

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, September 13, 2010, at 5:37 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, James Mitchell, Edwin Peacock III, Warren Turner

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Mayor Foxx said we have a number of very, very important topics to discuss during our dinner meeting here. We are going to try to get through all of them. To the speakers who are going to be presenting to us, I just ask you to recognize that we have got a lot on the plate tonight, and we are trying to get through a lot, so if you can keep your presentations pretty contained, I think you are going to get a lot of questions that may get to some other points you may have raised.

We start out these meetings with our consent items, and I would like to open it up to the Council to identify areas that they would like to have pulled for further questions and so forth.

Councilmember Dulin said tonight I have no consent items.

Mayor Foxx said, thank you very much, Mr. Dulin.

Councilmember Dulin said but I do have some comments in case somebody brings one up.

Councilmember Mitchell said No. 22, Mayor. That's Paw Creek, the SBE participation. The goal was not met, so I would like to have some discussion about that particular item. That's 22, main replacement.

Councilmember Cannon said same item, same level of discussion or information to be received.

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ITEM NO. 2:

Curt Walton, City Manager, said the first item is the 2010 Neighborhood Quality of Life report that has just been completed, and I would like to turn it over to Dr. Owen Furuseth from UNCC.

Dr. Owen Furuseth, UNCC, said what I want to do tonight in a fairly concise fashion because you all have a copy of the report later tonight is to first talk a little bit in the way of background about the Quality of Life Study for those Council members who may not be familiar with this project that has been going on for over a decade, talk about the purpose of the study, how the study (inaudible) with City staff and others, talk with you about the enhancements that were made to the study in 2010, and then present the 2010 Quality of Life findings, and finally talk about what our plans are going forward in 2012 with respect to the Quality of Life Study and other related activities.

Just again for background for those of you who are new to Council essentially this goes back to 1993 when the Planning Commission identified 73 City Within A City (CWAC) neighborhoods and collected statistical data, primarily census data, to do an assessment of what was going on in those neighborhoods and to assign a rating of stable, threatened, or fragile to the neighborhoods. In 1997, UNC-Charlotte joined this process, and it became a collaboration between the City, the County, CMS, and to essentially begin to look at data that were fresher. In other words, don't rely on the census data, which we know only come out every ten years but look for data that were locally collected so we could look at what was going on on a biannual basis.

In 2002, we extended the boundaries of the Quality of Life Study to include all the City of Charlotte and all areas the City will eventually annex, which went from 73 neighborhoods to 173

neighborhoods. In 2006, we conducted a variable trend analysis for all those neighborhood statistical areas, and I will talk a little bit more about the variable trend analysis, and, in particular, what it tells us in 2010 about quality of life, and finally just for the City of Charlotte, for the City staff, the Charlotte Neighborhood Quality of Life Study has won a number of awards, both domestic and international awards. It has actually been used as a model for cities in urban areas throughout North America in terms of conducting your own neighborhood level quality of life analysis.

Very quickly, the purpose of the Quality of Life Study is to take a look at social, crime, physical, and economic conditions for those 173 neighborhoods statistical areas, to do a statistical analysis of 20 local variables collected by the City, the County, CMS, the Police Department, and other regulatory organizations, and then to create a value or a score of stable, transitioning, and challenged for the neighborhoods. Obviously a stable classification is one we would all aspire to. A transitioning category says the neighborhood is in transition. It's either improving or it's not improving. It can be going up; it can be going down. And, finally the challenged category says there are problems at the neighborhood level that need to be addressed in order for that neighborhood to begin to move up the ladder, if you will, in terms of the categories.

We also do a trend analysis. As I said, we began in 2006 where we essentially look at those individual variables. There are 20 variables at each neighborhood level, and we say how are these variables changing in this neighborhood – what's going on. Are they improving, are they staying the same, or are they going backward. What this does then, this overall research framework, is that it allows us to compare neighborhoods against the citywide norm or citywide average, if you will, to compare neighborhoods against each other, to cluster neighborhoods and talk about what is going on in various parts of the city, so it allows us to tease out a lot of very critical information about quality of life at a variety of scales.

These are the variables that go into the Quality of Life Analysis. There's a social dimension, there's a crime dimension, a physical dimension, and from the physical characteristics of the neighborhood in finding an economic dimension. When we derived these variables going back to 1997, we essentially did a series of public meetings around the city of Charlotte and asked what was important to them in terms of defining quality of life and used that information along with data availability to decide what variables went into the model. Over time we have tried to stay with the same variables so we could conduct what we call a social scientist, a longitudinal analysis so we can compare what is going on over time.

How is the study used? Well, in the terms of the City of Charlotte utilization the quality of life data is heavily used by staff across many departments. It assists in the creation of the focus area plans, it's used to develop action and work plans, it's used for resource allocation, it's used to identify capacity building opportunities, and most recently the Housing and Neighborhood Development Committee (HAND) has considered these data to help develop the updated Housing Locational Policy. I can tell you as well that other people across this community use this data. Foundation for the Carolinas uses the data, United Way uses the data for assessment purposes, the County is using the data, and we get calls periodically from congregations and organizations that are looking for (inaudible) within the community, and we provide them with data in order to help identify what areas best match their needs.

In terms of 2010 quality of life enhancements this year, so if you have been on Council and you have seen the study in the past, one of the new things this year, the major new feature this year, is that we have developed a business corridor benchmarking tool. What we did was we took the five priority business corridors that the City has identified. With staff's assistance, we divided those into 11 market areas because some of these corridors are so long and so different in terms of their characteristics, and then we identified 39 local variables that can be used to measure what is going on in these market areas.

The idea behind this is to essentially collect the data from neighborhood organizations, collect data so that businesses, entrepreneurs, local organizations can drill down and actually see what is going on from a statistical perspective rather than just saying I think crime is going up or I think more people are riding CATS or I think this is happening in our neighborhood. This will now give them the actual data to work within those corridors. What ideally will happen and what was intended to happen is that over time then we can look at the shortcomings, we can look at the

shortages within these areas, and begin to develop healthy business corridors, healthy business market areas over time. Just as with the Neighborhood Quality of Life Study, we have developed a detailed profile page for each of the specific corridors that include these variables.

This is a map showing you the location of the business corridors and how they were subdivided into market areas. These areas, I'm sure, are familiar to you in terms of past policy decisions that you have made. These are the business corridor benchmarking areas we have identified. Again, there are 39 variables here. All of these are locally derived data, so these are data that are going to be fresh data that is updated every couple of (inaudible) as to what is going on at the neighborhood level, business level.

With that enhancement, let me turn to the 2010 Quality of Life results. These are the findings from our analysis: stable, transitioning, and challenged neighborhoods. If you are a Council member who has been studying and using the Quality of Life report, you know these results have not changed dramatically from 2008 or from 2006 or earlier. Quite simply we have a concentration of challenged neighborhoods primarily in the inner city, on the west side of Charlotte. We have a few suburban outliers that are showing up. We have stable neighborhoods primarily in our suburban locations as well as in the southeast Charlotte corridor, and then our transition neighborhoods tend to be located on the east side and in some of what has been called the second tier neighborhoods, those neighborhoods that were built in the 1950s and '60s as suburban neighborhoods.

What we can say about the findings, again, the basic geography does not change. What we can say about the findings is that over time when you compare the data to previous studies that the number of challenged neighborhoods has gone down over time, that, in fact, we have got some of our old CWAC neighborhoods that were in the challenged category when the study was first done that have now moved out of challenged, through transitioning, and now have been moved into the stable category, and that's the best trend that we see in the 2010 data. The other thing is that we have seen more of these transitioning neighborhoods in suburban locations or in those older suburban locations.

These are the results comparing 2008 to 2010, actual numbers in terms of (inaudible) across the city. If you look at the two maps, you are not going to see a whole lot of change in terms of broad color patterns. We did have slightly fewer stable neighborhoods in 2010 compared to 2008, probably two. We have fewer transitioning neighborhoods (inaudible), and we have more challenged neighborhoods moving from 20 to 27 between 2008 and 2010.

What happened here? What happened here I think is not going to be a surprise to anyone who lives in the neighborhoods and is working in neighborhoods in terms of dealing with the recession and the economic impact of the recession. The national recession (inaudible) associated with the financial sector has come down to the neighborhood level, so, in essence, it is really not a surprise. We can see this in particular when we look at those variables that are related to the economic downturn in things like food stamp recipients, change in income, and change in housing prices which took big hits in terms of the 2010 study.

If we look at the data across the entire spectrum, I think it was 173 neighborhoods, and we plot them on a distributional curve. When we look at the neighborhoods that are in our three categories, we can see certain things emerge. Number one, stable neighborhoods did the best. They were hit; there's no denying that. They took a hit, but they came out of this or are coming out of this with less damage to the quality of life than the other two categories. The challenged neighborhoods at the very bottom, you have a pattern where challenged neighborhoods are moving up. Every time we have challenged neighborhoods moving into transitioning and in some cases challenged neighborhoods moving into the stable category.

This time the barrier to get out of that challenged level, the barrier to move up got bigger. The challenged neighborhoods face stronger impediments to moving up, and the neighborhoods that really took it on the chin when you think about the overall result it was the transitioning neighborhoods. So the neighborhoods that have moved out of challenged into transitioning are neighborhoods that were in that transitioning or maybe in the stable – right on the cusp between stable and transitioning. In many ways, it's a story that is played out differently depending on what the neighborhood's conditions were to begin with.

That's the bad news. There's no denying we like to see improvement, but there is a good news piece to this that I do want to share with you because it's not all doom and gloom. That is that back in 2006 we began to construct a variable trend analysis. A variable trend analysis takes 14 of those 20 variables that have not changed since 2002, and we have got data for every two years. We then look at those 14 variables and say what is going on with those variables? Are they trending up, are they showing no change, or are they trending down, and that's how we label them into the categories.

When we look at the variable trend analysis, we can see the individual variable values are improving faster than the city wide quality of life average. Why is that the case? Keep in mind when we do the quality of life score, we take all of our neighborhoods, and they all are competing against each other. But if you start out, and Tom Warshauer and I were having a discussion before the meeting started talking about cars. If you start out with an old car or a car that is not as well equipped as a new car and you are competing against new cars, you may be moving forward, but you are not catching up or you are not catching up the way you would want to, and that is what happens with neighborhoods and what happened with the neighborhoods that are kind at the bottom. They are starting out at the bottom, and we are now asking to compete with some of our most affluent neighborhoods, and the result is they are not moving quickly.

But when you look at these individual variable scores and you say what's going on? Are the variables getting better at that neighborhood, and when you measure that, what we see is that since 2002 79 of our NSAs have trending up individual variables, ten of our NSAs having trending down individual variables, and 84 of our NSAs are in that no change category. These are two maps that show you the results. The map on the left is from the 2008 Quality of Life Study, and you can see that 78 are trending up, 82 with no change, and 13 trending down. Then when we look at 2002 to 2010 results, we have two more years of data to the record, you can see the turning up actually went up to 79, with no change is 84, and the number trending down moved down to ten.

The other part of the story here is that if you look at the neighborhoods that are trending up this is not in those neighborhoods that have been stable forever and ever and ever. So we are seeing trending up in our low wealth neighborhoods. We are seeing trending up in some of these transition neighborhoods, so the other part of the good news here is that this is more broadly spread across the city of Charlotte. Trending up is city wide whereas you think about challenged neighborhoods. They tend to concentrate in a very specific geography across the city. So the trending data tells us there are positive things going on, and the fact that we can look at 2008 and 2010 even with all we have been through and still have improving conditions in some of the trending up data I think is testament that Charlotte – times have been tough, but Charlotte has weathered compared to other cities in terms of neighborhood quality. Charlotte has weathered pretty well. Again, compared to 2002, the numbers are (inaudible) and the other part of the good message as I said was the fact that this is citywide.

So where are we going with this? What's next? City Council approved the neighborhood energy challenge grant that we got from the Department of Energy. We are using funding from that grant to do a couple of things. Number one, we are going to revise our neighborhood boundaries. This is not something that we take lightly because we love the fact that we have got data – we can look at long records of data, but quite frankly we (inaudible) with neighborhoods that in some cases are very small and some neighborhoods that are huge, so you are talking about neighborhoods that back in 1990 for a single public housing project, and then we have neighborhoods that have 15,000 households. So when we look at differences like that, we either reach the point where we can find problems with the statistics, so we are going to be revising the boundaries trying to look for smaller neighborhoods or neighborhoods where there is now a sense of community interest.

Councilmember Kinsey said are you speaking of neighborhood areas or specific neighborhoods? I think it's a great study, but I have problems because it doesn't take the specific neighborhood, and when you lump them in together, sometimes it doesn't give a true picture of a certain neighborhood. So are you talking about individual neighborhoods or statistical areas?

Mr. Furuseth said we are going to try to come up with new boundaries that, A, reflect what the neighborhoods say is their boundary. We are going to avoid consensus boundaries and simply lumping people together for convenience sake. We are going to try to do more to equalizing the size of some of the neighborhoods. Now, with that said, there are some neighborhoods that are very large that are very well organized, and there is no way we would go in to say Myers Park and say Myers Park we actually are going to turn you into separate areas because there is a community of interest if you think about Myers Park. But there are other areas particularly in the suburban parts of the city where the boundaries (inaudible) simply subdivisions. There are a couple of subdivisions that were drawn together in one boundary (inaudible).

Councilmember Kinsey said I'm elected from District 1, and we have a lot of smaller neighborhoods. I guess my question would be – let's just take two small neighborhoods right off North Tryon – Lockwood and Graham Heights. They are both very small neighborhoods. It would be logical to lump them together, but don't call them Lockwood. That would not make them very happy.

Dr. Furuseth said this process is going to be driven down from the neighborhood as well. It is just not us sitting (inaudible)

Councilmember Kinsey said you can tell I'm a neighborhood person. We are really not changing the names of the neighborhoods. This is really just for the study.

Dr. Furuseth said we never (inaudible)

Councilmember Dulin said so we have got this nice document, and we have used this over the years, too. I mean this is good work, but now you tell us that you are going scrap the boundaries that you use here and redo your boundaries. How much of your data is going to get lost, how are you going to save that data, how much is it going to cost to reboot the entire effort?

Dr. Furuseth said all the data that is there will be saved, and it's down to very small geography. What is possible going forward (inaudible). We do realize that going forward we can't have such enormous (inaudible) in the size of neighborhoods (inaudible)

Councilmember Dulin said we'll see if it works.

Councilmember Peacock said can you provide us the names of the neighborhoods or regions of stable, transitioning, challenged by district for this Council, and my second question is what are the largest and the biggest contributing factors for a neighborhood going from challenged and transitioning to stable? What are those factors?

Dr. Furuseth said the way the model is set up all the variables are equally weighted, so there is no weighting within that. With that said, we have (inaudible). Crime tends to be (inaudible) four different kinds. If you have crime problems, that's going to be (inaudible). We have three school related variables (inaudible). What we look for, what you see, are clusters of variables in there. (Inaudible) We look for interrelated variables (inaudible)

Councilmember Peacock said I don't think you are evading my question. I think you have got some very good empirical data here, but I'm looking to strip it into real terms that if I'm in a transitioning or challenged neighborhood what can we do as a neighborhood to get out of that and what can this board do to help facilitate and support CMPD or either support our brothers and sisters at CMS to help them in that manner? I think to strip away from that a little bit you just alluded to the neighborhood energy challenge. That is something we are going to have for neighbors that we can measure that we hope this office can come back to us and bring us some success from that. Do you anticipate the neighborhood energy challenge to help to possibly bring a neighborhood that is transitioning or challenged into stable?

Dr. Furuseth said we are going to look at the methodology (inaudible). Foreclosure is huge now. In fact when we started this process in 1997, there was not (inaudible). If there is a way we can look at those variables and (inaudible) we will do that. Your first question about how can a neighborhood improve itself. I think that is what the city has done (inaudible). They look at the data and say there is a problem here with this. Let's find a solution, let's find resources, so over

the years they have done that, and that's why we have had neighborhoods that have gone from the very bottom to (inaudible). Going forward, and I'll wrap this up, Mr. Mayor, as a part of the Neighborhood Energy Council we will be looking at this neighborhood (inaudible), looking at the boundaries. We are also looking at the methodology and the way we say stable, transitioning, and challenged to try and make it perhaps fair for low wealth neighborhoods. We are going to be implementing (inaudible), and part of that is the idea that we are looking at business conditions, and we should look at (inaudible). Look for bridge building opportunities and partnering between green energy, school, quality of life.

Mayor Foxx said this study is really a great example of the collaboration between the City of Charlotte and UNC-Charlotte, and we appreciate the work you have done in the past and appreciate the continuing work you are doing with this, so thank you.

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ITEM NO. 3: CENTER CITY FARMERS' MARKET

Mayor Foxx said we have Charlotte Center City Partners here to talk about a very exciting opportunity here around the farmers' market, so who is going to do this presentation, Mr. Manager?

Curt Walton, City Manager, said Mike Smith from Center City Partners.

Michael Smith, President, Charlotte Center City Partners, said we have got an exciting opportunity that we have been exploring, and it's the idea of bringing a city market back to Charlotte. The concept is looking into creating a permanent, year-round, indoor/outdoor market facility open probably four to six days a week initially with a focus on locally grown produce and locally raised proteins. It would look to be multicultural in its products and its businesses but would primarily focus on food and complimentary products. The market concept guiding principles that we are looking at are low prices, high quality, unique offerings, and then multicultural vendor diversity.

Project history – This is one that we have been working on for believe it or not over 15 years. The history of this goes back to the creation of the Center City Green Market, which has been around for 12 years. Two years ago we moved it to the Square where it went from operating just on Saturday mornings to now it's four days a week at the Square, and it's been very well received. We made a run in 2009 to look at another site on Fifth Street, and we hired David O'Neil with Projects for Public Spaces to evaluate the site. His counsel was that it was the wrong site, so we did not proceed with that. It was near the arena.

Then again earlier this year we decided with the encouragement of Edwin and others, Edwin and also Dr. Dan Murray, both with a great passion for markets to please look further into this. As we began to look into it, we decided to bring David O'Neil back to town, and you may recall that we did a joint study with the City and with the County, each of us funding it one-third. It was a feasibility study, and that feasibility study looked to measure potential market demand, vendor interest, and then site selection. We got the report in June, and the results were that David felt we had sufficient economic demand. They did a gravity study for how the market would be supported. He also met with potential vendors, farmers, and merchants and found that there was adequate strong interest and potential there. As far as recommended sites, there were two sites. They evaluated about eight sites. The two sites that were recommended – one was near the Transportation Center or a part of the Transportation Center, and the other was around the Seventh Street Station.

The opportunity here for Charlotte we think is this year-round market that could be a small business incubator. If this market, when it's really humming, should be able to be a real creator of jobs. It should be able to create about 30 to 40 small businesses. If you look to it at its full build-out, which means probably five years out, it could create 100 jobs through those small businesses that operate inside this market. It has the potential to address food deserts. We have communities, neighborhoods throughout our city that have poor access to fresh fruits and vegetables, but by putting this at the center of our transportation system, we have the opportunity

to allow those neighborhoods to be able to access this and the 70,000 workers in our Center City, which is our largest concentration of office with 40% of the office space being in the Center City. We also think it has a great opportunity to, as it matures, become one of the “must” visits, and if you look at the role city markets play in other cities, it definitely has that potential.

Here’s the exciting part and why it took us 15 years. We just didn’t find the right site until now, and that’s why we wanted to bring it to City Council for consideration. It’s the former Reid’s Fine Food site. We mourn the loss of Reid’s uptown. The role they played in the development of our residential base uptown can’t be overstated, but when they did leave, we began to have conversations with Bank of America about what that site would become. It is one of our finest transit-oriented development sites, and it needed to be a very active use and one that complimented transit, complimented our investments in transit, and that’s why we think this is such an incredible opportunity.

It has great access and visibility. It has a great ability to have outdoor space and indoor space because of the right-of-way it controls. It has convenient parking. The term sheet that we have from Bank of America offers an hour and a half free parking for guests to the market. It’s adjacent to the transit stop obviously. It has Imaginon on one side with a great connection to the families of our community, Levine Museum of the New South, Discovery Place right up the street, and then Parks and Rec is really excited about ideas of doing co-programming. If you look the location right next to Dixie’s, this part of the park is being planned for very active programming, and the idea is we could have a Saturday market there where farmers are able to bring in their trucks and have a more robust farmers’ market as opposed to the city market, but let them be part of one production. This is a rendered image done by Shook Kelly. Terry and Stan are both here from Shook Kelly and have done some advanced work for us to be able to begin to represent what this could look like.

Our thoughts on governance for this is we do not want this to be a committee or the work of Center City Partners. This is work of passion, and it is powerful enough that we think it can stand on its own and needs its own board and its own staff and has a model that we are enabling that will allow it to be self-funding and be able to stand on its own. We would be glad to provide back-office support for the first three or four years, accounting support, things that would help it launch properly. We would look for it to be its own 501(c)(3). We would pay to have the papers drawn up to create those by-laws and help create that organization. We would like a member of City Council to serve on that board of directors. We recommend that and also someone from the County Commission, but then again a thoughtful structure to it. It would have two full-time employees is the recommendation of our consultant and a market manager and assistant market manager and then three part-time custodians.

Partners we are looking at for this are the City of Charlotte, Mecklenburg County, Bank of American has stated their strong support for this and has given us a set of terms for the operation of this that the market can support. Balfour Beatty Construction has offered because of their relationships with Bank of America and the amount of work they do with Center City that they would like to make a big contribution to the construction of this upfit. There is also some great conversations we have had with research and educational institutions.

To make this all possible though, we had to take one more step. There will be a ramp to creating an entity like this. The way I shared this with our board of directors is this is not a slam dunk creating a market like this. It’s retail, and you have to create 30 and 40 small retailers to make it really work, so there is going to be a ramp where the leases paid by the tenants will not reach the amount of cost it will take to operate. So Carolinas Medical Center has agreed to be our founding sponsor and partner for this. It is a five-year partnership. We are thrilled by it. Russ Garren is here with us. Thanks for joining us today. Russ is an executive vice president with them in their business development. This is part of what makes it possible, and I think it’s a great demonstration of the way the business community wants to see this occur, and there’s a quote of support there Michael Tarwater regarding its connection to Live Well Carolinas and the goal of prevention and wellness.

Why we’re here today – to enable us to do this we are going to need to transform the space where Reid’s Fine Foods was from a grocery store and open it up into a market. It is going to need to have an indoor and outdoor component to it. It’s going to need to have connections

across the street to the new First Ward Park, and in order to do that, we are going to need support in the form of a grant is what our request is to do this upfit work. Our guiding principle is going to be to absolutely minimize the amount of changes that need to be made. As a comparable right now, the City of Boston is creating its own city market, and they are going to do it on the greenway, which many of us saw in our inter-city visit to Boston. Their city is spending \$10 million to create it. The beauty of this location is all the coolers are there, the tables and chairs are in there, there is a lot of rack space, there are display cases, there is a kitchen, there is venting for a kitchen. We want to put a café up front. It's like the second owner of a golf course. That's what it takes because it's so expensive to create this kind of space.

As far as our next steps – our next steps would be if supported for the upfit work through that grant would be to hire an architect and a market specialist, to bring David O'Neil back to town to help us be strategic about the way we put the vendor mix together, to establish the 501(c)(3), hire the market director, approve vendors, establish the board, and we hope to open in the spring.

Councilmember Cooksey said you cited this Boston one that is under development. About what size are they contemplating?

Mr. Smith said I don't know the square foot. Cheryl, do you remember?

Unidentified Speaker said they are taking the Hay Market, which is a huge outdoor market that has operated for years in Boston and bringing it inside. That's why the market construction costs. We can find out for you.

Mr. Smith said we are glad to get you that information.

Councilmember Cooksey said I ask because what concerned me about the examples you were kind enough to provide, and I appreciate the information you gave me, is that the vast majority of the examples you gave me were multi-acre sites that had been in existence for 27, 50, 100, in one case 150 years, all of which predated the modern development of the supermarket, discount store, super center method of delivery in the private sector for food. My main concern as I look at this is that 13,500 square feet in doors plus even whatever spill-over you have is just not sizeable enough to be a going concern that would be actually attracting anybody especially when I factor in just down the light rail line – I know they changed their name recently – but you have the Home Economist there, which has a business plan of getting local fruits and vegetables, preferably organic, to sell the folks, so I worry about cannibalizing that business, too, with this kind of things.

My next question to you, and it will probably be my last for this one, would be how does this tie into the Levine project that this Council voted on last year that included the construction of a market street from 7th to 9th. I thought that was going to be the catalyst for a later development of a market once that was in place, one that might have the size to actually be something that is an attraction as opposed to this, which I consider to be still fairly small scale compared with other public markets you pointed me to.

Mr. Smith said according to our consultant he wanted us to find space that was about 10,000 square feet and was thrilled to have something that could expand to 13,500 and would have that kind of room. We have a good amount of outdoor space that is not part of that 13,500 that could add another 5,000, 6,000 square feet easily to that footprint. We think it's the right size, we think it's one we can grow with, and with the kind of programming that we could potentially do with Imaginon, with their plaza, and with having the park across the street, we really think this is a great place for us to start. Having to raise and develop those vendors one at a time, that's the difference of this market is it is a different experience from going into a grocery store. You are able to go and meet someone who is either the farmer or the person raising the hogs and know them or a member of their family and develop that kind of relationship. They are renting small amounts of space. It's normally kind of 10x20 type areas, and they are able to rent it either on a month-by-month, some a little longer, and then some day rentals. But it creates a great mix of entrepreneurship, and this is part of the foundation of creating retail in our Center City is this kind of opportunity.

Councilmember Dulin said talk to us a little bit about your ability to expand outside your boundaries of your box and go more linear along the light rail line both directions. Of course, you have a street right there you would have to cross, and talk a little bit about next to Dixie's on a busy Saturday, but also CATS might do it or Real Estate or Curt. We have to be protected that they don't encroach in on A) let somebody get in front of the trains or in the trains or mess with passengers. CATS is putting tape around the things a couple of years ago for non-ticketed passengers. So I'm a little bit concerned about the encroachment. A lot of people is what you want, but talk to us about that, please.

Mr. Smith said we are going to have to be really thoughtful about that, and that's one that we will work closely with CATS regarding. I think part of the magic of this is the fact that this is actually on a transit stop, and I think there are incredible opportunities for awesome urban design, the kind of urban design that makes our system celebrate. This could be the picture that demonstrates the kind of transit system that we have here in Charlotte. Warren, I didn't fully answer your question. You asked about Daniel Levine and his interest in this project.

Councilmember Cooksey said Market Street from 7th to 9th.

Mr. Smith said with Market Street. Daniel has been engaged in this from the beginning – loves the idea of having a market there. He is exploring ideas of creating a market district, and Market Street will come right out the front door of Reid's and go from 7th to 8th to 9th Streets. We think it holds a lot of promise for this being an anchor and then there being more private sector investment to create market friendly kinds of things up Market Street. Right now the plan is to create parking on the east side of Market Street next to the tracks and that on Saturdays those could become places for vendors as well. Andy, I hope that also answers yours about being able to move more linear. We did not picture going further south, but, again, what we really want to do is we want to create the infrastructure and then put people that are passionate about markets into this.

Councilmember Dulin said so we can move it along, Michael, real quick, what is the neighboring business south? What was next to Reid's?

Mr. Smith said that's LaVecchia's.

Councilmember Dulin said it goes all the way to the corner.

Mr. Smith said yes.

Councilmember Peacock said, Michael, could you go back to your slide with the overhead and has the graphic of where this market would anticipate to be. First, a comment. Michael, maybe you could walk up and re-describe what you just talked about for Daniel because when we began this discussion – when Michael began this discussion and his group began pulling together City, County, the consultant, bringing together the ideas of where would it be best in Charlotte, what Michael is not telling you is that we went through a pretty exhaustive process of looking all across the city for the market ideas that had come up with the old Virginia Paper Mill building, which is just behind the stadium there -- a wonderful building, very charming, but not a real sense of place – not a real place that you would want to come to.

One of the successes that this location brings to us is that you have got to have somewhere between, I believe, Michael, eight or ten different reasons for someone to come to that destination in order to make it successful and to give it a market chance of succeeding and to be a successful small business. They are already going to have their challenges unto itself, but the location I think is what makes this so unique primarily because of some of the things you just mentioned about Daniel, but as I brought the comparable of Portland to this situation where the analogy becomes very, very similar is the fact that we have UNCC there, we have a thriving and growing uptown region, we have mass transit, we have a children's museum right near there, and we have the birth of the First Ward Park, which has been absent for everyone here adult life for the most part, so things are coming together for this site, and I think the Reid's opportunity was one that no one expected when we began this in March. Michael, you just mentioned that –

Mr. Smith said Market Street will come right out the front door of Reid's. He used the map to illustrate his comments. (Away from the microphone – inaudible) The idea is to picture a canopy system that creates shade on the edge of that transit stop at 7th Street Station.

Councilmember Cannon said, Mr. Smith, thank you and others for the fruit of your labor. We appreciate that and bringing this to us. I have got a couple of questions with regard to some things that have been mentioned and others that are new. Our history has been when we typically want to do something in Charlotte we may go elsewhere to look at best practices, and then, of course, tweak it to what fits the Charlotte marketplace, and I see that is apparently what you have done here and commend you for that. One of the things of interest happens to be for me the return on the investment for the taxpayer at the ask of the \$1 million you have set forth, and I heard you make mention of something with regards to it standing on its own, that is, the market. It concerns me a little bit that we want it to stand on its own and not do at all what needs to be done in terms of making sure the facility itself is being marketed accordingly.

We right now have seen the effects of what the lack of marketing could potentially do to some of our facilities right now, and so it would be my hope that there would be another idea over the three to four years that people can know exactly what is there and not assume it is established they will come. With that, you made mention of the multicultural business diversity piece, you talked about you are going to have to really be thoughtful about some things that Mr. Dulin had brought to your attention. Can you let us know right now is there a timeline of some sort you are operating off of?

Mr. Smith said, yes, we would like to open the market in the spring, so in order to do that, we need to be under design this fall and begin construction in the December, January timeframe to target kind of an April opening. We really do want to be able to hit the spring and be able to open this market as the weather turns.

Councilmember Cannon said given you said you need some time to think through a few things, and by the way, I thought there were some great questions posed to you. I would love for you to have that feedback and not feel like we are in a hurry to rush to judgment, if you will. That said, Mr. Mayor, and members of the Council, I would like to ask if we might refer this to the Economic Development Committee for further discussion on the matter if indeed that is something that the body would support.

[Motion was made by Councilmember Cannon and seconded by Councilmember Mitchell to]
[refer this item to the Economic Development Committee.]

Councilmember Howard said just to go along with that motion when were you asking for a decision tonight?

City Manager Walton said the 27th is what the original request is. September 27th.

Councilmember Howard said I had a question – well, it's about the motion. When I talked to you about the market, Michael, I mentioned to you my concern about – well, not a concern. I think it's a great idea, but how to address maybe some of the other markets in town like the Historic West End Market, and you gave me a response that I thought would be good to share with this body.

Mr. Smith said we think that healthy regions are going to have a network of markets in the future. There is room in a market for grocery stores, mega big box stores, and for these neighborhood markets. We think the introduction of this market has the potential to make all the markets healthier across Mecklenburg County. We want this market to organize an association of Mecklenburg markets and to work with those other markets. We think that having a market that is open five and six days a week has a potential to allow farmers or merchants to have more throughput to be able to create higher yield, more products, because they know the market will be there. We think this market will have to that point, Mr. Cannon, about the strength of this market and its need to market itself that is part of our pro formas, and there will be a very active marketing plan for it. Center City Partners will help. That will be more help marketing the market. We think through the education that this market provides in partnership with Carolinas Medical Center and with our other partners that the education and marketing budget will accrue

value to all the markets in Mecklenburg County. We have had conversations with the leadership of the Historic West End Market and also the Atherton Mill Market to let them know we were working on and beginning to have those connections.

Councilmember Barnes said, Mr. Smith, I have generally positive feelings about the concept. I share some of Mr. Cooksey's concerns and echo a couple of them, and also I have a perhaps process type question regarding the funding itself. It's up to a million, and I suppose our source of funds are economic development. I happened to have a conversation with someone who runs a farmers' market, and we talked about this concept in general. One of the questions that eventually came out of the conversation was if you all are going to invest public money in private property and assisting a nonprofit, why not establish an RFP type process for other people who want to start or refurbish market space. I don't think that is a bad question because I have never really viewed that area as being in need of economic development the way we have viewed the Central Avenue corridor, the Beatties Ford Road corridor, Wilkinson Boulevard. I come at this issue with those reservations, but I can appreciate what you are trying to do.

Mr. Smith said I think that we are finding that these are incredible pieces of infrastructure for neighborhoods. It's probably something that is worth evaluating. I think that is what we are talking about doing here is creating a place of community so that when our guests come to Charlotte they have to come to and see this market because it's a reflection of the kind of community we are.

Councilmember Barnes said for me the issue would be to take that million dollars though and open it up, which might have an impact on what you are talking about, but I understand what you are saying.

Councilmember Cannon said I think all the points that have been risen really go right back to the ask a moment ago with regards to maybe seeing a little bit more on paper, helping us get our arms around it a little bit more and taking a look at those pro formas if indeed you can provide that. That's the kind of thing I think we need to have rather than make a decision in the dark, if you will.

Mayor Foxx said there is a motion pending to refer it to Economic Development. Any further discussion of that motion?

Councilmember Dulin said I can read up on this and make a decision. I'm on that committee. I mean I'll come sit through the meetings if you want me to, but I can make a decision on this in a couple of weeks without having to go to committee and will probably not vote to send it to committee.

Mayor Foxx said there is a motion pending, and it has been seconded.

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

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

NAYS: Councilmembers Barnes, Dulin, Peacock

Mayor Foxx said that carries, so it will be referred to Economic Development. Just be mindful of the timeframe that has been laid out there, and we'll try to get it turned around as quickly as possible.

ITEM NO. 4: NORTH CORRIDOR URBAN LAND INSTITUTE PANEL STUDY

Mayor Foxx said finally tonight we have the North Corridor Urban Land Institute Study. I happened to have an opportunity to join one of the sessions on this, and I'm going to say at the outset here welcome Brian and welcome Carol. There has been a whole lot of discussion about our transit system and what the next sequence is on projects and so forth. I want to say at the

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outset that for all of my friends out in the northern towns Charlotte participated in this study, and there has been a significant amount of money invested in the design process for the north corridor. I'm frankly growing more irritated by the conversation I'm hearing about whether Charlotte considers the north line a priority or not. The whole transit system is a priority. If we can't start talking about it that way, we are going to have some challenges going forward, so I'm looking forward to this presentation tonight, but I wanted to give you that overlay because I am a strong supporter of our transit system, and by that I mean the entire system, but the dialogue has got to improve. Thank you.

Brian Jenest, Commissioner, Town of Davidson, and LNTC Member, said I'm on the Davidson Town Board and Chair of the Lake Norman Transportation Commission (LNTC) along with Carroll Gray, Mayor John Woods of Davidson, and Mayor Jeff Tarte of Cornelius, who are here to give you the abridged version of the ULI study that you all also participated in. I wanted to welcome Dave Howard as a member of our group. He is participating because we do see this as not only the Lake Norman Region from Cornelius, Huntersville, Davidson, and Mooresville, but also north Charlotte from downtown to NorthLake and I-485. So, Carroll is going to run through this presentation and then we can address any questions.

Carroll Gray, Executive Director, Lake Norman Transportation Commission, said, Mr. Mayor, we hear your admonition regarding working together as a team, and we couldn't be more agreeable to that approach. Brian mentioned that our study was done in January of this year, and we had good interest from the community. We hired the Urban Land Institute to work with us in creating a concept for economic development for the north Charlotte area. By definition in our discussion, it would be from Gateway Station north to Mooresville. I realize we are going into another county, but frankly speaking the concept of a regional transit system encompasses more than one county.

Why ULI, why is the Urban Land Institute a good partner? They are independent, worldwide recognized, have no local ties, no axes to grind, and, by the way, they conducted the corridor studies back in 2001 with a grant of \$500,000 from the State of North Carolina to study all of our corridors as a preamble to encourage development along the transit corridors for the region. Frankly, they are affordable. Local involvement, as Brian mentioned, we had 30 businesses and seven government partners, the four towns including the City of Charlotte, Mecklenburg County, and CATS. We had over 100 different participants in the process including elected officials, staff, and the volunteers, and the format was a series of private discussions with the ULI panel.

What we got out of this was new ideas. By the way, there is a printed copy of the ULI report, which we will hand out following my presentation. We asked ULI to give us an economic strategy for this reason, but they also said that we did not have a clear message for the region, and we were not articulating that very well, so the job is up to us. So the most obvious short-term benefit from the study as we gathered was to help widen I-77. The growth projections for this part of our region in the next 20 years would be another 200,000 that will be coming to that corridor. They also said we an additional north-south corridor in addition to I-77. They said we should get additional east-west connections over I-77 all the way from I-485 north, and that we should consider managed lanes for an accelerated congestion relief measure to widen I-77, so we are excited about that. MUMPO just last month committed \$5 million of CMAC funds for this purpose. NCDOT is asking for an additional allocation from the Tiger 2 fund to help create a gap funding to enable us to widen I-77 with a managed lane, HOT lane, from Exit 28 to downtown Charlotte.

We also got some new ideas for transit, and this would be more of a mid-term – three- to five-year window – that the transit frankly is a framework for economic development for the north corridor, but it's a framework not just for the north corridor; it's a framework for economic development for the northeast corridor as well as other corridors within the plan. They said that Charlotte and the Towns should increase density. Go ahead and do that up front to encourage a development community; that the north line, the red line, provides strong return on investment and jobs, and the red line supports the Gateway development in downtown Charlotte, and I'll come back to that in a minute.

As part of the ULI panel, we had six developers participating, and they submitted their financial projections as of January of this year to the ULI panel. What we did is we compared a build

versus no-build scenario. Five of these six developers projected a \$2.4 billion capital investment over a 15-year build-out, and 19,500 jobs if the transit line actually gets built. Three of these five developments are within the city limits of Charlotte, and this does not include in this data the Gateway Station. Annual tax revenues for this particular geography would exceed \$31 million a year payable to Mecklenburg County, the City of Charlotte, and the Towns, which is a substantial number, and the total financial impact would frankly be larger than that because this was just for the developments that had been part of the study.

But communications is our challenge and is key to success. Charlotte north needs a clear story to tell, and the north and west of downtown has not been a priority for development as we all know for a long time. Opportunities abound for convenient business and residential investment, and this area is far more than just a lake or recreation area. It has everything that we could have or that we could want, and I-485 frankly when it's completed will open up this entire corridor for development and growth in the next ten to 20 years.

So, the value of the ULI report after nine months of reflection it provides us an outside assessment of our potentials and gives us a strategy. It gives us some new ideas, but it also summarizes our current thinking. Much of what is in our report came from many of you and others that gave them your ideas. It helped jump start some fresh thinking and provides a focal point for discussion of new opportunities. So, speaking of a new opportunity, obviously funding is a great challenge. Federal, state, local government are facing reduced revenues, and transit funding strategies need rethinking. The State of North Carolina was innovative in funding I-485. As you remember, it is design/build finance, which involves upfront private money in that project to help accelerate 485, and private capital can frankly stretch public revenues.

Looking ahead I'm sure we believe in our country's future. We have all been shaken by the recession, but we have a belief in our future that the previous presentation showed that indicators are improving citywide, and I believe in the Charlotte region's future, and I think the affirmative is that we all believe, so let's review what we can do going forward. We have untapped assets in our community with two of the largest banks in our nation. We have examples of innovation from both throughout the country and around the world. For example, long-term bonding might be a concept in funding. Last week I read that Norfolk-Southern has issued 100-year bonds frankly for the third time. That's an amazing concept for me, but it's a reality in the marketplace.

So, a new strategic plan, the LNTC believes, would be a good idea for our transit system. For example, what's happened recently to affect transit? There are new federal policies in the works. High speed rail is coming to our community. High speed rail was really not given high value when we created this concept of the 2030 Plan, but by the work of Secretary Conti and others, we have a lot of money being spent in Charlotte for high speed rail over the next few years. A new developer partner for the state and Charlotte is needed for Gateway Station because the train is going to have to have somewhere to stop, and I hope we don't stop it out on North Tryon Street.

So, maybe the question we should think about is how do we enhance the Gateway project in downtown? Gateway needs traffic to succeed. One idea is to review the airport-downtown bus transit line as a viable option to bring traffic to the Gateway Station. Also look at the north and the red line daily traffic to Gateway as an additional traffic generator, and review the streetcar connection between Gateway Station and the Square as another connector between the two transit lines and the Arena.

The 2030 Plan and the MTC is projecting increased costs, maybe even an additional 12-year build-out, for the blue line project, which is estimated something around \$1.2 billion. The transit sales tax is yielding about \$60 million a year, and the capital investment gets about \$20 million of that \$60 million for capital investment, which is about one-third of the total of the transit sales tax. All other transit options are lower priorities under the current plan, so there must be a bigger, better vision that can bring us all together, Mr. Mayor, and get us focused on going forward.

It may be worth considering that NCDOT is providing expertise to our community to look at the private investment strategies for transit – initially for the north line, maybe for other lines as

well. CATS is considering innovative financing consulting as we speak. Bank of America, Wells Fargo, and other investment expertise maybe should be tapped. I mentioned the Norfolk-Southern 100-year bond. They are a partner of CATS in several places already. So, what's the possibility of long-term financing of our system to actually help build it out and pay for it over a longer period of time?

In conclusion, Councilman David Howard advocates value capture as a new concept for transit return on investment. I heard Councilmember Cannon talk about return on investment earlier in this meeting. Mayor Foxx, you have said we need to be flexible and seek financial assistance where we can find it. We agree with that. NCDOT is making a huge investment in our community in high speed rail. The federal government will fund projects with land use economic development along with passengers using transit. Just this week President Obama has suggested a \$50 billion infrastructure bank for roads, rail, and airports, something that is a great opportunity for us, but things are happening very fast. Senator Clodfelter, who is from our community, says to us in a meeting just recently, "Bring us a plan for the state. We'll help you get it done."

So, we would suggest that we have a window of opportunity for the next six months. Let's gather new data, evaluate the impact of high speed rail, make no irrevocable decisions until a new strategy, a new strategic plan, is completed, and request strong leadership and involvement from you, Mayor, and members of Council in this transit concept. We had that initially when we started. Mayor McCrory spent a lot of his political capital in promoting transit and still does, so let's get excited about transit as an economic framework for our community again, and let's get us all behind something that can be an investment that gives us a return on investment for the next 20 to 30 years.

That concludes our comments. Brian and I would be pleased to try to respond to any comments or questions you might have. But, one thing I would like to say. Neither Brian nor I are opposed to proceeding with all speed on our northeast project. That is not something we think – please be assured we are not opposing the northeast corridor. We are suggesting that we need a multi-line strategy for the system going forward considering a lot of things that have happened and looking at new opportunities. So, that's it, on the record for that.

Mayor Foxx said questions?

Councilmember Howard said not so much questions, Mr. Mayor, but just a couple of things to share. The first thing I want to do is thank Mr. Gray for coming down and sharing this with us, and not so much just for this plan, but I have been talking to him and others over the last couple of months, and I have been reminded of his leadership when he was at the Chamber and getting the whole concept of light rail going, so I wanted to thank you for that publicly for your hard work over the years to get us to this point. One of the things that I didn't say quite the way you said it at the onset, Mayor.

Mayor Foxx said want me to repeat it?

Councilmember Howard said, no, sir, I heard you. Over the months that I have gone up there, I have actually become very comfortable with the fact that our friends up north are just asking for some attention. They are asking for some help. But like the plan said I-77 or the red line because it is a fast growing area, and that's one of the things I have done by spending time up there, by bringing different things like value capture to the table, is trying to actually bring ideas to the table that are helpful. I think the spirit of camaraderie is what we probably need more in this situation than anything else because we need to continue to talk. Mr. Gray has brought actually some new ideas that we probably should – the MTC should maybe set up a committee and look at, but I would hope that going forward we do care about the whole system, and that's all parts of it – the lines, the east, the streetcar, everything – we should care about the whole system because it is probably the single most important investment that we'll make in our generation as leaders in this community, and we should be serious about it. So camaraderie I think is what I'm espousing here that we continue to do some talking and figure out the whole thing.

Councilmember Carter said your proposal for public-private partnerships really resonated with me with that railroad situation. I think this is probably the greatest value, and I'm absolutely thrilled at that concept. Are there other cities in the States and abroad that we can consider? Is there a paradigm that exists?

Mr. Gray said absolutely. About a year ago I heard a very good speech from the mayor of Pittsburgh -- speaking about the options around the world. His whole speech was about the various things that are happening and are not necessarily happening in the U.S., but we should look around and take some clues from some other people.

Councilmember Carter said if you could suggest and we could study them, I would be very grateful.

Mayor Foxx said, Carroll, I am going to, first of all, thank you for coming. I actually asked you all to come after talking to Mayor Woods and Mayor Tarte and Mayor Swain, and Mayor Tarte and Mayor Woods are here with us tonight, so I want to acknowledge them from Cornelius and Davidson respectively. I think I'm going to say this a little redundantly but basically the same thing I have already said. What I'm trying to convey to you is that you have an advocate, you have advocates at this table, but the methods of communication have been challenged, and I'm not going to go into it in this forum.

If you look historically at where we are with our transit system, there has been I think it's somewhere on the order of \$15 million invested in planning for the north line. I have done some digging around to try to figure out how could we advance that line to get it built faster, and the truth of the matter is that there are all kinds of things like negotiating with Norfolk-Southern over the rail space and further design issues that have to happen, and what I'm basically trying to say, and I'm just giving you feedback, is that what some of the discussions sound like is that there seems to be some indication that maybe we should not move forward with something like the northeast line that is already in the federal process and move forward with another line that isn't in the federal process, and that's significant because if you look at the process as it is today, it is earmark driven, it is formula driven, and I heard what the President said last week, and I absolutely agree that there are opportunities perhaps in what he is talking about to look at a bigger pie than a shrinking pie, but when you are dealing with the status quo, it is an earmark driven process.

If you get projects in the process and then you pull them out, it doesn't help you with putting projects in in the future, and, in fact, I think it hurts you. It hurts all of us because if we can't get projects moving we can't keep the system growing, and Wake County has gotten out of the process. They are trying to get back in, but that's an example of what happens if you yank things around. So, my point is that you do have strong City leadership that wants to move this system forward, but we really have to grapple with the fact that we are seeing flat sales tax revenues and we are seeing a shifting environment at the federal level that is shifting it appears to be more towards grants than it does to earmarks and other things, and that may be an opportunity for us. It really might be an opportunity for us. We are really going to have to work together to get there, and I know Mayor Woods and Mayor Tarte and I have had lots of good conversations, and I'm very optimistic that we will get there, but we have got I think be a lot more positive about what's happening than some of what I'm hearing or at least what it sounds like to me. That's my two cents.

Are there any other questions or feedback here? I do agree with what Mr. Howard said that transit is a transformative, positive thing for our community, and this line and some of the things -- not even just the line -- but dealing with some of the road issues are going to be not just good for the northern towns. It's going to be good for the City of Charlotte. So, we are partners, and we will keep working towards this.

ITEM NO. 5: ANSWERS TO MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Eric Campbell, Assistant City Manager, said we received a question from Councilmember Carter on Item 20, the Irwin Creek Wastewater Treatment Plant overhead electrical distribution

line. Her question was why are we using the overhead lines? There is a lot of underground congestion at the wastewater treatment plant, and it's easier to identify problems within the electrical system above ground rather than digging underground, and there are no trees at the facility which would be a problem with inclement weather occurring.

We received a question from Councilmember Mitchell and Mayor Pro Tem Cannon regarding Item 22, the Paw Creek Force Main Replacement. We don't have the details tonight about why they didn't meet the required SBE. We do know that they did receive 175 points of the required good faith effort which qualified them for it.

Councilmember Mitchell said, staff, is this time sensitive.

Mr. Campbell said my understanding is it is not. On Item No. 33, the traffic signal communication equipment that was asked by Councilmember Carter are we putting in more fiber underground on the project? We will not be putting in new fiber optics there. The lines are both connected through fiber and copper. What we are doing is putting in fiber that would increase the capacity of existing copper, and this process is really cheaper than putting in all new fiber.

Councilmember Carter said is that detrimental to our road surface?

Mr. Campbell said I don't believe so. I believe 35 was just for information, Ms. Carter. That's it, Mr. Mayor.

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The meeting was recessed at 6:58 p.m. for the Council to move to the Council Meeting Chamber.

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BUSINESS MEETING

The Council reconvened for the regularly scheduled Business Meeting at 7:13 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

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

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AWARDS AND RECOGNITIONS

PRODIGY DIABETES CARE, LLC RECOGNITION

Mayor Foxx recognized Ramzi Abulhaj, President, and Rick Admani, Chief Operating Officer, Prodigy Diabetes Care for their receipt of the Export Achievement Certificate presented to them on May 20, 2010, by Deputy Commerce Secretary Ro Khanna.

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CONSENT AGENDA

[Motion was made by Councilmember Cannon, seconded by Councilmember Mitchell, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of]
[Item Nos. 22 and 35, which were pulled for discussion.]

The following items were approved:

19. Contract to the lowest bidders for construction of water and sanitary sewer mains along existing roadways in Mecklenburg County under the Street Main Extension Program to the following companies: Dellinger, Inc., \$1,205,226.03, and Davis Grading, Inc., \$1,477,826.55 for Utilities.

Summary of Bids

Contract #1

Dellinger, Inc.	\$1,205,266.03
Davis Grading, Inc.	\$1,274,400.55
State Utility, Inc.	\$1,428,593.30
Propst Construction Co.	\$1,626,139.70
RH Price, Inc.	\$1,626,139.70

Contract #2

Davis Grading, Inc.	\$1,477,826.55
State Utility Contractors, Inc.	\$1,538,243.30
RH Price, Inc.	\$1,581,769.80
Dellinger, Inc.	\$1,722,807.63
Blythe Development Co.	\$1,863,979.75

20. Contract to the lowest bidder, Williams Electric Co. in the amount of \$223,360 for the construction of an overhead electrical distribution line at the Irwin Creek Wastewater Treatment Plant for Utilities.

Summary of Bids

Williams Electric	\$223,360.00
E&R	\$229,888.40
Pike Electric	\$272,215.56
Ell Electrical	\$289,105.00

21. Contract to the lowest bidder, Propst Construction Co., for unspecified water and sewer repair services in the estimated amount of \$2,054,103 for Utilities.

Summary of Bids

Propst Construction Company	\$2,054,103.00
State Utility Contractors Inc.	\$2,203,276.60
Sanders Utility Construction	\$2,258,555.50
Atlantic Coast Contractors	\$2,612,419.45

22. Contract to the lowest bidder, BRS, Inc. in the amount of \$6,431,874.23 by BRS, Inc. for construction of the Paw Creek Force Main, and award a contract to Hazen and Sawyer in the amount of \$208,050 for construction-phase services for the Paw Creek Force Main project.

23. Contract to the lowest bidders for construction of four 2009 annexation areas to the following contractors: Northern Outfall: Buckeye Construction Co., \$2,224,798.84; Southern Outfall: Davis Grading, Inc., \$1,717,494.90; South, Phase A: RH Price, Inc., \$2,164,483.86; and South, Phase B: Davis Grading, Inc., \$1,277,342.83; and award contract to Santec Consulting Ltd. in the amount of \$446,525 for construction-phase services for the Hood Road South 2009 annexation areas for Utilities.

Summary of Bids

Northern Outfall

Buckeye Construction Co., Inc.	\$2,224,798.84
Spur Construction	\$2,326,516.84
Sanders Utility Construction, Inc.	\$2,400,515.15
Davis Grading, Inc.	\$2,448,631.41
State Utility Contractors, Inc.	\$2,451,915.40
Garawco, Inc.	\$2,586,735.14
RF Shinn Contractors, Inc.	\$2,994,495.57
Dellinger, Inc.	\$3,239,652.77
RH Price, Inc.	\$3,507,189.40

Southern Outfall

Davis Grading, Inc.	\$1,717,494.90
Spur Construction, LLC	\$1,811,922.83
Propst Construction Co.	\$1,878,216.56
Blythe Construction Co.	\$1,883,970.00
Buckeye Construction Co.	\$1,930,823.68
RH Price, Inc.	\$1,938,186.25
Monroe Roadways	\$1,967,319.37
State Utility Contractors	\$1,978,729.28
Sanders Utility Construction Co.	\$1,997,854.54
BRS, Inc.	\$2,012,706.96
Dellinger, Inc.	\$2,114,247.30
RF Shinn Contractors	\$2,184,262.30
Garawco, Inc.	\$2,776,235.33

South, Phase A

RH Price, Inc.	\$2,164,483.86
Garawco, Inc.	\$2,248,370.80
State Utility Contractors	\$2,503,572.34
Davis Grading, Inc.	\$2,518,556.10
Propst Construction Co.	\$2,666,021.05
Triangle Grading & Paving	\$2,679,236.67
Sanders Utility Construction	\$2,690,248.77
RF Shinn Contractors	\$2,776,516.27
Dellinger, Inc.	\$3,260,032.93

South, Phase B

Davis Grading	\$1,277,342.83
Buckeye Construction Co.	\$1,325,885.06
Blythe Development Co.	\$1,373,927.50
Spur Construction	\$1,427,835.20
RF Shinn Contractors	\$1,437,555.02
State Utility Contractors	\$1,452,693.22
Sanders Utility Construction	\$1,459,024.71
Propst Construction Co.	\$1,492,075.20
Garawco, Inc.	\$1,588,350.20
Yates Construction Co.	\$1,658,424.24
RH Price, Inc.	\$1,670,870.85
Triangle Grading & Paving	\$1,694,393.10
Dellinger, Inc.	\$1,759,148.93

24. Purchase of ultra low sulfur diesel and unleaded gasoline as authorized by the State contract exemption of G.S. 143-129(3)(9), and award a unit price contract to provide ultra low sulfur diesel and unleaded gasoline for a term of one year to Mansfield Oil per State Contract #405 in the not-to-exceed amount of \$300,000.

25. Grant from the Governor's Crime Commission in the amount of \$303,912.12 for the GangNet system, and adopt Budget Ordinance No. 4504-X appropriating \$303,912.12 in funds from the Governor's Crime Commission.

The ordinance is recorded in Ordinance Book 56 at Page 748.

26. Six-month contract with Plant CML for the purchase of Emergency 911 System support and service in an amount estimated to be \$84,286.50, and authorize the City Manager to approve up to two, six-month contract renewals.
- 26a. Purchase of police vehicles as authorized by the State contract exemption of G.S. 143-129(e)(9), and contract with Capital Ford for the purchase of 75 Ford Crown Victoria vehicles per State Contract #070B in the estimated amount of \$1,545,375.00.
27. Contracts for citywide customer satisfaction survey services for an initial term of three years with a combined estimated annual expenditure of \$140,000 for the two following service providers: MarketWise and The Jackson Group, and authorize the City Manager to approve up to two additional one-year renewal options as authorized by the contract and contingent upon satisfactory performance.
28. Resolution accepting a Federal Aviation Administration (FAA) grant in the amount of \$5,246,089 for Airport projects related to the new runway, and adopt Budget Ordinance No. 4505-X appropriating \$5,246,089 in FAA grant funds and transferring \$3,670,000 of 2007 Series B General Airport Revenue Bonds to the Debt Service Fund.

The resolution is recorded in Resolution Book 42 at Pages 700-701

The ordinance is recorded in Ordinance Book 56 at Page 749.

29. Low bid contract of \$1,257,500 to Clary Hood Inc. for construction of a new fire station access road.

Summary of Bids

Clary Hood, Inc.	\$1,257,500.00
Scurry Construction, Inc.	\$1,335,743.65
Blythe Development Company	\$1,494,482.00
Site Works, LLC	\$1,551,167.54
E.S. Wagner Co., LLC	\$1,606,964.20
Blythe Construction, Inc.	\$1,649,925.00
Triangle Grading and Paving, Inc.	\$1,779,668.70
Dellinger, Inc.	\$1,833,101.00
D.H. Griffin Infrastructure	\$1,865,013.70
United Construction, Inc.	\$1,888,964.00
Showalter Construction Co.	\$1,946,440.00

30. Acquisition of a remanufactured airport fire truck from Company Two in the amount of \$350,000, and Budget Ordinance No. 4506-X in the amount of \$350,000 from the Airport Discretionary Fund to be replaced with future grant proceeds, future General Airport Revenue Bond proceeds, and/or Passenger Facility Charge revenues.

The ordinance is recorded in Ordinance Book 56 at Page 750.

31. Three-year contract with Contego Systems, LLC to operate a consolidated aircraft deicing facility at the Airport, payment to US Airways, Inc. in the amount of \$484,355 for the acquisition of their remaining glycol fluid on site, payment to Piedmont Airlines, Inc. in the amount of \$178,350 for the acquisition of their remaining glycol fluid on site, contract with Aviata Systems, Inc. as authorized by the sole source exemption under NCGS 143-129(e)(6) in the amount of \$130,000 for the acquisition of IceGuard computer monitoring equipment on 20 deicing trucks, and Budget Ordinance No. 4507-X appropriating \$130,000 from the Passenger Facility Charge Fund for the acquisition of the IceGuard System.

The ordinance is recorded in Ordinance Book 56 at Page 751.

32. Five-year agreement with The Paradies Shops, LLC (“Paradies”) to provide retail concessions in the passenger terminal at the Airport for \$9.9 million in rent plus 50% of its profits.
33. Contract with Hatteras Networks, Inc. for traffic signal communications equipment for an initial term of three years in the estimated annual amount of \$310,189, 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 authorized by the contract.
34. Contract with SimplexGrinnell for the installation of perimeter security and access controls for CATS South Tryon and North Davidson bus facilities in an amount not to exceed \$353,700.
36. Change Order #1 in the amount of \$233,474 to Ferebee Corporation for the Jefferson Phase 3 storm drainage improvements.
37. Contracts for rapid response environmental services with: 1) Harvest Environmental Services, Inc. in the amount of \$90,000; 2) Haz-Mat Environmental Services, LLC in the amount of \$90,000; and, authorize the City Manager to approve up to two, one-year renewals each for Items 1 and 2 for an amount not to exceed \$90,000 each.
38. Contract with Blue Ridge Emergency Preparedness Group, LLC for homeland security related planning, training, and exercise services for the term of two years in the amount of \$255,020.
39. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$12,130.99.

The resolution is recorded in Resolution Book 42 at Pages 702-703.

40. Resolution of intent to abandon Emery Street, a portion of N. Church Street, and an alleyway off Ashby Street, and set a public hearing for October 11, 2010.

The resolution is recorded in Resolution Book 42 at Pages 704-705.

- 41-A. Ordinance No. 4508-X authorizing the use of In Rem Remedy to demolish and remove the structure at 4427 A & B Monroe Road (Neighborhood Statistical Area 57 – Echo Hills Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 752.

- 41-B. Ordinance No. 4509-X authorizing the use of In Rem Remedy to demolish and remove the structure at 6500 Park South Drive (Neighborhood Statistical Area 194 – Quail Hollow Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 753.

- 41-C. Ordinance No. 4510-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1135 N. Alexander Street (Neighborhood Statistical Area 45 – Optimist Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 754.

- 41-D. Ordinance No. 4511-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2153 Highland Street (Neighborhood Statistical Area 13 – Ashley Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 755.

- 41-E. Ordinance No. 4512-X authorizing the use of In Rem Remedy to demolish and remove the structure at 200 Mill Road (Neighborhood Statistical Area 26 – Biddleville Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 756.

- 41-F. Ordinance No. 4513-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3310 Parkway Avenue (Neighborhood Statistical Area 21 – Lakewood Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 757.

- 41-G. Ordinance No. 4514-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3008 Rozzelles Ferry Road (Neighborhood Statistical Area 26 – Smallwood Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 758.

- 41-H. Ordinance No. 4515-X authorizing the use of In Rem Remedy to demolish and remove the structure at 705 Tennyson Drive (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 759.

- 42-A. Acquisition of 7,583.28 square feet in sanitary sewer easement plus 9,387.85 square feet in temporary construction easement at 5532 Hucks Road from James U. Davis for \$14,600 for 2009 Annexation (Hucks Road) Sewer Improvements for Spring Park Qualifying Area, Parcel #3.

- 42-B. Acquisition of 16,505 square feet in sanitary sewer easement plus 11,122 square feet in temporary construction easement at 2630 East 7th Street from Eastover Odyssey, LLC for \$6,920,700 for Briar Creek Relief Sewer Phase 2, Parcel #11.

- 42-C. Acquisition of 17,445 square feet in storm drainage easement plus 2,913 square feet in sidewalk and utility easement plus 2,800 square feet in conservation easement plus 7,765 square feet in easement to be abandoned plus 14,228 square feet in temporary construction easement on Conway Avenue from Conway Associates, LP for \$56,600 for Conway/Briabend Storm Water Improvements, Parcel #2, #3, and #24.

- 42-D. Resolution of condemnation 5,303 square feet of storm drainage easement plus temporary construction easement at Greenfield Commons Drive and 5331 Rea Road from Amherst Green Townhome Association, Inc. and any other parties of interest for \$6,675 for Rea Road Widening/Improvements, Parcel #98, #99, and #100.

The resolution is recorded in Resolution Book 42 at Page 706.

- 42-E. Resolution of condemnation of 7,664 square feet of fee simple plus temporary construction easement at 5235 Shadow Pond Lane from James C. Dutton, Jr. and wife, Elizabeth J. Dutton, and any other parties of interest for \$41,675 for Rea Road Widening/Improvements, Parcel #107.

The resolution is recorded in Resolution Book 42 at Page 707.

- 42-F. Resolution of condemnation of 7,403 square feet of fee simple plus storm drainage easement plus temporary road easement plus temporary construction easement at 4400 Carmel Estates Road from Jeffery L. Walker and wife, Emily Blanchard Walker, and any other parties of interest for \$80,425 for Rea Road Widening/Improvements, Parcel #116.

The resolution is recorded in Resolution Book 42 at Page 708.

42-G. Resolution of condemnation of 40,863 square feet of fee simple plus storm drainage easement plus slope easement plus temporary road easement plus temporary construction easement at 4500 Carmel Estates Road from Angus W. Mercer and wife, Joyce M. Mercer, and any other parties of interest for \$67,600 for Rea Road Widening/Improvements, Parcel #117.

The resolution is recorded in Resolution Book 42 at Page 709.

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ITEM NO. 22: PAW CREEK FORCE MAIN REPLACEMENT

Councilmember Mitchell said I just had a conversation with Barry Gullet, and what I would like for Council to do, if we can, to delay this item until the September 27th Business Meeting particularly as addressed to SBE participation goal. We established a goal of 6%, and on this item we only achieved 2.45. This is a \$6.4 million project, and I just think if we can increase our SBE participation it will be a great story for this Council to a commitment of jobs, jobs, jobs. I would like to make a motion to defer this item to September 27th.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, and]
[carried unanimously to defer this item to September 27, 2010.]

* * * * *

ITEM NO. 35: ROBINHOOD/DOOLEY AND VARIOUS STORM DRAINAGE IMPROVEMENT PROJECTS

Councilmember Carter said this is to warn the residents of the east side that we have some stream improvements coming in the Robinhood/Dooley area. It's over half a mile of a stream that leads into the McAlpine Creek. It begins at Albemarle Road. The second point is Lake Point Water Quality Pond Project, and that is replacing the spillway and repairing the embankment, so that's from the corner of Albemarle Road and Lake Forest Road. So east siders we are getting some better water quality.

[Motion was made by Councilmember Carter, seconded by Councilmember Kinsey, and]
[carried unanimously to approve contract amendment #1 with Kimley-Horn and Associates,]
[Inc. in the amount of \$640,000 for various storm drainage improvement projects.]

* * * * *

ITEM NO. 8: PUBLIC HEARING ON REVISIONS TO THE TREE ORDINANCE

The scheduled public hearing was held on the subject item.

Councilmember Barnes said I was going to ask simply whether we have 18 speakers on that item whether we might allow each speaker two minutes on the topic.

Stephanie Kelly, City Clerk, said we have 22 now.

Councilmember Barnes said we have 22 speakers on that topic – whether we might allow each speaker two minutes.

[Motion was made by Councilmember Barnes, seconded by Councilmember Dulin, and]
[carried unanimously to allow two minutes for each speaker on this topics.]

Mayor Foxx said we'll do two minutes per speaker on this because of the volume of speakers.

Councilmember Peacock said I don't believe we have a staff presentation tonight; do we?

Curt Walton, City Manager, said we are prepared to do a short one or go with the speakers, whichever you prefer.

Mayor Foxx said why don't we do a presentation very briefly? I think that would be a good idea.

Councilmember Peacock said let me just simply introduce what the purpose of this evening is. This is the public hearing. This has been an extensive process. The time I was elected in November of 2007, the very moment I was elected, I heard about the tree ordinance and the extensive amount of work that has gone into this process. Charlotte is clearly the city of trees. We care about it greatly. This ordinance tonight is about both tree saving as well as tree planting, and it combines both. Its focus is primarily on commercial development. The process over really the past year has been about cost and benefit amidst the recession, making sure we get this right, and being very deliberate, and answering the question how will this impact our community. So, I'm going to save the majority of my comments possibly at the conclusion after hearing your comments this evening. We are thankful you are all here.

We do want to acknowledge a couple of special stakeholders that are in the audience. First from REBIC, Real Estate Building Industry Coalition, Mr. Andy Munn has been involved in this from the very beginning as well as the majority of his constituents who he has engaged in the subcommittee that was involved. We want to recognize the Sierra Club, particularly the efforts of Chatham Olive, Chris Buchanan, Rick Roti, an extensive amount of time involved in this, and we are just extremely appreciative that you are here to help us think through this and to work with staff. Finally, on the staff level, we have to thank Julie Burch, Tom Johnson, Dave Weekly, whom we have heard from on a regular basis this year, and we thank you all. So, we'll go to the staff presentation and then hear your comments.

Tom Johnson, Senior Urban Forestry Specialist, Engineering and Property Management, said tonight we are going to bring you about five years in extensive stakeholder process work regarding revisions to the tree ordinance. The highlights of the revisions are primarily an increase to the commercial tree save requirement, which is going to add flexibility to the requirements for the tree ordinance. That is really the heart of the change. It is basically better tree protection measures and giving the development community more options when they develop commercial properties. There were some small changes to the tree planting requirements, but by and large it's just increasing the number of trees in our parking lots and better tree protection measures.

Unidentified Speaker said as was spoken there was an extensive five-year process, and the good news is through those five years of the stakeholder process there were 22 proposed revisions and 20 of those were consensus items, and two of those items required more discussion and deliberation, and we worked through that through the stakeholder process and then through discussions with the Environment Committee and moved those two forward as well. The two non-consensus items were related to additions to existing sites and how to handle that and also the payment in lieu option.

During the dinner briefing when we presented this to you, there were comments made about how these proposed revisions would enhance the tree canopy and reverse the trend that we determined during the urban ecosystem analysis or the tree canopy study that there was a negative trend of tree loss that we wanted to try to reverse, so you asked the questions of how those proposed revisions would help reverse that, and we submitted a paper with you as part of your package today and just basically hitting those highlights. It increases the tree save requirement for commercial properties from an on average of approximately 7% to 8% of what is currently preserved for commercial sites within the setback to requiring a 15% tree save requirement anywhere on the site. That will go a long ways in helping reverse that trend and also provides flexibility to the development community to provide tree save anywhere on site rather than just in the front setback, which oftentimes creates other conflicts. So that in itself will help preserve and protect and enhance the tree canopy. It also requires existing sites to plant street and parking lot trees when making certain additions to existing sites for additional developments, and we are requiring more tree plantings in parking lots, which will also go a long ways in reversing that trend.

Andy Munn, 1201 Greenwood Cliff, said as a member of the stakeholder committee for the past two years, I'm pleased to support a vast majority of these revisions such as the preservation of trees in the front setbacks, the treatment of neighborhood services zoned properties, the recognition of greenway trails and utility easements, and the increased number of parking lot trees that will in time canopy seas of asphalt and reduce the heat island effect. From an economic development perspective, one of the most crucial items upon which consensus was reached is the additions to existing sites. The agreement on this provision will provide for the protection and expansion of tree canopy when properties are redeveloped into more economically viable uses. The remaining issue that the development community would prefer receive further attention is the payment in lieu amount. As currently proposed, the payment in lieu amount is at 90% of the average land value, which works out to about \$81,000 an acre; however, according to the Mecklenburg County GIS, the remaining vacant land in the City of Charlotte is at \$23,000 an acre, which is a significant difference. The more accurate this payment in lieu figure is the faster the city can grow and fully leverage the payment in lieu money into planting trees throughout the city where they are most desperately needed. Thank you very much for your time and allowing me to serve on the committee.

Jon Morris, 1318 Carlton Ave., said thank you, Environmental Committee – Edwin Peacock, David Howard, Nancy Carter, Andy Dulin, and the Burgess' spent a ton of time on this, and I want to thank you guys for that. Myself, I'm a 34 year long Charlottean, but I'm really speaking to you guys as the industrial partner at Beacon Partners, a real estate development firm that has been around for about 21 of those years, and I work with about 300 customers. I was very proud to see Prodigy Diabetes. They are one of our tenants that is expanding and growing, and we are looking to grow with them. Those are the type of folks that I'm here to talk for tonight. I also participated on the cost benefit analysis subcommittee for the tree ordinance, which I think was a very cool addition to this process and also participated as a stakeholder on the post-construction controls ordinance committee. This was a five-year process with a lot of detailed analysis and discussion, and I want to add much consensus. The purpose, which has already been read, but I think it's worth restating, to protect our tree canopy by improving tree planting and protection measures while at the same time offering flexibility and options for compliance. I think it's been really well done how the City staff has married the post-construction control ordinance requirements with the new tree ordinance requirements. That's really well done. I suppose the biggest thing I'm here to talk about is economic development especially in times like these when it becomes apparent that we need to encourage new business investment in jobs to expand and relocate within and to Charlotte-Mecklenburg. That's companies like Siemens, Husqvarna, Prodigy, Electrolux. What they are looking for is a cost effective home for their business, but at the same time they want to balance that with lifestyle. Trees encourage that lifestyle, and I'm a big supporter of them. There are two areas where we seem to be having a little bit of friction. First is exempting redevelop. What I look at that as doing –

Mayor Foxx said if you have written comments you can get them to the Clerk and we can get them sent to us as well.

Elaine Powell, 5453 Marengo Cir., said I am here as a citizen of Charlotte. I'm here to request a strong tree ordinance that will advance environmental stewardship and sustainability in Charlotte. I ask you to approve revisions to the Charlotte tree ordinance that are consistent with the recommendations from American Forest. I ask you include current commercial sites that make additions to also be required to provide tree save just like new development sites. There should be no easy way out of tree save. I ask for no cap on the payment in lieu fee so that trees will be saved. As an advisory group member who worked on the Catawba Area Plan, I also ask you to consider drawing urban growth boundaries like the ones they have in Oregon to save areas where the tree canopy is extensive in Mecklenburg County. The Catawba area, and I have to speak for the Catawba area, it encompasses 4,800 acres – 2,900 of these acres are tree canopy. This means 60% of the Catawba area is covered with trees. This is very significant for Mecklenburg County. I urge you to pass a tree ordinance that has strong teeth – strong teeth like maybe an alligator.

Ken Szymanski, 4139 Sulkirk Rd., said I'm speaking tonight on behalf of the Greater Charlotte Apartment Association, a group that houses over 150,000 Charlotteans, and the main point we want to make is should all developments of similar size have the same calculated fee regardless of the income strata of their customer base. We suggest an exemption from payment in lieu for

housing developments with a public subsidy component and further proportionalizing the payment for the income strata in market rate developments. Thank you.

John Porter, 1520 South Blvd., said I'm on the tree ordinance stakeholders committee since its inception in 2005, and I'm a multifamily developer in town and past president of the Greater Charlotte Apartment Association. While five years of thought, debate, and craftsmanship has, in my opinion, produced a better and more workable policy document, I would be remiss if I did not tell you the stakeholder process is flawed. First off, five years is far too much of anyone's life to spend rewriting a single set of regulations as important as these are. As you can imagine, committee members, staff development, and environmental came and went, and with that we lost significant institutional memory. Many of these regulations hinge on the knowledge and interplay of other rules within the ordinance. Frankly, staff's suggestions about what could and needed to be done and the timeframe necessary were simply just too ambitious. Other complex development ordinance revisions were on staff's plate at that time, and you know about those. It is extremely difficult to attract thought leaders from the development, design, and environmental communities to such a process, and I ask that this Council make it their priority to fix the stakeholders process. As to the tree ordinance, what is being presented to you is far and away more protective of the environment, much clearer to the development community, and more easily enforceable by staff than what is currently on the books. In my mind, that represents a goal achieved. Please understand there can be no question that this raises the costs to live and work here. Members of the stakeholders committee from all disciplines went to extraordinary lengths to catalogue the costs and the benefits of these changes so all debate was fully informed. It would be incorrect to say that the consensus was achieved on all issues because it most certainly was not. Compromise and acceptance were had on almost every policy issue save redevelopment and payment in lieu, which we concluded required political decisions, which were made by the Environmental Committee and presented to you tonight. However, consensus was reached that we should present this document to you as the best and the most thorough of what we could agree on, and, in my opinion, it is worthy of your passage. Thank you for your service.

Patrick George, 6348 Sharon Hills Rd., said I am the owner and operator of Heartwood Tree Service here for 31 years in Charlotte, and I'm in it because I love trees. I grew up here. I have been in Charlotte since 1960. I have seen this area be many things. Back in the '70s and '80s, we were a tree city, proud and sublime in our livability. Trees were truly the crown of the Queen City, and the thought of anything less was unimaginable as losing First Union or NCNB. Year after year of national tree city awards helped heartily garnered attention. It was assumed we would win them, and we all took it for granted. Since 1985, things are different. According to the American Forest Report, at least in April, we have lost almost half of the queen's crown. We are not the bank town we were so proud of just two years ago, and we are not quite the energy town we yearn to be, but we still have our identify as a city of trees, and, you, my hard working public servants, are charged with the trust to protect our queen's crown. We need to have teeth in the ordinance to show that we really want to keep and grow our inspiring crown. It's one of the top reasons we have this hope of future development. Good and fair laws aren't walls against growth. They are canvasses that inspire the creativity that brings truly great development and pays homage to this place we call home. Please take the time to make the right adjustments to show that you honestly do cherish the trees that make the queen's crown the treasure we all know it to be.

Chatham Olive, 2501 Tanglewood Ln., said, Patrick, that was lovely – really, just very well said. Okay, pop quiz. Now, you guys should know this. What is the first thing people see when they go to the Charlotte City Council Web site? Trees – great, big, beautiful, mature trees. Not puny upstarts, not a field full of mud washing more red dirt out in the storm drains for the City to have to fix. Now, let me ask you something. What is the value of our trees here in Charlotte? You know, when I look around tonight – when I first came here – I thought there are going to be a bunch of people here who think trees are pretty much good for nothing. Well, I'm not seeing those people, and I'm not hearing them, and I just think it's wonderful. Of course, there are probably some people wondering why it took five years to get these revisions done. I don't want to put a hardship on anyone, but I also want to be fair about what the majority of people around here want, and what they want is a strong tree ordinance. If you put this to a referendum that everybody in Charlotte-Mecklenburg could vote on, how do you think it would come out on the ballot? Would you vote for trees? I think we all agree that constituents in this city want you, the

City Council of Charlotte, to put a high value on what trees we have left in this town, and I'm very encouraged that all of you are going to conserve this great resource by voting for what the majority of people want. Five years of delay is long enough, but we got some great work done thanks to all the good people on the tree committee, and I hope to see this go forward tonight.

Sherrill Hampton, JCSU, 100 Beatties Ford Rd., said we just wanted to give you the other side of the story, but first let me say we love trees, too. We think they are beautiful, and we don't want the scrawny ones; however, for quite some time now, and this letter is in your packets that you are receiving, and I'm going to move about in that letter, so I beg your indulgence. I want to get it all out there. For quite some time now, leaders of our community, including our illustrious Mayor and you City Council members, have recognized the lack of affordable housing opportunities in Charlotte. According to statistics contained in the recently completed Charlotte Housing Authority study entitled, "A Comprehensive Affordable Housing Market Study for Mecklenburg County," the problem is large in scope and expected to worsen. We applaud the Council's decision to go to voters with a request for \$15 million in bonds for affordable housing; however, so much more needs to be done including taking a closer look at how local regulations such as the proposed tree ordinance amendments affect housing costs, and, therefore, housing affordability. We understand that regulations like the tree ordinance are designed to enhance neighborhood quality and protect the environment; nevertheless, we maintain the quality of life begins with a standard and affordable home. We acknowledge that substantial progress has been made in developing consensus on the proposed tree ordinance amendments as they pertain to nonresidential commercial properties. By all means, if consensus exists, then the Council should move to adopt those proposed changes. However, the Affordable Charlotte Cabinet respectfully urges the Council to defer adoption of any tree ordinance amendments that will impose additional costs on the multifamily housing sector. We ask that you defer it, and we ask that you send it to the Housing Committee.

Bert Green, Habitat for Humanity, 3815 Latrobe Dr., said I want to thank everybody again, all those folks who participated in the process. I'm before you tonight to plead on behalf of Habitat for Humanity of Charlotte and others who develop affordable housing in our community and that you consider yet again a disparate impact the tree ordinance has on the cost of providing affordable housing for citizens of our community. I love trees. At Habitat, we have begun building townhomes and we have begun examining the additional cost experience as a result of the development ordinances under consideration which now include the revised tree ordinance. I beg of you to get some outside input to examine these ordinances and their impact on our ability to provide the most affordable housing with the resources we now have at our disposal, yet again we are before you tonight to discuss a quality of life issue. May I suggest to you until the nonprofit community has time to examine the cost impact of these ordinances with the others under consideration we are not proceeding prudently regarding the quality and quantity of affordable housing we can build in our community. At Habitat, we are currently considering a multifamily unit for townhome construction, and this ordinance with others under consideration will reduce the number of units we have the opportunity to build. As I understand the ordinance, there is no opportunity to mitigate tree save with planting of trees as was mentioned earlier. I call your attention in the material that was previously given to you of the pictures of Myers Park when it was first built – not a tree there. All the trees that were there were planted by builders, and I encourage you to consider an alternative that will enable those who are building affordable housing and others to mitigate tree planting with new plantings as well.

Collin Brown, K&L Gates Law Firm, 2800 Briarcliff Pl., said I have prepared remarks, but with the cut time, I'm going to jump around a little bit. Typically I'm here representing real estate developers. I am not. Tonight I'm here on behalf of the Affordable Charlotte Cabinet, and to be clear, I have heard from both Andy Munn and John Porter and many folks in the industry that industry representatives have been involved in this process for five years, and they are largely comfortable with the amendments, so I want to make sure I'm very clear about that. We are here tonight really speaking on behalf of the thousands of families in Charlotte that already can't afford a quality home. Those folks unfortunately don't have the time, the resources, and the expertise to spend five years in a stakeholder process, and one of the things we have done over the past couple of years is realize how those families are impacted by local regulations, so we are here tonight at the public hearing to raise those issues. Again, I was not involved in the stakeholder process, and so I started looking closely at the draft ordinance when it became available in the last couple of weeks. I want to be clear that our group as we talked about it we

are not opposed to the amendments as a whole. In fact, we have tried to focus very narrowly on the portions of the proposed ordinance that would impact affordable housing. One of the things I wanted to do tonight is when I heard the term “commercial tree save area”, I certainly think of commercial uses like retail, office, and industrial, and I bet that a vast majority of Charlotteans when they hear “commercial tree save ordinance” they think commercial. I don’t think everyone appreciates that commercial tree save provisions are going to apply to churches, to schools, to multifamily housing, so that’s one of the real reasons that I’m here tonight speaking with you. I want to make sure you are aware of that and make sure that those in our community are aware that this is going to affect multifamily housing, churches, schools. We want to call your attention to that. Now, our letter does say –

Mayor Foxx said we’ll find out when we read it.

Marty McCarthy, Regent Schools of the Carolinas, said I will be even quicker than anyone you have had here tonight. A year ago our former president, Bill Clinton, passed the word out to his friends. He said, “Americans haven’t caught on to something yet. For the last ten years, work harder, make less.” Work harder, make less; work harder, make less. During that time, economic policies passed by various governments in various locals drive up the basic costs of living creating new categories of homelessness. I’m sure you are all familiar with what Community Link would tell us about the couch homeless. They can no longer afford their rent. They ask if they can sleep on your couch for a couple of hundred bucks a month. Just recently *The Wall Street Journal* carried the article August 10th, “Incomes Fall in Most Metropolitan Areas”. Of the 306 metropolitan areas with residents over 50,000, 223 had declining incomes, and Charlotte’s income decline was 5.7%. While incomes are going down, ordinances are passed that drive up the cost of housing because those costs will simply be passed on to the consumer. We are together creating more homelessness. I hope you will not do that.

Don Harrow, Piedmont Public Policy Inst., said I am here in support of trees, but I’m also here in support of affordable housing and to express my hope, the hope of the Affordable Charlotte Cabinet, that as you consider the tree ordinance amendments you pay adequate attention to understanding how the proposed tree ordinance will affect multifamily development costs thus rents and affordability. I think you have already heard, but I want to reassure you again that no one associated with the Affordable Charlotte Cabinet is against trees or doesn’t understand the importance of a vibrant tree canopy to Charlotte’s long-term value and community quality; however, in view of Charlotte’s demonstrated need for more affordable housing, we believe it appropriate to at least question whether imposing additional development costs on a segment of the housing market that provides the greatest number of affordable housing units represents the right balance between protecting the environment and providing for the needs of people. The Charlotte Housing Authority recently had an affordable housing study conducted. Among its findings are the following: Total renter households in need, 49,053; homeless population, 4,477; couch homeless population, 12,552. All of that totals over 66,000 households currently today that are in economic need, distressed, and overburdened. The study further states that the supply of affordable rental housing for lower income households is projected to decline over the next 20 years. The aggregate social cost for our community here today for failing to address adequately Charlotte’s affordable housing needs is estimated to approach \$50 million annually, and lastly, the study states as one of its policy recommendations reducing the cost escalation of housing. According to City staff, Charlotte has approximately 1,400 acres today currently zoned for apartments. A 15% tree save –

Mayor Foxx said, again, for those who can’t get through their comments, you can leave them with the Clerk, and we’ll have them circulated to us.

John Crawford said I applaud the City Council’s decision for being environmentally sensitive to the desires of many citizens of this community as you wrestle with the tree ordinance and multifamily housing issues. Many of those citizens have never experienced being homeless or having to spend more than 50% of their income for shelter for themselves or for their families. When you are spending 40 to 50% of your expendable income for housing, there is little left for food, clothing, transportation, education, or other necessities. Today as our poor economy continues and jobs that support the working poor have disappeared, rental housing is usually the first and only option for those who have the littlest amount of money to spend. It amazes me that we have not looked for ways to lower housing costs. Local land use regulations drive up the cost

and force our lowest income families to spend their greater percentage of their income for shelter. Though we may not be able to increase incomes in our community, we can have a remarkable impact on housing prices by simply removing some of the more costly regulatory obstacles and land use restraints. This would put more money into the pockets of those who need it most, where it can be used for food, shelter, clothing, education, and other necessities. Mayor Foxx, Council members, I encourage you to delay your vote on this matter until you have more time to study and look at the impact of this ordinance and how it would affect multifamily housing. I thank you for considering this request.

Kasper Mingo said I was called out here, and I don't really have a prepared speech, but I wanted to say that I believe that, number one, that I'm for trees – all for it – but I do believe that this ordinance could have a disparate impact upon struggling families. I graduated from law school. I went to UNC-Charlotte. I'm at the firm HF Financial now as a financial advisor, financial consultant, and I truly believe that would not be possible if not for folks in the community that made sure that public housing was affordable. I grew up in the neighborhood of Delahey Courts, which is now called Tryon Terrace, and it was the ability to be able to afford that housing that stabilized my situation for my family, and I truly believe that it would not have been possible for me to go to UNC-Charlotte and graduate from Syracuse Law School and to be employed with HF Financial if it was not for affordable housing. I was able to stay in that housing project for 17 years. I had stability, and I'm pretty sure everybody knows this that stability for a child creates self-confidence, self-assuredness, and also self-esteem, and now I'm able to provide that for my nine-year-old daughter and my wife, so I would urge you to delay that vote on this process.

Paul Leonard said I want to thank you for your public service, personal sacrifice, and the leadership you provide to this City and for the opportunity to speak to you tonight. I support the request by the Affordable Housing Cabinet that you table the motion on the multifamily section of the proposed tree ordinance until there is a more robust understanding of the cost impact a 15% tree save area will have on development costs and subsequently on rental rates for apartments. I feel certain that you share the concerns about Charlotte's need for significant increases in affordable housing supply and you know that this need extends across a broad spectrum from workforce housing to homeless population. Your support of a \$15 million housing bond testifies to your concerns and understanding of that need. I think it is equally important that planning decisions intended to improve the community by increased regulation of street design or storm sewers and/or tree saving ordinances also be evaluated as to their impacts on affordable housing, otherwise, we run the unintended risk of giving with one hand in terms of a housing bond and taking away with the other in terms of overall cost increases that directly impact housing affordability. In the end, it would be to the detriment of the entire city if the workforce and lower income families had to live in South Carolina or Iredell, Lincoln, and Gaston Counties and buy most of their services and supplies outside of this city and county. Even the investment you have made in the inner city or Center City would be impacted negatively. So, my request is simply that you take a second look at the multifamily section of the tree save ordinance before you vote and fully understand how this might impact apartment rents and the 49,000 Charlotte families that are already paying more than they can afford.

Mark Erwin, Erwin Capital, said I love trees. We all love trees. Nobody can argue with that. I'm here tonight because my friend, John Crosland, can't be here tonight. He has been working for years and years on affordable housing in this community, and he has been a champion of that. He is concerned about this ordinance because it will cost more money. I have been around this community 32 years now, and I have seen ordinance creep, add to the cost of every facet of doing business in our community. I'm sure this ordinance is a good ordinance in the sense that we all love trees, but it does have unintended consequences, and until we fully understand those unintended consequences, we need to wait a little longer. The fact that it has taken five years to get this far doesn't make it right. I want to finish the paragraph that Sherrill Hampton was reading. She said land use regulations like the tree ordinance are one of Charlotte's most powerful tools for shaping our community's future. While good policies are necessary to protect our environment and quality of life, no policy should be adopted without mitigating strategies if its benefits do not substantially outweigh its negative impacts on our families seeking affordable housing.

Peter Cozens said I am here to speak tonight as a member of the Affordable Charlotte Cabinet, a number of whom have been speaking already tonight. I would like as the others have done to first recognize the hard work put into the effort for this ordinance by the stakeholders, by City staff, and by Council members who have been involved in this for five years. My background is multifamily construction, so I appreciate the cost aspect of how you produce multifamily property and how you – I'm one who fought for construction numbers to make numbers work on my owners to keep them low. As Ms. Hampton mentioned, she was supposed to get a chance to enter her packet, there are four central cost categories that go into multifamily construction. That is the cost of land, the cost of materials and labor, the cost of money – both equity and debt – and the cost of regulations many of which are necessary and worthwhile, but they are unnecessary costs oftentimes. The market determines the price of the first three. They determine the price of land, they determine the price of labor, material, and so on, and, as a buyer, I would try to negotiate those down to the greatest extent possible. The fourth category, regulation, is handled by state and local government however. So the question we in the Affordable Cabinet have for the Council is this – can you do more to affect that fourth category, that regulatory category, and by doing so help keep rental rates lower. Multifamily housing is the backbone of cost effective housing choice in the Charlotte region. Anything that can be done to keep rental rates at affordable levels should be a priority for both private and public sectors in this city. By agreeing to treat multifamily housing as residential rather than commercial development for the purpose of this ordinance is setting an importance –

Chris Buchanan said I'm the stakeholder representative for the Charlotte Tree Advisory Commission. I'm here to urge you to adopt the updated tree ordinance but only after amending the proposed ordinance to address major gaps on the non-consensus items. One of the non-consensus items is the application of the new tree save provisions at the sites that are making additions or modifications – redevelopment sites. The tree save provisions are intended to preserve existing canopy on site subject to mitigation in certain situations. Although Charlotte has lost significant canopy – 49% in the past 25 years – the proposed draft ordinance does not update or increase the tree save requirements for redeveloped properties. It only keeps the existing setback rules for trees that are over eight inches in caliper and that goes back to 1989 when it was originally put in the ordinance. Although a super-majority of the stakeholders – 75% -- were in favor of standards to apply tree save requirements to these redevelopment sites, there is not a consensus – 100% agreement – reached on this point. One of the major concerns we discussed was how requiring 15% tree save would affect economically challenged areas. This is a legitimate concern, and adopting an ordinance with different standards for these redevelopment properties is a practical solution to balance tree preservation and development in Charlotte. Redeveloping sites that are not in distressed business districts could comply with the 15% tree save requirements just like new development. Redeveloping sites that are in distressed business districts could be required to save only the existing trees on the site but not more than 15%. So the tree save requirements in this scenario would not put an additional burden on these areas. Please pass an ordinance that includes tree save for redevelopment sites and no cap on payment in lieu. If we all really love trees, let's save some.

Bill Gupton, Chair, Central Piedmont Sierra Club, said I would like to thank the Environmental Committee and the City Council and the stakeholders for this long process. It's great that we finally are seeing the light at the end of the tunnel. We have heard some very good comments tonight. The Sierra Club is very interested in environmental justice issues and we are very sensitive to the issue of affordable housing. The aspect of the tree save and the incremental costs I think we really need to weight that in lieu of the benefit that it would provide disadvantaged and low-income housing areas. I think some of these residents deserve the same sort of quality of life that our trees offer, and I would ask you to work to protect that for them. I have submitted our written comments. We really only want to highlight three areas, and that is we really believe that a 15% tree save is critical to protecting our canopy, and I urge you to support that. I would even ask you to consider how the City Council and the staff could recognize developers that exceed that amount and help us reverse this tree loss. Second, we really need to have an ordinance that will increase the number of trees planted in our parking lots. We have these large expanses of asphalt, and we know that increasing the number of trees by decreasing the space between those trees increases the aesthetic value and helps the environment. Thirdly, we want an ordinance that will truly have teeth in it in terms of protecting it. Now, we have come up with options such as the in lieu process and an exception basis to

allow for variances. While we don't think that is the best way, we think it's a good compromise. But we don't want an ordinance that will not have teeth.

Rick Roti said I am the past chair of the Charlotte Tree Advisory Commission and I also served as a stakeholder on the recent tree ordinance committee. I feel like Al Pacino. They keep dragging me back in after that initial couple of year effort when we first resolved our first draft that had changed to our tree ordinance. I would like to thank the staff for their effort managing this process for five years. I think it must set records in Charlotte taking five years to do this. The last thing we need is further delay. The Environment Committee – I would like to thank you for your work in trying to find compromise on those positions we couldn't reach consensus on; thank the professionals involved in the cost benefit analysis. These were the best and brightest we could find, ladies and gentlemen, in Charlotte to do this benefit analysis, and they did a great job. I don't think we can do a better job on this. I would also like to thank the full Council for bringing us to where we are today. And, last but not least, my fellow stakeholders for the perseverance and hard work over five years that they put in on this. We ask that you do adopt this tree ordinance; however, we do ask that you consider revisions to two areas. Chris talked about the tree save. The hundreds and hundreds of existing commercial sites in Charlotte under which you have in front of you for adoption do not have to have any tree save on additions or changes to those sites. The two ends of the debate on this were 15% tree save or none. I'm not sure how we got to none except it was a staff recommendation. I would urge to look at that again. Also, the payment in lieu – by putting a cap on this, we are encouraging anyone who is developing sites the cost per acre of which exceeds \$81,000, we are encouraging these folks to cut down trees. We do not want to do that. Our goal is to get trees all over the watershed, all over our city so that we recognize and realize the maximum benefits we can have. Putting a cap on the most expensive properties arguably developed by the developers who can best afford a payment in lieu to help us increase our tree canopy is not a way to treat the tree canopy. I also have a petition signed by over 400 people I will leave with you.

William Daleure, II said I'm with Avant Garde Real Estate Consulting, and I'm a developer and served on the cost benefit stakeholder committee of this tree ordinance, and I am a closet tree hugger as my wife can point out by spending \$2,000 on Grace, an American Elm, in my backyard. I would like to talk to you just about the payment in lieu. Why do we need a payment in lieu? The payment in lieu is a way to develop land that has trees that could not be saved because the development buildings or parking had to be where the trees were, otherwise, you wouldn't have tax revenues from that property. It would just go undeveloped, so we needed another alternative. The payment in lieu per acre would be the amount needed to purchase undeveloped tree property in the surrounding areas. Instead, the payment in lieu amount, money to purchase undeveloped treed property in other areas, is based on 90% of the average value per acre of all property in Charlotte in its jurisdiction except for the City downtown center. Now, this includes Blakeney, Stonecrest, SouthPark, all of these are added into that average. Now, this \$81,000 per acre average after you take it times 90% is the number one would pay. Now, the impact on those who are developing less expensive affordable housing developments are going to be impacted direly. So, the actual average value of all vacant land in Mecklenburg County by the GIS Department in the County is \$23,234. This is almost four times the – the proposed number is four times what the actual is. We need to look at that. Note that the payment in lieu only applies to quarters outside the transit station areas, mixed-use corridors, NS districts, industrial properties, and this amounts to only about 10% of our land in the Charlotte jurisdiction. We ask you to look at that payment in lieu.

Mayor Foxx said I think that concludes all of our speakers for the night on this.

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

Mayor Foxx said we will take this up, and when will we bring this back?

Curt Walton, City Manager, said September 27th.

Mayor Foxx said so there will be a vote in a couple of weeks on this one way or the other. I want to thank all the speakers who have come on all sides of this issue. This is one that doesn't

have two sides. It has got about 15, and it's great to have you all come and tell us what you think.

Councilmember Mitchell said just one piece of information you can provide for us. A lot of discussion was centered around affordable housing. Could you provide the City Council some analysis on 36% AMI what impact the tree ordinance would have because those are the AMI we look at when we talk about developing affordable housing, so I think that analysis will help us really understand the impact this might have.

City Manager Walton said we will do the best we can. For each it would depend on what the development was, I believe, but we will address that one way or the other.

Councilmember Cannon said I'm sure it's a lot of reading, but I'm having to catch up again on an item that has been discussed some three years ago. Inasmuch as I can get some of that information I'm sure in those thick books over the years, I would like to be able to get that and peruse it and go through it accordingly because I certainly want to look at how much the multifamily piece was being explored at that particular time. The second thing I would be looking for is to see if there is any cost analysis that may indicate there was a negative impact of some sort on multifamily housing if we move forward with what is being proposed or not. So I want to be clear on that and to see if that's represented above, please. I think that's it, Mr. Mayor.

Councilmember Peacock said a couple of points. I don't know if Dave is up in the projector room, but I wanted to address a couple of comments, and I wanted to thank everybody for coming and speaking tonight. I was mentioning to the Mayor that if you listen closely to a lot of the comments what I heard as a committee member who has chaired the committee for the now three years I saw an enormous amount of compromise in many of the comments we have heard. I'm regretful that many of the people on the affordable housing side and some new people to the dialogue – my friend, Ambassador Erwin, people representing Mr. Crosland maybe haven't been as involved in this process as the stakeholders have, and there's a wealth of information that speaks to exactly that – the choices and the options and the ability to be able to mitigate when a situation warrants it and gives the developer choices and options. Mr. Daleure speaks to the cap and where the compromise was reached in the committee. All of the Minutes are available.

There has been extensive discussion, extensive dialogue, and it was a very healthy debate. We were very deliberate and very careful in our committee to bring this ordinance as close up to the line as possible. If we can take you back to the time at which we were at this intersection of we have not thought through this enough. At that point, we were at the beginning of some very scary moments in this community economically, and, I, as the chairman, did not want to move forward without us looking at this thoroughly. I also saw the faults of being able to come up with a report that many people might agree or disagree with, but as Mr. Daleure pointed out and as Mr. Porter pointed out and several people, we brought the best and the brightest to come forward and to think through this, to bring it right up to the line and think about what would be the cost associated with it. So, while on one end we have the struggle here for the environment, on the other end we have affordable housing, and tucked in between that we have a fragile economy that we have to be sensitive to. What's come up on this ordinance, and I will let – Dave's here. You brought this up, if you want to go through that and talk about it a little bit more.

Dave Weekly said the illustration you have there before you shows the flexibility that we tried to design in with the ordinance for the 15% tree save requirement for new commercial development, and it shows some of the exemptions and options that are available based on the different types of development or zoning within the city. The first bullet there you see there is no tree save in our uptown or for UMUD or UMUD-O. For all of these, there is still the tree planting requirements, but for the uptown areas, there are no tree save requirements. The next bullet there is no tree save within the TOD. If you could go back to the other slide, please.

Mayor Foxx said I'm going to deduct points from you all for the PowerPoint.

Mr. Weekly said no tree save for the TODs, MUDDs, and UMUDDs, in the transit station areas, and within the corridors outside the transit station areas, they have the mitigation options. The

transit station areas for mixed-use centers, neighborhood services, and industrial have mitigation options. And, industrial was another particular type of development that spurred lots of discussion, and where we ended up with consensus is that we would require the 15% tree save requirement but offer mitigation options. Then within the wedges is where we want the majority of just the straight 15% tree save requirement. With the mitigation options, you have various options for off-site mitigation, payment in lieu, and even green roofs to come into compliance with the 15% tree save requirement and different variations of those options.

Councilmember Turner said a couple of points or questions I have or concerns, one being up until I guess August I was on the HAND Committee. My question would also include the past chairman, Mr. Mitchell, tried to – if we are talking about a 15% tree save in the wedges, my concern is whether or not we have really had full discussion about the affordable standpoint of if we are going out in the wedges, and looking at this map, the very areas in which we are talking about requiring the 15% tree save in my personal opinion conflicts with our future policy or the direction we are trying to head in of affordable housing and spreading it equally. It makes it very difficult to accomplish that if we are going to create a policy from the tree save standpoint that is going to be more focused in the wedges areas that would conflict with the areas of which we would really like to focus on moving affordable housing and spreading it equally throughout the city. So, saying that, I do hope that we would have further dialogue about this matter and that we don't make a decision haphazardly before we have full discussion with the HAND Committee to make sure these policies will line up with one another with the goals and objectives of this Council and those stakeholders that have an interest in this from both sides.

Mayor Foxx said we have closed the public hearing, so there is going to be plenty of time for discussion over the next couple of weeks or maybe longer depending on what you all decide, but good discussion, and, again, thank you all for being here today. I think this is a hugely important topic, and I guess since we are talking about this one thing I would like to maybe ask the City Manager for as well is there has been a lot of conversation about the cumulative impact of this ordinance, the post construction controls, the urban street design guidelines, and so forth. We have been around and around and around all over that. Has there been some thought given to looking at creating sort of a position within the Planning Department maybe using existing resources there to have someone who would be fully engaged in helping affordable housing projects move through our system?

City Manager Walton said, no, sir, not specifically dedicated to affordable housing.

Mayor Foxx said could there be some consideration to that?

City Manager Walton said there could be. It would be a matter of what we were trading off, so we can assess that and give you an answer. Planning has a fairly high number of unfunded positions right now, so we would have to look at what we were going to trade off in order to do that.

Mayor Foxx said I would like to have that discussion because I think some of what is being talked about is the regulations and what they mean and what they don't mean, but I think some of it is how they are applied. Maybe we can help ameliorate some of the concerns out there is we have someone who is dedicated to guiding projects through the system as they come up. That's something to consider as we go down the road.

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ITEM NO. 9: CITY MANAGER'S REPORT

Curt Walton, City Manager, said I wanted to recognize Fire Chief Jon Hannan and members from his department. On August 25th, the Charlotte Fire Department was unanimously awarded reaccreditation by the Commission on Fire Accreditation International. This process includes verification and validation of programs and services provided by the department and an indepth review of the City and departmental policy principals and practices. We have been accredited since the year 2000. There are 258 performance indicators on which we are evaluated. The Charlotte Fire Department is one of 132 agencies internationally to be accredited, only one of 12

agencies over 500,000 population, and there are only nine departments internationally that have received their second reaccreditation. I just wanted to point out our accreditation to you and give recognition to Chief Hannan and his staff for doing this, and I will turn it over for any comments that you have.

Chief Jon Hannan, Charlotte Fire Department, said there is not a whole lot of say other than that, but it is good to do this. They actually send an assessment group in. They spend a week with us. They go through everything the Fire Department does, and it validates whether we are doing things right or not and it benchmarks us against the known standards. Battalion Chief Jerry Winkles here beside me led the group that did it, and essentially three of our people did it. I go to these things and I hear cities that hire consultants and just throw huge work forces at accomplishing that, and I'm very proud of the depth of our staff and the work Jerry and these guys did. Thank you.

Councilmember Dulin said I just want to bring it up while we're here. It's probably appropriate that we are standing. With 9/11, the anniversary, just coming, and it was a somber morning Saturday morning, but every time I see the Chief and the men and women that work for him dressed in their blues and they have the American flag on the lapel, the long, slender American flag is every firefighter in Charlotte -- I don't know. Some others might do it as well -- that were on duty 9/11. They wear that flag as a badge, I guess. I don't know what you would call it, Chief, but --

Chief Hannan said a reminder of the loss.

Councilmember Dulin said a reminder of the loss, and I see that. I have seen it tonight, and when I see it, I get chilled up when I saw these men, so thank you for running the department, and thank you for being on duty for us, Jerry Winkles.

Chief Hannan said thank you for this Council and the Council before, this Manager and Manager before that give us the resources we need.

Councilmember Kinsey said may I make one comment? I had lunch today at Station 11, and as soon as we finished lunch, we got a call, and I got to go on the call with them. I have ridden in a fire truck before, but it was not to answer a call. It was sort of a gimme. You just can't appreciate what these men and women do if you haven't been there and ridden with them. It was a real honor.

Mayor Foxx said they do great work for our community, and it's a very dangerous job, and we just appreciate what you do, and let all of our folks in the fire department know.

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ITEM NO. 10: DISPARITY STUDY

Mayor Foxx said I think this goes to the chair of the Economic Development Committee, Mr. Mitchell.

Councilmember Mitchell said, first of all, let me give a thanks to staff -- Nancy Rosado and Cindy White, Tom Flynn and Ron Kimble, Pat Mumford -- for their leadership on this issue. Let me recognize those committee members -- Mayor Pro Tem Patrick Cannon, Patsy Kinsey, Jason Burgess, Andy Dulin. We are here before you tonight, Council and the community, to approve three action items; one, to conduct the disparity study in one phase rather than two phases as recommend by the Mayor's Small Business Opportunity Program Taskforce. Mayor, thank you for your leadership and developing that committee.

Secondly, more importantly, is to negotiate a contract with MGT of America. MGT has a great history. They understand Charlotte data. They have a great track record working with cities to conduct disparity studies, and plus they prove a record in the Fourth Judicial Circuit Court if we would need that assistance. Thirdly is to create a disparity study advisory committee. This is a great idea that was presented to us by the Metrolina Minority Contractors Association, and the

committee wanted to make sure we were very inclusive, and we have added also the Hispanic Contractor Association, the National Association of Women Business Owners, the Asian Chamber of Commerce, the Carolina Associated General Contractors, and the Metrolina Native American Indian Association – all a part of the disparity study advisory committee. Which I would like to say this: Please committee, nominate your representative and make sure you get that name in to Nancy or Tom because we would like for the whole committee to be voted on at the October 11th meeting. Without knowing the questions, Mayor and Council, I would like to move for approval of Actions 1, 2, and 3.

[Motion was made by Councilmember Mitchell and seconded by Councilmember Cannon]
[approve the Economic Development Committee recommendations to: 1) Conduct the]
[Disparity Study in one phase rather than in two phases as recommended by the Mayor's]
[Small Business Opportunity Program Taskforce; 2) Negotiate a contract with MGT of]
[America, Inc. to conduct the disparity study rather than conducting a procurement process;]
[and, 3) Create a Disparity Study Advisory Committee (recommendation to be forwarded]
[to Council after September 9th Economic Development Committee Meeting.]

Councilmember Cooksey said I would like to request dividing Items 1 and 2 as one vote and Item 3 as a separate vote.

Mayor Foxx said is there an objection to that?

Councilmember Mitchell said yes.

Mayor Foxx said would you state your objection?

Councilmember Mitchell said I think we should, as the writer says, Actions 1, 2, and 3. I don't understand the reasoning for wanting 1 and 3 being different.

Councilmember Cooksey said I don't think it needs a study committee made up of – well, I don't think it needs a study committee separate done. I think we can have the Business Advisory Committee or have existing groups look over the process.

Councilmember Cannon said I think in past years that was the idea to sort of move forward. What happened was that people felt they were not being included in the process. This, in turn, now gives us an opportunity to be as transparent as possible, allow people to be able to have some input and maybe even to get some advise in the event that they see something that might be a snag in the road along the way – either to us as a member of the Council, the Mayor, or even MGT. So it's sort of a way to be inclusive rather than exclusive. That's the intent.

Councilmember Carter said I think this committee is a very good idea, and I would like to suggest an additional member -- perhaps someone representing the International Cabinet that we have. That's a completely different body. Yes, we do have some specific representation from the Latin American Coalition, but still this is an overarching group that serves both the people who are here and businesses who are here from foreign countries but also those that serve foreign areas, so it's a different emphasis, and I think it would be a valuable one for us.

DeWitt McCarley, City Attorney, said you do have a procedural motion in your rules of procedure that allows a motion to divide a complex question. It requires a second. It is debatable. It requires a majority to pass.

Mayor Foxx said so that procedural request is in order if there is a second.

Councilmember Cooksey said that is my secondary intent. Then if there is an objection, I would make it as a motion.

[Motion was made by Councilmember Cooksey and seconded by Councilmember Dulin to]
[vote on Items 1 and 2 separately from Item 3.]

Councilmember Cooksey said general concern is setting up a separate committee when we have advisory committees in existence already that can do this, but what also strikes me is if we are

talking about a committee that is overseeing a study of the City's contract procedure with minority and women owned firms and it's made up of people who are essentially being studied that is roughly the equivalent of – and we'll see what kind of laughter might come from this – that's roughly the equivalent of creating a stakeholder advisory committee on a tree ordinance or another development ordinance populated solely by developers with no neighborhood presence because the folks who are on the advisory committee are the ones who are being studied. That doesn't strike me as good government, so I'm going to stick with it. I can probably sense the way the vote is going to go, but I just don't think a disparity study advisory committee made up of those who are being studied avoids any kind of potential conflict.

Councilmember Peacock said, Mr. Mayor, are you breaking up the vote between 1, 2, and 3?

Mayor Foxx said actually the motion is to approve 1, 2, and 3, and Mr. Cooksey has made a procedural motion to split the vote for there to be 1 and 2 on a single vote and 3 on a separate vote. So you are voting now on the procedural request of Mr. Cooksey. If it passes, we will have a separate vote; if it doesn't pass, we'll have a vote on 1, 2, 3 together.

Councilmember Cannon said do we have a Business Advisory Committee?

Mayor Foxx said, yes, we do.

Councilmember Cannon said who do they report to?

Mayor Foxx said City Council.

Councilmember Cannon said are any of those persons business owners on the Business Advisory Committee?

Mayor Foxx said I know of a couple.

Councilmember Cannon said that process has worked fine. I don't need a response, but thank you. I think it speaks for itself. We already have stuff like that in place. We are not doing anything too much different I don't think here tonight by continuing to move forward here on the Action Items 1, 2, and 3 as the chairman has asked for us to do tonight, so I hope we will continue to operate in that light.

Mayor Foxx said it's your choice on how to do it, so now you have a vote to split it.

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

AYES: Councilmembers Cooksey, Dulin, Peacock

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

Mayor Foxx said that's three. We are back to the base motion, which is to approve 1, 2, and 3 together.

The vote was taken on the motion to approve Item Nos. 1, 2, and 3 and recorded as follows:

AYES: Councilmembers Cooksey, Peacock

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

Mayor Foxx said the motion carries nine to two. That's good work. That will come back, and it was good discussion on the procedure.

ITEM NO. 11: ANIMAL ORDINANCE AMENDMENTS

Councilmember Cannon said the action item here is with regard to the animal ordinance amendments, and it's to approve the Community Safety Committee's recommendation to adopt an ordinance amending Chapter 3 entitled "Animals" of the Charlotte City Code to place restrictions on tethering of dogs. The members of the committee would include Vice Chair Patsy Kinsey, Michael Barnes, Edwin Peacock, and Andy Dulin. This was an item, Mr. Mayor, where my absence was in play to a great extent due to travel, and Council woman and vice chair, Patsy Kinsey, took on the helm and really carried this through committee, and I certainly want to credit her for being at the forefront of helping with this -- Patsy, thank you so much -- along with the other members of the committee, who, of course, gave their levels of input. That said, Mr. Mayor, I would like to defer to Vice Chair Kinsey for the appropriate update on this action item.

Councilmember Kinsey said the tethering issue was referred to the Community Safety Committee at the request of Councilmember Barnes. Just as a little bit of explanation, tethering refers to the practice of securing a dog to a stationery object by means of a metal chain or coated steel cable to keep the animal restrained. In the past few years, there has been a national movement to either ban or restrict the tethering of dogs, and locally that initiative has been led by the Charlotte Chapter of the Coalition to Unchain Dogs, and I certainly appreciate their involvement in this issue.

Animal advocates have urged bans or restrictions on tethering due to at least one item that is of concern, and that is chained dogs are more aggressive and more likely to bite. Certainly that becomes a public safety issue. A number of cities have adopted either a ban or restrictive order. The committee discussed the issue several times, received feedback from the Coalition to Unchain Dogs. Many felt that Charlotte was not quite ready for a full ban on tethering but could implement some restrictions that would address some of the concerns of animal advocates, and since I'm a brand new dog owner, it certainly is of concern to me.

At its June 14, 2010, meeting, the committee voted unanimously to recommend the proposed ordinance to the full Council and asked that Council receive a written update from staff on the ordinance six months after its implementation. Council members, you have in your material a list of the ordinance changes; and with that, I would move that we approve the Community Safety Committee's recommendation to adopt the ordinance changes as noted in the agenda.

[Motion was made by Councilmember Kinsey and seconded by Councilmember Barnes to]
[approve the Community Safety Committee recommendation to adopt Ordinance No. 4501]
[amending Chapter 3, "Animals", of the Charlotte City Code to place restrictions on tethering]
[of dogs.]

Neya Warren, 3024 Ventosa Dr. said I will tell you Qua Richard is not here. He is a 12 year old that lives in the community, and he wasn't able to come tonight, but hopefully he will be able to come speak to you another time. My name is Neya Warren. I'm an attorney here in Charlotte, and I'm the director of the Charlotte Chapter of the Coalition to Unchain Dogs. We started here on November 8, 2009, and have built fences for 45 chained dogs to date at no cost to their owners. First, I want to thank the Community Safety Committee members for the time you have taken in addressing the issue of tethering dogs. I also appreciate your recognition that the current ordinance is inadequate with respect to the methods of restraining dogs. I'm not here to oppose the amendments that you suggest. I'm here because the proposed regulations don't go far enough, and here's why. Dogs who live permanently on chains outside suffer horrendous injuries, tracheal damage, embedded collars that must be surgically removed, loss of limbs due to the chain being wrapped around their legs, and even death due to strangulation or hanging. Although it may sound unlikely, it happens way more than most people realize because to keep a dog continuously chained the collars have to be extremely tight so they don't slip out. Chained dogs are also subject to attack by other animals and people, and they become protective of the small plot of land they inhabit. Animal behaviorists have found that dogs chained for long periods of time develop severe psychological, emotional, and behavioral issues. You might have heard of the fight or flight instinct. Well, that is a very natural one for chained dogs. Frequently this leads to aggression. In fact, in 1994, the Centers for Disease Control found in a study that chained dogs are 2.8 times more likely to bite than non-chained dogs, and that number increases

to 5.4 times more likely in children under the age of 12. This creates a significant public safety issue especially to children. This is what the law refers to as an attractive nuisance, a condition which may be a source of danger to children and that attracts children to it. An illustration we are all familiar with is a swimming pool. There are laws mandating that swimming pools have a barrier around them, and that is to protect children. A chained dog is no different. Children are regularly injured across our state and the country by chained dogs. On September 27, 2007, two-year-old Carson Gilroy was mauled to death by a chained dog in Lincoln County. I know the situation well because I was involved in the civil lawsuit that stemmed from his death. I looked at the pictures. Carson wandered into a neighboring yard where a female German Shepherd mix was chained. His body was later found tangled up in the dog's chain with multiple bite wounds. Had this dog been inside a fence, Carson Gilroy would still be alive. A litany of bites and maulings have occurred since then. Most recently on June 4th, 2010 –

Mayor Foxx said I'm sorry. Thank you very much.

Councilmember Dulin said may I ask her a question.

Mayor Foxx said come back up. Mr. Dulin has a question for you.

Councilmember Dulin said if you had another 30 seconds what would you say to us?

Ms. Warren said, first of all, I would say thank you.

Councilmember Dulin said I owe you that. You have come to all the meetings, and you are so nice.

Ms. Warren said thank you. What I would ask you to do tonight is to pass the amendments that have been proposed, but I would also ask that you listen to me when I contact you soon to have meetings with each of you because what I would like to do is to discuss how we can study this issue moving forward. Forsythe County and Guilford County are studying the issue right now. They are a little bit ahead of us in the study, but I would ask that you meet with me and talk to me and let's come up with a proposal to study how this really affects Charlotte, what's going on in Charlotte with chaining dogs, so we don't have to look at other statistics from elsewhere.

Councilmember Dulin said thank you very much, and there are going to be some other questions. Don't go very far. There might be some additional questions.

Councilmember Peacock said you have been extensively involved, and we are so appreciative of the time that you have spent in the committee. Can you tell us what you like about the changes we have made, and can you speak to your organization and what you all are doing on a regular basis because I think you underlined it at the beginning of what you talked about, but I think you need to repeat what that organization has been doing because you all's efforts continue. We are here to create an ordinance that covers everyone in Charlotte, and, as you know, completely having no chains was not advisable. Now we have found this. Can you speak to what you like about what we have done?

Ms. Warren said I think what I like about the ordinance is I think calls that are already being made to Animal Control, it gives Animal Control officers the ability to do something about that. I suspect that there are a lot of calls into Animal Care and Control that deal with chained dogs and the way chained dogs are treated. The fact that you are putting some guidelines in there I think is a good thing that callers have to be used. I can't tell you how many dogs I have come across and what we do, and I find the chains directly on their necks. The fact they are not going to be wrapped around things. One of the first dogs I found hung himself, and that was pretty difficult, and it was difficult for the family, too. They loved that dog. It was really heart-wrenching. So the fact that you are giving some guidance about those things I think is good because I think people want that kind of guidance. They want to know what they can do to prevent an Animal Control officer from coming to their house absolutely. So I think that is a good thing. What we do at the Coalition to Unchain Dogs we are an all-volunteer, nonprofit organization, and we build free fences for people with chained dogs. I know some people from Lincoln Heights, and we have actually built some fences in your lovely neighborhood, and people have been really nice to us there, so we appreciate that. We also have the dogs spayed

and neutered, and we do that at no cost to the owner because I think, as you know, the over-population of pets kinds of ties into chained dogs as well.

Councilmember Cannon said thank you for your response. There may be someone watching this broadcast or will watch the repeat broadcast, and affordability happened to be one of those issues that the committee did take up because obviously there are some people who cannot afford to put a fence up. Of course, that's where your organization comes into effect. What it may be good just to have a contact number or contact person or some sort of information that people might know how they might reach you, so how might that be, please?

Ms. Warren said I'm happy to give out my phone number but only for chained dog purposes. They can absolutely contact me. I'm Neya Warren, and the phone number that we use with the coalition is 704-491-9792, and they can also email me at charlotte@unchaineddogs.net. Thank you so much for your time.

Councilmember Cannon said we do have one more speaker signed up to speak. Not here, okay, so that will conclude the public hearing.

Councilmember Kinsey said I also want to recognize Mark Balestra. Mark was instrumental. He is with Animal Care and Control, and a little bit of advertising. If you need a dog, tell Mark what you want, and he will find it for you.

Councilmember Turner said I want to make sure I understand. When we brought this before the Public Safety or made the recommendation that it go to the Public Safety Committee, was this based on incidents in Charlotte and our problems we have found to be an issue before us because when I was looking some of the ordinance changes my concern whether or not the committee had the full opportunity to discuss – and I have five really. One would be minimum distance, which basically says ten feet. Did we consider the fact that it says it cannot be within five feet of another property owner? Did we consider the fact that today in our city unfortunately we have housing, single family housing, that this would be in a violation clearly where people currently have their animal on this device. Did we discuss that, and it being the case, are we prepared to implement this policy knowing that it's going to affect quite a bit of people under their current living conditions based on where they live?

The other question I have is the outdoor kennels. We also put a restraint on that, and I think we need to talk about that. We said no smaller than ten feet long and five feet wide. You have homeowner associations that also have guidelines, and some of these things are exceeding the restrictions of homeowner associations. We are being a contrast with who has the right and the authority. Does the homeowner abide by the City ordinance or will they abide by their neighborhood housing ordinance. The other one is the enforcement ordinance. You said this was driven by service calls, requests or complaints. What is our record today based on this type of complaint, what are the incidents we can prove that we know for a fact that have been reported to us by Animal Control where we have incidents where dogs have either been abused or we have proof where the collar is not properly aligned or put on their neck, and this the collar where this kind of abuse has taken place because some of this falls upon abuse to me. I think there is a very fine line there.

The last that I have here that I'm concerned with is the date in which we expect this to go in effect if we approve this. It indicates that we would do some extensive public education campaigning prior to this, but the date that it goes in effect is March 1st. Now, we are talking – I don't want to use the word stakeholders because this is going to affect a lot of folks, I would imagine, that love their animals but also because of the size of their dogs these dogs primarily live outdoors. How do we make sure that we are not putting them in a compromised position where they very well have to get rid of their animal because now the animal has lived outdoors. To bring the animal that lived outdoors and try to train it to live indoors is very challenging when you start talking about a 45- or 60-pound German Shepherd. If you could answer those questions? I know I gave you five, and I will be more than happy to just –

Mark Balestra, Animal Care and Control, said I think the original concerns didn't come from calls for service to Animal Care and Control. They came as an inquiry to Councilmember Barnes. I think that's how it came to the attention of the Community Safety Committee. We did

look at some of the costs for service that were typical of tethering types of issues. To answer your one question – do we see physical signs of the results and impacts of improper tethering and lack of use of collars and harnesses? It's almost a daily usage. I happen to snap a couple of shots of two that came in one day last week where the collars actually embed, and I think we address these in a variety of different types of ordinance revisions where we put in one perspective of animals under the age of four months should not be tethered. The reason for that is there are growth spurts. It happens so quickly that a couple of days could occur and go by, and the collar would actually embed in the dog, so we do see these types of problems.

We did have consideration to people who live in townhomes, condominiums, and I think it becomes a personal choice. I think there are patios that are there, and I don't think it's a great large problem that we see a lot of dogs that are tethered in these types of environments. I think most of the people living in the condo settings most of the grounds are common grounds anyway, and they are probably prohibited from staking the dogs out on common grounds. We make provisions for those, but we do believe they can be out there for a short period of time while the pets are on tethered, leave them in their patios, keep them indoors, etc.

In regards to minimum standards or square footage for kennels, what we didn't want to do was create an ordinance where people said we are going to take all of our dogs off tether – we normally keep them chained. Instead of doing that, we are going to buy one 10x10 kennel, and we are going to throw our four large breed dogs inside of that. What we tried to do was create some sort of minimum housing standards that would be appropriate, which is only 50 square feet per dog. We don't feel it's in contrast to any homeowner association regulations that usually addresses types of fencing, fencing altogether, these types of issues. Did I catch them all, Councilmember Turner?

Councilmember Turner said, well, you got close. You brought up one I think is very interesting. You talked about what you tried not to do. Our current policy of how many dogs can be on the grounds outdoors or indoors and how many an owner can own. Are these things lining up? Because that policy today is current and would prevent that very concern that you are speaking of putting them all in one kennel and having a certain amount of dogs outdoors on the property at one time. I'm still not getting – I read the write-up, and I understand that. I don't have a problem or concern with regards to the condominiums aspect of that. You did address that, and I understand the size of the dog and the puppy going into the dog after four months, adult dog, but the concern I have here again is when you already have an adult dog and it is outside, and the distance between the property owner is 15 feet. We are talking about the average house today is six feet apart and not a lot of folks – depends on where you live again. Some have much, and some have a lot less. I'm still concerned about how close are we to infringing on changing the way the homeowners currently serve their dogs.

Mr. Balestra said we are certainly hopeful that it doesn't infringe on any of these cases, and we don't feel the impact of people that are having to surrender their animals to Animal Care and Control. Most of our scorecard objectives surround decreasing the intake numbers of animals coming into our facility, so we are very sensitive to the retention of animal ownership with their owners, and our approach is, as you mentioned, the implementation going into effect March 1. Even though it's implemented March 1, we will keep the same philosophical approach, which is very proactive. We are never going to go in there and start issuing citations and demanding improvements. We are always goal driven, objective driven, and compliance driven into our effects using a continuum. We feel it is a very positive approach to that, and we will work with people to make sure the retention of their animals stay in the home.

Councilmember Cooksey said actually Councilmember Turner had another question out there that I was also going to ask. You touched on it a bit about how Animal Care and Control worked. Could you talk a little more about what this proposed public information campaign is going to cover? We have a few months to handle it.

Mr. Balestra said I think we will try to hit some of the venues that obviously are in the pet business, so we will probably have a poster drive. We will place posters in all veterinary practices upon their consent. We utilize Pet Smart, Petco – have poster sorts of campaigns. We utilize the City communications market. We will probably use the City water billing process to

put out our awareness campaign. Our officers will go out there and proactively educate the public and community of the changes and revisions that would have to take place.

Councilmember Cannon said and it would be on my radio show.

Mr. Balestra said absolutely.

Councilmember Barnes said I wanted to make a point. I actually appreciate a number of the questions that Councilmember Turner raised. In referring the item to the Public Safety Committee, my point was to help find ways for folks to chain dogs safely, but I'm very sensitive to what you said about actually potentially forcing people to get rid of dogs, which is not the intent of the ordinance. So I hope there is the flexibility that you discussed in terms of informing people about how to tether their dogs, but my intent was not to force people to get rid of dogs – only to chain them safely.

Mr. Balestra said nor is ours.

Councilmember Dulin said this has gone on way longer than it needs to go on, so I'm going to chime in again. It's what we do up here. This is really a good example of engaged citizens. Of the folks here with the Unchained Dogs, raise your hand if this is the first time you have been involved in governmental stuff and been paying attention? That's a whole bunch of new folks that have never been involved and never come down here. That's pretty neat to see people getting engaged about something. They gave a little bit, we gave a little bit, we came to a middle ground and worked out something nice, and I'm going to support it, and I'm glad to.

Mayor Foxx said I think this is the product of some good work on all sides, so thanks everyone for being here and being part of the process. There has been a motion and a second. Mr. Cannon, wants me to recognize Eric Campbell also, who did a lot of work on this – one of our assistant city managers.

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

The ordinance is recorded in Ordinance Book 56 at Pages 737-745.

ITEM NO. 12: DISCOVERY PLACE PHOTOVOLTAIC ENERGY GRANT

[Motion was made by Councilmember Barnes and seconded by Councilmember Kinsey to]
[authorize the City Manager to negotiate a contract with Discovery Place for up to \$126,000]
[to design and construct a photovoltaic system on the parking garage, design and install an]
[educational kiosk, and potentially design and install electric vehicle charging stations within]
[the parking deck.]

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

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

NAYS: Councilmember Cooksey

ITEM NO. 13: MULTIFAMILY ENERGY EFFICIENCY GRANT PROGRAM DISTRIBUTIONS

[Motion was made by Councilmember Barnes and seconded by Councilmember Kinsey to]
[A) Approve distribution of up to \$120,350 from the Multifamily Energy Efficiency Retrofit]
[Grant to the Chimneys Apartments, LLC upon the completion of upgrades proposed in the]

bvj

[grant application; B) Approve distribution of up to \$200,000 from the Multifamily Energy]
[Retrofit Grant to MW Group, LLC upon completion of upgrades proposed in the grant]
[application, and C) Approve distribution of up to \$200,000 from the Multifamily Energy]
[Efficiency Retrofit Grant to Brookhill Village II, LLC upon completion of upgrades proposed]
[in the grant application.]

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

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

NAYS: Councilmembers Cooksey, Dulin

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ITEM NO. 14: BUILDERS OF HOPE NEIGHBORHOOD REVITALIZATION GRANT

Thelma Bailey, President, Lincoln Heights Neighborhood Association, 1816 Beatties Ford Rd., said we praise God that Lincoln Heights has favor with God and man, and we thank God for the many blessings he has bestowed upon us now and in the future. Good evening, Mayor Foxx and members of the City Council. I'm Thelma Byers Bailey, President, Lincoln Heights Neighborhood Association. This evening Lincoln Heights is having a Hallelujah Breakdown at the prospect at the passage of this agenda item. Our board of directors, as well as several members of our association, are here this evening with enthusiastic support of a yes vote for the Builders of Hope grant request. Every month at our association meetings, the residents of the LaSalle at Lincoln Heights Senior Complex complain about the drug deals, incidents of violence, and other criminal activity they observe across the street from them in and around these dilapidated structures, which Builders of Hope has offered to rehabilitate for us. These fragile seniors as well as the rest of us do not feel safe walking through our neighborhood because of this criminal element that have used these mostly boarded up structures as their haven. We have been blessed with the beautiful Vantage Point townhomes that have only been partly developed because of a lack of sales. This complex is directly across the street from these dilapidated dwellings. No one in their right mind would put themselves in the position of having to look out their front door at such blight. Builders of Hope has already successfully rehabilitated several homes in our neighborhood. We are excited to have Builders of Hope as a partner in the revitalization of our community. We urge you to vote yes for this important, long awaited next step in our effort to rebound.

[Motion was made by Councilmember Mitchell and seconded by Councilmember Carter to]
[approve a grant for up to \$1,233,375 to Builders of Hope for acquisition and rehabilitation]
[of properties in the Lincoln Heights neighborhood.]

Councilmember Cooksey said I gave up talking about this a long time ago, but in light of the concerned citizens that are here, I appreciate you being here and your involvement and passion for the neighborhood. I want to make sure you know I vote no on every stimulus request. I applaud the project. It looks like it's going to be very necessary and will be very helpful. I don't want you to walk out with an erroneous conclusion. I have voted no on every stimulus request because I disagree with the source of the funding. It has nothing to do with the project itself, so, again, thank you for being here. Thank you for your passion, but that's why I will be voting no.

Councilmember Cannon said just a footnote. All of the funding, as we look in our description, doesn't come from one single source, I don't believe, but I just want to recognize that the HOME set-aside is a part of this, the Department of Energy, Efficiency Community Block Grant, Residential Energy Efficiency Program. They are all participating in this, and I think it is just an awesome, awesome thing to happen for you in your community, and thank you for your leadership and for you as well, Mr. Mitchell, under your leadership.

Mayor Foxx said this is a very important item. This is Lincoln Heights. I know a little bit about Lincoln Heights. I grew up right in the way, so anyway, I think it's a good thing.

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

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

NAYS: Councilmember Cooksey

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ITEM NO. 15: BROADBAND TECHNOLOGY OPPORTUNITIES PROGRAM GRANT ACCEPTANCE

[Motion was made by Councilmember Barnes and seconded by Councilmember Cannon]
[accept award of the Broadband Technology Opportunities Program Grant from the American]
[Recovery and Reinvestment Act of 2009 (ARRA) in the amount of \$16,702,490 to construct]
[a regional wireless long-term evolution network, and adopt Budget Ordinance No. 4502-X]
[appropriating \$16,702,490 in grant funds.]

Mayor Foxx said I think this is a really important item. I think we have had some discussion about it, but, Curt, can you give the elevator speech on what this will do?

Curt Walton, City Manager, said this is a public safety wireless network that will really go to regional interoperability, and it's \$16 million. It's really a major improvement to our public safety communications infrastructure.

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

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

NAYS: Councilmember Cooksey

Councilmember Barnes said, by the way, Mr. Mayor, there is no local match involved. It was all ARRA money.

The ordinance is recorded in Ordinance Book 56 at Page 746.

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ITEM NO. 16: CONFERENCE SPONSORSHIP REQUESTS

[Motion was made by Councilmember Barnes and seconded by Councilmember Cannon]
[to consider requests for City sponsorship of the following upcoming Charlotte conferences:]
[1) \$10,000 to support the September 2011 International Economic Development Council]
[(IEDC) annual conference; and 2) \$20,000 to support the April 2012 Urban Land Institute]
[(ULI) Spring Meeting and Real Estate Summit; and B) adopt Budget Ordinance No. 4503-X]
[appropriating \$30,000 from City Council's Discretionary Fund.]

DeWitt McCarley, City Attorney, said we also need to exclude Mr. Howard from 16A-2.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, and]
[carried unanimously to recuse Councilmember Howard from Item 16A-2.]

Charles Teal, Chair, ULI Charlotte, 400 East Blvd., said I'm here representing the Charlotte District Council of the Urban Land Institute. We have a request before you this evening for our 2012 Spring Meeting. Given the lateness of hour and the length of time we have been here tonight, I'm just going to limit my comment to that. I am here to answer questions should there be any concerning that conference.

Councilmember Barnes said a question I have actually for both Items A1 and A2 is what is the money going to be used for?

Mr. Teal said the Charlotte District Council is going to help put on that conference. We'll bring in 3,000 or 4,000 members from across the United States. ULI is a nonprofit organization with about 28,000 worldwide members, and part of the funding comes from local sponsorships, so it is to provide for the conference itself and some of the meeting facilities.

Councilmember Barnes said just for clarification, the first item is a \$10,000 request to support an International Economic Development Council conference here in Charlotte. Your request is for \$20,000 to support the ULI conference here in Charlotte in the spring. Mr. Manager, how much money did we give the NRA when they came earlier this year?

City Manager Walton said we did not give the NRA anything. I think probably CRVA did, but the City did not.

Councilmember Barnes said I'm concerned about the sort of precedent we are setting by essentially paying people now to have meetings in town. I'm persuadable. I just need to understand what the money is for. Anybody can come in here and say we are going to bring 200 or 300 people to town; give us ten grand, and I would like to at least appreciate the purpose of the money. Are you buying coffee or hats or pins?

Mr. Teal said the meeting will bring, as I said, from across the United States about 4,000 members of the Urban Land Institute, so it's really more of an economic development. You will have developers, real estate capital sources, as well as planners and other advisors to the real estate industry coming to Charlotte. We are going to showcase Charlotte and the development that has occurred over the last 20 years.

Councilmember Carter said is it possible that our staff and perhaps Council members can attend – perhaps at a discounted rate if we do something such as this?

Mr. Teal said I think we probably could figure out how to work on that. Councilmember Howard is already a member of the ULI as are some of the staff members here including Ron Kimble.

Councilmember Turner said I think it's a great opportunity, and I find it to be a small amount of investment for the opportunity that may come out of it when you start talking about the economic impact and the visitors coming representing their different companies and industries to find what Charlotte has to offer, but not only that a great host city that I know that we are and have been that they may find and we may lure another company here, so I think that's a small amount when I look at the other individuals who have already made a commitment not only just locally in Mecklenburg County and City of Charlotte but other counties outside of our county and outside of our state. I think it's a great opportunity.

Councilmember Mitchell said let me just speak to Item No. 1, the IEDC conference. I know last year it had over 1,400 attendees, and the return in the community is 1.1 direct economic generation from that conference. To Councilmember Turner's point, I think this is a worthwhile event for us to showcase the City of Charlotte when we have the offer, and we have some of our staff members that are very involved in this profession.

Councilmember Cooksey said this addresses a bit about Councilmember Barnes's point and Councilmember Carter's. Both of these we are getting complimentary conference passes. How many, and who is going to use them?

City Manager Walton said it sounds unlimited. At this point, I don't think we know that number, Mr. Cooksey, but we'll work it out.

Councilmember Cannon said just a quick reminder, Mr. Mayor, to Councilmember Mitchell's point. We do things like this, again, for the return on the investment. We have done it with the CIAA. We continue to do it with the CIAA. You see the economic impact that it creates for the city across the board, so for a mere ask of what's before us right now, we probably ought to look

at the higher return that could come back for the city. Also, it's not a bad way to showcase and/or promote Charlotte to people. Oftentimes we worry about how we are marketing our city accordingly, and this is one of those ways we don't have to worry too much when you have outside folks coming in and hopefully coming back for future conferences or something else that might make itself available.

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

The ordinance is recorded in Ordinance Book 56 at Page 747.

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ITEM NO. 17: MAYOR AND COUNCIL TOPICS

Mayor Foxx said before we get into one that I think there is a lot of interest in I do want to mention that today I named the co-chairs of the bond campaign. They will be Bishop Claude Alexander, Howard Bissell, and Cindy Patterson, who is former Council member and is chairing the Efficient and Effective Taskforce, and I think that will be a good group to help lead this effort and wanted you all to know that before it hit the lines.

In addition to that, we have had over the last couple of meetings some conversation about evaluating our City Manager and our City Attorney. We have also had some very focused conversation this afternoon on compensation. My views on that are pretty well articulated at this point. We had a lot of conversation with the Council this afternoon about that. Is there a motion on the compensation issue?

Councilmember Mitchell said do I need to state the figure or –

Mayor Foxx said, yes, you need to state the exact figure.

[Motion was made by Councilmember Mitchell and seconded by Councilmember Carter to]
[approve the City Manager's new total compensation at \$234,537.]

Councilmember Carter said, Mr. Mayor, we have a slide indicating the payment for city managers for the top ten cities within the United States, and if you will look at that, you will look at number nine, which is Charlotte, and if you put Raleigh into the mix, it ranks number five on this list and would be inserted there, so we would be number ten in actuality. I am delighted to say that we appreciate our City Manager and all he has done to keep our city in a very sound financial and beautifully serving city status. Thank you so much.

Councilmember Cooksey said I voted against the general pay increase for the budget, so that's why I'm also going to be voting against this motion. My preference would be to basically pay the Manager the same amount he was paid last year. I think I know which way the votes are going to go though, so I'm not going to go through the rigmarole of a substitute. That's explanation for now.

Councilmember Howard said just a little further. What he was paid – which amount?

Councilmember Cooksey said exactly what he was paid last year would be my preference.

Councilmember Peacock said I share the sentiments of Mr. Cooksey in one regard in the respect that I was against the pay increase and spoke very adamantly against that and tried to advocate for my fellow Council members to not do that at this time right now, but I think when you place in the context of what we are discussing right now, which is keeping a qualified and competent city manager, you have to look at the broader picture of how we are paying both our City Manager and our City Attorney. We have had a structure where we have had a very low base pay, which is not consistent with the City of Charlotte statement on how we pay people, and, as a result, we not only knowingly know our City Manager and our City Attorney are well below mark, we wait until the end of the year to evaluate them and decide on the word bonus, and I will agree that no one on this dais wants to pay a bonus at this point, but what we don't want to do is

leave all the compensation to the two very important people that we are charged to hire and fire and make decisions on. This is simply about bringing them not anywhere more extremely consistent with where we are trying to be for all employees. They are without doubt, as you look at those figures and others, we need to stand tall on this issue as it relates to fair compensation.

I think the other thing that the audience needs to know as well about Manager Walton as well as Mr. McCarley is particularly when we went through the search with Mr. Walton if we were to have gone outside of the boundaries of Charlotte to hire our city manager, we would be hard pressed to be getting someone of his talent and the track record that he has brought to this city for a dollar amount any less than what we are paying right now. So the nominal amount that we are talking about at this time is not significantly more than where we were last year.

The other part that I want to speak to that we addressed today in Closed Session, and we will have more dialogue on it as well, too, is to not have something like this occur at the very last minute of this important time when we have to make a decision for them. I suggest we refer this to the Restructuring Government Committee, which Mr. Cooksey chairs. We need to look at this from an executive compensation philosophy and have one that is consistent with what this board would like to see and not do it at the very end. So I hope we will get some good work out of the committee and look forward to that continued dialogue.

Mayor Foxx said I find now there is a speaker who wishes to speak on this topic, and because we are discussing it at this point, it has become an agenda item I am advised by the City Attorney, so he has a right to speak on this topic.

Martin Davis said I wish I was intelligent enough to get into Davidson.

Mayor Foxx said where did you go to college, Mr. Davis?

Mr. Davis said University of North Carolina. We are getting ready to go on probation. Mr. Mayor, tonight City Manager Walton is going to ask City Council to raise his already exorbitant salary. Manager Walton is currently being paid by the taxpayers an annual salary of \$200,312, and last year Council idiotically gave him an additional \$16,000 bonus. The public should also be aware that if Mr. Walton retires with the City he will receive a retirement package that private sector serfs can only dream about. Manager Walton will receive proceeds from City's defined benefit pension plan guaranteed by law of well over \$100,000 per year for life along with full healthcare coverage until he is eligible for Medicare with the City providing supplemental coverage for his remaining years – how thoughtful, Mr. Mayor. Despite this amazingly generous compensation package, Mr. Walton demands even more taxpayer money squarely in the middle of the worst economic environment since the Great Depression. Mr. Mayor, being the perceptive, intelligent man you are, I'm sure you have come to the conclusion I don't think Council should grant Manager Walton one additional penny. You are right. What I think Council should do is fire his sorry backside. Consider this, Mr. Mayor. The City bureaucracy claims City government provides the platform that allows commerce to flourish in Charlotte. Well, you may have noticed our platform is blown up, Mr. Mayor. For instance, our local unemployment rate is 12%. If you count people who are no longer seeking regular employment, the real jobless rate is far in excess of 15% -- 30% higher than the national average. Since January 2008, Charlotte has lost 36,000 jobs. In 2009, home values dropped 9.3% to \$183,000. According to Forbes, Charlotte is the 28th costliest city in the U.S., more expensive than Dallas, Tampa, Cincinnati, Pittsburgh, St. Louis, Memphis, Nashville, Houston, and Indianapolis. So we have a huge unemployed population living in a very expensive city. For those of us fortunate to have a job, the average per capita income is a pathetic \$25,000 annually according to the Chamber of Commerce, or about six weeks of Manager Walton's current salary. Out of this \$25,000, the average Charlottean has the privilege of paying \$2,587 in local taxes and fees, Mr. Mayor. You heard me right -- \$2,587. Charlotteans have the distinction of being the highest taxes citizens in the entire state of North Carolina for nine years in row. Our tax burden is more than \$300 or 11.5% more per resident than any other large city in North Carolina. Mr. Mayor, there are supposedly three Republicans on City Council – Ed Peacock, Andy Dulin, and Warren Cooksey. They should be leading the charge to fire Mr. Walton and do everything possible to decrease our ruinous tax burden -- salary reductions and layoffs for City employees, selling assets such as the Airport and Water Department to generate revenue, cutting back the absurdly expensive wasteful barely utilized transit system. They should advocate these measures, but

since they are not actually Republicans but ruling class elitists they won't. So, I'm asking you Democrats, Mr. Mayor, please fix this mess. Thank you.

Mayor Foxx said are there further comments from the dais on this topic. I do want to say one thing though, by the way, which is if one surveys the cities across the country that are our size or larger, we are very, very fortunate to have a city that is AAA bond rated, that can still be in a position of hiring new police officers – we have brought almost 75 I think or so on board this year -- to have the ability to issue bonds in a year when many cities can't issue debt at all. I think on just about any score you could measure a city manager, we are very, very fortunate to have someone of the caliber of Curt Walton, and I have struggled with this issue myself because outside this building there are many people who are hurting. I think at the end of the day the Council, as a body, has to make this decision, and not me as an individual. What you do tonight on this is voting your conscience. I still think I'm where I have been on it which is probably more closely agreeing with Mr. Cooksey, quite frankly, or maybe others, but I understand the debate about being fair to the public and being fair to someone who has done the work we have asked him to do. Anyway, let's call this to a vote.

Councilmember Dulin said is Mr. Davis still here. I have got to give you credit, Marty. You really never let facts get in the way of a good rant. It's hard to sit down here and take that stuff sometimes, and Curt Walton is doing us a good job. There are differences of opinions on this dais as to his compensation package, but there is no difference of opinion that he is a hard-working, good man and didn't deserve a lot of that you just gave him, but you can come down here and say anything. It's a free country, and you have your Constitutional rights to do that.

Mayor Foxx said let's call this to a vote.

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

AYES: Councilmembers Burgess, Carter, Howard, Kinsey, Mitchell, Peacock

NAYS: Councilmembers Barnes, Cannon, Cooksey, Dulin, Turner

Mayor Foxx said that carries 6-5, and there's a second issue regarding the City Attorney.

[Motion was made by Councilmember Mitchell and seconded by Councilmember Kinsey to]
[pay the City Attorney a total of \$194,596 as a base salary for this fiscal year.]

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

AYES: Councilmembers Burgess, Carter, Howard, Kinsey, Mitchell, Peacock

NAYS: Councilmembers Barnes, Cannon, Cooksey, Dulin, Turner

Mayor Foxx said that carries – six votes. Are there other announcements or discussion points?

Councilmember Howard said the part that was said earlier about referring that to the committee is that just an automatic.

Mayor Foxx said we need to go ahead and do that officially, yes.

Councilmember Cooksey said I think Councilmember Howard was about to do that.

Councilmember Howard said to make sure we talked earlier about the actual host, the structure, the way we have approached compensation for both the Manager and the Attorney over the last several years, and we talked about referring that to the Restructuring Government Committee.

Mayor Foxx said is there any objection to doing that? That would include looking at the bonus versus full compensation piece as well. Were there other elements that we talked about?

Councilmember Cooksey said compensation policy is basically it for the Manager and the Attorney.

bvj

Mayor Foxx said I want to make sure we give direction to the staff so they know what we are talking about.

Councilmember Peacock said I will probably echo that we have Mr. Mayes engage our consultant that we have worked with before – Towers Watson – to again give us some comparables as to how other organizations of our size are going about compensating these two individuals and giving future Councils more guidance on this. If you look at the pay history of Mr. McCarley and Mr. Walton, even our previous city managers, it's very erratic of how we have gone from base to a bonus structure, deferred comp comparable to CMS and to Charlotte-Mecklenburg or to Mecklenburg County just varies widely, so I would like to have a little bit more consistent understanding of what we are trying to accomplish here.

Councilmember Turner said one of the things – because I was more inclined to delay this until Monday so we could have some further dialogue about this matter. The concern I still have here and even with our prior city manager, every year that I have been on Council we have had this very discussion and debate about bonus bottom line, and we often compare our City Manager and City Attorney with the equivalents of other cities that are comparable to our size, and obviously there is a huge disparity in some of the salaries. I guess one of the things I would ask that since we are going to send this to committee that we sincerely look at either we are trying to make it comparable, put it in the proper range to be more competitive or equal to because this obviously every year turns out to be the measuring stick, and if we are going to constantly do that, then we need to get serious about where we are trying to align ourselves and not have this be the hindrance every year that we look at and we throw a bonus in here or we throw this in there, so if we are sincere about what we are trying to accomplish here and bringing us as a city in those positions in line with other cities then I think we need to make sure we give that order or at least a request that staff and the Restructuring Government Committee look at in its totality.

Councilmember Mitchell said, City Manager, there was an article that appeared in Saturday's paper talking about small businesses are struggling to gain access to capital, and I know we had a very successful capital conference back here in April, May that Councilmember Carter and the leadership with the Chamber. Can we get a follow-up of what is the City's next step and what are we doing to engage to make sure that story never appears again. I think we have put a lot of effort here from this dais and City staff. If you can give us some feedback, I really would appreciate it.

City Manager Walton said, yes, sir, we will do that.

Councilmember Carter said I have received numerous telephone calls about door-to-door solicitation at residences, and I'm wondering if the City Manager could give us some information about how we regulate that currently, if we do, so that this Council would know what is going on as we interrelate with door-to-door solicitation; and dependent upon that information, to see if we need to take some action.

City Manager Walton said if we could hear from Mr. McCarley.

DeWitt McCarley, City Attorney, said we are already in the process of preparing a short memo for Council on that topic. It will be done this week.

Councilmember Peacock said, Mr. Manager, and this is something that is subject of public safety that I read in our *American City and County Magazine* that we receive. I thought it was an interesting article, and I don't know where our police force stands on this.

Councilmember Cannon said it's actually in the queue.

Councilmember Peacock said what is in the queue here is I was just reading an article that Blackhawk County, Iowa, residents can summon up help in emergency by texting 911 operators who are sight and speech and hearing impairing residents to community directly to 911 as well as giving people alternatives as well as communicating with 911. I didn't know if our police department had that capacity right now, and, if not, maybe get an explanation. You are saying a queue.

bvj

Councilmember Cannon said, yes, sir. There has been discussion with the police chief – very preliminary stuff. Obviously what we have been doing is trying to gather at least some information in terms of other cities like the ones Mr. Peacock mentioned. There's Boston, there's Pittsburg, there's Rochester, NY – there are several that are doing this along the way, and one of the things we hope we might be able to do is to refer this to the Community Safety Committee for further exploration, Mr. Manager, so I would certainly like to move to lead that charge, if at all possible.

City Manager Walton said we'll get a report of where that stands right now, and you want to wait on the report for the referral?

Councilmember Cannon said that will be fine.

Councilmember Cooksey said this is the public service announcement. I hope that everyone knows about this and the dozens or so that are still up watching, but this week kicks off the first round of Charlotte-Mecklenburg Utilities meetings on rate study. The west meeting is tomorrow night, the central meeting is Wednesday night, the north meeting is also Wednesday, and the south is Thursday, and the east is next Tuesday. Details have been available in inserts in the water bill and can also be dug into at charmeck.org. I hope we get the turnout for the water rate study public meetings.

Councilmember Peacock said I was going to adopt the motion to go into Closed Session.

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ITEM NO. : CLOSED SESSION

[Motion was made by Councilmember Peacock, seconded by Councilmember Cannon, 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 9:30 p.m.

Stephanie C. Kelly, CMC, City Clerk

Length of Meeting: 3 Hours, 38 Minutes
Minutes Completed: October 6, 2010