the original owner, who had built the house in 1959, and what some of the older residents tell me it was either the first house or the second house in the development. We purchased the house there because it wasn't in the city. My wife actually teaches at a private school. We moved from the Lake Wylie area to get up closer to her school, but we didn't want to get into the city. She mentioned services which would be provided for the annexation. Those that lived in the neighborhood for a while have already seen a lot of changes to the services that are provided. When we first moved there, it was Mecklenburg County Sheriffs that actually policed; not Charlotte-Mecklenburg Police. With the merger of the Charlotte and Mecklenburg County services, we are now serviced by Mecklenburg County Police. A few years back our neighbors were developed over in Turtle Rock. When that development was going on, they actually closed my road off at the end where it stopped at and put a steel barricade up there and promised that they weren't going to open that road up to the Turtle Rock neighborhood. Well, as soon as they finished the houses in Turtle Rock, they came in with a bulldozer, pushed down the barricade, paved the road, and opened it right up. That increased the traffic on our road about ten-fold. There were about 15 houses on Glenmac Drive when I bought there. Since that time, we have had numerous break-ins. Our cars have been broken into. I have lost tools and stuff from my carport. I have three ATVs stolen, one of which was actually found two days later in Monroe, and the Charlotte Police were very good to call me about it and let me know it had been found. I had to pay \$100 service fee to get the thing towed in from the house it was found at. The Charlotte-Mecklenburg Police Department wouldn't file charges against the people because it was found in Monroe. The Monroe Police Department wouldn't file charges because it was stolen from Charlotte. With services like this, I had to question the value of this service. Another service you plan to provide for us is water. I have my graduate degree in microbiology. My brother actually worked for the City of Charlotte for numerous years in the Water Department. I know what you all do with the water here. The water coming from the Catawba Basin you bring in trainloads of chlorine to dump into it to where we can actually make it as a pot of water. I have a well at my house. I promise you when you bring water through our community I will stay with my well. I will not use your water. I much prefer my well water. The other thing you are going to see when you bring the water and sewer services in, you saw the open areas in Cedarbrook Acres –

Mayor Foxx said I want to thank all of you for coming. This is what the process is really about, which is hearing from our neighbors about this process, and we will continue moving forward with further discussion about, but thank you very much, and we appreciate you coming out.

Councilmember Carter said I would like to ask a question if I might of Mr. Wells. Mr. Wells, is it possible to excise Cedarbrook Acres from the proposed annexed area of Camp Stewart South?

Mr. Wells said, Ms. Carter, I do have a little bit of a concern with the prospect of that being in contrast with City Council policy. One of the City Council policies regarding annexation is to not create a situation where there is an incorporated area that is completely surrounded by an unincorporated pocket, and that sounds to me at least initially like it may get real close to violating that policy. That's just my initial reaction.

Councilmember Carter said there was a question raised about density if this one area were considered separately, and that really was my concern as well as the sentiments of the people who live there and the age of the population.

Mr. Wells said when staff calculates the qualification criteria the density, which translates into the population, the subdivision standard and the development standard, we don't look at individual streets or individual neighborhoods. We qualify the entire area, so I can't tell you just off the top of my head whether that area would or would not qualify without doing another analysis of that sub-area just because that's not how we qualify. We qualify an area in its entirety.

Mayor Foxx said we'll have plenty of opportunity to talk more about the mechanics of this as we go along.

[Motion was made by Councilmember Howard, seconded by Councilmember Carter, and]
[carried unanimously to close the public hearing on the Camp Stewart South area annexation.]

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ITEM NO. 11: PUBLIC HEARING ON ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE 2010

The scheduled public hearing was held on the subject item.

Elizabeth Barnhardt, Realtor Association, 1242 Chandler Pl., said in reviewing this report that is being presented to you all tonight about the analysis of the impediments of fair housing I just wanted to remind the Council all of the partnerships we have with the City of Charlotte regarding fair housing education, not only to realtors, but to the public at large. Many of you participated in Realtors Care Day where we worked very closely with Neighborhood Development to try to keep folks in their homes, and, as I pointed out to you and I hope you have had the chance to visit carolinahomeprograms.com. It's a homeownership Web site that gives financing tools to folks interested in getting into the home buying process, and it gives both government and nonprofit tools such as education, down payment assistance, and other grants that new homeowners or homeowners that may be moving in the market can access and give some financial background and some guidance on the home buying process. So, as we work together to put these steps to implement more fair housing fairness in our community, I just hope you will consider the Charlotte Regional Realtor Association as a very strong partner in that.

Mayor Foxx said thank you very much, and you certainly are. We appreciate that.

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

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ITEM NO. 12: PUBLIC HEARING ON FY2011 GENERAL OBLIGATION BOND REFERENDUM

The scheduled public hearing was held on the subject item.

Bob Morgan, President, Charlotte Chamber of Commerce, 330 S. Tryon St., said having been with you for the last two and a half hours tonight I'm reminded of how much we owe all of you for your public service and your patience. I don't know how you do it, but thank you for your public service. I'm here to convey to you as you consider placing the 2010 City bonds on the ballot this November, I'm here to convey to you the strong and formal endorsement of that step from the Charlotte Chamber of Commerce. Two weeks ago our executive committee unanimously endorsed all three of the bond items. Just this afternoon our board of directors unanimously did the same. You all are considering \$156 million for road bonds, \$34 million for neighborhood improvements, and \$15 million for affordable housing. We have looked at all of these very closely with a lot of concern about our ability to pass these in the current economy. The reasons we are supporting these, one, we believe that the needs are great; two, we believe that no tax increase will be required and that the cost to service these bonds is already included in your City budget. We know that the cost of borrowing money is lower than ever allowing the City to stretch these dollars further than normal. We know that deflation in the cost of construction will also allow you to stretch these dollars further. We know that there will be a stimulative effect as thousands of jobs will be created over a three-year period. From an economic development perspective, continuing investments like these in infrastructure improvements demonstrate the fiscal health of Charlotte and show that we continue to invest in our infrastructure and most especially in transportation. That is a strong argument, and it is a competitive advantage at a time when most cities are unable to do the same. With your action tonight, we will embark upon a formal campaign to approve the bonds. I can tell you that in our preliminary fundraising we have already exceeded our expectations. The support from the business community will be strong. Our intention will be to take these to the public and to earn approval of these bonds in November, and we encourage your vote tonight for this investment in Charlotte's future.

Mayor Foxx said, thank you, Bob, we really appreciate that, and that is a great testament to the support for the business community of this. I will be honest with you – we have got other speakers, but I think it is good that these bonds have gone through some of the additional scrutiny and taking a look at the capacity of the city because it reaffirms that the city is in relatively good shape versus other cities across the country, and we should be proud of that.

Thelma Byers-Bailey said I am president of the Lincoln Heights Neighborhood Association and a member of the Historic West End Neighborhood Association, whose chair is Aaron McKeithan, Jr. Mr. McKeithan is unavailable to appear before you this evening. I am going to read a prepared statement from Mr. McKeithan. This document is to notify the Mayor and the City Council of our intention to file a HUD discrimination complaint today. It is proper to file a HUD discrimination complaint against the City of Charlotte for the re-segregation of Charlotte via public subsidized housing. In this case, we have previously asked the City to review their policies as it relates to race re-segregation. The City did not reply to our document. In the recent locational policy forums, staff did not acknowledge race as a factor either. There has been no due diligence or racial review of re-segregation. This affects African-Americans and other minorities in their geographic location of public housing by placing them primarily in African-American and low income areas instead of disbursing them throughout the city. Our neighborhoods as well as others like ours carry an overwhelming burden of public subsidized housing. Many white stable neighborhoods carry little or no burden of public subsidized housing. This affects African Americans in two ways to say the very least. African American communities are over burdened with excessive public subsidized housing, and when African Americans who are eligible for public housing are not disbursed to economically stable white communities they are denied other opportunities such as access to high performing schools, therefore, we believe that there must be a delay in any request for bonds or any other funding until racially discriminatory practices, re-segregation, are reviewed and resolved by both HUD and the City of Charlotte. Please do not proceed with an approval of a housing bond referendum at this time. Allowing a bond referendum to proceed without public due diligence, racial review for re-segregation will result in a campaign for vote no on housing bonds. Stop the racial discrimination and re-segregation in Charlotte's public housing. This document is signed by neighborhood representatives from the west, east, and northeast of Charlotte.

Elizabeth Atherton said I, too, am here about the bond referendum. Our annual debt payment has doubled in the last ten years. It has gone from \$125 million a year to \$273 million a year. We have borrowed through bonds \$2.5 billion since 2000. Twenty percent of our income goes to

servicing our debt. To put it in perspective, North Carolina state is limited to only 4.5% of the revenue going to the debt. Ours is over 20%. The bond rating is in jeopardy, and you were warned a few months ago when it was reviewed. Though it's at AAA, that's not going to be forever, and now you want to borrow an additional \$195 million to borrow more money. One of the parts for this particular bond is housing, and I, like many other people, are against housing. It should definitely be a separate referendum. The HOPE VI Program from 1993 to 2008 built 1,000 dwellings. It also destroyed 1,400. That was a reduction of 30%. They will say that Section 8 increased by 2,200 vouchers, however, many people know and believe that Section 8 housing creates concentrated areas of the poor. I was here at City Council a couple of years ago about housing in Charlotte strategies to create and maintain affordable housing, and many people on that panel did admit that Section 8 limits choices of amenities and benefits found in good neighborhoods, and it's also a safety issue. For example, Coventry Woods in east Charlotte has 122 Section 8 housing units. It's also known as a hot spot for crime. For the last ten years, Charlotte Housing Authority has been working with developers to try and build these multi-use projects, but I feel they have failed miserably. For example, Ashley Square – some of you may be familiar with it – that was part of Charlotte Housing Authority. They built four one-bedrooms and 32 two-bedrooms within this nice project in SouthPark. One bedroom a thousand square foot. Poor families do not live in one-bedroom apartments. They just don't, and yet that was money that went from the Charlotte Housing Authority and our tax money that went to that. These are some of the decision makings that have been going on for ten years when it comes to public housing, and now it's a crisis. Now, they don't have money, and now what they want to do is to rehab existing housing. What Charlotte Housing has done is they have taken existing housing in SouthPark, Earle Village. Now they want to handle West Boulevard. These are prime real estate or plans of being prime real estate, and they have completed destroyed these housings, and now people are up in the air and they have nowhere to go, and now it's a crisis situation. So now the only money that is left is to work with existing housing, and the only way you are going to do that is to concentrate everything on the east and west side. Everything has been like a diamond in the rough. Ballantyne, Uptown, and the Airport going to the Airport to Uptown.

Mayor Foxx said thank you, ma'am. I appreciate you.

Vincent Frisina, Jr. said the first time that re-segregation was mentioned by Aaron McKeithan you could hear a pin drop in the room, sort of like it is right now. We wrote to City Council – all the neighborhoods – and said was Charlotte re-segregating with public housing. We went through the 2007-2008 Housing Charlotte. We watched it come back where they said it was going to be another stakeholders group. Then we went to the public forums, but each time no one has mentioned race, and it's time that we do mention race. It's very important to see and to look at the actual computations that you are using, and one of them is the fraction that you don't want to put more than 10% of public housing in any area, but why aren't you also analyzing the race factor. When you were Councilmen, and it wouldn't make any difference to me, and I think you know me, Mayor Foxx. Whether you or John Lassiter was sitting there, I would be asking what were we doing for African Americans because we had asked the question before about race. Why are they re-segregating Charlotte, and now you have these bonds, and there is not any sort of analysis on race. Patsy Kinsey, you are now the new Housing and Neighborhood Development chair. In the past two with your mom, Susan Burgess, and also Councilmember Mitchell there has been no talk about race even though we brought it up before. It seems to me that City Council has by not talking about race, by staff not talking about race you have given us the talking points to say let's not vote for this housing bond referendum at this time. The Fraternal Order of Police have said they don't want to talk about – what was it? – the DNC coming here because of no collective bargaining. What about the DNC not coming here because we can't honestly put race on the table for one of the criteria for analyzing affordable housing? That's what we are talking about. Why is race not on the table? So I'm hoping that you will defer the bonds or your decision for the bonds rather than us with this letter and looking at what we have put as a complaint to HUD to actually say there should be no funding until race is brought on the table because it does impact many African American communities and the African Americans who are not allowed to be disbursed throughout the city at this point.

John F. Wall said I am a resident of the Hidden Valley community. I have lived in Hidden Valley for 39 years, and I am also the vice president of the Hidden Valley Community Association, and I am active in some other organizations in the city that represents a minority of

small businesses. I want to just elaborate very briefly on some of the points that have been made by the previous three speakers. According to the Charlotte Quality of Life Study, my neighborhood is an example of other neighborhoods and the impact of subsidized housing and rental properties on the urban neighborhoods. For an example, we have to constantly struggle with image and reputations, and a lot of that is because of rental properties and Section 8 properties. The commitment to the neighborhood is not there whereas homeowners have a more vested interest in the properties. We have to see our declining property value in our community is stagnant in comparison with some of the other areas in town. Our houses are not as valuable as some of the other comparable houses around town, so we can't sell our house for profit or return. We also have to deal with low performing schools. Our urban neighborhoods have been inundated with non-English speaking students, which even enhanced the challenges in educating our children. Crime and safety is an issue when it comes to low income affordable housing, and I think the quality of housing. I have seen in my neighborhood some very substandard quality homes built, and it's not good for my community. Also, the Chamber of Commerce did a great cheer for the bonds, and I support that – jobs and development in our community – but on my corridor, North Tryon Street, development has been very slow, very slow -- commercial development, retail development, as well as compatible housing development. Lastly, I fear that the bonds, especially the housing bonds, is going to in most likelihood have the same effect that it has in the past. My neighborhood and some of the other urban neighborhoods are going to succumb to more low income houses being located in our neighborhoods, and that is not going to be a good thing.

Mayor Foxx said, first of all, I'm glad all the speakers took the time to come down here tonight. I do want to address some of the issues that have been raised tonight particularly as it relates to the housing bond. The first thing I want to say about that is in an economy like we are experiencing right now you have got members of the community in which all of us live who are sleeping in cars and under bridges, and you have got thousands of children who don't have any idea where they are going to lay their head tomorrow night, and that is the reality. We will fight neighbor against neighbor over where affordable housing ought to be, and yet we will let somebody sleep under a bridge. I won't do that, and I think this community won't do that. I think when you get right down to it that is what the housing bond is all about. It's about elevating the community over any individual neighborhood.

Having said that what's ironic about some of the presentations I have heard tonight is that the City is actually doing more to address some of the issues you are talking about than it has at any point in the time since I have been on Council and probably over the last 15 years. We have set out on a program to do three things; number one, to start leveraging the impact of our public and private and nonprofit sectors to start using each other more. The faith community has lots of different activities and programs and shelters that they support, but those haven't necessarily been connected up to the Housing Authority and that hasn't necessarily been connected up to the Department of Social Services and that hasn't necessarily been connected up to our city, so we just in the last two months approved a change to our housing trust fund to be able to pull all of those resources in together to start working collaboratively to try to address gaps in housing in this community.

The second thing we have done is instead of having a \$10 million bond, which is what would have happened in the normal course of things, we have increased it to \$15 million. The third thing we have done is we have started a community discussion about locational policy that will, I hope, result in some changes that are helpful to ensuring that we don't have over time the concentrations of poverty that we are talking about. One area that I think is really disturbing about what I heard tonight, which is the suggestion that we haven't brought race into the discussion, which as I'm listening to it almost has the sound that if I'm an African American I'm poor by definition, and that is not true. There are people of every race, every stripe, who are experiencing poverty right now. The issue we are having – we are not having neighborhoods that are saying we don't want people of a different race in our backyard. We are having conversations about how many people who are low income are in our neighborhood, and I think that is a distinction that we have got to talk about as a community, and frankly we are talking about it.

I understand where a lot of the sentiment is coming from because I have talked to several of you over the years. This community has always sorted things out, and I'm going to do everything in

my power to ensure that as we try to work through this very complicated, thorny, messy issue that we don't destroy our community in the process, and I hope you will help me do that, so thank you. Are there other comments?

Councilmember Cooksey said this is a subject that gets my Civics 101 juices flowing because I taught this for years, and it's good to be a part of it around the dais as well because I think it cannot be emphasized enough where the decision making is going to be made to remind folks, as one of the speakers mentioned, we have already loaded in the cost of these bonds to the property tax rates, so passing them will not result in an increase in the property tax rate. Secondly, we are fine on our AAA. Contrary to what a speaker said, I think the County, and I'm going to check around with senior staff members, the County has been warned about their AAA, but the City's AAA bond is fine and will still be maintained with these bonds passing, so those are two critical things to learn and take away from this conversation, I think, from the perspective.

Again, and forgive me if I'm a little academic on this, there is always this tension in representative democracy about folks getting elected to make decisions for everybody but where does that leave the people of the community being governed to make decisions, and bond orders are one of those cases where the people provide the direction to us, the people provide the general direction to the City, so the community of Charlotte will vote on these. I presume we are all going to vote to move this forward, so we have got the message if you want to improve the street network in your community vote yes on the road bonds. If you want to provide improvements to neighborhoods in our community, then vote yes on the neighborhood improvement bonds. For more subsidized low-income housing in our community, vote yes on the housing bonds. It's that simple to provide the direction we are going to take. It's a decision that the people as a whole of Charlotte get to make rather than having to elect us and hope that we do every individual thing that they may want us to do. Again, a bit of an academic point, Mayor, but it's one that I taught for ten years and I like to make whenever I'm telling people that, again, no property tax increase, AAA bond rating is secure, and this is the people of Charlotte directly deciding major expenditures for us.

Councilmember Cannon said I'm not going to really suggest that it be considered more subsidized low-income housing as much as it should be more mixed use housing throughout the community, and the one thing I certainly want to have captured also is that should these bonds be approved they will go toward the Housing Trust Fund board, I believe, Mr. Mumford, if I'm not mistaken on that, and as a result, where there are proper developments that can be created throughout the city those funds can be used and/or tapped by entities or individuals that are looking to actually create mixed-use housing opportunities. That's what we are trying to generate here throughout the city working towards creating a balance, not creating an area of Charlotte that is lopsided in the way that it has in housing stock. So I would hope that we would continue in that vein to move forward coupled with some of the things my colleague, Mr. Cooksey, has talked about as relates to the neighborhood bonds and street bonds. It's very important to this community that we create balance, and these bonds across the board can help us to create balance.

I, too, echo the sentiment that we need to get to an area that is balanced and away from what has been pitched as race, if you will, because again across the board, as the Mayor has stated, it is something that affects people of all colors, all backgrounds, and we need to be very conscious of that. Also, I met my first white African American, or my second actually, because he actually is from Africa, but he lives in the United States, and he's white. I want you to watch how you use these terms loosely about whose an African-American or not because the guy tried to tell me he is more African-American than I was. Don't know about that. Maybe the African part but certainly not American, but the point is that we shouldn't use terms too loose. We have to be aware that this is something that happens across the board. We are trying to create a better Charlotte, and in creating a better Charlotte, these bonds can help us to do just that.

Councilmember Carter said thank you, Mr. Cannon, I thoroughly agree with what you just said particularly your closing sentence. Improving Charlotte is our goal. There are two things we have not mentioned, and they are things I'm vitally interested in: taking apartments that have become blights because they have aged and they have not been taken care of and renovating them and making them into our mixed-use housing best practices. This is one of the things that is closely associated with this bond referendum. The other one is particularly with our faith

based/community partners we are looking at support, intentional support, for people in affordable housing, and that is proven nationwide as a basis for success, and that, to me, is a huge component of what we are trying to do – we in partnership with citizens who are committed to this issue. This is Charlotte moving together. This is how we succeed. This is how we look at problems and how we come to successful resolutions, and I was absolutely overwhelmed at the Chamber meeting, the Chamber Board of Advisors, this afternoon with their unanimous support of all three bonds, and I am extraordinarily grateful to them for their statement and leadership in this issue, and I hope that our neighbors can give us their feedback, let us work together, address the issues that are crying out in some areas apparently to be addressed, but let us come together to solve the problems that the Mayor has highlighted. It is essential that we do this for the Queen City.

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

[Motion was made by Councilmember Cooksey, seconded by Councilmember Carter, and]
[carried unanimously to adopt bond orders introduced for \$156,600,000 of Street Bonds,]
[\$32,000,000 of Neighborhood Improvement Bonds, and \$15,000,000 of Housing Bonds,]
[and adopt a resolution setting the General Obligation Bond Referendum for November 2,]
[2010.]

The resolution adopting bond orders is recorded in Resolution Book 42 at Pages 659-664.
The resolution setting the General Obligation Bond Referendum is recorded in Resolution Book 42 at Pages 665-671.

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ITEM NO. 14: CENTERS, CORRIDORS, AND WEDGES GROWTH FRAMEWORK

Councilmember Howard said we have actually been talking about this growth framework policy for the last several years dating back to 2008. Actually I started with the subject as a member of the Planning Commission and also as chair of the Planning Commission. I can tell you that the staff has gone through a very diligent process of including the public over the last couple of years as well as including City Council as well. What we are talking about is a long term framework for the way we grow as a community, so I move that we accept this.

Councilmember Kinsey said just a quick thank you to staff. I had concerns about established neighborhoods and corridors, and thanks to Debra Campbell and Laura Harmon for meeting with me and working, adding a little bit of language that would make it stronger protection for established neighborhoods and corridors, and I really appreciate that very much, and I am going to support the motion.

Councilmember Howard said I just point out the committee members that worked on this: my co-chair, Mr. Barnes; Ms. Kinsey, Mr. Cooksey, and Ms. Carter just joined us as well, so thank you for your work as well.

[Motion was made by Councilmember Howard, seconded by Councilmember Carter, and]
[carried unanimously to approve the Transportation and Planning Committee recommendation]
[concerning the Centers, Corridors, and Wedges Growth Framework.]

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ITEM NO. 15: STUDENT ENERGY INTERNSHIP AND FELLOWSHIP PROGRAM GRANT

[Motion was made by Councilmember Barnes and seconded by Councilmember Howard to]
[accept a Student Energy Internship and Fellowship Program grant from the North Carolina]
[Department of Commerce, Energy Division, in the amount of \$425,359, and adopt Budget]
[Ordinance No. 4483-X appropriating \$425,359 for a Student Energy Internship and Fellow-]
[ship Program.]

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

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

NAYS: Councilmember Cooksey

The ordinance is recorded in Ordinance Book 56 at Page 719.

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ITEM NO. 16: LEAD BASED PAINT HAZARD REDUCTION CONTRACT FOR WEYLAND I APARTMENTS

[Motion was made by Councilmember Barnes and seconded by Councilmember Carter]
[to award low bid contracts totaling \$1,489,360 for lead hazard reduction at Weyland I]
[Apartments as follows: Jasper Environmental: Project A, Phase I, \$163,152 for 18 units;]
[Project A, Phase II, \$235,664 for 26 units; Project C, Phase I, \$255,220 for 28 units; and]
[Project C, Phase II, \$109,380 for 12 units. Schultz Construction: Project B, Phase I,]
[\$256,470 for 30 units; Project B, Phase II, \$136,784 for 16 units; Project D, Phase I,]
[\$175,100 for 20 units; and Project D, Phase II, \$157,590 for 18 units.]

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

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

NAYS: Councilmember Cooksey

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ITEM NO. 17: ENERGY IMPROVEMENTS AT CHARLOTTE-MECKLENBURG UTILITIES ADMINISTRATION BUILDING AND OLD CITY HALL

[Motion was made by Councilmember Barnes and seconded by Councilmember Carter to]
[award a contract in the amount of \$179,500 to Professional Engineering Associates, P.A.]
[for the design of energy efficiency improvements for the Charlotte Mecklenburg Utilities]
[Administration Building and Old City Hall.]

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

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

NAYS: Councilmember Cooksey

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ITEM NO. 18: MAYOR AND COUNCIL TOPICS

Councilmember Barnes said I wanted to ask the Council's consent to refer an item to the Public Safety Committee. You all may recall a few months ago Chief Monroe and CMPD asked us for authority to seek funding for a community prosecution program that would benefit Eastway Division, Metro Division, and North Tryon Division. That funding was not granted. There is still enough funding in that fund that we set aside to perhaps pursue the program, and I wanted to refer it to the Public Safety Committee because it represents an opportunity I believe for us to make some major progress with respect to public safety in those affected areas, so that is my request.

Mayor Foxx said is there discussion of that. Without any objection, we'll go ahead and make that referral.

Councilmember Howard said earlier today – actually for the last couple of months the Mayor, Councilmember Mitchell, and myself all graduates of West Charlotte have been working with Ron Leper, who has a mentoring program for West Charlotte, and we have been meeting with churches along the Beatties Ford Road corridor for a couple of months trying to encourage their participation in what we are now calling the West Charlotte Mentoring Coalition. Today we had several of the big churches along the corridor commit to helping us find mentors for every new freshman coming into West Charlotte this year. What we are trying to do is create a model that can be replicated across the community for high schools that are needing that type of support. So, for the churches who have not gotten involved, I encourage you to contact the Mayor's Office – if that's okay – so we can get your information and pass it on to the folks that are involved.

The other thing I will do is take a real quick personal privilege. I normally wouldn't do this if you didn't know my mother and how much she has actually been involved in this community through her work with Mothers of Murdered Offspring. I would like to congratulate her for getting her B.A. in Criminal Justice from Pfeifer, something she put off some years ago for me. Mom, you heard the claps. That was for you, so congratulations, and thank you.

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ITEM NO. 19: CLOSED SESSION

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

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ADJOURNMENT

The meeting was adjourned at 10:08 p.m.

Stephanie C. Kelly, CMC, City Clerk

Length of Meeting: 4 Hours, 28 Minutes
Minutes Completed: September 15, 2010