

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, October 11, 2010, at 5:17 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Present were Councilmembers Michael Barnes, Jason Burgess, Nancy Carter, Warren Cooksey, Andy Dulin, Patsy Kinsey, Edwin Peacock III

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

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Mayor Foxx said this is going to be our only business meeting for the month because of the National League of Cities, so we have a few items to deal with tonight. I want to start out by asking for any Consent items that folks might have questions about.

Councilmember Dulin said I have two items I would like to bring up for community down front so folks know – No. 15 and No. 34. Thirty four is Rea Road, and 15 is the Park Road Intelligent Transportation System. I would like for folks to know we are moving forward on both of those.

Councilmember Carter said No. 14. This construction which requires South Boulevard to be closed will it affect light rail service, and do we need to notify the public? No. 15, the next to last point on the explanation says the construction will bore under streets and will not disturb the existing asphalt. Does that require any repair work at all, and will we be reimbursing at the appropriate cost? I know we deflated the cost at one point to ourselves.

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ITEM NO. 2: URBAN STREET DESIGN GUIDELINES ORDINANCE IMPLEMENTATION

Mayor Foxx said we have a very important topic on the agenda tonight regarding the Urban Street Design Guidelines Ordinance implementation. There has been a lot of work that has been gone through – stakeholder processes and drafting. You have got that in your materials. We had it last week and couldn't get to it. Mr. City Manager, would you like to further introduce the topic?

Curt Walton, City Manager, said in the November and December Zoning Meetings there will be a hearing on the proposed ordinance in November and then a decision hopefully in December. There has been a lot of work leading towards the incorporation of the Urban Street Design Guidelines into ordinance form, so tonight we wanted to update you on the status of that process, and I will turn it over to Danny and Debra.

Debra Campbell, Planning, said I'm going to kick this conversation off by giving you just a little bit of background on the Urban Street Design Guidelines. As you all know, this is a joint initiative that is spearheaded by the Charlotte Department of Transportation with support from the Planning Department. Mike Davis and Shannon Frye are the project managers for this initiative. Mike will be going into a little more detail giving you the status of where we are in this process.

Before I do that, I wanted to say, and I don't know if you all have been getting any comments back about how well this process is going, but I can tell you that both Danny and I are so pleased with where we are today. We may have some disagreements about the what, but I can assure you through the process though we have gotten tons of comments back from our stakeholders about how well this process is going, and I believe sincerely that it's due to the hard work of both Mike and Shannon, so we are real pleased with that.

With that out of the way, at your Workshop in March of this year, we gave you an update on the

Urban Street Design Guidelines, the Post Construction Control Ordinance, and the Tree Ordinance. At the time the Urban Street Design Guidelines were in the policy stage and even the Tree Ordinance was in the ordinance development phase. The Urban Street Design Guidelines, as you know, was a policy that was adopted in 2007 with the goals being to create complete streets, that is, streets for all users, and we have from the City staff perspective been using the Urban Street Design Guidelines as a policy basis for a lot of our capital projects particularly those obviously that were initiated by the City.

This process now that has been going on for the past almost year or so is moving those policies to implementation, and that is an ordinance that will be done mainly through the Subdivision Ordinance. At your March Workshop, we also heard from the Mayor and a number of Council members about wanting more information even at the March Workshop about three issues: flexibility, predictability, and the impact on affordable housing. At the time, we weren't able to give you the specifics to respond to those questions particularly related to the Urban Street Design Guidelines because they were policies at the time. We can though provide you with more detailed examples and show you how the Urban Street Design Guidelines again as they are moving to an ordinance phase can provide you the responses to flexibility and predictability, and Danny is going to talk a little bit in terms of the affordable housing issue and the cost of implementing USDG.

The changes that will be made to Urban Street Design Guidelines again will be made principally through the Subdivision Ordinance, but there will be a few changes made to the Zoning Ordinance as well as the Tree Ordinance. The Subdivision Ordinance is probably one that you all may not be as familiar with because it is purely – and I say almost purely – an administrative process. Our Planning Commission hears appeals and hears variances, but essentially it's something that happens again through staff approval process, and that's where Urban Street Design Guidelines when you all hopefully will approve the changes you will be making most of those changes to the Subdivision Ordinance. Now, I'm going to turn it over to Danny to talk to you more specifically about what we are trying to accomplish with USDG, a little about the process, and then answer that third question of the impact on affordable housing.

Councilmember Mitchell arrived at 5:26 p.m.

Danny Pleasant, Transportation, said thank you, Debra, and also want to point out the Transportation Planning Committee has really shown a lot of patience and attention to lots and lots of details. We have really walked the committee through this particular phase of moving from the Urban Street Design Guidelines from policy into being embedded into the Subdivision Ordinance mostly. As Debra said, the vast majority of the 2,400 miles of City maintained streets that are out there are built by developers. They are built within the subdivision process, so the subdivision process in addition to giving you lots of building tracks, give you streets and other types of rights-of-way. So this is sort of a big step in that direction and a step that plays itself out through the subdivision ordinance in a routine subdivision type of process.

I just wanted to bring a couple of issues to you almost as sort of reminders and kind of resetting the base where we started this adventure several years ago. Just a reminder of how important our streets and our connected street network because a large part of the Urban Street Design Guidelines has to do with how networks are formed, how streets are connected to each other to really create the kind of community that works well.

There are two major reason for a good connected street system. I will just focus on the network because block sizes and network connectivity is an issue that has been discussed quite a bit. Just a reminder as we have stepped through over the years and you have seen this probably time and time again, a good connected street network is good for congestion and good for mobility and good for access. You remember the diagram we showed you several times that had the inner part of the city versus the outer part of the city, and we demonstrated that in the suburban parts of the city outside of Route 4 you are about ten times more likely to be stuck in congestion than on the inner ring of the city where generally even though we have the highest population density, the highest employment density, most of the cultural amenities and activities that take place in the city. We tend to have lower congestion just simply because the historic street pattern there is more densely connected to each other. It's better for walking and bicycling and those public health benefits that come with that allow more direct transit routing and just generally eases

congestion all over the better street network and connectivity we can do. So that's a reason for staying with the objectives that are in the Urban Street Design Guidelines, the Transportation Action Plan, to create a more connected street network.

Other services – obviously Solid Waste and that sort of thing benefit. In 2008, we did a study with Fire Department and CDOT together looking at the effective street connectivity on fire station operations, and just to kind of compare the two extremes of our study, Fire Station No. 2 over on South Boulevard versus Fire Station No. 31 up in the northeastern part of the city. When we compared the two, Fire Station No. 2 having a fairly dense network of streets, and Fire Station No. 31 having a very loose network of streets, we found when you apply the cost of the fire station – remember, each fire station costs relatively the same to operate -- same amount of staffing, same amount of equipment generally – that when you spread the households served by each of those two fire stations you found on a per household basis Fire Station No. 2 was probably five times more affordable, cheaper to operate, than Fire Station No. 31, which cost about five times more to operate on an annual basis than the fire station with the street network, and it's simply because the street network allows the fire station to service many, many more households in its service area, in its response time area. So from a dollars and cents perspective, that seems like a good move from the City budget. Like I said, other services – Solid Waste, mail delivery, anything that requires use of the streets, public transit, police coverage, all that sort of thing – seems like it would benefit also.

Councilmember Barnes said in light of what you learned in the analysis with respect to Stations 2 and 31 what sort of proactive steps do we take to address the cost increases you have referenced with respect to Station 31?

Mr. Pleasant said actually we just finished – I can't remember the name of the street, but a little remnant piece of street that was needed to be finished for the construction of a school up in there. We even saw that drop off the cost, annualized cost, because it opened up more territory for their response time. So I think it's just being in awareness that as subdivisions occur in the future the more connective they are the more efficient service we can deliver through fire stations and those other community services that we need to provide.

Councilmember Howard arrived at 5:34 p.m.

Mr. Pleasant said Debra said I was going to touch on housing affordability, and honestly I'm sort of the unlikely candidate to try to describe that being your transportation guy, but I will just kind of put it in this context. The discussion seems to have really circled around housing affordability related to network connectivity. I will stipulate with the sidewalk width moving from four to five feet in the single family subdivisions that there may be some marginal costs associated with a little bit wider sidewalk, but I really want to talk about the street connectivity part of it more because that seems to have been a bit cloudy.

Mike and Shannon and our staff tested the Urban Street Design Guidelines language that we have drafted so far against somewhere in the neighborhood of 40 to 50 subdivisions throughout the community that have been approved in the last four, five, six years, and really found that there were marginal differences between what was approved and what would be approved now. For all intents and purposes, pretty much the same product that has been approved in the last four or five years can be approved under the Urban Street Design Guidelines. So, with that, it started me thinking about where do you really get the cost impacts to housing from a normal subdivision, and we really were having a hard time finding it.

Furthermore, as I started thinking through the process a bit, and I was thinking about where is affordable housing being built and housing being built today. It seems like the market is delivering in places like Double Oaks, places like Ashley Park, First Ward, Seigle Point. All those were built pretty much according to the Urban Street Design Guidelines in the particular geographies they are in, so I felt like the market is delivering some of those, and admittedly some cases those are subsidized housing – have got some public subsidy involved. But it seems like what has been delivered in the last few years pretty much aligns with what we have got in the Urban Street Design Guidelines, so it seems to suggest that there is not going to be a whole lot of cost differential to affordable housing in that particular case.

Then we were able as we widened the planting area out and increased the right-of-way slightly in some of those areas we made the adjustment to the front-yard setback in single family housing that the setback instead of being from the edge of the right-of-way would now be from the back of the curb, and we were able to adjust it. So essentially the house placement doesn't change. So, again, that would preserve the land that would be set up for subdivisions.

As we sort of thought through, and I know this isn't a quantitative – it might cost "X" number of dollars per household or subdivision. I hope it will give you a sense that what has been approved in the past can continue to be improved particularly as it relates to single family types of subdivisions and other kinds of affordable mixed income types of housing projects we have seen in the past several years.

I wanted to kind of leave with a final thought before I call on Mike to give you a little more detail. I ran across and refreshed my mind on a survey that was done through the Knight Foundation of the 26 cities that the Knight Foundation covers across the country, and the commission surveyed through the Gallop organization. The survey I found kind of fascinating because it was a survey of a community commitment or adhesion to the community and sort of that emotional bond that citizens of the community have with their community. Depending on where you were in the country there were different factors that sort of formed that glue that held the commitment to a community.

In our particular case in Charlotte, we rated pretty high on community adhesion in the sense of belonging to the community, but the number one reason given in the survey for that was the sheer aesthetic quality of the city. It was the beauty of the city, and as you might remember in the Urban Street Design Guidelines, we started off by asking a thousand survey respondents what kind of streets they liked that they felt were appropriate for our community, and they really picked the beauties – the really pretty, eye-appealing types of streets. We know that trees are sort of the key to our aesthetic quality in the city. In the city, we don't have a big waterfront, we don't have a mountain view, but we do have beautiful trees, and we are known for that, so we believe the Urban Street Design Guidelines help enhance that quality of the built environment by providing the space for trees and considering really the physical attributes of the community. We think it will help capitalize on what citizens are telling us they really value about our city. With that, I'm going to call on Mike to give you some more information about that, and Shannon will be standing by to answer questions you might have.

Councilmember Peacock said a question for Danny or for Debra. In doing some of my reading in preparation for tonight, I wanted to ask about this first document we had. There wasn't really any guidance to us as Council members as to what this is or how to use and why it was first, and it's also a very large piece of paper as well, so it struck me as being something important. Second question has to do with – Debra, I don't know if you used the word "stakeholders", but it doesn't seem like we have a process very similar to what we had done in the tree ordinance – a true citizens stakeholders' process that has gone on for a significant amount of time. What type of input have you been gaining from the industry, I guess both from CDOT's perspective and the Planning Department's perspective?

Mr. Pleasant said I think what you are holding up is a disposition sheet. We felt like the process we went through – and I'll explain. What I would have told you, had it been a disposition sheet, was that – and it answers a little bit a question you posed to Debra. This particular process, unlike when we did the policy process, which was more of a ground up, a bottom up policy development process. This one was really more of a review and comment because we were dealing with ordinance language in this particular case. So we found it's better in ordinance language to draft the ordinance based off of policy and then let folks come in and review that, mark it up, give us comments, suggest new language, and all that. So that process actually worked very, very well, and we got excellent comments. Mike is going to give you some detail in his presentation about that part of it.

Mike David, Transportation, said thank you, Danny and Debra, for setting it up, and thank you, Mayor and Council, for having me. I was actually going to just start by giving you a brief explanation of what this document is, and directly to the question. The reason for that sort of fold-out document was as we struggled to manage an awful lot of information through multiple ordinances, we throughout the process were always trying to find ways to keep people at the

right levels feeling connected to what the key content is. In the remainder of the document that follows that fold-out is actually tabs for the different ordinances. So if you want to check our work, you can go and see, and what this sort of first page pull-out sheet is just to sort of say – and this will align with the presentation – that our work is broken into four different sort of key content areas, and if you wanted to get a sense of what we currently do today versus what we are proposing under this ordinance, you can get a very high level sense of that. It's just sort of an introductory.

Just to finish on that thought and so you know what you have in front of you, the first tab is a Subdivision Ordinance. Most of the work we have done has been directed at the Subdivision Ordinance because that is the regulation that really governs how streets get built. What follows are two zoning related amendments and one minor Tree Ordinance amendment, and then the last page is a tab that is just a brief explanation of something called the Land Development Standards Manual, and I will touch on that in the presentation as well.

There are really three main parts to this presentation. It's kind of how did we get to the language that you have in front of you, what is the key technical content, and something called alternative compliance that is kind of a new procedural option that we are proposing. The work we have done has been divided amongst different groups of people, but most of the work we have done has been with the Transportation and Planning Committee. We started back in May, and we have been to every committee meeting that has been held since just to keep the committee up to speed with the progress we have been making. The public review process was a three-part public meeting series that was held over the summer sort of from June to August. We recently engaged the full Planning Commission actually last Monday, and here we are tonight sort of just as an orientation leading up to the public hearing on November 15th and our requested Council decision on December 20th.

So the first part is how did we get to the language in front of you? We start by leaning on experience that we already have. Danny and Debra mentioned that we already have an adopted policy in place, and that has enabled staff for the last several years to use USDG concepts and apply them to areas of work that we control, and that includes area plans, that includes our CIP program, which has all kinds of capital projects and programs. We also have been able to apply it to a limited number of land development projects. Where we apply it to land development is in locations where developers go through a conditional rezoning process. It's common for us to ask petitions to agree to apply certain concepts from the USDG, and in many cases they do, and in those cases they end up on the ground, and we learn from those experiences and examples.

The last thing we do in terms of leaning on that experience is we have also heard since 2007 when the policy was adopted of the need for flexibility and ordinance, and if we wanted to stay consistent with the intent of the USDG policy we had to find a way to do that because that is what good street design is all about is being flexible. So the public review process was also instrumental in how we got to the language that you have, but we started and this kind of gets to the question that Danny was answering a minute ago, but we only started this public process after we had first as staff taken our first cut at what we thought was an honest representation of the USDG policy with some thought around how can this really work in real life, and we took that work to the Transportation and Planning Committee, and that's kind of how we got this thing kicked off. After we had done that, we then engaged the public to sort of check our work. How did we do in terms of staying in bounds of the policy? What unintended consequences are there in terms of what we drafted? And, how can we remedy those wherever people identified them? So, to do that, we had three public meetings.

We have kind of described this or you can think about this in terms of a funneling process wherein we cast a pretty wide net to attract people to this public review process. We sent out 1,400 invitations, and this would be where we have a database of homeowners' association representatives but also people who are in our database of known developers and the engineering consultants they use and also just groups of people who we know have interest in this process and have participated in other similar efforts. So from that group of 1,400, we had 50 people actually turn out in this room over those three meetings and really participate in the process. Of those 50, we had nine people actually either give us comments or go back and work with larger groups of people to consolidate and be concise in how they responded. So, of those nine that actually produced about 120 good comments we could work with, about half of which we were

able to dispose of just by sort of having more conversation and hearing points of view and offering clarifications.

From that process of sort of offering our comments, we also invited people that, hey, if we didn't offer you a satisfactory response to your comment or if we seemed to have misunderstood you, please let us know, and from that, we had three people actually say, yeah, we want to keep that dialogue going, and we did – all of which set us up for our final public meeting wherein we were able to announce we had about 30 what I would call substantive changes to the ordinance. All along the way, and we don't need to read anything on this chart. It's just to sort of show you –

Councilmember Peacock said can you go back to your previous slide? This Council heard in a Dinner Meeting in March from the Affordable Housing Cabinet. How many people that are a part of that cabinet were a part of this group of participants?

Mr. Davis said, first of all, I don't know who all comprises the Affordable Housing Cabinet officially, but of those that I do know, I'm only aware of one that participated that is on the Affordable Housing Cabinet, but, in truth, I just don't know.

Councilmember Peacock said if you could get me that name that would be great. Then secondly, I know that staff's response, that paper that was resent to us again from Curt, that was in direct response to the overall concern, which was predictability, flexibility, as well as its affect on affordable housing, so that was your response from a staff planning standpoint. Had that already assumed that this process was underway or complete, or is the document fully complete that we read? Am I making sense on that?

Mr. Davis said are you referring to the paper that was issued just a few weeks ago?

Councilmember Peacock said that's correct.

Mr. Davis said the white paper or report or whatever that was issued a few weeks ago mostly stayed at a high level compared to what the ordinance was dealing with. The ordinance primarily deals with affordability by trying to add flexibility and a lot of common sense so that we are not unnecessarily introducing costs. That white paper, that response, I think was really hovering around more of the policy level, and so it was really leaning on concepts that had already been established back in 2007 with the policy adoption, so it's not that it wasn't related. It's just kind of talking about the same issue at two different levels.

Councilmember Cannon arrived at 5:47 p.m.

Mr. Davis said the purpose of this slide is merely to convey that we really started out with an intention around maintaining maximum accountability and transparency to the public process itself, and the way we accomplished that was by introducing a series of charts like this where as we received people's feedback we would sort of retain that comment exactly as people had given it to us, and then at various points in the process we might offer our initial staff response on that, and then later in the process we would offer maybe our final position on something. But the importance is this was put on our Web site, we advertised that people should check our work on this, see what other people were saying. But then lastly, it was important to us that to the extent we were going to make some change based on a good idea that was given to us, we wanted people to again see that there is a real result, and they can go to that reference in the Subdivision Ordinance and see exactly how we have done it and invite them to tell us if they think we haven't done that very well. So, that's the process we used for public review.

The next major part of this presentation has to do with the technical contents; in other words, what is in this language you have in front of you, and we have kind of broken this out in terms of four major technical areas that include street network, local streets, street trees, and traffic calming. The reason we kind of have it organized this way is because again we are relying on some policy work that has been done ahead of this, and when the policy was adopted, and, by the way, this is what the USDG policy looks like. It is a thick document, and I think the authors understood most people wouldn't read most of this document, so they saw fit to include in the first few pages a series of concise policy statements, and there are 17 of them. They include a lot of different kinds of things, and not all of them apply to the work we are doing, but about four or

five of them do, and that forms the basis of how we walked through this content. But policy statements number one through six have something to do with a process, but number five talks specifically about what process you would employ to select local street types, and that is very much what is at the heart of the subdivision ordinance.

Number seven talks about street network. It's where preferred and maximum block lengths kind of first come into play. So we have that in the policy framework, and we want to carry that forward in terms of street network. Statements numbers eight through 13 are specific design elements, but, again, not all of them apply to our work, but numbers eight and 13 do. It's about planting strips and street trees and about traffic calming. Numbers 14 through 17 is kind of a to-do list item. It's a series of things for staff to do following the adoption of the policy, and number 14 is we need to go update our codes and standards and ordinances, and that's what we are doing.

Councilmember Peacock said previous page, point number seven, creation of streets at regular intervals and blocks. The term you hear commonly tossed out, and I want to know if it's true or not true, that USDG will not allow us to create something like we have in Myers Park or Dilworth as far as block lengths. Can you explain that and help us?

Mr. Davis said sure, and I think actually that was a subject that was in that response, but I will do the best I can. I think our take on neighborhoods like Myers Park and Dilworth, and I will start with Myers Park – the first part of this applies to either – that what makes those neighborhoods great include a lot more than just block lengths, and those things are very much a part of what is in the ordinance and what is in the policy. As it relates to Myers Park, I think long block lengths are very much a part of Myers Park, but it's not what makes it great. If you look at Dilworth, it's actually interesting because most of those blocks are below our recommended maximum block lengths. Where blocks tend to get bigger in Dilworth, they tend to be responding to other kinds of conditions like, for example, Latta Park. You get some long blocks around Latta Park. Those kinds of, again, common sense based rationales is built into the ordinance. It was actually built into the old ordinance, and we kind of tried to retain that idea. So certainly most elements of Myers Park and I would say most if not all elements of Dilworth could be built under USDG.

Mr. Davis said there are three important topics that we are deliberately not advancing as part of this ordinance implementation, and I can give you detail if you are interested, but in the interest of brevity, I would just say what these things have in common are these are all things that we think need to play out over a longer period of time with more work with the committee and in some cases more work with stakeholders to try to figure out where these topics should go, but they are creek crossings, what rights-of-way should be preserved for thoroughfares, and Chapter 19 of City Code, which is the part of City Code that talks about when commercial development is responsible for building curb, gutter, and sidewalk.

Of these four topics – the first is street network, and this is by far the most complicated. It's the one we spent the most time on, but, again, the sort of truncated policy statement here is the expectation is that we establish a network of streets based on preferred and maximum block lengths that are in the policy. So, let me explain this slide real quick. Both of these images are taken from the USDG policy, but on the left is basically a representation of the Centers, Corridors, and Wedges Plan, and on the right is the table of the preferred and maximum block lengths, but all of this works on the assumption that you shouldn't take a one-size-fits-all approach to a street network; that rather those things should be dependent on what type and intensity of land use is proposed and where you are according to that centers, corridors, and wedges concept.

Some of that was already in place. Our charge, in terms of drafting the ordinance, was how do we retain those intentions, that sort of policy direction, but make this thing work, make it flexible. First of all, let me say that the rules for street network as we proposed in the ordinance would apply to all different types of land uses. It's not just how the street network rules work for single family. It would apply to multifamily, for commercial as well, but there are variations that I will get to in a minute. The street network design starts from the outside in. This is similar to how subdivision works today, but the idea is before you get into the weeds on maximum and preferred block lengths you probably first ought to be looking around your site to figure out what

street length has already been established. If streets are already directed at a site, the first thing is extend those things under the site.

In the committee, we kind of walked through a series of these animations to kind of show exactly how these things work. But for comparison, the existing Subdivision Ordinance has a base requirement of 1,000 feet as the maximum block length, and that's the same for all kinds of uses and all kinds of situations. That is as compared to USDG, which calls for, again, depending on your type, intensity of use, and where you are, anything from 600 feet to 1,000 as the maximum.

Councilmember Dulin said Ms. Carter and I want to ask about the 1,000 foot and industrial buildings, and I'm thinking about a building like the Husquvarna building – that's not in our county – I get that, but it's across the street, but there are plenty of industrial buildings that are longer than 1,000 feet.

Mr. Davis said that's right. This came up in the public review process. Somebody observed – actually it was a staff member who observed shortly after drafting these rules that we had just been working with a site that had buildings that were 1,400 feet long, so we quickly came back with some language that responds to that that says if you are – I forget exactly how it's worded, but it recognizes manufacturing as a use that inherently creates a need for large buildings, and you are, therefore, exempt from these kinds of maximum block lengths. There are some other things like that. It's not just manufacturing, but to your question, that's how we have addressed it.

Flexibility – we could probably talk about flexibility on any topic, but I put it here because it's frankly where we spent the most time. I think rightfully network is the thing that makes people most nervous because it's where your greatest expense lies in how often you have to build a street, so what was important to us was let's make sure we are never expecting streets to be created where they don't give us any value. So there are layers on how that flexibility can work, and the first is that categorically certain things you would never even be talking about streets as a requirement, and those include cemeteries, schools, public parks. The current Subdivision Ordinance, and, Councilmember Dulin, this kind of gets to your question. The current Subdivision Ordinance already identified six good reasons why somebody ought to be able to do something longer than 1,000 foot block spacing. Through the public review process, we added the one that you brought up and another one that we felt like were just some good, common sense reasons why staff ought to be able to apply some judgment and allow block lengths to be longer in certain cases.

There is also the option, although this is sort of prescribed. It is done under certain conditions that private streets can be allowed instead of public streets, and this mostly applies to commercial development, and lastly, there are already some things in place that deal with variances that we have retained. People still have the option for variances that they are used to, but we are also proposing something new that is called alternative compliance that I will get to in a minute.

Councilmember Carter said the difficulty with retirement or housing for the disabled, is that treated as an exception or possible variance?

Mr. Davis said you may need to help me. Are you thinking security?

Councilmember Carter said security but also when you have scooters in the streets you don't necessarily want connecting streets through that area when people need to be feeling safe.

Mr. Davis said we didn't specifically target that use for any special consideration, but I think there are ways that flexibility can be applied through – and my mind went to security where there is a need to in some cases gate streets. That can be a reason why a public street is not required. Those would become private streets, but they could then become gated.

Councilmember Carter said you know I have a problem with private streets, but thank you very much.

Councilmember Dulin said talk to me a little bit about the wording in there for challenging sites, topography, gullies. I'm thinking about that stuff out there next to IKEA that is hilly and there

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are big trenches in there and so forth. If you get to that later in the presentation, that's fine. Just let it roll.

Mr. Davis said these are the existing six – they are worded slightly differently. Actually what you are seeing is not the actual wording. These are more the concepts, but the existing Subdivision Ordinance has these six good reasons why somebody ought to be able to do something different than the standard, and they include physical barriers, railroads, freeways, gas pipelines, things like natural features, there's a sort of industrial to residential land use relationship, shape, property, accessibility. What we have added – so those are existing. What we have added is manufacturing or security requirements. Again, this isn't the exact language, but that's the idea, and then one I didn't explain is as we started looking at site plans we encountered one. It actually was Eastland Mall of all things – not from last Monday but actually months ago. We kind of started looking at Eastland Mall wondering about what might happen. We realized as we applied the rules that we needed to add an eighth thing that said if what you are trying to do is line up streets with some existing streets on the other side of a thoroughfare, that's another good reason to maybe bend some of the other rules, so we added that one in as well. But if you want to see the actual language that is in the ordinance then I can point you towards it maybe after the meeting.

That is it on network. The next sort of technical topic is local street design. From a policy perspective, the idea or intention is just to move to a system of local streets where the design for those streets support the land uses they are serving. The way we are doing that is phasing out the column on the left in favor of what is proposed on the right. There are more variations than what is shown here, but the idea is that those were just some basic street types that really had more to do with volume than anything else. Maybe it had something to do with trucks, but on the right, these are the USDG street types that consider more things. They consider whether or not there is demand for on-street parking. They consider what the level of intensity is in terms of pedestrians to recommend different sidewalk widths and things like that, so the point here is it's just a different menu of choices with some different designs, again, for different reasons, but it's about supporting the adjacent land uses.

The policy had sort of the pretty pictures, but it did have specific dimensions that we have carried forward, but our task is now to evolve those kinds of schematic diagrams into things that are actually called land development standards details, and this is what I alluded to earlier that is the last tab in your notebook. But these things are actually not part of the ordinance. There is a whole thick book of them, but they are under the authority of the city engineer to introduce new details, edit them if necessary, so we have asked the public to review our work here as well. It's posted on the Web site, and as we make changes, people can see that. The beauty of this is we are going to have some flexibility with this kind of work that even after a decision is made on the ordinance language we always have that ability under the city engineer to as we come into new situations make refinements to the details that are sort of how the engineers and contractors make these things work.

There is one sort of detail to get into that relates to one of the zoning amendments, and it has to do with how we handle setbacks. Danny alluded to this earlier, but I'll start by just explaining that at the top of this drawing is an image of a building that is sort of set back to the right, and this is half of a street that is today's residential local street. If we want to talk about how setbacks are measured, you would say, okay, there is a right-of-way that contains that street, and you would measure the face of that building off of that right-of-way line, and it's either 20 feet or 30 feet based on your zoning district. So, as we were doing our work, we said what's going to happen when we introduce these street types that have different dimensions to them. Well, if we compare this to the residential medium, which is the most common street type that is going to get built, the curb lines actually match up perfectly. That part of not changing. What is changing is the sidewalk that is now a foot wider, and in the case of a residential local, it's now four more feet from the curb.

So that planting strip got bigger, but we saw no reason why the building needed to be moved back any further. The issue is the right-of-way line, if you were to compare the old to the new, isn't going to contain that whole new street section. It needs to move back to contain the whole street, but we didn't want the building to move, so the way we proposed to solve this dilemma is move to a process of measuring setback – instead of from your right-of-way to measure it from

the back of the curb. This, by the way, is sort of coming into compliance with more recent contemporary zoning districts where it's common to measure setbacks off the back of the curb so we feel this is a step in the right direction for several reasons.

Councilmember Carter said does that provide for two cars to be parked and outside the sidewalk?

Mr. Davis said it does and it doesn't. What it's going to do in this example is it will allow the sidewalk to get closer to the house; however, there is an ordinance provision that was adopted I think in 2007 that required there be a certain amount of separation from the garage to the sidewalk. So what happens here is in some cases the garages, as a consequence of this, if someone wanted to keep their house as close as possible to the sidewalk, they may not be able to bring their garage as close as the front edge of that house, and the whole point of that is so you don't end up with cars overhanging the sidewalk.

Councilmember Carter said this is a minimum?

Mr. Davis said as a minimum.

Councilmember Dulin said we are dealing with that – both of us are dealing with that in different neighborhoods. The eight-foot planting strip, you are talking about 14 feet off the back of the curb in somebody's yard. Is there a rule saying it can't – in one of my neighborhoods that we are working in right now, we have got it down to five and five, but it still at ten feet is bringing it 15 feet to the front door of some of these houses. These people are looking out – you know, it's 25 feet from me to you. So is there an intrusion factor we have got in there somewhere?

Mr. Davis said others may have better experience with this than I do from a Planning perspective, but I think as somebody who has done a lot of sidewalk projects in my recent history I would say that people feel a lot differently about these sidewalks when they built new as part of the development versus when we go back in and try to build those sidewalks later. It very much feels like we are bringing someone into their yard, but there are all kinds of good example around. It gets back to what was built inside Route 4 of houses that have a pretty good relationship to the sidewalk. The proximity is close. If you were to measure the feet, and I used to live in Chantilly, and it was sort of that way. The houses are pretty close to the sidewalk, but it very much feels natural in a normal way for that. I think it's sort of how you approach it.

Councilmember Turner arrived at 6:00 p.m.

Councilmember Dulin said I delivered to the sidewalk folks today a list of 31 houses. I went and walked a street that we are going to put a sidewalk in. People want the sidewalk. It's just the five-foot planting strip is intruding into – you are right. They are very organized against this planting strip. They are organized for the sidewalk; against the planting strip, but there are 31 houses on this one street that when we put – they can get two cars in now, but y'all when we build a sidewalk, you can't park a car on top of the sidewalk, so we are going to take where people can park two cars in their driveway that they bought they are only going to be able to park one and have to park one on the street, so we are literally driving cars out of people's driveways and onto the street. A lot of people, and rightfully so, I think they are a little upset by that. There are some unintended consequences of some of these that we really have to be careful of.

Mayor Foxx said very good point.

Mr. Pleasant said this particular presentation really deals with new development through a new subdivision ordinance, so that would all kind of work out. What I think you are referring to is some of the retrofits. It will get a little bit difficult and challenging sometimes to go in and get those right, and we do bend and move the sidewalk around and try to respond to some of those.

Councilmember Cannon said just to follow up on Mr. Dulin's point, I think point well taken and understood because actually I know even in your district I have seen where people have gone to the extreme. They haven't been parking on the sidewalk. What they are doing is they are taking their entire yard and having someone go and pour concrete and create a parking lot in front of the house as a result. That is really taking it well overboard, but that's what is happening.

Councilmember Barnes said it helps you to avoid cutting grass.

Councilmember Cannon said it's not pleasant when you are talking about quality neighborhoods.

Mayor Foxx said point well taken, and it is still bubbling in the Transportation and Planning Committee?

Mr. Davis said that issue has not come up, but, yeah, we are very much going to talk about these things in the committee. The third of the four technical streets have to do with street trees. From a policy perspective, the idea is great streets have a great street tree canopy. We, in the process of doing this work, felt like we need to look for whatever opportunities we can to advance on that subject knowing there is a much larger tree ordinance effort underway, but as we kind of reviewed the literature, what stuck out to us was that as commercial developers are required to plant perimeter trees that there was an old prohibition against placing those trees in the public right-of-way, and we felt this was a step in the right direction to remove that restriction.

We would not require anyone to plant those trees in the public right-of-way. It just gives them some more flexibility. This sort of was going on anyway. There were some cases where from a site design perspective developers were already on a special case-by-case basis would ask the City for approval to do just this, and from what we understood talking to the folks in Landscape Management is that we always say yes, we always work with those folks, so why not change that in the ordinance that just merely makes it permissible. It wouldn't all have to be in the right-of-way. It could be a mix like you see on the right.

The last technical category has to do with traffic calming. The idea here is just we would much rather build streets right the first time, and as it relates to traffic calming, if we can avoid going back in and retrofitting, that's a great thing. So we wanted to look at what opportunities we had in front of us to advance on this subject as well, and the first has to do with intersection spacing, but as we look back on the rules that we have for street network, certainly we can expect intersections to occur at some regular interval, and as those occur, you get some traffic calming just as a virtue of having – no matter whether or not these are four-way stops or two-way stop control, you get some sort of friction just by having that regular occurrence of intersections.

The next concept – and this is a tough image to explain, but you are sort of looking down on a street that has recessed parking bays. But the idea is if this street were ever to get longer than what we said is the maximum block length, we would like for that recessed parking bay to sort of narrow down in the middle of the block – still wide enough for two-way travel – but narrow enough that the person driving the vehicle just feels like again there is a little bit of friction on the street.

Lastly, there are all kinds of other devices that have been tested and used in Europe and the United States and here in Charlotte where we have some good experiences and some we have learned from, but the idea here is if people want to use some of those devices and if they haven't been able to do some of these other things, we would like to have a consultation with them to see if they are willing to get any kind of joint arrangement to test these kinds of devices in their neighborhoods so they can be built with that neighborhood, and those could be traffic circles and all kinds of other things.

That is actually all of the technical content, but I wanted to kind of conclude that by saying that we started and ended our whole process and at every point along the way by evaluating real site plans, and I have used this image. This is of Blakeney. We did some work with the Transportation Planning Committee specifically around Blakeney, but back in 2007, folks had pointed out that if you took the policy and applied it literally, you would get some pretty devastating results to what is obviously a great development. So we kind of agreed with those findings in the sense that, yes, if you adopt the policy – if you apply the policy literally, you are going to have streets that cross creeks probably more frequently than they should, they are going to run into the backs of people's houses, they are going to cut through some buildings that people need to make development work, so we kind of started this effort by saying that can't be the answer. How do we make a site like Blakeney work, so we kind of kept coming back to it, but, again, that was in the mix with 40 to 50 other subdivision plans we considered.

The last subject here is alternative compliance. We have used this slide some to kind of set up how this fits into processes that are already in place for people to get approvals. What we do today under the existing subdivision process is broken into a couple of different ways that people can get approvals, and we have loosely talked about this as sort of a three-door approach. Door one under the existing subdivision process would be handled by staff, and it's where you have said very clearly what the requirements are, what the standards are, and that designer knows what they are ahead of time, and if they can meet them, they come in, get their permit, and they are out the door.

More commonly, it's going to be that plus some particular iniquity on that site that makes it difficult for them to meet the regulations exactly, so we already have under the subdivision ordinance some reasons why people could vary from those standards. Staff has given pre-determined flexibility under the ordinance, and that's a good thing. People tell us they like it, so we try to preserve and enhance it. The trouble is in order to do that door two where staff is applying some flexibility and some common sense the ordinance has to anticipate that on the front end, so we have tried to do that, but we also recognize that no matter how hard we try there is probably going to be some great development that will come to Charlotte that we want to support but we didn't anticipate in how we drafted the ordinance, so what we are proposing is that, first of all, we want to find a way to make that development work, but since staff can't do that under door two, there is a process we could use called alterative compliance, but it relies on it being a quasi-judicial process since the standards are narrowly defined, and in order to do that quasi-judicial process, we are proposing a development review board.

One more just sort of summary slide on what we are trying to accomplish with alternative compliance. The purpose, again, is to try to get at innovation – things that are not based on hardship because we already have a lot of ways of handling hardship based –

Councilmember Dulin said go back to the development review board and talk to us a little bit about that.

Mr. Davis said actually two slides from now I'll jump right in with exactly what that is; if that's okay. So, again, purpose of innovation – not hardship. The scope of this is probably important to point out that we are testing to see how this works and to that extent we propose that this be applied to the subdivision ordinance but also just a few sections of the subdivision ordinance, and we have applied it to those sections that have something to do with street design, which is where we think the innovation is likely to occur. So the criteria we had in mind for how we thought this should work is that first of all to do this right probably means having this ultimately constitute a pretty small amount of the proposals in front of us. If we haven't done that, we didn't write a very good ordinance. Secondly, this needs to be about meeting the intent of the policy of the ordinance. Third, this is not about a hardship. Number four, folks through the public review said it is important to them that qualified professionals have this dialogue, that people who know what they are talking about be involved in presenting their cases, having the interaction. Lastly, allow for maximum flexibility. That's the whole reason we are doing this is to provide yet another layer so we need to make sure we accomplish that.

This is the actual development review board. Let me explain that there are a couple of things on the slide that will show up in yellow. Those are things that have changed since the last Transportation Planning Committee meeting. This is one of the latest things we have had in the hopper, so there have been some recent discussions, and we expect there will be some more; but from where we stand today, we propose a development review board that has a nine-member constituency that will be appointed by Mayor and Council. That board would serve two-year terms and be made up of people that have expertise that is related to this field starting with architect, transportation, or urban planner, bicycle advocate, civil engineer, landscape architect, public health professional, real estate attorney, someone from the real estate development industry, and Planning Commission representative. These would be slotted specifically so you would have one of each of these, but the rationale behind this is we feel like these are the people who represent the areas of expertise that are regulated by a subdivision ordinance. That is what an ordinance is trying to get at, so these are the people who are probably best positioned to determine whether or not something really met the intent of it or not.

Councilmember Carter said this is the objection I raised in committee. There is no representative of the neighborhood associations. They are the folks who are impacted, so I think they need a voice on this board.

Councilmember Howard said, if I could, Mayor and Councilmember Carter, it may be worth having Mike, you or Debra, take the time to explain kind of why the process you went through – even the process of looking at staff doing this, being this committee. When I originally heard this, I asked why it couldn't be the Planning Commission – why start another committee? Even I think originally something came up about a community person. I'm not sure, but it may be worth just a minute or two to explain how you got to this and why even staff was not what you thought would be the best thing for this.

Mr. Davis said a lot of this was a legal lesson for us, and we were just trying to figure out what something that stays in bounds legally that gives us the flexibility everyone wants, but what we learned along the way is if we want to have, first of all, a process that relies on meeting the intent of something as opposed to a specific standard, it needs to be quasi-judicial. On top of that, it turns out it is an option to have staff do that, and we had some serious conversation about why don't we have people like Danny and Debra or Jeb or people at an executive level sit in that capacity and let us make those judgments because they also have that expertise. The problem is the quasi-judicial format requires something on ex parte communication, which means the people who are going to make judgments, make the decisions, need to be hearing all the facts at the same time sort of presented fresh. So the nature of the way we do business in this building requires a lot of interaction between staff. It's kind of how we do our best work, so we couldn't see how this could possibly work by severing that connection. That is sort of how we arrived at the process of this format.

To the question about, the comment about having a neighborhood representative or someone who is even – I'll just leave it at that. Say, it is specifically a neighborhood representative, and Debra may want to chime in on more, but I think what we kind of talked about is you first and foremost need the people with the expertise to have that representation. Beyond that, it would certainly be helpful to have someone on that board who can constantly be a reminder of how does this affect the neighborhood. But what we are struggling with is we are not sure how you have a resident who is going to care anymore about perhaps this development that is across town than an architect who may also live across town or may live next door to that, but there doesn't seem to be anything inherent about being a resident. We have kind of talked about other ideas for other people who maybe can represent that in a more professional capacity, and we just really haven't finished that discussion and will probably pick that up in the committee.

Councilmember Howard said the thing that is new from what I saw in this. I didn't realize you had added a representative from the Planning Commission, which would kind of get at somewhat what you are talking about because these are still people that are appointed to represent the community as a whole. But more specifically, Debra, you went into even more detail about the fact that – and I'll try to say this, and if I get it wrong, correct me. Because of the nature of door number three and the different things that people could present, you wanted people who had expertise in these different areas. You gave the example of Whitewater, Crosland's development, where they wanted to do zero curb and wanted to do the swells. I mean if you get into something that is different you wanted people who had expertise in each one of those areas to help you evaluate what the value is to go against either door number one or door number two – not against – that's not a good word.

Ms. Campbell said I know we are running short on time, so I will try to be quick. Number one, this development review board is designed for the most part for innovative projects. The majority of the subdivisions that will come through our department – and by the way, subdivision review starts with the Planning Department if you have the appropriate zoning. It will come through the normal process that it comes through today. The development review board will be looking at we hope probably less than 1% to 2% of all the things that are reviewed, and that is simply to allow good, innovative projects to come through and not have the ordinance language be an obstacle.

The second thing is this is a technical review; it is not an advocacy board. It is really about does this meet a technical test of appropriateness from an engineering perspective and all the technical

details that you have to meet in order to build streets and have a relationship with utilities and lot frontage and all the things, again, that we do through a technical review of the Subdivision Ordinance.

Councilmember Carter said I really respect that identification of that person who needs to be on the board, but I prophesize with you that there are two ways to accrue technical knowledge – either through education or through experience. You do gain technical knowledge through experience when you are on neighborhood boards and you serve as their planning advisor or representative. You can acquire that even through living through an experience.

Ms. Campbell said I certainly appreciate that, Ms. Carter, and I think our challenge again will be if we were to add a neighborhood person is actually establishing expectations because I believe that most citizens when they join a board or commission they really feel as though they can start from an advocacy perspective versus – with a quasi-judicial board, you are truly listening to facts similar to Zoning Board of Adjustment or some of the other quasi-judicial boards that we have, and oftentimes we hear people being so frustrated that they really want to advocate, and this sounds like it's a good project, but unfortunately because of the technical aspects cannot approve it, but it's certainly something staff can go back in and consider.

Councilmember Dulin said, Debra, I heard you say that this is going to be a very small amount of projects, but, y'all, this is very redundant. We do have a subdivision review process already where they come down and meet with the planners and go over everything. Y'all do a good job of seeing that through. Particularly in today's time if somebody is borrowing money time is money. This is one more step that somebody that wants to go create jobs has to go through to get a project approved. It's one more thing they have to go do while they have money at risk, borrowed. They are paying that thing every month, and they already have plenty of opportunity to go over the Subdivision Review Board and the planners go through it and the zoning people go through it and the code people go through it. This is adding time to a project, and it's adding cost to a project. Here's Urban Street Design Guidelines adding more. How often does staff come up and invent the boards and commissions that we appoint people to. I don't remember it in five years.

Ms. Campbell said, Mr. Dulin, just one clarification. This is being recommended for a development or a project that is being proposed. It is totally outside of the ordinance language that is part of the Urban Street Design Guidelines or which will, we hope, be the Subdivision Ordinance. So if a developer came in and said I have got something really innovative, really creative, and I know it doesn't meet any of your standards, doesn't meet any of your standards, this is a way for that project to be aired rather than staff saying, well, you don't meet any of our standards – go away. This process is designed to say you don't meet any of our standards, however, we have a committee, a review board, that will look at your project to determine if you are meeting any of the goals of the Urban Street Design Guidelines. So, it's not on top of. It's actually an opportunity, as Mike explained, a door three, which will give you another level of flexibility. Again, it doesn't meet any of our standards, but this gives you an opportunity to see if this project is appropriate for our community, and that's what the design review board is about. It's actually above and beyond. It's not going to add any more time to the process. It's optional – totally optional. You don't have to do it.

Councilmember Dulin said thank you very much for that. Now, let me get back to my other. I didn't get to finish. Typically most of the commissions and boards were already involved when we got elected in '05. I don't know where they come from. Has staff created all these other – we have got too many of them. We talk about that all the time. I'm against it.

Councilmember Cooksey said while I appreciate that point, I think the key to look at this, as was said, is if these guidelines are going to be translated into hard and fast ordinances that staff is obligated to follow, do we want to create an appeal process? That's what this is; it's an appeal process. It's like Debra said. The developer comes up and says, hey, this is what I want to do, and staff says, well, you look line by line of the ordinance; you can't do that. Do we want a situation where the developer then has to say, okay, I'll throw everything to the wind. I'll just do the requirements of the ordinance, or do we want an appeal process whereby they can say, look, I am meeting your intent better than you wrote because it's 15 years down the road, ten years

down the road, and things have changed. That's what this is. I agree with you that the proliferation of boards is a concern, but I think there is a role to be played for this one.

Councilmember Howard said the only thing I will add to what Councilmember Cooksey said is also is a response to the industry asking for flexibility. This is one of those times when I think I'm kind of proud of what we have come back with because it's giving developers exactly what they have been asking for, and that is flexibility away from just A, B, and C, the way we have always done things.

Mr. Davis said I'm going to wrap up with just a few things that if you heard nothing else hopefully you got this. First of all, the ordinance language is absolute in bounds of the policy. We worked hard to make sure that was the case. Secondly, they got to that language by looking at real site plans. This was not an abstract undertaking. We did this by looking at real sites. The public process turned out to be very productive for us to make meaningful improvements to the language that is in front of you. Flexibility has been preserved and enhanced everywhere we found we could do some work on that subject.

Lastly, alternative compliances – new to us. We think it has promise. People in the public review process have told us they think this is a good idea with reservations here and there, so we are eager to try this out and see where we get. Just lastly, next steps, we are scheduled to have a public hearing for this language on November 15th. The Zoning Committee will then consider this on November 23rd, which will put us back before Council for decision on December 20th.

Councilmember Howard said what would also be at the top of this coming back to the Transportation and Planning Committee in another few weeks, and I would love if there is any other feedback or concerns between now and then that we can actually either give to staff now or give to us between now and then so we can ask those question; that would be great.

Councilmember Dulin said when is that meeting, Mr. Chairman?

Councilmember Howard said October 28th. I want to say 2:00.

Mayor Foxx said any other comments? I have a few, but I want to make sure everybody gets a chance. Hearing none, I wanted to first of all applaud the good work that has been done. Mike, I want to particularly thank you, and I think there is another staff person – Shannon – for the good work you have done because it's clear from the presentation that a lot of issues have been vetted and thought about, and you have approached this very thoughtfully. I have a lot of comments. Some of them are relatively small and some of them aren't, but let me ask this first question about the alternative process so I'm clear on it.

As a developer, if I want to go through door number one or two, which are kind of joined at the hip -- I guess you can kind of interchange those two – and I get an adverse decision, can I then go back into door number three as an alternative, or do I have to pick?

Mr. Davis said, no, there is never a point where you have to decide what process you are going to use. The reality is it would probably be a blend of all three. We chose deliberately that staff is not going to play a role in determining who gets to go before the development review board. That is just going to be up to that developer and their team to decide if that's worth their while. To your question if they did not like the judgments that were being made by staff, there are a couple of ways that could happen. They could say these guys don't get it, and I'm going to take it to a board who gets what innovation is and go to the development review board, but there is also the possibility that what they are really talking about is hardship. Probably that's the thing in most cases, in which case, there is already a variance process that would probably be where they would go.

Mayor Foxx said my next question is getting to something Debra mentioned. She thinks this is going to be – the development review board is going to get maybe 1% or 2% of the cases we get. How do we know that? Is that a swag, or is do we have some way to understand how you limit it. The concern I have is that if you anticipate it will be a small number of cases but everybody decides, well, heck, I don't want to go through this rigid process over here. Let me just take my chances in door number three; and if I fail, I will go back to door numbers one and two.

Mr. Davis said I would characterize it as more of an objective to try to get to that 2% to 3% than it is a prediction because frankly I think what is going to happen there is going to be a learning curve for everybody where a lot of people mistakenly think this is about a variance. I'm not sure how we contain that other than in the ordinance we draft where there first needs to be an application process and a consultation with staff so we can help them get on the right track. But I'm certain there will be people who will say this is my ticket, and I'm going to go try my chances with development review board, and we will not keep that from happening. So we'll just have to sort of see where it goes, but, again, what we strived to do was write an ordinance that allowed for the flexibility to happen by staff. So there is actually one more possibility that can occur. If we find there are a lot of people going to the development review board over one or two recurring issues, we will be right back here with a text amendment or some kind of fix that lets us keep approving those things without having to involve a board or Council.

Mayor Foxx said another word about context sensitivity, which is a big buzz word that is used over and over again in the policy document we approved a while ago. Just so I understand the thinking by your group on this, in a couple of instances as with block lengths and stub streets, what I understood in the policy derivation of the Urban Street Design Guidelines was that we were creating typical or preferred block lengths, and what's now codified here are actual maximums and minimums that can be departed from based on the occurrence of one of those eight conditions. Are we at all concerned that we may create some rigidity there on the front end? Do we feel like those eight outs are the right eight? I want to make sure as we are developing it it's clear but also that the flexibility is also clear.

Mr. Davis said of that list of eight, you might recall on that slide, that six of them were really already there as part of the Subdivision Ordinance, and they relate to the current 1,000 foot block spacing or block maximum. So as our maximum block spaces are now different, first of all, those first six rules are very well tested, and I think they are commonly used in that door two context where staff is saying, yeah, you really are dealing with some floodplain or you are up against a freeway or whatever it may be, and clearly you should not be trying to abide by those maximum block lengths. I think those numbers one through six are very well tested and will translate very well. Number seven and eight are the ones that are new, but, again, that has to do with somebody who is bringing in manufacturing or has a good security basis for having to do something different with their street network, and we think those make sense. We don't have experience with those yet, but we think we will, and we think they will work. The other one, again, is more just about sort of lining up streets to make sure our network doesn't have unnecessary jobs, and I think these are a combination of well tested or new ideas that seem to be pretty safe.

Mayor Foxx said I'm going back to the development review board for a second. If I go that process, and I say – the review board comes back and says, yes, you can do this development, but you have to do X, Y, and Z, and I, as the developer, say, gee, thanks, I'm happy about everything else – A through U, but I don't want to do X, Y, and Z. Is there a variance – is the variance process available to me at that point, or is that a final decision?

Mr. Davis said actually I'm not sure of the answer. I'll have to get back, but I think the way this works is I don't think the development review board would be able to impose conditions like you would see on a conditional zoning where you get the approval of all these different things. I think there are limitations, first of all, on what's proposed. The development review board is not necessarily asked to review the comprehensive or the entirety of everything that is in that subdivision. It's some issue. So, hopefully that issue is considered pretty cleanly and decided up or down, but I will follow up on that and give you whatever response I get.

Councilmember Cooksey said I think I can help clarify this. Could you clarify to everybody just in terms of the issue before the development review board, as I'm reading the ordinance, it looks like clearly what initiates it is an application from the developer, but the review board will have a recommendation from the planning director in front of it as well. Again, the action of the board will be to grant or deny the application to do something different, and it will have planning director's recommendation to go along with it. But, there is not going to be any negotiating with the development review board.

Mayor Foxx said we are not sure as to whether the variance applies to its decisions?

Mr. Davis said your question is in a situation where the variance is mixed in with?

Mayor Foxx said can you go after the decision of the development review board –

Mr. Davis said from what I understand today I don't know of a reason you couldn't do both. You may have a hardship basis for getting a variance, and you may have an innovation basis for the development review board.

Mayor Foxx said on page seven I noticed this one time, and I don't know whether it appears elsewhere, but I'm sure it appears elsewhere in our ordinances, is a reference to the planning director and the employees under his control. I would love to see us create gender neutral references throughout our ordinances. Can we get that done?

Mr. Davis said, sure, that will be done.

Mayor Foxx said then finally I would ask the Transportation Planning Committee as part of this – I saw there were three issues that you think ought to be considered for future action. I think another issue that should be discussed is an open space designation of our zoning ordinance because what this is effectively doing is trying to help our City manage space, and I think as a partner to that we ought to create a designation that recognizes open space as a special type of designation, which should be given some protection in our ordinance, so I would commend that as something to consider in the future.

Councilmember Howard said not as a part of this but a future conversation.

Mayor Foxx said as a companion to what we are doing with land use, but, yes. This is driving a lot of our land use in the future, and it's a derivative of the centers, corridors, and wedges and all the planning that is being done. I think we ought to do that as part of the natural effort to try to get our land use policies set for the future, so, yes, it's part of this, but it's part of the whole –

Councilmember Howard said the post-construction – just all of the open space requirements.

Mayor Foxx said thank you very much. Appreciate it. Great presentation.

Councilmember Dulin said I feel better about the board than I did five minutes ago.

* * * * *

Councilmember Cannon said I have a question to the City Clerk. On the applications, there was a person that was looking to get on the Airport Advisory Committee, but I noticed that the person resides in South Carolina. Is that an issue because when I go back and look at the responsibilities or the requirements, if you will, does that matter?

Stephanie Kelly, City Clerk, said there are some people who have to live outside of the Mecklenburg County area.

Councilmember Cannon said so that person would qualify for that?

Ms. Kelly said yes.

Councilmember Howard said those two were supposed to be outside of Mecklenburg County.

Councilmember Dulin said one was Mecklenburg – Gastonia, and one was Ft. Mill.

Councilmember Howard said there was another category – I don't remember – Bicycle or Public Access where we had applications from Indian Trail and someplace else that I did ask because the write-up says Mecklenburg County residents.

Mayor Foxx said can you make sure that the people who are in the different categories or where they are supposed to be? If somebody is an outlier, let us know before we vote.

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ITEM NO. 3: CATS ADVERTISING PROGRAM

Mayor Foxx said I saw the PowerPoint. It has several pages to it, Olaf, but welcome and love to hear you.

Olaf Kinard, Transit, said this is a presentation that we gave to the Metropolitan Transit Commission in September about paid advertising assets within the transit system and a change in the policy that occurred last month. He began a PowerPoint presentation entitled, "Advertising Revenue Opportunities," a copy of which is on file in the City Clerk's Office. He said I will kind of recap a couple of previous presentations and be done with them. We recommended to the MTC related to advertising assets, our costs and revenue analysis, the policy changes we made, and kind of our next steps, and then any questions that may occur.

As you probably have heard about, we have had a couple of pilot projects in the works, and the one in May was the Bobcats on the LYNX line, and this one here is the one that is currently going on with the Charlotte Motor Speedway. There are two buses out promoting the speedway, and that's exactly what they look like. We have had exterior advertising on the system up until around 2000. In the mid-'80s, it generated maybe \$80,000, and the last year we had it on the transit system was around \$152,000. It really wasn't generating a lot of revenue, really didn't affect fares in that respect. A couple of reasons for that – the dot com bust in the late '90s and the discontinuance of tobacco advertising in the United States, which they heavily advertised on the transit systems. We saw those things occur in the late '90s, so there was a drop in revenue in the late '90s.

We also were creating CATS, and, therefore, we were creating a brand and a regional transit system, so the reason we decided to cease exterior advertisement was because of the drop in revenue and the brand and getting that brand out there. We did update the policy in 2004 to allow us some options in rapid transit stations that have digital kiosks out there. We continue to take ads for the interior, but there is not a lot of inventory, not a lot of revenue in that respect. We generate maybe \$60,000 a year in ad revenue. We have had no policy impacts in relation to the content, type of ads displayed on the interior of the vehicles during that time.

We have also started doing a couple of things. These are ticket stubs. These are actually on the LYNX system in which we did two separate things. One was the ACC tournament and the other was the Texas Roadhouse. In that case, every time you bought a ticket, the front cover of the ticket was this; on the back side told you the station, the time, and the type of pass. We have also started something here this late summer and fall if you go up to our TVM screens you actually see this ad. It's actually our internal ad promoting buying on-line tickets, but we can expand that for commercial advertising as well. So anybody walking up to buy a ticket would see that ad. We average about 110,000 tickets issued off the TVMs every month, so there is a good amount of exposure there.

We also have the station advertising kiosk. We did do an RFP and got back bids, but because of budgetary issues, the recession, we scaled that back and put that on hold. With the new policy change, we will probably move forward with that and do a select number of stations in that respect to the high traffic stations and then evaluate if we wanted to expand that further when budgetary situations allow that. We looked at a lot of different advertising opportunities – exterior, at transit centers, printed schedules and maps, mobile type of technology, mobile apps that we have out there, Wi-Fi networks, those types of things, elevators -- we have ten elevators on the system – bus shelters and benches, naming rights, concessions, other assets at a station – the TVM themselves have some panels on them, and flyer and product demos. We do get requests to do product demos at our stations from time to time.

So staff looked at that, and we came up with what we felt were the best potential at this point in time. It doesn't mean the things we aren't recommending couldn't be done at a later time. This

is what we think is the right thing to do at this point, and that is to allow exterior advertising except for a certain set of vehicles – the STS vehicles – those that go to the disabled community. Those we want to make sure those customers can actually understand what vehicle is coming to them. Some of those customers do have dementia so they need to have that familiarity with the system and with the vehicle themselves. Our sprinter buses are branded themselves, and there's just a few of them, so it didn't make sense to rebrand that and change the vehicle for ads. And, the Charlotte trolleys. The service isn't running, and we would also have to go back and redesign the exterior of the vehicles in order to allow that, so we at this time excluded that, and there's only three vehicles, so it's not a lot of inventory there. The transit center and all that stuff.

We looked at all different types, and we looked at and said we don't want to look at the side of TVMs. Just too much out there, not a lot of revenue for that money; elevator panels. Again it's limited. Customer base – they are subject to vandalism. We didn't see a lot of revenue there. And, flyer distribution – we really didn't want to get into that market, and, again, don't see a lot of revenue potential there. There are more issues with trash pickup and all those things that occur at the station that we would have to worry about, so we didn't want to do that. Ticket stock at the TVMs, we believe that is a good one to do. We think it can generate some revenue or it may be expense reduction. That one has the potential to be either one. In the worst case, it will help reduce the expense of providing tickets to our system. TVM screen – it's a very easy thing to do and provides some revenue especially to a higher demographic income level. Our station kiosks program – we think that has potential. We can do a lot of different things. It will be digital screens and allow live feeds. You can sell exclusivity – things of that nature on the stations. We have about \$360,000 of capital.

Councilmember Barnes said regarding the third recommended item, the station kiosks, there is a \$700,000 start-up cost there. I imagine that is currently within our budget.

Mr. Kinard said we have roughly \$350,000 already in the capital budget that would allow us to do probably half the stations and target the heavy traffic stations – the Transit Center, I-485, Third Street Station, things of that nature.

Councilmember Barnes said is the 392,950 reflective of that doing half at one time and half later?

Mr. Kinard said it is, and I will go into more detail where those numbers came from and how we came up with those numbers for all of them, but basically we looked at a net present value of future revenue, discounted back to today, subtracted out the capital costs to see if it had a positive cash flow for us. What you are seeing here are the ranges of numbers in relation to that from like a 50% sell-through rate. We have so much inventory. We sell 50% of it on average – upwards of 80%, so that's what you are seeing is that calculation along with a 50 to 80%. Later you will see we based our recommendation on selling half the inventory to try to take as conservative a number as we could. Does that answer your question?

Councilmember Barnes said yes.

Mr. Kinard said external advertisements on buses and the next one on trains. Those two are really where the large amount of dollars is in the sense of potential. Printed schedules – we won't make any money on that, but it will help reduce the cost of printing schedules. We spend roughly \$175,000 to \$200,000 a year on printed schedules, so it would help reduce that expense. Signage at the CTC and other transit centers is another area. We do the station kiosk, and then we have the potential to replicate that inside the transit centers and piggyback off that investment.

Things we don't think we need to do right now for a lot of different reasons – do announcements at stations, product demos, off-station concessions like vending machines – Coke, Pepsi machines, things of that nature, and benches and shelters. I have been here 13 years, and this comes up every so often. Never get a positive response from the community and neighborhoods about wanting ads in their community and in the neighborhoods, so it would also require an ordinance change not only here in Charlotte but every municipality we have service, so it is a long process in that respect, so it is not something that we would want to consider at this time.

bvj

We have kind of compared from a rate perspective of ourselves to other cities based on media market, and that gives you a glimpse of that. Our assumptions that a 50% inventory was sold on the average that commission rate to an outside company to sell and install these range from 10 to 40%. If you are doing ads on the outside of buses, someone has to sell, print, and apply, and remove the advertisements. That's a higher commission rate that you have to give them. Someone that sells for the TVM screens, all they are doing is selling. We take care of the rest. I don't want to pay a higher commission rate, so we use kind of a sliding commission rate for analysis based upon that.

We also use the net present value. We use a more conservative number for the revenue and a more conservative number for the factor in that our rates would increase maybe 4% per year. Revenues are shown in lump sums, but the start would actually be gradual. We are assuming we are not going to have a double-dip recession in our analysis here. This kind of gives you a five-year net present value. The first row tells you a positive cash flow. The second row deals with those things that would actually be expenses. The third row says those things that would require some kind of possible capital outlay. Red means it wasn't budgeted, and yellow means it's already an expense, therefore, reducing the expenses budgeted, and the periwinkle color is a 50/50 – half of it is budgeted; half of it isn't.

I'll come back to that slide, but the way we did this is we projected out on a 50% sell-through rate, five years with the cash flow, brought it back on the discounted method, deduct for expenses. In today's dollars, subtract any initial first-year capital outlay, and that gave us the net present value. If it was positive, it was a worthy project. That's how we came up with this particular analysis here, so we see at five year at 50% rate of \$4.6 million potential.

Councilmember Peacock said, Olaf, when we looked at dealing with the sponsorship policy in committee, the one we adopted looked closely at CATS' consideration to not take on advertising. The answer in short that we received was it was too much of a hassle for very little net gain, and I know obviously the world has changed in the last 24 months, but what is different going forward here? When we do come out of the recession, are we going to continually be dealing with something that we were dealing with before? What are we doing differently?

Mr. Kinard said I think there were two things. There was sponsorship and then there was paid advertisement. The Airport and CATS were kind of the paid advertisement and not the sponsorship area from a legal perspective. For us, it's an issue that revenues have decreased. We are at a 2005 level of sales tax revenue, but we have a 2010 level customer demand. We have cut \$23 million out of operating expenses. We have raised fares by 16% this year, so we have to look at other ways to generate revenue and leverage the assets we have, and that's really the crux of it.

Councilmember Peacock said but is there a long-term commitment to this because it seemed like the answer when we were talking about sponsorship before was we have been there and we don't think it's worth it. Obviously things have changed based off the facts you have said, but are we going to commit and stick to this program?

Mr. Kinard said I think there are a couple of things there. I think first back in 2000 we decided to take them off. I was here at that time and publicly said there will be a time when we grow large enough and our media market is large enough that we would have to come back and revisit that. I didn't know if it was between the second and third rapid transit line. It's earlier because of the sales tax issue. The second is that's really the MTC decides that it's too much hassle then they could change the policy just as easily to go back. We knew at some point in time we would be big enough with enough assets that we would probably have to address this.

Councilmember Carter said three short questions. We don't include the Gold Rush.

Mr. Kinard said that is correct at this point. We have that flexibility. Let me phrase it like that.

Councilmember Carter said when I was looking at your advertisement for the NASCAR race what was immediately obvious to me is the bus was not identified on the side. If we have those

wrap advertisements, I think we need to specify a certain location on the bus where we have our logo to identify that bus.

Mr. Kinard said that's part of what we are doing with the pilot is to kind of nail out those little areas that we need to tweak. We also will set a limit on the number of wrapped buses, and it will probably be somewhere between five and eight out of our 300 and some-odd buses; if I remember correctly, so it's typically a small number. That's not unique to us. That's anybody who does wraps. They don't typically wrap every bus. They limit it to a small number. For that reason, too, we do want to keep our brand out there.

Councilmember Carter said I noticed that you excluded nonprofit ads. If they paid the same amount as a for-profit business, why are they excluded?

Mr. Kinard said that's a good question, good lead-in. Let me get into that. The thing that Councilmember Carter is talking about is something we haven't changed since I have been here, and 1998 is when we first started that. We allow for-profit advertisement for product and services and government speech. We do not allow non-profit ads, political ads, tobacco, human reproduction, and ads for products and services entertainment directed to sexual stimulation. There is a reason for that. What we don't want to be in the nonprofit world is between an issue – pro-life, pro-abortion, legalized marijuana, you know, everybody against drugs. Typically what happens in those situations is that people running ads to generate media attention have typically been the case in the transit industry. Also, you can't pick and choose which ones you want to take in that arena. We have to follow the First Amendment.

A lot of transit systems around the country and the case law has supported taking this route. What happens is there are some organizations that we would probably like to be associated with that are nonprofits, but it's not in our best interests because we have to take everything else that comes with them. So what has worked well for us since we have had this for almost 13 years is to get that controversial aspect out of it. I will look to my legal group to see. I will tell you in the first two years I was here we didn't have this policy, and we had a group send an ad, one ad specifically to do that, and wanted to get the media attention. They wanted us to say no, and we said yes, and they got no attention, and the ad was poorly designed, and people couldn't even see it.

Back on that one last subject, it doesn't mean that a for-profit business that is in the adult entertainment couldn't come up and have an ad that says, "The Men's Club" and it's a text ad. We would have to take that. It also means you can't have Billy Bob's Plumbing, a Christian organization or sponsor of the Olympics. You can't take a for-profit and have a small nonprofit recognition in it. That's crossing the boundaries, so as part of that, we have to kind of police that aspect of it. So there are some nuances there in that.

The policy change that was made – we had a small policy related to minors according to case law. We talked about the things we added. We did have an issue back in the '80s, and we did refuse an ad. We got sued; they settled, and they had to kind of have a policy then, and since then we have kind of done that. We will be putting this out for bid for contract to have someone manage the selling, the installing, the removal of the ads. That's typically done by an outside firm that typically do some type of contract in which you do a minimum guarantee of revenue to us and you share some revenue with them. Our minimum guarantee, our revenue share are fixed. They guarantee a certain amount, and once they sell beyond that, they get it all. So those are the three main variations off of that, but we'll be working on that and bringing it back to Council sometime probably in the next six months once we get that out.

Our next steps are to kind of set the rate cards, to develop and submit the RFP, to sell and install the ads and make necessary budget preparations if we need to for next year, and we are looking if anybody is wanting to bring us ads and we think we can do them, we'll take them.

Councilmember Barnes said just a general comment to you. A couple of weeks ago I was riding with my son, and he recognizes all the CATS vehicles, and he knows what the passenger buses look like, and he saw the one that's wrapped up for the race, and he said, "Daddy, what is that?", so perhaps Ms. Carter is right. We should at least allow some space on it for recognition as a CATS vehicle. I even had to do a double take. I knew it was coming, but I hadn't seen it until

that day. I think it's a neat look, and it's a good revenue generator for us, and it's certainly good at promoting a particular event like the race Saturday night. I think you guys are trying to be creative, and I appreciate it and hope you get positive and noncontroversial response.

Mr. Kinard said that would be the hope. We can't guarantee that.

Councilmember Dulin said a question about nonprofits. Would UNCC be a nonprofit? For instance, they are going to want to put football players in 2013 on the side of these buses to advertise for their first football season.

Mr. Kinard said the UNC System schools would be allowed. Johnson C. Smith, for example, would not. We have already with internal ads had to research that because of internal ads they desire, but unfortunately Johnson C. Smith, the college I went to, is a private institution. They are not for profit. They are not government speech, so we couldn't take those ads.

Councilmember Barnes said that would apply to Queens as well, right?

Mr. Kinard said Queens, but you could get something like let's say the Arts Institute of Charlotte, if it's a for-profit, and I don't remember if it is or isn't. Johnson and Wales – I assume they are a nonprofit; they couldn't.

Mayor Foxx said Davidson could, right?

Mr. Kinard said no.

Councilmember Cooksey said I saw an RFP. How are sales handled now for the internal ads?

Mr. Kinard said if they call us a staff member – we just don't have the staff, and it's not that much revenue, so it's really not worth our interest to do that, adding resources. But when you are talking these kinds of numbers, we need somebody to do that. We also need somebody who is connected and has constant contact with media buyers on a local, national, and regional basis to be able to get the Belks and the Pepsi's and the Coke's and the McDonalds, and people like that.

Councilmember Cooksey said have you talked to CRVA and the Airport because I know they have done that sort of thing before?

Mr. Kinard said yes. We know they are interested in providing similar services like they do at the Airport.

Councilmember Howard said one of the reasons I think I remember hearing Mr. Tober back some years ago when we went away from doing that is because he wanted to build the brand of CATS especially when we were changing names. I was wondering, one, do you think we are where we need to be with that because if I remember right his take on that is that it didn't – it wasn't enough revenue to offset the brand he thought we needed to build. Number two, I was in Atlanta over the weekend, and this can get out of hand. I was behind a number of buses where I knew the subject was coming up, and all I could think about was every lawyer, every ambulance – we got lawyers on here, so I'm sorry. It can go overboard, and it just kind of wrapped the bus all the way around with different ads, and it was junky.

Mr. Kinard said we made the decision to not use the back of the bus except for a full wrapped bus, so the ads we are looking at on the buses are only on the side, and the reason we did that is because we want to maintain our brand name, our phone number, and a Web site on the back. It is true that in cities that have ads on the back it's typically accident lawyers that advertise on the back.

Councilmember Cannon said to Mr. Howard's point one of the reasons also that came up in terms of why we stopped utilizing I thought was because arguments were being made about clutter and how it wasn't very pleasing to the eye. That didn't come up in your comments, but I know it was something that was carried out and repeated over and over and over again. I wonder

on this because I know the level of MTC's involvement. When this RFP comes back, I would like to assume it's the Council that will make the decision on that, or will it be the MTC?

Mr. Kinard said it's a contract. All contracts come to the City Council.

Councilmember Cannon said you all are administering it though; right?

Mr. Kinard said right.

Mayor Foxx said I will only say we got to go. Two points. One, I hope we have got some good counsel because I think we are going to find ourselves having a lot of opinion letters being drafted from here from time to time. Secondly, I think it's an opportunity for small businesses to get involved on the advertising, and I hope as we go forward with outsourcing the sales function that we find some small businesses to get involved with this. Let's go downstairs.

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

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BUSINESS MEETING

The Council reconvened for the regularly scheduled Business Meeting at 7:13 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 Dulin gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

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AWARDS AND RECOGNITIONS

CHARLOTTE CROP HUNGER WALK

Mayor Foxx recognized Anne Shoaf, 2010 Chairman, and Jennifer Hall, Administrator, of the Charlotte CROP Hunger Walk along with Barbara Thomas, Assistant Regional Director, Church Work Service and Councilmember Kinsey read a proclamation in recognition of the Charlotte CROP Hunger Walk.

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CONSENT AGENDA

[Motion was made by Councilmember Dulin, seconded by Councilmember Mitchell, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of]
[Item Nos. 14, 15, 16, 17, 18, and 34, which were pulled for discussion.]

The following items were approved:

19. Three-year contract with Sizemore, Inc. for janitorial services for the Police Headquarters Building and the Police/Fire Training Academy in the amount of \$1,046,372, and authorize the City Manager to approve two additional one-year extensions with possible price adjustments as authorized by the contract and contingent upon performance.
20. Unit price contract with No Limits Lockwood for vehicle lubrication services in an estimated annual amount of \$200,000 for an initial term of one year, and authorize the City Manager to renew the contract for two additional one-year terms. The three-year cost of the contract is estimated at \$600,000.
21. Budget Ordinance No. 4524-X appropriating \$131,807.53 from Steele Creek Limited Partnership, LLC and appropriating \$48,000 from Pappas Properties, Change Order #1 with Siteworks, LLC in the amount of \$179,807.53 for developer requested upgrades, and authorize the City Manager to approve an AT&T Agreement and payment to AT&T in the amount of \$102,364.47 for the relocation/removal of AT&T facilities on Steele Creek Road for the City Project.

The ordinance is recorded in Ordinance Book 56 at Page 803.

22. Renewal to contract with Southeastern Petroleum Systems, Inc. for petroleum tank maintenance services in the amount of \$90,000, and authorize the City Manager to approve one additional renewal in the amount of \$90,000.
23. Design and construction administration services contract with Tobin, Starr, & Partners, PLLC for a new fire administration facility in the amount of 490,670.
24. Grant in the amount of \$91,255 from the US Department of Homeland Security from the 2010 Interoperable Emergency Communications Grant Program (IECGP), and grant in the amount of \$35,000 from the US Department of Homeland Security from the 2009 Interoperable Emergency Communications Grant Program (IECGP).
25. Purchase of wastewater treatment equipment as authorized by the sole source exemption of G.S. 143-129 (e)(6), and contract for \$238,800 with The Horsburgh & Scott Co. for the purchase of three final clarifier drive units for Charlotte-Mecklenburg Utilities at the Sugar Creek Wastewater Treatment Plant.
26. Contract for \$124,895 with Decanter Machine, Inc. for the repair of a thickening centrifuge at McAlpine Creek Wastewater Management Facility.

Summary of Bids

Decanter Machine Inc.	\$124,895.00
Centrifuge & Pump Services Corp.	\$179,109.20

27. Purchase of water treatment equipment as authorized by the sole source exemption of G.S. 143-129(e)(6), and purchase of flights, chains, and supporting equipment from Polychem Systems in the not-to-exceed amount of \$123,000.
28. Contract with Kimley-Horn and Associates, Inc. in the amount of \$974,264 for design and construction administration of a new water main along Old Statesville Road.
29. Purchase of ultraviolet (UV) disinfection equipment parts as authorized by the sole source exemption of G.S. 143-129(e)(6), and contract with ITT Wedeco for the purchase of UV repair and replacement parts in the estimated annual amount of \$400,000 for the term of five years.
30. Extend the contingency time frame for five years on portions of Palmer Street, S. College Street, and a residual portion of E. Carson Boulevard.
31. Authorize the City Manager to approve the renewal payments for software maintenance and support to Infor Global Solutions, Inc. for \$712,655 for the INFOR Financial Management System for the period October 29, 2010, through October 28, 2013.

32. Resolution authorizing the refund of business privilege license payments made in the amount of \$604.98.

The resolution is recorded in Resolution Book 42 at Pages 741-742.

- 33-A. Ordinance No. 4525-X authorizing the use of In Rem Remedy to demolish and remove the structure at 718 Seldon Drive (Neighborhood Statistical Area 26 – Biddleville Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 804.

- 33-B. Ordinance No. 4526-X authorizing the use of In Rem Remedy to demolish and remove the structure at 612 1-4 Campus Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 805.

- 33-C. Ordinance No. 4527-X authorizing the use of In Rem Remedy to demolish and remove the structure at 6436 Carver Boulevard (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 806.

- 33-D. Ordinance No. 4528-X authorizing the use of In Rem Remedy to demolish and remove the structure at 6712 Rockwell Boulevard West (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 807.

- 34-A. Acquisition of 74,793 square feet in fee simple at 1200 Auten Road from Donald William Haverlah and wife, Yvonne Grass Haverlah, for \$262,000 for Franklin Wastewater Treatment Plant Reservoir Protection (1200 and 1110 Auten Road), Parcel #2.

- 34-B. Acquisition of 1,059 square feet in fee simple plus 2,250 square feet in storm drainage easement plus 907 square feet in sidewalk and utility easement plus 5,329 square feet in temporary construction easement at 10132 Belhaven Boulevard from Nisbet Oil Company and Jeffery Dean Carter and wife, Denise F. Carter, for \$38,850 for Brookshire/I-485 Area Plan Improvements, Parcel #15.

- 34-C. Acquisition of 5,123 square feet in fee simple plus 4,375 square feet in storm drainage easement plus 36 square feet in public utility easement plus 1,803 square feet in temporary construction easement at 5215 McAndrew Drive from Paul Denny and wife, Yessica Martinez Medina, for \$29,290 for Rea Road Widening/Improvements, Parcel #125.

- 34-D. Resolution of condemnation of 3,984 square feet in sidewalk and utility easement plus 3,814 square feet in temporary construction easement at 10401 Rozzelles Ferry Road from Judith B. Connell and heirs of Howard S. Connell and any other parties of interest for \$11,800 for Brookshire/I-485 Area Plan Improvements, Parcel #5.

The resolution is recorded in Resolution Book 42 at Page 743.

- 34-F. Resolution of condemnation of 507 square feet in fee simple plus 639 square feet in temporary construction easement at 5617 Sunstar Court from Ernst Henry and wife, Loraine L. Henry, and any other parties of interest for \$18,825 for Rea Road Widening/Improvements, Parcel #23.

The resolution is recorded in Resolution Book 42 at Page 745.

- 34-G. Resolution of condemnation of 2,675 square feet in fee simple plus 1,484 square feet in temporary construction easement at 5613 Sunstar Court from Jacob Goitom and wife, Adiam Gotom, and any other parties of interest for \$48,350 for Rea Road Widening/Improvements, Parcel #24.

The resolution is recorded in Resolution Book 42 at Page 746.

- 34-H. Resolution of condemnation of 1,856 square feet in fee simple plus 1,279 square feet in temporary construction easement at 5609 Sunstar Court from Medford Greenstreet and wife, Ellen Tracy W. Michelsen Greenstreet, and any other parties of interest for \$47,650 for Rea Road Widening/Improvements, Parcel #25.

The resolution is recorded in Resolution Book 42 at Page 747.

- 34-I. Resolution of condemnation of 1,810 square feet in fee simple plus 259 square feet in storm drainage easement plus 1,885 square feet in temporary construction easement at 5601 Sunstar Court from Edward F. Apelian and Barbara L. Deluca and any other parties of interest for \$66,550 for Rea Road Widening, Improvements, Parcel #26.

The resolution is recorded in Resolution Book 42 at Page 748.

- 34-J. Resolution of condemnation of 757 square feet in fee simple plus 89 square feet in storm drainage easement plus 1,694 square feet in temporary construction easement at 5539 Sunstar Court from David P. Lange and wife, Barbara A. Lange, and any other parties of interest for \$35,200 for Rea Road Widening/Improvements, Parcel #30.

The resolution is recorded in Resolution Book 42 at Page 749.

35. Titles, motions, and votes reflected in the Clerk's record as the Minutes of the June 7, 2010, Workshop, and the June 14, 2010, Business Meeting.

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ITEM NO. 14: CONWAY BRIABEND STORM DRAINAGE IMPROVEMENT PROJECT

Councilmember Mitchell said I will talk about 14, 15, and 16, if I can, all together. Just a thank you. I think sometimes we pull the items when corporations do not meet our SBE goals, so I just want to say a thank you to staff for working hard with United Construction, Whiting Construction Company, and Harco Development. These three companies exceeded our SBE participation. Move for approval.

Curt Walton, City Manager, said, Mayor, there were a couple more questions that came up earlier that Jim and I think a couple more comments on No. 15 and 16.

Jim Schumacher, Assistant City Manager, said on No. 14 Ms. Carter asked about the effect on light rail. The construction includes closing of South Boulevard for a weekend for the installation of a culvert, and her question was would that affect the trains, and the answer is no. It's a portion of South Boulevard that is separate from the alignment of the tracks, so there won't be any impact on the operations of the trains on No. 14.

Mayor Foxx said, Mr. Dulin, was that your question?

Councilmember Dulin, no, sir. Just for public information on No. 15.

Mayor Foxx said I thought you were raising your hand on this one.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, and]
[carried unanimously to award the low bid contract for \$2,885,604.70 to United Construction,]
[Inc. for the Conway Briabend Storm Drainage Improvement Project.]

bvj

Summary of Bids

United Construction Company	\$2,885,604.70
Sealand Contractors	\$2,912,077.63
Blythe Development Company	\$3,202,579.22

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ITEM NO. 15: PARK ROAD INTELLIGENT TRANSPORTATION SYSTEM PROJECT

Councilmember Dulin said this is interesting. In our write-up, we see things like this all the time, but this is important that folks know that this is the kind of work we do is to build infrastructure and build roads and things like the Intelligent Transportation System Project and make those intersections and roads run smoother. It's a lot of money. It's \$1.1 million, but it's 12.5 miles of fiber optic cable that are going to make intersections all up and down the western and southern portion of Park Road in Mecklenburg County run smoother, and I just thought it was important to let the citizens know that we are doing work that I think is very high on the list of what we need to be doing. I won't make the motion since there is another comment.

Councilmember Carter said my question concerned the City disturbing the roadway and to see if when we disturb the roadway at all if we repay the City itself for that disturbance. I think that's our policy; is it not, Mr. City Manager?

Jim Schumacher, Assistant City Manager, said in this case there is no disturbance of the roadway. These boring machines -- you have probably seen them along the side of the street where you see a boring going down into the ground perhaps in the planting strip between the sidewalk and the roadway. That's a directional boring machine, and so it goes down, and they electronically guide where it goes so there is not any disturbance of the roadway pavement or in most cases even the sidewalk.

Councilmember Carter said outstanding. Move approval.

[Motion was made by Councilmember Carter, seconded by Councilmember Kinsey, and]
[carried unanimously to award the low bid contract of \$1,178,438.93 to Whiting Construction]
[Company for construction of the Park Road Intelligent Transportation System Project.]

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ITEM NO. 16: AIRPORT DRIVE IMPROVEMENTS
ITEM NO. 17: UTILITIES GENERAL COMMERCE DRIVE HVAC RENOVATIONS

Curt Walton, City Manager, said Mr. Mitchell pulled 16 and 17 for SBE acknowledgement.

Councilmember Mitchell said 14, 15, 16, and 17 were SBE acknowledgement of a great job.

Mayor Foxx said do you want to do 16 and 17 together?

Councilmember Mitchell said yes.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, and]
[carried unanimously to approve Item No. 16 to award the low bid contract of \$128,528.81]
[to Harco Development, Inc. for roadway improvements on Airport Drive; and approve Item]
[No. 17 to award a low bid contract of \$504,900 to Mechworks Mechanical Contractors, Inc.]
[for Charlotte Mecklenburg Utilities General Commerce Drive HVAC renovations.]

Summary of Bids

<u>Item No. 16</u>	
Harco Development, Inc.	\$128,528.81

Showalter Construction Co.	\$172,427.00
RG Grading, Inc.	\$197,372.09

Summary of Bids

Item No. 17

Mechworks Mechanical Contractors, Inc.	\$504,900.00
P.C. Godfrey, Inc.	\$516,329.00
Morlando Construction, LLC	\$534,160.00
Southern Comfort of Charlotte, Inc.	\$537,900.00

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ITEM NO. 18: GANG OF ONE GRANT

Councilmember Cannon said Fran Cook is here, and I have a question. By the way, this is to accept a grant from the U.S. Department of Justice in the amount of \$200,000 for the Gang of One programs. I know what it's going to fund. It's going to fund a program coordinator for our truancy/safe neighborhoods. Then it's also going to fund a position also for truancy courts. What is the salary for both of those, please? While she is coming, let me say that Gang of One is really setting the tone for the entire state in terms of how well it's operating. It's doing an extraordinary job. People continue to use our model here for best practices to take back to their city or even their town where they may be having some gang-related problems, and even outside of the state. So, Fran Cook, thank you, as well as Ms. Story for all that you do and the department overall regarding the Gang of One.

Rev. Fran Cook, Gang of One, said the funding allotted for the truancy court coordinator is \$28,000 of that \$200,000. Then for the truancy/safe neighborhoods there is an overall coordinator for that initiative, but those funds actually provide money for officers for secondary employment who go out in the divisions to pick up the truant kids, so that is overtime pay for officers.

Councilmember Cannon said I'm trying to be able to get a feel for how much will be going toward the programmatic things out there that the money will also be helping like Right Moves for Youth, like the Police Athletic League, McCrorey YMCA.

Rev. Cook said Right Moves for Youth will be receiving \$12,715; Police Activities League, \$25,000; and McCrorey Y, \$12,715.

Councilmember Cannon said my last request then would be for the Police Activities League. I would like to see if you can get us a list of what the programmatic uses will be – what the monies will be going towards. I have great interest in that.

Rev. Cook said of course. I'll be happy to follow up with that information.

Councilmember Cannon said none of those monies are going to support salaries or anything else for any of those particular areas?

Rev. Cook said, no, sir, that's all for program.

[Motion was made by Councilmember Cannon and seconded by Councilmember Barnes to]
[accept a grant from the U.S. Department of Justice in the amount of \$200,000 to support]
[Gang of One programs.]

Councilmember Carter said, Ms. Cook, are you working still with Weed and Seed?

Rev. Cook said, yes, ma'am. The truancy court is actually the City of Charlotte part of the Weed and Seed initiative, and we are actually helping to expand that initiative.

Councilmember Carter said thank you so very much because it's most effective.

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

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ITEM NO. 34-E: CONDEMNATION FOR REA ROAD WIDENING

Councilmember Dulin said this is something that this Council has been working on for years and years – the widening of Rea Road. The thousands of inbound commuters in the morning and outbound commuters in the afternoon need to know that we are now in the property acquisition phase of that. I'm sure it's designed and help is on the way for Rea Road, south Charlotte, south Mecklenburg County residents.

[Motion was made by Councilmember Dulin, seconded by Councilmember Cooksey, and]
[carried unanimously to approve the acquisition of 1,549 square feet in fee simple plus 886]
[square feet in temporary construction easement on Rea Road from The Cherokee Association,]
[Inc. and any other parties of interest for \$850 for Rea Road widening/improvements, Parcel]
[#21.]

The resolution is recorded in Resolution Book 42 at Page 744.

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ITEM NO. 8: PUBLIC HEARING ON RESOLUTION TO CLOSE EMERY STREET, A PORTION OF NORTH CHURCH STREET, AND AN ALLEYWAY OFF ASHBY STREET

The scheduled public hearing was held on the subject item.

[There being no speakers either for or against, a motion was made by Councilmember Barnes,]
[seconded by Councilmember Kinsey, and carried unanimously to close the public hearing]
[and adopt a resolution to close Emery Street, a portion of N. Church St., and an alleyway off]
[Ashby Street.]

The resolution is recorded in Resolution Book 42 at Pages 756-757.

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ITEM NO. 9: CITY MANAGER'S REPORT

Curt Walton, City Manager, said I am only going to say that in future agendas we are going to move Manager's Reports to the Workshop. We have a little bit more time as a rule and a little bit more chance for interaction, so you won't see those in these documents anymore. You will see them in the Workshop.

Councilmember Carter said, Mr. Mayor, I am very concerned because the City Manager frequently has much to say that the public could be very interested in. I don't want to stint him of his time or the public for knowing what he does because he really has performed in an outstanding fashion for the city – kept us in financial good rapport, kept our services moving when we have been challenged, and I'm distressed over that. I really am because I think he needs to be heard by our citizens.

Mayor Foxx said that's a point well taken.

Councilmember Cannon said I could not agree more. I would like to see if we can relieve some of your stress, Madame Council woman, by suggesting that what can be done as consideration maybe have him report at the Workshop, but then of course if we see it to be very significant in terms of what might be good for the public to hear let's just bring it downstairs.

Councilmember Barnes said second.

Councilmember Kinsey said when you say Workshop do you mean our monthly Workshop?

City Manager Walton said yes.

Councilmember Kinsey said one time a month I don't think is really sufficient.

City Manager Walton said I usually see grimaces when I do reports, so we can leave them here. It's just a matter of trying to use – I mean this agenda tonight is an aberration. We have been having much more extensive agendas recently. So if you are comfortable with them being here, we will continue to do them here.

Mayor Foxx said I think you are hearing people would like to have them here.

City Manager Walton said we'll do them here. Stop grimacing then.

Mayor Foxx said so we have a no grimace rule. That concludes the City Manager's report.

City Manager Walton said could you veto that, Mayor.

Councilmember Barnes said the reason why I gave a second to the suggestion – it wasn't a motion – but the reason why I supported what Mayor Pro Tem said is because if there are items that we hear about during the Dinner Meeting that we believe are worthy of additional elaboration down here then we could direct the Manager to make that presentation during this portion of our meeting. So, I think it's fine to leave the placeholder under policy, have the presentation at Dinner, and if we believe that it is such a substantive presentation that it warrants presentation here then have him present it here. Clearly it seems to me that he thought there was some reason why he only needed to do it at Dinner.

Mayor Foxx said I think he was trying to save us some time.

Councilmember Barnes said I'm not trying to start a 20-minute issue, so if you guys disagree, that's fine. I just wanted to briefly explain why I supported what Mr. Cannon said.

Mayor Foxx said I think we have gotten some good closure on that.

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ITEM NO. 10: DISPARITY STUDY

[Motion was made by Councilmember Barnes and seconded by Councilmember Cannon to]
[approve a contract with MGT of America, Inc. in the amount of \$305,450 for the purpose of]
[conducting a Disparity Study for the City.]

Councilmember Mitchell said let me just say just for the viewers who don't know this entire City Council for approving \$310,000, and thank you to MGT and Cindy and Nancy, City staff, who are working very close with them. Actually, it's under budget. The contract says \$305,450, so I know where we can spend the extra \$5,000. There is an ED Committee meeting that meets during lunchtime, so we can transfer that in the budget. On a serious note, let me thank MGT for being willing to do this for us again. I think it's very important for our citizens that this Council believes in minority owned companies and women owned companies, so looking forward to your work, and thank you also to those who agreed to be a part of the Disparity Study Advisory Committee. I must thank some of the committee members: Andy Dulin and Mayor Pro Tem Cannon and Patsy Kinsey. I'm leaving out – Jason Burgess – for the hard work on this particular item.

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

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ITEM NO. 11: DAVIDSON STREET BUS FACILITY CUBICLES AND FURNITURE PACKAGE

[Motion was made by Councilmember Barnes and seconded by Councilmember Kinsey to]
[approve a contract with CBI in the amount of \$879,173 for the purchase and installation of]
[modular office cubicles and furniture for the Davidson Street Bus Facility's open office space]
[design.]

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. 12: NOMINATIONS TO BOARDS AND COMMISSIONS

Mayor Foxx said I ask everyone to be patient. We have been through this drill a couple of times where you have got multiple nominations, so let's try to be a little patient here.

Airport Advisory Committee – The following nominations were made for two appointments for applicants recommended by the Executive Board of the Charlotte Regional Partnership:

1. Tim Gause, nominated by Councilmembers
2. George Pretty, nominated by Councilmembers

Stephanie Kelly, City Clerk, said ten nominations for each gentleman.

[Motion was made by Councilmember Barnes, seconded by Councilmember Carter, and]
[carried unanimously to appoint Tim Gause and George Pretty.]

Mr. Gause and Mr. Pretty were appointed.

Councilmember Dulin said before I vote, sir, I'm sorry. These two gentlemen were the ones we were talking about at dinner tonight though.

Mayor Foxx said we asked the Clerk to bring to our attention.

Ms. Kelly said their business addresses. The two addresses that were listed on the agenda – one was Rock Hill and the other one Indian Trail. Those addresses were business addresses. These two gentlemen were recommended because they live outside of the county as was required by the Airport board and recommended by the CRP.

Councilmember Dulin said I'm a yes, sir.

Mayor Foxx said the vote already happened. I don't think you voted, so you are already a yes.

Councilmember Dulin said I am now a yes.

Bicycle Advisory Committee – The following nominees were made for three appointments:

Ms. Kelly said the incumbents, Harold Bouton and Ann Gabrielson, both received ten nominations.

[Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and]
[carried unanimously to reappoint Harold Bouton and Ann Gabrielson.]

bvj

Mr. Bouton and Ms. Gabrielson were appointed.

Mayor Foxx said we had another appointment to that?

Mr. Kelly said, yes, sir, Mr. Jonathan Harding received six nominations. Nominations were received for Christopher Gladora and Dick Perlmutter.

Mayor Foxx said what is the Council's pleasure on this?

Councilmember Barnes said move to leave that open.

Mayor Foxx said we'll carry that over.

Councilmember Cannon said let me make sure I understand what we are doing. We are saying because the person got six votes, right – six nominations rather, but we are asking we move on to next week to leave it open? I can't support that obviously for integrity.

Councilmember Dulin said what would you support, sir?

Councilmember Barnes said, Mr. Cannon, one of the reasons why I would support leaving it open is because there were other one-vote nominations. I think when there is an overwhelming majority of support for a particular nominee I support the approval by acclamation, but in this case, the third individual got six, and then there were two or three other people who got at least one nomination.

Councilmember Cannon said I understand. It's just I think the rule has typically been six prevails, but whatever you all want to do is fine.

Mayor Foxx said as I understand it if we don't vote to appoint it automatically gets carried over to the next meeting, so no action is required to do that. If you want to do something different, we'll do something different. Very well. So, we'll hold that one over.

Charlotte International Cabinet – The following nominations were made for two appointments:

Ms. Kelly said the incumbent, Judith Osei-Tutu, received nine nominations.

Councilmember Cooksey said I would like to see just that we treat all the nominations on this as for open seats given the incumbent is before us again due to missing the attendance requirement, and like I said, suggest that we treat this as a completely open bit with the nominations announced tonight and the appointments made at our regular meeting.

Mayor Foxx said so that would mean leaving it open.

Ms. Kelly said the other nominees are Cynthia Barnes, Carrie Cook, Larken Egleston, Tracy Hill, Yolanda Perry, Aaron Sanders, Ximena Uribe, and Sonya Young.

Mayor Foxx said those will be coming back to us next month.

Charlotte Mecklenburg Public Access Corporation – The following nominations were made for two appointments:

Ms. Kelly said Cassandra Blaine received eight nominations, Sonnie McRae received two, Linda Webb received four, and Adrian Woolcock received five nominations.

Mayor Foxx said any motions on that, or do we want to carry it over?

Councilmember Barnes said let those carry over.

Community Relations Committee – The following nominations were made for one appointment:

Ms. Kelly said nominations were received for Myna Advani, Patricia Albritton, Chantay Cooper, Ma'Neisha LaFate, Sharon Merritt, Teresa Sandman, Glenn Thomas, Gaynell Thornton.

Mayor Foxx said we'll carry that over.

Housing Appeals Board – The following nominations were made for one appointment:

Ms. Kelly said the incumbent, Shannon Boling, received nine nominations.

[Motion was made by Councilmember Howard, seconded by Councilmember Carter, and]
[carried unanimously to reappoint Shannon Boling.]

Ms. Boling was reappointed.

Housing Authority – The following nominations were made for one appointment:

Ms. Kelly said the incumbent, William Miller, received six nominations. Pamela Gordon received four.

[Motion was made by Councilmember Cooksey and seconded by Councilmember Dulin to]
[reappoint William Miller.]

[Substitute motion was made by Councilmember Cannon and seconded by Councilmember]
[Mitchell to carry this over.]

Councilmember Barnes said may I speak to the motion, Mr. Mayor, both the substitute and the original?

Mayor Foxx said you may, yes, sir.

Councilmember Barnes said one of the reasons I think I understand what you were seeking to do, Mr. Cooksey, but I would support leaving it open only because there is at least one other nominee that has many nominations, and the incumbent has six, which I recognize is a majority, but just being consistent with what we have been doing for the last five minutes, I would recommend carrying it over.

Councilmember Cooksey said my view of consistency is that this Council reappoints incumbents unless there are some reasons specifically not to. In the case of the International Cabinet, we had an incumbent who failed to meet the attendance requirement, but in all other cases, traditionally and historically unless there is a presented reason not to, and I haven't heard one about Mr. Miller, we reappoint incumbents the same night they are nominated, and that's the tradition I'm following.

Councilmember Barnes said I disagree with it, but okay.

Mayor Foxx said we are voting on the substitute now to hold it over.

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

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

NAYS: Councilmembers Burgess, Cooksey, Dulin, Mitchell, Peacock, Turner

Mayor Foxx said that takes us down to the base motion, which is to reappoint.

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

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

bvj

NAYS: Councilmembers Barnes, Cannon

Mayor Foxx said that carries. Mr. Miller will be reappointed.

Mr. Miller was reappointed.

Keep Charlotte Beautiful – The following nominations were made for two appointments:

Ms. Kelly said nominations were received for Daniel Callahan, who received three nominations; Lawrence Ferri received six, Gregory Greer received three, Cecelia Hendking three, and Sonya Young five.

Mayor Foxx said do you want to hold those over? We'll hold those over.

Passenger Vehicle for Hire Board – The following nominations were made for one appointment:

Person with Disability Category

Ms. Kelly said the nominee, Melanie Wolffe, received ten nominations.

Councilmember Cooksey said by way of comment for protocol purposes, in light of the fact there is only one nominee, certainly.

[Motion was made by Councilmember Carter, seconded by Councilmember Kinsey, and]
[carried unanimously to appoint Melanie Wolffe.]

Ms. Wolffe was appointed.

Tree Advisory Commission – The following nominations were made for one appointment.

Ms. Kelly said the incumbent, Carrie Winter, received eight nominations; Kerry Watts, two; and Frank Felker, one.

[Motion was made by Councilmember Cooksey, seconded by Councilmember Kinsey, and]
[carried unanimously to reappoint Carrie Winter.]

Ms. Winter was reappointed.

Waste Management Advisory Board – The following nominations were made for three recommendations for the Mecklenburg County Board of Commissioners to appoint:

Ms. Kelly said Christopher Capellini received six nominations; Patrick Darrow, seven; Mark Joyce, six; and Jennifer White, six.

Mayor Foxx said we'll hold those over.

Councilmember Carter said, Mr. Mayor, I'm not sure we have done this before, but I think it would be very nice if the Council expressed appreciation for those who have finished their terms and served the City so well.

Mayor Foxx said how would you like to do that?

Ms. Kelly said we send a letter of appreciation on behalf of the Mayor and Council to those board members for their completion of their term.

Mayor Foxx said speaking of completion of terms I do want to acknowledge Tom Flynn, who will be leaving us. He says he is retiring, but it sounds like he is retiring and going back to work. He is going to be up in Virginia, and we wish him well. I would also like to add, although they have been gone for several months, Stan Wilson and Stanley Watkins as well, who have also

moved on, so we want to thank all of them for many, many years of service to the City of Charlotte.

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ITEM NO. 13: MAYOR AND COUNCIL TOPICS

Councilmember Barnes said you all may recall at a recent meeting we had a speaker who lives along the Mallard Creek Road area near the future I-485 corridor, and there was some concern about the right-of-way area being expanded very close to residents in that area. I had worked with Tim Gibbs from CDOT about a year ago, I believe, on trying to address the issue, and because – here’s where government can’t work – because the I-485 completion process is a design/build project, there actually may be an opportunity to route it such that it does not impact those homes. There is a team of our folks going to Raleigh to work with NCDOT on finding that fix, so I just wanted to say kudos to CDOT and thank you to Mr. Gibbs for his efforts, and the neighborhood, I think, is hopeful as well, and so am I.

Mayor Foxx said thank you, Mr. Barnes, for stepping in on that.

Councilmember Cooksey said Saturday was the second annual Ballantyne Chili Cook-off, and I want to congratulate for the second year in a row the Charlotte Fire Department for winning “best chili” at the Ballantyne Chili Cook-off. Lots of candidates were there. Fortunately we didn’t have to go to campaign. I went just to enjoy things, and it was great.

Councilmember Dulin said, matter of fact, Mr. Cooksey, they were best chili and the people’s choice award winners, and they were decked out and cooking, and it was a real good time. Hot, of course, everybody remembers Saturday, but it was a good time. While I have got the floor, sir, I owe a couple of thank you’s, and the biggest thank you I owe is our staff member that we all know, Kim Pearson-Brown. Kim organized for me, for us, a free document shredding event last Saturday that was a huge success. They filled up one truck, five tons worth of shredded documents and brought in another truck, and we put about half of that one in there. I really didn’t know the need for people out there, just every day folks that we represent every day on City Council, that to get rid of their documents and how spooked folks are about identity theft. Kim Pearson-Brown pulled that off for us, and she knocked it out of the park on Saturday. I also want to thank the folks at Simon Properties that own the SouthPark Mall that let us come and use their parking lot, and the folks at Pro-Shred that came and donated their trucks and donated three employees to work for four hours. It went really well, and I would like to see us do that more often. It’s good for the environment and good for the community.

Councilmember Barnes said it’s been happening in District 4 for four years.

Councilmember Howard said just wanted to point out that the health ministry team at Trinity Worship Center is organizing a first annual walkathon. It’s going to be the Walk It 2K. It’s going to be October 24th from 9:00 a.m. to 12:00 p.m. at McMullen Creek. Anybody interested in participating this church is interested in coming, a healthy congregation. Anybody who would like to join them, the number is 704-804-2305.

Councilmember Burgess said I just want to say thank you to the organization, Strengthen Charlotte -- the organizers Tariq Bokhari and Ben Lassiter -- who hosted a fundraiser for Crisis Assistance in memory of Susan Burgess, my mother, Friday evening at Black Finn at the Epicentre. It was a really nice event which I attended along with many of my in-laws and many of the other young adults in Charlotte, and they raised over \$1,300 to give to Crisis Assistance, so I wanted to recognize Strengthen Charlotte and thank them.

Councilmember Carter said tomorrow night there will be meetings about ridership with CATS, and folks would consult the CATS Website on charmeck.org that would be wonderful, and to say thank you to Kim Pearson-Brown also, who is arranging for a District 5 meeting on October 28th. Stay tuned for where it will be.

Councilmember Kinsey said a couple of weeks ago we cut the ribbon at Fire Station 40, and I missed every single one of you. I was there all by myself, had to just carry the load. It is a gorgeous facility, so please if you are out that way – it is a little distance from where we all live, but if you are out that way, stop in. It is a beautiful facility, and I know you will be very proud of it. Then, what was it, Curt, about a week and a half ago we broke ground for the new Providence Police Station on Wendover Road, and it was very well attended. As you know, it will back up to the Grier Heights, and they are very excited about that, and, yes, Mr. Dulin was there with me, and I appreciate that very much, and, of course, our Manager was. In one year, we will be cutting the ribbon there, so y'all will have to come out for that.

Mayor Foxx said thank you, Ms. Kinsey, for carrying the load for a couple of weeks.

Councilmember Cannon said obviously you have heard from Mr. Dulin this evening in his opening prayer about cancer, and you heard Councilmember Burgess tonight express his thank you with regard to the same item. I want to remind you and invite you, the general public out, tomorrow, which would be October 12th, so if you are seeing this beyond Tuesday, October 12th, you know it's a rebroadcast. If you are able to get by Carolinas Medical Center tomorrow at 10:00, third floor, main campus, we will look to make breast cancer and awareness day here in Charlotte-Mecklenburg witnessing the hand of our Mayor, Anthony R. Foxx, so it's going to be a very good something to show up to and be supportive of. I have my little pink ribbon on here, but I love for the cameras to get a shot of Mr. Dulin's jacket one more time tonight. He really is representing accordingly, so give it up for Mr. Dulin. We appreciate you and what you are representing here about this cause, so, again, tomorrow, October 12th, Carolinas Medical Center, third floor, 10:00.

Councilmember Dulin said, Mr. Cooksey, now that I'm done with it tonight, I will be giving you your coat back right after the meeting.

Mayor Foxx said I am going to say one thing on a serious note. The MTC is scheduling a workshop on November 17th, and I wanted to alert the Council of this because it's really the first time we are going to have an opportunity to take a blank sheet of paper and really take a look at what is happening at the federal level on transit support and what's happening at the local level with revenues and to try to figure out how to make our way through this time. I wanted to extend the invitation to all of you to be there on the 17th of November. I think the meeting starts at 10:00.

City Manager Walton said I think 10:00 until 3:00.

Mayor Foxx said we are trying to get some folks from Washington who are current on what is going on, but if you follow today, the President had a session in the White House today with leaders across the country on this concept of an infrastructure bank, which could be a very different set of conditions in which we seek transit help. So I want you to be aware of it and I want you to be there if you can be. It's going to be here at the Government Center.

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ADJOURNMENT

The meeting was adjourned at 7:58 p.m.

Stephanie C. Kelly, CMC, City Clerk

Length of Meeting: 2 Hours, 28 Minutes
Minutes Completed: November 8, 2010