

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, November 8, 2010, at 5:18 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were: Michael Barnes, Jason Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, Patsy Kinsey, Edwin Peacock III

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

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**ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS**

Councilmember Dulin said No. 17, and, again, I pulled some of these last week. I have to look at my notes. No. 17 is the Employees Assistance Program, and oddly enough I met somebody in that business last week who helped me with some of these, and I ran the numbers to somebody like myself, who is not educated in what these numbers are telling us. This is \$374,000. By me running the numbers, we had roughly 870 users of our employees using this program last year, and that comes out to \$430.34 per visit. Now, those numbers are up and down, wavy, a little bit, but I'm just wondering do we get cheaper rates from our carriers by having programs like this for our employees?

**Curt Walton, City Manager**, said this doesn't affect our medical, if that's what you mean, but we also would have gotten the same rate if 100% of the employees had gone through, so it's just a function of how many in a given year. If your numbers are right, about 12% of the workforce, so 12% of 7,000.

Councilmember Dulin said it's just standard operating for a company this large to have a program like this.

City Manager Walton said particularly when a large sector of your workforce has exposure to traumatic issues on a regular basis, particularly Police and Fire.

Councilmember Dulin said do we know of that 870 that used the program last year – my numbers, not yours – how many are folks that service us on the CMPD and Fire?

City Manager Walton said we do know that number. It's predominantly Police and fire.

Councilmember Dulin said No. 19, Mayor. This is for enhanced video equipment at the transit stations. That's fine. We can have the best videos in the world, but could we have watching the videos, monitoring the new monitors. These are additional monitors that would either have to have an extra set of eyes on them or something like that. I'm all for having as much security. It doesn't do us any good unless we can use the equipment; right? No. 25 is Airport de-icing trucks. I saw Jerry. I'm sorry I didn't ask him. This is a \$10 million purchase, and it also has some simulators to train the de-icing truck drivers, but without the simulators, that comes to \$376 per truck. Are there secondary uses for these trucks that we can upfit with de-icing equipment like we do our gravel trucks in the winter time? We put a plow on the front of them and a bucket in the back and send them out this time of year. Then we are going to have 28 new trucks that we can only use when it's icy weather at the Airport, and, Lord knows, when it's icy there, we certainly want them. But 28 trucks of that size take up a lot of room. They have got to be stored somewhere; they have got to be maintained.

City Manager Walton said the risk of not getting those planes out shuts the whole eastern seaboard.

Councilmember Dulin said any time \$10 million pops up in a consent item I'm question marking it. No. 36 now – this one and one other. I'm sorry, it was an active week. Crime scene search vehicle. Do we currently have a crime scene search vehicle? This one makes a lot of sense. We have had some incidents here lately where CMPD has not handled evidence well or their notes, which got me thinking, and a lot of those the police officers – because we have been victims of

crimes – they just come with a notepad, and they write down stuff on a notepad. We would think now today maybe we could start getting higher technology for that sort of thing. This just got me thinking of other ways we can try to be more efficient, too, and if we have one of these already, do we need to replace it with a new one for \$186,000? Lastly, sir, No. 46, Steele Creek Police Station land purchase. We are getting three acres of land down there. I'm all for a new police station, and I'm all for the one at Providence Division. Steele Creek needs one, and I'm all for getting those guys and ladies out where we can see them, but we are buying 3,000 acres. I want to give the group some of the realities of our new tree ordinance. Pardon me, three acres – not 3,000. An acre everybody is 43, 560 square feet, so three acres is 130,000 square feet plus a couple of extra. For the tree ordinance, we are going to have 19,602 square feet – 15% of that is going to have to be treed. As an example to everybody, on this one we are going to have to live by our own new rules. A half an acre is 21,000 square feet, so we are going to have to take 19,000 square feet off a three-acre site – there's a half an acre of it that we can't use, and that doesn't include storm water retention and that sort of thing, too. So, just as an example. This is an example where we are buying land we can't use. Just wanted to let everybody know that.

Councilmember Barnes said I have a couple of follow-up questions that came to mind because of some of the questions Mr. Dulin asked. With respect No. 17, the EAP, do we pay money even if we don't utilize the program?

City Manager Walton said we have it on retainer, I believe, but we'll answer that.

Councilmember Barnes said, in other words, if 800 employees use it, do we send them the \$374,000 regardless? Also, Mr. Manager, with respect to Item 26 – this is actually one Mr. Dulin I don't believe raised – but an issue came up earlier today at our Transportation and Planning Committee meeting. I asked Mr. Schumacher to provide the Council or at least that committee with information regarding planning and design work. We spend a lot of money on planning and design work before dirt is ever turned or ground is ever broken, and I wanted to know whether it would be feasible for us to move some of that talent in-house. No. 26 comes to mind because it's a contract to design and elevate a commercial roadway at the Airport, and there are a number of these that come up from time to time, and I wanted to know if that was something that we could or should consider moving in-house in whole or in part, so if you could give us feedback on that, I would appreciate it. I'm sure that would go beyond tonight, but if you all could just respond to us that would be helpful.

With regard to No. 36, apparently this is a Ford F-550 that is being retrofitted with a 16-foot box work area, and that does seem like a very high price. I read bullet point four, and it says the vehicle would have space to store specialized equipment including a lighting system and an awning system, but I do want to kind of understand how we get to \$187,000 for a retrofitted F-550.

With respect to No. 46 – thank you, Mr. Dulin, for raising some of these issues – I would say in response to what you said, Mr. Dulin, that it's probably never been our intent to use every square inch of dirt where we develop, and I don't know – I will let the Manager respond to this, but I don't believe that the 19,000 some-odd square feet that you referenced would be in one isolated area. I believe what we have tried to do with the tree ordinance and our other ordinances is provide for that green space in various parts of the parcel, and I would imagine we will try to do the same thing there. My intention is that we would comply with the same ordinances that we ask other people to comply with. I know there is that one famous example down the street that you have some energy around, but I think though my perspective on it is that we should be trying – that we should comply with our ordinances just as much as we ask anyone else to do so but also with respect to this one. I think those trees will be located throughout that site.

Councilmember Peacock said, Mr. Manager, on Mr. Dulin's point, I would suggest maybe have weekly a quick rundown on what the costs would be just for an example as a follow-up would be great. The second item is on No. 37, and this may be something that comes through regularly, and I just don't notice it, but it's asset forfeitures appropriate, approve budget ordinance appropriating \$230,000 in asset forfeiture funds for various public safety needs. The words "various public safety" kind of caught my attention, and my question I guess to you or the Police would be what can't these funds be used for?

City Manager Walton said they have to be used for police activities. They can be used for salaries but generally is not a good idea because it's a one-time revenue, so it's limited to equipment.

Councilmember Peacock said internally we set it as equipment?

City Manager Walton said yes.

Councilmember Peacock said you wouldn't see in here, for example, new positions? You wouldn't just fund it for 12 months? It hasn't been done before?

City Manager Walton said I think we may have done that with some positions in the District Attorney's Office. For example, when you know there is going to be a limited period of time, but generally we don't build in recurring costs because these are one-time revenues. It's rare, but we have done it.

Councilmember Carter said No. 18 is the Small Business Web Portal. I was wondering if we enfold on that portal information about our small business opportunities to make sure that our small businesses know what contracts are coming up, what the possibilities are within the City, but also that these contracts not be counted by the large businesses that might be working with the small businesses. In other words, this portal would generate some hits from the small businesses, but I think it's up to the large businesses that will be controlling the contracts at their outreach.

Then 33, we are investing in some medical cash supplies and pharmaceuticals. I'm interested in the shelf life and to know how often we will have to turn over these supplies and see what kind of investment. That will be a rotating investment. Then 43, this is particularly pertinent. We have had the exposure of a difficulty at the Edwards Branch construction site taking down 43 extra trees that were designated to be saved, and I'm concerned about oversight of these projects, the storm water projects, to make sure they stay within the guidelines that are presented to our contractors or the people who contract with us.

Mr. Mayor, if I might as a point of personal privilege, I would love to recognize one of our newly elected members to the House of Representatives at the North Carolina State House, Mr. Rodney Moore, who is here with us tonight.

Councilmember Kinsey said back on No. 37, Assets Forfeiture Appropriation, I notice that \$100,000 of the \$230,914 will be used to fund the Police portion of a psychological services program. Is that a program that we had? Is it ongoing, or is it new, and how does that mesh with the other program we just talked about? I can't remember now what you call it.

City Manager Walton said employee assistance.

Councilmember Kinsey said, yes, the employee assistance.

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## **ITEM NO. 2: HOUSING LOCATIONAL POLICY**

Mayor Foxx said we now move to housing locational policy. I know that the Housing and Neighborhood Committee has been working through this a good bit, and I want to yield to Ms. Kinsey, if you want to say anything introductory here.

Councilmember Kinsey said just a few brief comments. I want to thank the committee for working on this. It's been pretty intense. We have worked really hard on this. Mr. Mitchell is the vice chair; Mr. Barnes, Mr. Cannon, and Mr. Cooksey join us on the committee. Also I want to thank staff because obviously without staff we couldn't do a thing. Pam Lopez has just been great to work with. We have had good input from the public, we have had very good discussions, input discussions, from the committee, and you will notice in your materials that we are passing along with a 3-1 vote. But the dissenting vote probably will be explained during

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tonight's presentation sitting next to me. Your comments are welcome about this. Please listen very carefully. It can be a little confusing with the facts and figures, but Pam will be able to explain it. She will do a good job, I'm sure. We are hoping for a November 22<sup>nd</sup> public hearing with an approval by Council on December 13<sup>th</sup> if all goes well. Mr. Manager, Mr. Mayor, may I turn it over to Pam Lopez? She is the primary author of this and has done a great job.

**Pam Lopez, Neighborhood and Business Services**, said I would just like to say from a staff perspective thank you to the committee for your leadership and your guidance. Just by way of background, the Housing Locational Policy provides a guide for the financing of the location of the development of new, rehabilitated, or converted subsidized multifamily housing developments that are designed to serve those individuals earning 60% or less of the area median income, and that equates to about \$40,000 annually. The original Housing Locational Policy was approved in November of 2001. It was again amended in November of 2003. This body approved a draft revised housing locational policy in June 2010 so we could go to the public and get citizen input on what a new proposed policy would be.

The approach in approving the policy in June was several things. The policy was aligned with the City's Quality of Life Study. With that data is a comprehensive analysis of all the NSAs throughout the city. The proposed policy suggests that we allow new subsidized multifamily development only in stable NSAs and that we allow rehabilitations and conversions in any stable NSA, any transitioning NSA, or any challenged NSA, so pretty much new developments are allowed in only stable NSAs, and rehabilitations and conversions can be allowed in stable, transitioning, or challenged NSAs.

Using that approach, we went to the public. We had five forums this summer. We were strategic about having these throughout the city. We had one in each region of the city. You can see that we had it in the south, the east, the north, the west, and the central region. We had a total of 174 people attend these forums, and we had 158 unique individuals, all that means is that some people attended more than one forum.

Some of the topics we discussed this summer at the forums include some of them are policy specific and then they are other related, and I will go through each of these. There was lots of discussion about whether or not the Housing Locational Policy should include waivers. What that means is whether or not Council should consider waivers. There was discussion about whether or not the policy should apply to state and federal projects and city projects as well. We'll discuss that as we move on in the presentation. There was lots of discussion about the half-mile proximity restriction. Some people argued for it; some people argued against it. There was discussion about whether or not we should use the Quality of Life Study to design the new policy, and then there was lots of discussion about what type of development, if any, should be exempt in the Housing Locational Policy. Other topics of discussion included whether or not these types of developments impacted property values. There was discussion about aesthetic and on-site management concerns, inclusionary zoning, and whether or not these developments should be located in proximity to transportation, goods, and services.

So with that what you see in front of you are the proposed policy objectives. These are consistent with what the current policy is, so none of these were changed. We want multifamily developments to be located dispersed geographically throughout the city. That means we want them to be distributed all over, that they should support the City's neighborhood revitalization efforts, they should support school development, transit corridor development, and other public initiatives, that we should promote diversity and vitality of neighborhood, and also we want to avoid undue concentration of subsidized multifamily housing developments.

Now, let me pause here and tell you what we are defining as subsidized multifamily housing developments. Those are receiving funding either through the City's Housing Trust Fund, those are developments that would receive low income housing tax credits from the state, and those are also CHA development as well. We heard you loud and clear that there are concerns about Section 8 properties, so we also looked at those developments as well.

The proposed policy applies to multifamily developments over 24 units. The attempt there is to be consistent with how the North Carolina Housing Finance Agency awards tax credits. Then the exemptions in the new policy are seniors and physically disabled. People really believe that we

should keep the senior exemption. The proposed policy suggests permissible and prohibited areas. Again, we attempted to simplify. The current policy has prohibited, priority, and prohibited areas. We attempted to simplify by just having two – permissible and non-permissible. So, new subsidized multifamily housing developments are permissible in stable NSAs where the total number of subsidized housing units including the proposed units does not exceed 5% of the total NSA housing count.

Let me pause there and tell you how we came up with the 5%. What we know based on the Quality of Life Study is there are a little over 300,000 total housing units in the city. We also know there is a little over 15,000 subsidized housing units in the city. So we simply did the math and came up with 5%. The proposed policy also suggests that new developments can be located within a half mile of an existing non-exempt subsidized multifamily housing development of more than 24 units if the total number of subsidized housing units, including the proposed units, does not cause the NSA to exceed 5%. Now, this is new. This is different than the half-mile restriction that is in the current policy. The current policy says that new developments are not permitted if there is another project within a half mile. So, again, the attempt here is to maintain the 5% cap but to allow a new project within a half-mile proximity if it doesn't cause a total NSA to exceed 5%. Then the other new thing is that these developments can be located in nonresidential areas as defined by the most recent Quality of Life Study.

As far as conversions and rehabs, conversions are permissible in stable NSAs where the total number of subsidized housing units again including the proposed units does not cause the NSA to exceed 5%. Again, we wanted to maintain that 5% cap. They can be also located in transitioning and challenged NSAs if no more than 24 units receive a public subsidy and the total number of subsidized housing units including the proposed development does not cause the NSA to exceed 5%. Now, I will say we have not seen a lot of conversions in this city. Rehabilitations, we have seen several of those since the inception of the Housing Trust Fund. Rehabilitations are allowable in stable, transitioning, or challenged NSAs, and again we attempted to maintain the 5% cap.

We maintain the waiver request based on what we heard this summer. Waivers can be considered by the City Council on a case-by-case basis. The process remains the same, however, we did extend the notification requirement at the request of the committee. The process is as follows: The waiver is requested by the developer, the staff would prepare the information for your review. The adjoining property owners, the neighborhood organizations, and the full Council would be notified four weeks in advance of Council review as opposed to the current policy of two weeks prior to the current review, so that provides the Council an opportunity to weigh in more on the waiver requests.

To the extent that you all are comfortable with what we have presented here tonight, the proposed schedule is as follows: We would have a public hearing on November 22<sup>nd</sup>, and then we would ask for your final approval on December 13<sup>th</sup>. With that, I'll take questions.

Councilmember Peacock said, Pam, thanks for your time on Friday. Appreciate you answering the questions in advance. More keep coming. Still flowing, trying to digest all of this housing talk. My question for you is a history question. Did you mention on your first page that 2001 was our last locational policy; is that correct?

Ms. Lopez said, yes, sir, that was the original policy.

Councilmember Peacock said I wonder if you could provide Council with the history of what was it called before it was called the locational policy. What happened in 1981 or '78? How did we locate housing then? How are we doing it differently?

Ms. Lopez said, Mr. Peacock, I will say that I don't know the answer to that. I'm happy to include that in a follow-up report, but it looks like your colleague, Mr. Cooksey, can help you.

Councilmember Peacock said I won't recognize Mr. Cooksey right now. I want to get through my questions because he has probably got a dissertation he wants to give.

Councilmember Cooksey said I simply have an answer to the question.

Mayor Foxx said Mr. Cooksey.

Councilmember Cooksey said I look to see if I get corrected by folks who are here that prior to the passage of housing bonds in 2002 the City wasn't in the low-income subsidized housing business, therefore, there was no need for a policy. If memory serves – I thought it was adopted in conjunction with the offering of the bonds for the first time in '02.

Mayor Foxx said do we have an historian present?

Councilmember Cooksey said Mr. Mitchell was here at the time; Ms. Carter was here.

Councilmember Mitchell said actually our former assistant city manager who is here, Vi Lyles.

**Vi Lyles** said in 1975 you were actually under a court order by Judge McMillan on housing requirements because of the urban renewal policies, and he actually instituted an order under which you did your scattered site housing developments for a very long time. That probably took you until the '80s. Then in the '80s I think basically the Housing Partnership was your creation and development, and you said to them let's create a CDC or community development corporation, and you went towards the Housing Partnership. You funded that, and most of your housing development was done under the auspices of the Charlotte-Mecklenburg Housing Partnership. The locational policy then came about as a result as Mr. Cooksey said.

Councilmember Peacock said did you all in the committee study any comparisons of other cities about what our locational policy looks like compared to Raleigh's or others that have a housing trust fund type format?

Ms. Lopez said we did not talk about that specifically, Mr. Peacock, in committee.

Councilmember Peacock said can you explain your senior exemption and the elderly and the physically disabled exemption? Does that also include something like, for example, McCreesh Place? That's not elderly. How do we define that type of housing?

Ms. Lopez said we specifically talked about senior and physically disabled – senior being as defined by age. There was discussion about whether or not veterans, SROs, should be exempt, but the committee was comfortable and I would say only comfortable with the senior and the physically disabled.

Councilmember Peacock said did the committee have any discussion, Ms. Kinsey?

Councilmember Kinsey said, oh, yes, we discussed that, and Ms. Lopez is exactly right.

Councilmember Peacock said, Mr. Mayor, my next question has to do with Quality of Life Study. You and I talked about the label – transitioning, stable, challenged. Those are my three choices. In what order are they? Is transitioning the worst, challenged the next best, stable –

Ms. Lopez said it's challenged, transitioning, and stable – stable being a neighborhood that exhibits very few problems.

Councilmember Peacock said Quality of Life Study yielded the 300,000 units you said are in the city.

Ms. Lopez said that's correct, sir.

Councilmember Peacock said 15,000 of them are subsidized.

Ms. Lopez said, yes, sir.

Councilmember Peacock said 15,000 divided by 300,000 is your 5%. That's always going to be measure, so the formula is number of housing units in the city divided by the number that are subsidized equals the 5%. Did I hear you correctly that you can put two projects within half a

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mile of each other if the total does not exceed 5%. So you could have a concentration theoretically in one area that is literally 200-300 yards apart if it doesn't exceed 5%.

Ms. Lopez said that is correct, sir.

Councilmember Peacock said let's take the example of Ayrnsley where we had the text amendment come to us on that. It was very close to the half a mile line there. Was that area in total excess of 5% there? I'm very fuzzy on the details because that's been a long time ago.

Ms. Lopez said I think when that project originally came to you all it was in a nonresidential area. We didn't have the 2010 Quality of Life Study, so based on what we proposed here, it would be permissible or a project like that would be permissible in a nonresidential area. For Ayrnsley, and I don't remember all the details of that project, but it was within a half mile of an existing project, so as long as it does not take the NSA over 5% it would be permissible.

Councilmember Peacock said what I hear when I hear that, and I don't know if I was in the committee or if you all had these discussions, so please debate with me openly about this, those neighbors were particularly angry about how that process had gone about, and she led to the exchanging it from two weeks to four weeks here. It landed in the middle of the summer. There was a real heated belief that this was somehow construed and they were trying to manipulate this scenario where it looks as though the committee has obviously worked to try to push that back to four weeks here, but let's say, for example, that project – half mile rule was rule gone and they were at 3% total. That project would still be there, and I think we would still have those citizens extremely angry about how that had occurred. Did y'all flush that through together? I don't know if you all had thought through the Ayrnsley example of one like it because when I read the overall macro goal I'm just trying to figure out how this is played out if this would have been the case for the Ayrnsley scenario. Would it have made it better or would it have made it worse? I really don't know. I'm just trying to figure out on that.

Councilmember Kinsey said Mr. Mitchell was chair before I came on board in late August, early September, so he may have that –

Councilmember Mitchell said, Mayor, if I could, Ed, in one particular case, Ayrnsley had one criteria that we didn't have before that. It was not connected to an NSA. It did not have an NSA at that particular time attached to it, so it kind of caused some headache, but we did use that in our committee discussion about the half-mile radius and the impact it would have on our city. We did use that example as well as Rivermere was another example we used, and then we talked about the Park at Oaklawn.

Councilmember Kinsey said I think, Mr. Peacock, we are going to face those issues going forward. This policy is a policy, and we are going to encourage the developers to live by it if the project is subsidized, but there are going to be neighborhoods that are going to fight it, and the developer will ask for a waiver. I think that is just a fact that we are going to have to live with.

Councilmember Peacock said my final question for the committee is about the waiver itself and that component. I described it Friday the way I felt in the Ayrnsley decision I came into it amidst seeing a lot of other emails that we all get about people speaking in protest of one petitioner or the other, and I have been listening to the noise getting louder and louder and louder, and I realized that night when we were going to make a decision I wasn't in a Zoning meeting. I was actually in a meeting where I was going to be making a decision right then and there that was going to affect that crowd, and you all remember the loud uproar that occurred when that vote occurred. I just felt like I didn't have enough distance like we do in the zoning process where we hear the public hearing, we wait four weeks, we bounce it to a citizens committee to talk about it and come back. This wasn't handled that way, and is just because that's the way we deal with it. I just felt like, oh, my gosh, this is a lot to digest very quickly. Are we going to see that again, and is that a process improvement that you guys thought about it – treating it like a zoning scenario. That may be disruptive to someone in the development community. I'm not trying to throw a cog in the wheel there, but I just don't know if you all had dialogue on that.

Councilmember Cannon said, yes, we did. It was really to the – that's what led to, Mr. Peacock, it not being simply two weeks. I expressed in committee as a level of concern and thought there

needed to be I guess a greater span in time for us to be able – us, the City Council, obviously the community – to be able to have a dialogue where if in the event that the Council decided that it was so contentious that it needed to be referred somewhere else that it could be or we would still have the ability to work within the four weeks that was going to be presented to make the kind of determination that should be made in terms of whether or not we want to be supportive of it or not. So, it was through that action by the committee to extend it from two weeks to four weeks that we tried to address that question.

Councilmember Peacock said I'm in favor of the four weeks. I'm just wondering can we improve it even more.

Councilmember Cannon said, yes, I think it can be done. It just goes back to the Mayor or Council being comfortable enough to send that issue to the appropriate committee if it needs to be addressed; in this case, of course, HAND.

Councilmember Carter said these are rather scattered observations as well as questions. When we are looking at the new policy, it addresses multifamily housing developments, and I'm inferring that Section 8 is not included in the count as you look at an NSA; is that correct?

Ms. Lopez said, Ms. Carter, we do consider, we do look at Section 8. We look at project base, and we also look at those single family homes, so that is included in what we mean when we say subsidized developments. That's an improvement. We have not done that in the past.

Councilmember Carter said I don't think the residents of the east side understand that element, and I'm very grateful to you because I think that will help them approach this issue. If you have a site that is located on the edge of an NSA, do you consider the abutting area because if it's right on the edge and not in the center of an NSA then you look at the next adjacent area?

Ms. Lopez said that's the language we have about it cannot take the proposed NSA, the NSA in which the new development is located in or the adjacent one over the 5% mark.

Councilmember Carter said I'm sorry. I missed that. That does help. I have one more set of questions. There is a very specific item addressing rehabilitation, and, thank you, that is something I have been working for for some time, but I have run into a difficulty talking to people who are interested in rehabilitation and dedication to such that is housing, and that is if there is a family living in the apartment that is to be rehabilitated they have to be moved off-site or on the site somewhere and then moved back, and those two moves subsequently add to the cost. Is there any consideration for how we handle those moves – extra subsidy, extra grants. It's a barrier to me that I think we could help with considerably that is not addressed in the building price.

Ms. Lopez said we did not look at that, Ms. Carter, as we developed that locational policy. That is certainly something we could go back and look at outside of the locational policy – how we handle moving families when there is a rehabilitation.

Councilmember Carter said because that is a barrier to what we are trying to build here. If we don't look at the barriers, I think we are going to miss the target.

Mayor Foxx said if one of the guiding concepts behind this is to deal with clustering of poverty, how does this locational policy accomplish that? Just as an example, if there is a lot of dilapidated multifamily housing in some of our challenged areas today, and we say it's a benefit to the neighborhood for us to rehabilitate that property so that it doesn't look like a blight on the community, but to do that dollars have to be used to subsidize more affordable housing in the same areas. How does that accomplish that goal of disbursing?

Ms. Lopez said I want to make sure I understand your question, Mayor. Your question is how does the policy deal with the clustering of poverty as we look at rehabilitation.

Mayor Foxx said it's really just general because I see what you have laid out, but I don't quite get how it actually accomplishes that goal.



Ms. Lopez said our attempt to address that is through the 5%. What we have said is that when we are speaking about rehabilitation specifically is that we don't want – we want this to be evenly disbursed throughout the city so that no NSA should have more than 5% of subsidized housing. We know there are some that exist, but we are saying when we are looking at a development coming to the city to get Housing Trust Fund that is one of the things we are going to look at.

Mayor Foxx said which now leads me to another question which is I can think about this like the Transportation Action Plan or the Tree Ordinance, which are treated differently. With the Transportation Action Plan, we actually looked at a 25-year forecast of roads, developed a map, assigned value to it, and we measure year to year how we are tracking against that, so we know how to get to the goal line and we know how much it costs. With housing we have, depending on who you ask, 17,000 units we need, 24,000 units, and if you assign that 5% figure to every place across the city, how close do you come to matching up against that number; do we know?

Ms. Lopez said what I will tell you, Mayor, is that if you just look at the areas for new development, the areas that are developable based on the 5% that will get us to 6,249 new developments. I would remind us that we are not going to build our way out of this. We are going to have to look at rehabilitations, continue to look at rehabilitations. I will also tell you that since the inception of the Housing Trust Fund we have had 26 new developments and we have had 19 rehabs, so that's a total of 3,121 units that have been added, affordable housing, units that have been added to our stock. So this is complicated. The 5%, if you just look at new, it won't get us to the 17,000 that the lesser study – the 2007 lesser study said we needed for 30% or below, and then last week we heard from the Housing Authority the need has grown to 24,000.

Mayor Foxx said I'm asking these questions not to be hard on you but just because I think there are still some pieces of the puzzle that we still have got to get figured out. The last line of questioning is on incentive based inclusionary zoning. I know when we started having this conversation about locational policy the idea was to kind of figure out the publicly subsidized piece first and then sort of have another stage of discussion about how we deal with private markets, but it strikes me that more housing is built in the private markets than is built because we subsidized it, and if we can play a role in helping incentivize some of that housing to come on line all the better. It may not have happened, but I know in Housing Charlotte 2007 there was a lot of work done on incentive based inclusionary zoning and some pretty well fleshed out thoughts about how to accomplish it that had been vetted through developers and neighborhoods and everybody. One of the steps that was outlined in that document was going through and looking at whether implementing what is suggested there required state-enabling legislation. Has that been done or could it be done in advance of our hearing?

Ms. Lopez said could it be done in advance of the public hearing to find out if we have state-enabling legislation? We have not talked about whether or not we need it. We have not talked about that at the committee. We did talk about at the committee that we needed to look at inclusionary zoning, but I will turn to the City Attorney to ask about whether or not we can do that – if he thinks we have enough time before the 22<sup>nd</sup> public hearing.

**DeWitt McCarley, City Attorney**, said we haven't research that recently, but I'm positive we can get (inaudible – not near a microphone).

Mayor Foxx said I appreciate it with specific looking at the Housing Charlotte 2007 recommendations on there because I think there is a lot of stuff already there. Those are my questions.

Councilmember Howard said first thing I want to do is start off by telling you guys that I have actually been very careful with this subject matter and actually intentionally not been a part of anything the committee has done just because of what I do every day. Because of what I do every day it would be hard for me to sit here and not tell you kind of how I feel about this, and Mr. Peacock actually asked me last week about something, and I started explaining somewhat how I felt about it, and I thought it would make some sense tonight to kind of go point by point, if that's okay, Mr. Mayor.

Mayor Foxx said sure.

Councilmember Howard said, also, just so we are on the record and this is something I talked to Mac about. I just want to be clear that I work for a nonprofit, so I don't look to make any gain from this one way or the other. My salary is what my salary is, and I have okayed that with Mac, and we are kind of clear on the fact that on a policy matter I can definitely chime in.

With that said, last week I actually started talking about the fact that one of the things I think we should consider in this whole conversation is the current model of affordable housing development is different than it was when this policy was originally developed some years ago. What we push as a City and what other funders have pushed that fund affordable housing is a mixed income model. Mixed income, just for example, right now we encourage with our trust fund developers to come in with units with a project that would serve the very poor as maybe about 25% of the project. That means the remainder of the project is serving what is really up to about 50 or 60% of median income, which is really market right now – even more so in this economy than before, but that's market right now. So what we have done is encourage the very poor be mixed in with traditional apartment complexes.

Actually would like to say that I actually understand, I have actually heard that my colleague, Mr. Cooksey, has questioned having a policy altogether given our new mixed income approach to doing housing, and that's what I'm talking about. I understand that because the policy originally was developed to deal with traditional public housing, and having grown up in Charlotte, most of the traditional public housing has been dealt with through redevelopment with HOPE VI projects – the Fairview Homes, the now Boulevard Homes, and some other projects. Those properties that this policy was really developed around no longer exist really in this community. It's definitely not the way we are developing new units.

I also understand my colleagues who seem to have more than their share of this in their districts. I mean I really, really do, however, I thought the conversation around the policy at this point was about how do we make the process smoother, and I didn't necessarily was to make the policy more restrictive, and I'm afraid that's kind of where we have gone, and I will tell you why. The first issue, and I have talked to Pam, so she knows how I feel about the 5% cap. Right now I'm kind of afraid that if you build one project, and we don't have the maps up, but it's the green areas on the locational policy map.

Ms. Lopez said actually, Mr. Howard, we do have a map that might be helpful to you. This map depicts what I said in the presentation that the new developments are permissible in stable NSAs. The stable NSAs are the NSAs that are hatched.

Councilmember Howard said really looking at that map what that tells me is that if you go into one of those hatched areas a 5% that area automatically with one project goes to being now prohibited because it just takes one. Five percent is a low number, and let me tell you. Given what Pam said a while ago, we do estimate there are about 300,000 households in Charlotte. If you take 15,000 or so when you add in all the affordable units going around -- Section 8 vouchers, and then when you add in the 17,000 that the Mayor talked about earlier that the lesser study is saying we need that map gives you about 30,000, 32,000 units that we need in this community over the next couple of years to deal with our problem. Like Pam said, given that map as you see it, that allows another 6,200 units she said.

Ms. Lopez said that would be new development.

Councilmember Howard said we talked about rehab, and the only thing I want to add to the rehab conversation is remember some of the dollars we are using for rehab are not for conversion. They are actually just for updating existing affordable units. So we do need to depend pretty heavily on adding new units to the mix. If we do that math, what that really gives you is about 10% of what you need across the board – 10% to 15% of what you need – not 5% because 5% is going to make it very hard to do what has to be done.

Okay, the next thing is the half mile, and that's the one – when 5% of the percent model was originally talked about, and I kind of know the origins of it, it was really to take the place of the half mile because the half mile given an urban setting is really very restrictive, and the two

examples I will give you is uptown and SouthPark. Right now you take a half mile around the new Ashley Place, and you are taking out a lot of SouthPark. You draw a half mile around Sycamore Green downtown or First Ward, you take out most of downtown. I meant the other way around SouthPark and downtown. That half mile being restrictive the whole percentage thing came up to find another way to deal with it, but when you put them both together, you make it impossible to do anything, so if you add the half miles around even what Pam was talking about in the prohibited areas, it still gets to be more restrictive than the policy started out being when I thought the whole goal was to make the policy more user friendly and more simple to understand and easier for us to get this on the ground.

I actually have a couple more points. When it comes to funding the projects, I heard Pam say a little while ago that this is really about units that are financed by the Trust Fund or by the City, when, in fact, the policy is somewhat administered right now to say that, well, you know, even if you are not coming to the city, if you go to get state money, if you go to get federal money, even if you can do it without the city, you really should abide by this policy, and that's just one thing that has been made clear by the Attorney's Office is not enforceable, and I'm just wondering if the goal of the committee or Council is to make sure that intent is given to the state and to the feds that we should put some language that says it is encouraged but not say something like it's required because it's not enforceable.

I'm getting down to the weeds now. The next thing is if we are going to keep the half mile we need to do things like really recognize whether or not natural barriers or physical barriers should be used to divide areas up. Are we really saying that on Independence Boulevard if you have affordable housing on one side of it and you draw a half mile that if the other side of Independence falls in it that you can't build over there. That doesn't make a lot of sense. Or if there is a creek that divides, should you draw a half mile. That is if it stays. I'm no fan of the half mile, but if you draw it, should that count.

In closing, I pointed out earlier that we are an urban area. We need to consider that, and we have a lot of people moving here. We really need to figure out how to deal with that. I think these are great first steps. This is in no way to take away all the work the committee has done. I think the spirit has been great. I thought the goal was to kind of update and simplify, and I really kind of think this has gotten more restrictive. If the purpose of the policy originally was to deal with concentration, then that is really what we need to be looking at, and I really think we have to take into consideration that the new model mixed income changes the dynamics of what we were doing when we developed this policy. I'm not quite sure I have heard that.

Let me tell you what I think the results, if it stays the way it is, will be. I probably have a little bit more knowledge about what I think the results will be than most here. What you are going to wind up with is a bunch of elderly projects. You know why? Because that's what you are leaving permissible right now. Nobody wants to go do the fights. That's what you are going to wind up with, and we are not going to get at the need, which is for family units. You are also going probably going to wind up with more waiver requests. Now, that sounds good on the surface, but that also says that you are going to have more chambers filled with fights.

I also want to make sure, just in closing, that I say that my friends who have the concentrations already that I think the Quality of Life will deal with the concentrations because when you deal with certain NSAs being prohibited you will take care of some of the concerns I have heard from my colleagues in the east and the west worrying about your problem areas. So, I think I have said enough.

Councilmember Kinsey said I respect your opinion. You do work for a nonprofit. You may know a little bit more than some of us know, and I understand you build affordable housing, and the Partnership does a great job of that. Here again, please understand I have been on this committee just since – when, Mr. Mayor? – end of August, early September, so I would certainly ask Mr. Mitchell and Mr. Cannon or Mr. Cooksey to respond. I think our response was to those citizens who do have more than their share of affordable housing. Now, we are talking about subsidized on one hand. We are talking about private housing on the other that we can't do a darned thing about unless they come up in code enforcement. The only thing we can do is the subsidized housing because we do have money, skin in that game. I very firmly believe it should be state and federal.

If there is a law where we can't, we have not heard that yet, so we certainly need to figure that out, but I'm thinking of those neighborhoods, those NSAs, that do have an overabundance and we don't have something that will help us spread, at least encourage the spreading of affordable housing around this city, they are going to continue to develop in areas where the land is cheap, and that's on the west side, it's on the east side, and on the north side to some extent – well, in the south sort of, and that's where it's going to land because that's where the affordable land is. I thought our intent was to spread this around as much as possible. Maybe 5% isn't right; maybe it is something else, and we can certainly go back and look at that. If the intent is to spread it around, then we are going to have to come up with something that will do that, and we are not all going to like what we come up with, but we need to at least – I firmly believe we need a locational policy. We had one for years. If we go back now and say no locational policy, it just won't work. I know there are good reasons not to have it. Mr. Cooksey has a very good reason not to have it, but I think we need to go forward with one for three good reasons.

Whether or not we send this to public hearing tonight or we go ahead and plan for public hearing, I'm fine with it going back to committee. I don't mind doing that. Staff may not be real happy because they really have worked very hard on this, done a lot of research, but that's sort of where we are. If you want us to, give us specifics. We'll go back and look at them and come back again if that's the wish of the Council, but that's sort of my position right now. I think we do need a policy. It's designed to spread the joy around as much as possible. That's sort of where I'm standing right now.

Councilmember Cooksey said, again, I know this is information workshop – the debate will be later, but I will be offering a motion and will be supporting when the time comes having no location policy at all as has been telegraphed, but I will go ahead and say it myself because, number one, I think our goal is to get housing for people. I think the reason that voters voted for the housing bond was to provide housing for those who need it, and a location policy that restricts where it can be constructed restricts the ability to provide housing to people who need it. Any location policy will do so, so that is the tension in our rhetoric for the housing bond and our policy for location. Our policy for location says the goal is to distribute it, never mind that it makes things cost more. But our rhetoric on the housing bond is we need housing for people, so I say stick with a policy that focuses on getting people in housing, and that's no location policy.

Secondly, my concern is having had my own recent experience with the subject of this, is that a location policy I asset to you creates a stigma against low-income housing, and as Mr. Howard has pointed out several times and he knows well and I have taken the tour of the Housing Partnership, new Council member tour, in my first term to see him, modern, subsidized low-income housing is not a blight, but yet when people learn there is a location policy that says you can't build it some places but you can build it others, it creates a sense that there's a blight involved. Again, if we want to perpetuate that there is a blight, we can maintain a location policy that creates that perception in people's minds and creates the need when a proposal is made for a development to say, no, no, no, no, it's not what you think; it's something different, and yet in the back of everyone's mind is, well, you are prohibiting it in some areas. It must be bad for somebody. If it's bad for somebody, maybe it's bad for me. You wipe out a location policy, you get to build more units, and you get to overcome that. Actually I think I'll skip the last two.

But the third reason that I would argue is that if you are going to have a location policy then keep in mind the elements of our other policies we are ignoring as worded here. We have a centers, corridors, and wedge policy that suggests that we want 70% of our multifamily development to occur in centers and corridors. Look at that map, think about your CCW map, and tell me that 70% of the approved area is in a center or corridor area. It isn't. We also know that 7% of fewer people live within a half mile of a transit station today than did in 2004. We want to promote transit uses. If we are going to talk a location policy, shouldn't we have a location policy that encourages or even directs development within a half mile of a transit station whether it's a bus stop or – I mean we are going to have a separate policy for the transit corridors, but let's think bus stops. Shouldn't it be within a half mile of a bus stop?

The report from UNC-Charlotte talked about the importance of infrastructure, the importance of services. If you are going to locate low-income housing a three-mile walk from a bus stop, then

we are not either fulfilling either the report's recommendation or our own desire to have more of our population living near a bus stop, so that would be the third reason. First, we don't need it to build it, we don't need it in order to get rid of the stigma, and, thirdly, if we are going to have a location policy, let's really talk about what our desires are for multifamily development with regard to transit.

Ms. Lopez said, Mayor, if I may just add to the 5%, I failed to say something here. When we came up with the 5%, that is based on data that we know we can get on a real-time basis. We recognize that there are private developments out there who serve 60% and below that this body does not regulate, so this policy, the 5%, is based on information that we can get from the Housing Authority from Housing Trust Fund projects and from the Housing Finance Agency. I just wanted to be clear about that.

Councilmember Howard said to my colleague, Ms. Kinsey, I want to make clear I don't think I ever advocated for no policy. I think we knew it was coming, but it came right after mine. I just wanted to make sure that never came from me. Also, with the existing units, I think the staff has done a great job of figuring out how to – not that it goes with every – I think the Housing Authority is doing a campaign right now to talk about Section 8 is not always a problem, but usually the properties that you are talking about are either older properties or ones that don't fall under this, or they are ones where we have had some concentration on Section 8, so you are now going to count that with this new approach. I think you are going to get at what you are talking about more than you have in the past.

Councilmember Barnes said I want to begin by saying that I do think that this policy proposal should move forward for public hearing as scheduled. Just to respond to a couple of points, Mr. Cooksey, I would dare say that the reason the corridors and centers aren't included as permissible area is because some of those corridors and centers are where we have concentration and overabundance issues. I will let Ms. Lopez respond, if she would like, but I think that may have something to do with it.

Also, I would say that we don't really need to have a locational policy in order to create a stigma where subsidized housing is concerned. One of the issues that I have raised since I have been on the Council and have raised as a member of this committee this year is that we are trying to address fundamental quality of life issues. For example, there are parts of the city where there are SROs being proposed, and at the same time that people in the private sector are pursuing SROs, there are extended stay motels that are functioning like SROs. A lot of that housing never really gets into the data that we are talking about.

Another thing, too, Mr. Howard, is that we frequently talked about as a committee and as individual Council members about encouraging the redevelopment and rehabilitation of dilapidated housing. There are a number of multifamily projects along I-85, along North Tryon Street, along Albemarle Road, Central Avenue that should be rehabilitated, and we are trying to be sensitive to that need. So, the policy is probably a very good start, and I think it's worth moving forward for public hearing as I indicated earlier because I think we are trying to find a way to address some quality of life issues, and we recognize that no one policy is going to be a perfect fit, but I think this one is a good way to address the issues because there are just so many issues that fall under subsidized, nonsubsidized housing, and we are trying to at least address one group or one class of housing.

Councilmember Peacock said, Pam, again, what I was hoping to get between now and the public hearing, assuming we move forward on that, a little bit more written history about our history of housing in this city going back at least 25 years, a comparison to the other cities very comparable to us. I think you all need to spell out your formula a little bit more. You have talked about it today, but as we get to the public hearing, I think it needs to be available to all the 179-plus that attended all the public hearings. I think I asked you on Friday. I would love to see a list – if Council could get a list of those people that had visited because many of us may know them and may want to talk to them as well.

The other thing, too, a couple of people's points, and the Mayor brought it up. If the problem is the clustering of poverty, if the problem is the shortfall of housing that we are trying to address to Mr. Cooksey's point, what I'm having a hard time understanding is how is our current 2001

policy, how it is part of the problem; and, by this tweak, how is it going to help stop the clustering of poverty and obviously address the shortfall issue? That is just what is very unclear to me in the write-up as I'm reading right now. Ms. Kinsey, not being a part of the committee, as you know how this feels, you are coming into this new, so I'm asking a lot of questions that maybe you all already have and maybe you can pull them right off the shelf, but I think that's important.

One other thing as well. In the tree ordinance experience that we went through, I thought the more that staff brought us live and in color pictures of what sites look like, what I'm still having a hard understanding is what is the problem? Where is the clustering of poverty that we are trying to avoid? Where are these areas? Take it off this NSA map and show me something real. Show me something that I can understand and what we are trying to get away from. Mr. Howard's point, mixed-income model. I have done a Charlotte-Mecklenburg Housing Partnership tour. I have seen how it works, and you cannot tell the difference, so I know what I think I want it to look like, but what I'm trying to understand is how is our City policy going to go about solving that and helping to disburse it because I think our interests are sincere here, Ms. Kinsey. We are not trying to unfairly put it in one district or the other. We are trying to set – was it share the love?

Councilmember Kinsey spread the joy.

Councilmember Peacock said, okay, I don't know if we are going to coin that or not. The other final thing as well, and I share this with you. I'm having a hard time with Quality of Life Index and those labels that we are using there. I have not gotten a clear answer from Owen, and I ask you as well, too, how do you go from transitioning to challenged? How do you go from challenged to stable? What are the metrics on that? If you look at the vote we are going to take here on the CDC, there are some statistics where you see crime go up, but it remains stable. I don't know what the trigger is to cause one neighborhood to get out of that, so if we are going to always use that as a baseline, I'm just concerned that if our Council continually approves these quality of life studies that we are sort of in this trap door of having to use something that may not be the best metric to use. The other part of the definitions I'm a little confused on is inclusionary zoning. We have heard about it before, but I just haven't seen a written definition of what it is, what our staff is looking to do as it relates to inclusionary zoning, so thank you, Mr. Mayor.

Mayor Foxx said on that latter piece I think the staff hasn't intended to do anything on inclusionary zoning at this point. They were looking at a two-track process; this being the first phase of that discussion. The questions I have asked are about the Housing Charlotte 2007 package, which is on the Web site and available at Housing Charlotte 2007, and it has got a lot of detail about what they intended that phrase to mean.

I do want to thank the staff. I know we have thrown a lot at you tonight on this topic, but it's an enormously complex topic, and you guys – by the way, I went to some of these meetings that they did out in the community during the summer. In fact, the night I went there was no air conditioning in the room, and these folks were working away with people in the community, so I want to say a word of thank you to the staff for the extraordinary efforts you have gone to to get to this point, and we'll just keep working through it as we get closer to the hearing.

Councilmember Carter said, Mr. Mayor, I went to the one at Hickory Grove, and the lights went out because of an electrical storm, but we came out to a double rainbow, and I think there is hope included in the study.

Councilmember Cooksey said did you not make a You Tube video of that.

Councilmember Peacock said that's a good way to close it.

Mayor Foxx said that's it. I can't do any better than that.

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### **ITEM NO. 3: PROPOSED 2011 STATE LEGISLATIVE AGENDA**

Mayor Foxx said we have 30 minutes, which is still, according to what we have got here, still not a lot of time. Let's go to the State Legislative package and try to knock that out, and then we have a Closed Session.

**Curt Walton, City Manager**, said, Mayor and Council, the 22<sup>nd</sup> is the schedule to adopt the state package. I don't know if Councilmember Carter would like to say anything as an introduction from the Government Affairs?

Councilmember Carter said thank you. I would very much like to thank the committee but most of all thank Deputy City Manager Ron Kimble and our lobbyist, Dana Fenton, for the work they have done. We have been receiving updates consistently from Mr. Fenton. He has done an outstanding job for us. He has engaged Holland and Knight being with us during our meetings so we have updates from them as well. We are looking at some very serious issues – how to better serve our citizens, ensuring our transit service, making sure its effecting and our long-range concerns. Dana, thank you very much for what you have done.

**Dana Fenton, City Manager's Office**, said the Government Affairs Committee requested that Council be briefed this evening on the proposed 2011 State Legislative Agenda prior to formal consideration two weeks on November 22<sup>nd</sup>. I realize you don't have much time tonight, so I'm going to try to go through this as expeditiously as possible. The committee wanted to get some feedback tonight on the Council – your feedback and thoughts for the consideration as required of the committee prior to the 22<sup>nd</sup>. The committee has held three meetings so far to address issues likely to be addressed by the 2011 General Assembly. The most important probably is the looming \$3.5 billion budget shortfall. That session convenes at the end of January in 2011, and also state legislative issues important to the Metropolitan Transit Commission (MTC) are also included in here. The MTC, of course, will be considering their agenda at the November 17<sup>th</sup> Workshop. One thing I forgot to inform the Council of – your presentations are included in your booklet tonight under Tab No. 2.

Moving on to the various initiatives we are proposing for the Council to consider, first is that we have grouped the issues in the agenda by category. The first category is City initiative. These are ideas that have sprung up from inside the City, and legislation in this category would either be local or statewide, and, of course, we would still work with our partners around the state to try to enlist their support and cooperation in getting these initiatives done. The first is design/build. This is an innovative contracting method that has the capability to get a capital improvement on line faster than the usual design/bid/build method. It would not be used all that often and could also lead to earlier collaboration between the designer and constructor of the project so the design issues may be addressed sooner rather than later.

A quick take for sidewalks. Staff is proposing that the City seek the same condemnation method for acquiring property for public sidewalks as can be used for acquiring property for streets, water, and sewer, airports, storm drainage, and public transportation. I should note that there is a way to apply your property for sidewalks via condemnation, which is what the City has been using, but the advantage with the quick take method is that once all the up-front work has been done to work with property owners to inform them of the impacts of their property vis a vie the capital construction project and negotiations, the Council could then choose at the time it considers a condemnation action to use the quick take method. From there, it's a relatively short process compared to the usual method.

Councilmember Carter said we had some discussion about this in committee and also today in Transportation and Planning. There is a bit of flux looking at how we consider inserting sidewalks in established neighborhoods, and I am concerned about the impact of this provision on the public debate and decision making on inserting those sidewalks in established areas, so I have a bit of a reservation personally and I'm not sure that is not shared by other Council members.

Mr. Fenton said moving on to the next issue – withdrawal of offers and right-of-way dedication – staff is proposing to enhance the City's ability to preserve opportunities which treat connectivity so that the law may be amended to require notification of local governance when rights away

offered by developers are to be withdrawn. After 15 years the local government has not accepted the right-of-way for maintenance. The amendment as drawn out by City staff would require the person requesting that it be withdrawn to notify the local government and give the local government 90 days to either say yes or no to the withdrawal. We are essentially asking for a right of first refusal in this case.

Nuisance abatement – this is an issue that has come up from the Charlotte-Mecklenburg Police Department. In order to allow nuisance actions to go forward, a property where there is also a legitimate use of a property, legislation is recommended to counter a recent court case. This would be very helpful to prosecute any cases of illegal drug and alcohol activity and prostitution and also collateral activity including shootings and gang activity might be mitigated as well.

The next one is email subscriptions. In order to advance the privacy of persons who signed up for local government notifications via emails, staff is recommending that authority be obtained from the General Assembly to keep from having to provide the names and addresses of those email subscriptions. The Wake County localities did get this legislation back in 2010. It was drawn up in tandem with their legislation in the press association.

The final one is energy. This is a placeholder for work that is going on right now. Since Charlotte is trying to emerge as the energy capital in the country, we thought it would also be helpful to try to advance the legislation that is helpful to local government energy efforts. We don't have any planned legislation at this time, but we are looking at it particularly some legislation forthcoming.

Moving on to the preservation of authority category, this is a category that consists of issues from the 2010 agenda. They have the same relevance today as they did several months ago when you adopted the 2010 legislative agenda. The first two are ways to advance the Blue Line and Red Line commuter rail projects. The state does provide a share of what's called the local match for federalized projects – 25% usually. Staff has been concerned that because the number of projects out there could increase because of legislation passed by the 2009 General Assembly that there may not be enough funds at the state level to fund all of the projects. We are just raising this to the state. We have had discussions with the Department of Transportation about the Blue Line and will be continuing those discussions in the coming months. The second one – state participation in nonfederal transit projects – again, the state is allowed to participate in the nonfederal projects. Again, it's a matter of resources. The State Maintenance Assistance Program – this is the issue where the state is not providing assistance – operations and maintenance – for rail operations. As a result, CATS loses about \$800,000 annually.

The last two have to do with current authorities that we are exercising. The business privilege license tax – this is a subject of upcoming tax reform efforts. There have been talks about taking it away, maybe replacing it with something, but we are not sure what. Annexation – again, we expect the red shirts to be out again in this session.

Legislative opportunities – this categories consists of issues that we like to see go forward if the appropriate vehicle were to be introduced. We would not be actively seeking someone to introduce this, but there could be opportunities. The criminal justice system – this position seeks to secure more funds for the local court system and flexibility in how those funds are used locally. This has been endorsed by the North Carolina Metro Mayors Coalition. The North Carolina Mobility Fund – this is the fund set up last year by the General Assembly to get money into projects of statewide or regional significance. The only project that can be funded right now is Phase 2 of the Yadkin River Bridge, but there are a lot of other projects out there including many here in the Charlotte region that could benefit from the response. Also, the last one here is new long-term revenue sources for trains. We have seen an erosion of the sales tax due to the recession over the last couple of years, and this would essentially, if the opportunity comes forward, to advocate the resources that this could be used as a basis.

Councilmember Howard said, Dana, just real quick. We also have the Committee of 21's thoughts about new revenues for roads as well. Now, are you assuming that will just be covered with the Mobility Fund or is that not something that should be – is that not an opportunity coming up?



Mr. Fenton said that could be termed an opportunity. We did not specifically address that in any of the issues before you tonight, but certainly it could be something that could be addressed in the agenda.

Councilmember Howard said the only reason why I asked, Mr. Mayor, is given the conversations about our tax structure at the state I think is the time when we want to put everything that we have as a party out on the table. I'm not exactly sure that shouldn't be added, Mr. Manager, as something that – at least the two things that the Committee of 21 talked about – that being the registration and the thing with the half-cent. I know we need the same thing for transit, so I think it probably will become one conversation, but we shouldn't leave that part out as well.

Councilmember Cooksey said I would like to agree with Mr. Howard that dealing with road funding is something we should always have our radar on explicitly to deal with particularly in light of a couple of things that we have got the Governor is interested in reorganizing government. We have got new folks at the helm of the General Assembly, who are looking at ways to make their mark, and the Chamber hasn't adopted it yet, but I know at the Chamber's Planning Retreat it was discussed that perhaps a proposal to fight for would be the restructuring of the NCDOT funding districts altogether, so I think we have major opportunities for our unmet and insufficiently funded road system to address as well that we should definitely keep in mind.

Mr. Fenton said moving on, Mayor, the next category is a legislative watch list. This consists of issues that we know are coming at us. We don't know in what form they are going to come at us. Maybe in some cases they won't even be addressed for this coming session. The first one we know will be addressed is the state budget, and there is always the possibility at this time with a \$3.5 million budget shortfall that some state collected local revenues could be diverted to state uses and also state responsibilities could be shifted to local governments.

Metropolitan Planning Organization realignment – this is an issue we really don't know what the General Assembly would do. The year upcoming is the one where the MPOs around the country will start looking at their boundaries, and in concert here in North Carolina along with the Governor's Office and Secretary of Transportation. Again, we are not sure what sort of role the General Assembly would want to play, but in the event they do, we have developed some thoughts.

Underground utilities damage prevention – Private industry, especially the gas and power providers, are looking at changes to the underground utilities damage prevention laws. They haven't been updated since 1985. There probably is some need for improvement, however, we would also be looking to ensure that there is not a wholesale shifting of responsibilities to local government. Water issues – There's always water allocation and inner-basin transfer legislation introduced annually. Broadband and 911 issues – Last year the General Assembly did make substantial changes to the 911 laws and also the City did receive the federal broadband grant of about \$16 to \$17 million. There is a potential there of a broadband grant that could get at the 911 issues in some way, so we are going to watch that.

The final one here is ABC privatization. The governor is looking at possibly coming forward with the proposal to privatize the ABC system in the state, and there are a variety of issues that the City would need to watch out for including the public safety aspects, the permitting, the zoning, the location of these facilities, and also the revenue. We receive \$1.8 million a year from the ABC revenues.

Mayor Foxx said I know there some roll-out coming up of a regional transportation discussion they had on that MPO realignment. It strikes me that if there is a way for us to be proactive there and make proactive suggestions that is better than allowing it to sort of passively happen at the state level because there really are communities of interest in this region that I have said a long a lot that we ought to look at MPR-PO consolidation in this region. As we get through to the time we actually pass this, I think that meeting will happen, and maybe we'll have a better idea of what kind of potential for consensus there is there, but that's one I think we ought to be proactive on.

Councilmember Peacock said a good report. I was going to ask under the City initiatives position statements is there any discussion, I guess, between you and Manager Walton about

Independence and the corridor there? I know that remains something that we want to solve and take care of in the City. I realize it's a state situation. I think the term is transitional setback that has issues associated with it. Is that –

City Manager Walton said there are a whole lot of discussions. I don't know that there is anything legislatively now, Mr. Peacock. I think it's an issue, but it hasn't completely formed yet. It's one of those things that likely we would have to bring you after the General Assembly starts when we see where it might be going. Other opinions are welcome on that, but we wouldn't know right now what to recommend to you to put in here.

Councilmember Carter said as the Manager indicated there have been discussions – many of them individual, and the people who are involved are individuals and raising individual concerns. There is an amalgamation of some citizens who have concerns about it. The staff is working very diligently to address this. There are two Senators involved, and two Representatives are also being – well, Representative Cothran is a little preoccupied right now, but she is being informed as well as Representative Carney about this issue. So we have a balance we have to balance the House as well as the Senate to see where we are in this.

Councilmember Peacock said I have heard from all the Senators and I have been hearing a lot of chatter around the discussion. I'm just curious why it wasn't a bullet on here, but I'll wait to hear more then.

Mr. Fenton said that's all I have for tonight except there is a brief calendar here. The next date is the Metropolitan Transit Commission meeting, then the November 22<sup>nd</sup> consideration by Council. Council does have its legislative breakfast scheduled with the delegation for December 3<sup>rd</sup> at 7:45 a.m. in this room.

Mayor Foxx said that's the state delegation?

Mr. Fenton said the state delegation, yes.

Mayor Foxx said I think we are really going to need – I'm glad we are doing that in December and not January because with the changes in Raleigh we are going to need some lead time with our elected officials because everyone has kind of flipped in terms of who is in leadership. We have to deal with that new dynamic for us, and I think it would be good to hear from them what kinds of things they want to do and some of the things we would like to see done and see how we can move forward. I encourage those of you on both sides of the political aisle to start opening that conversation and seeing where there are points of alignment with our agenda so we can move forward in a good way.

Councilmember Peacock said in the discussion on delegation breakfast it's my observation over the last three years it's sort of this one time that we get together. We all hear powerful presentations at 7:30, and we leave. I'm looking to get to know some of my state legislators a little bit better. I don't know if we need to maybe re-enlist the services of some people to help facilitate it to make it a little bit more engaging and interesting so that we can get to know each other amidst that process. I know we are on a limited schedule and it's hard to get everybody together, but I throw that out for a point of discussion primarily because I feel like it's staff driven. We don't have a chance to interact unless we already previously know each other, Mr. Mayor.

Mayor Foxx said want to have a mixer? We can give some thought to the format of that and have some more discussion about it. We have another couple of opportunities as we get closer, so, Dana, why don't you give that some thought – cogitate on it.

Mr. Fenton said I might suggest, Mayor, that we take this to the next meeting of the Government Affairs Committee because they meet the week before that, and we can get some pretty good ideas from committee members.

Mayor Foxx said costume party. That's great. Thank you very much. We have to do a Closed Session now.

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**ITEM NO. 4: CLOSED SESSION**

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

[ Motion was made by Councilmember Carter, seconded by Councilmember Cannon, and ]  
[ carried unanimously to go into Closed Session pursuant to NCGS 143-318.11(a)(3) to ]  
[ consult with the attorneys employed by the City in order to preserve the attorney/client ]  
[ privilege and to consider and give instructions to the attorneys considering the handling ]  
[ of a claim. ]

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The meeting was recessed at 5:51 p.m. for the Council to go into Closed Session.

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**BUSINESS MEETING**

The Council reconvened for the regularly scheduled Business Meeting at 7:11 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 Peacock gave the Invocation and Scout Troop 1 from Holy Comforter Church on Park Road led the Council in the Pledge of Allegiance to the Flag.

Mayor Foxx said there is another group of Scouts up there. He recognized Scout Troop 118 from St. Stephens United Methodist Church.

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**CONSENT AGENDA**

[ Motion was made by Councilmember Cannon, seconded by Councilmember Howard, and ]  
[ carried unanimously to approve the Consent Agenda as presented with the exception of ]  
[ Item Nos. 14, 15, 19, 26, 41, 46, 47-K, 47-P, 47-Q, and 47-AG, for speakers; Item Nos. ]  
[ 17, 18, 25, 30, 33, 36, 37, and 43, which were pulled for discussion; Item No. 34, which ]  
[ was pulled by staff; and Item Nos. 47-L and 47-M, which have been settled. ]

The following items were approved:

- 14. Contract to the lowest bidder, Blythe Development Company, in the amount of \$946,083.30 for the Clanton Road Sidewalk Project.

**Summary of Bids**

Blythe Development Company	\$946,083.30
Sealand Contractors	\$1,016,500.47
United Construction Company	\$1,183,630.17

Showalter Construction Company	\$1,294,734.72
Callahan Grading, LLC	\$1,531,469.60

16. Contract to the lowest bidder, Sealand Contractors Corporation, in the amount of \$2,166,229.59 for the Lincoln/Wilson Heights Neighborhood Improvement Project.

**Summary of Bids**

Sealand Contractors Corporation	\$2,166,229.59
United Construction Company	\$2,199,270.45
Ferebee Corporation	\$2,203,912.67
Showalter Construction	\$2,408,844.70
Blythe Development, Inc.	\$2,570,626.95
Scurry Construction, Inc.	\$3,301,117.70

19. Contract with Simplex-Grinnell in an amount not to exceed \$544,000 for the purchase and installation of updated security equipment to monitor the perimeter of transit facilities.
20. Resolution authorizing the Utilities Key Business Executive to execute a Supplemental Municipal Agreement with the NC Department of Transportation for relocation and adjustment of water and sewer lines along West Catawba Avenue in the amount of \$107,833.31.

The resolution is recorded in Resolution Book 42 at Page 758.

21. Purchase of laboratory supplies, equipment, and chemicals without competitive bidding as authorized by the State contract exemption of G.S. 143-129(e)(9), and award a unit price contract to provide laboratory supplies, equipment, and chemicals for a term of one year to Fisher Scientific in the not-to-exceed amount of \$170,000.
22. Renewal #2 of the contract with Heitkamp, Inc. in the amount of \$1,533,058.50 for cleaning and epoxy lining of aged water mains throughout Mecklenburg County, and authorize the City Manager to renew the contract for a final term with possible adjustments based on the terms of the contract.
23. Sole source contract for the purchase of meter reading equipment manufactured by Itron, Inc. as authorized by the sole source purchasing exemption G.S. 143-129(e)(6), and purchase of one mobile collection unit and 80 handheld mobile collectors with associated equipment from Itron, Inc. in the estimated amount of \$643,800.
24. Agreement with DPJJ, LLC d/b/a Wireless Services (Wireless Services) in the amount of \$375,000 for the design of the distributed antenna system and consulting services relating to the design and installation of the distributed antenna system.
27. One-year contract to Newton & Associates, Inc. not to exceed \$350,000 for Capital Investment Plan Program Management Services, and authorize the City Manager to execute two additional annual renewals of this contract at the same hourly rates not to exceed \$350,000 annually.
28. Change Order #1 with Blythe Development Company in the amount of \$192,707.95 for additional road improvements related to the West Boulevard relocation.
29. Change Order #1 in the amount of \$143,825 with Callahan Grading for additional work on a new intersection on Wilkinson Boulevard at the Airport.
31. Authorize the City Manager to sign a contract through June 30, 2011, with five, one-year renewal options with Central Piedmont Community College to provide initial and ongoing firefighter training in an amount not to exceed \$175,000 annually.

32. Purchase of air-fill stations without competitive bidding as authorized by the sole source purchasing exemption of G.S. 143-129(e)(6) and approve the purchase of two in-fill stations from Safe Air Systems in an amount not to exceed \$120,000.
35. Contract with US Digital Designs (USDD) to install and implement a station alerting system for the Charlotte Fire Department in an amount not to exceed \$1,275,000.
38. Contract extension with Edwards and Associates, Inc. for general helicopter repair services and maintenance for one year for approximately \$150,000.
39. Purchase of John Deere Equipment and Diamond Mower parts as authorized by the sole source exemption of G.S. 143-129(e)(6), and contract with James River Equipment for the purchase of repair and replacement parts in the estimated annual amount of \$100,000 for the term of five years.
40. Purchase of Vacall equipment parts as authorized by the sole source exemption of G.S. 143-129(e)(6), and contract with Rodders and Jets Supply for the purchase of repair and replacement parts and services in the estimated annual amount of \$125,000 for the term of five years.
42. Resolution to authorize the Transportation Key Business Executive to execute a Municipal Agreement and any subsequent renewals for up to five years with the North Carolina Department of Transportation for annual snow and ice removal.

The resolution is recorded in Resolution Book 42 at Page 759.

44. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$29,467.81, and adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$9,373.71.

The resolution authorizing the refund of property taxes is recorded in Resolution Book 42 at Page 761.

The resolution authorizing the refund of business privilege license payments is recorded in Resolution Book 42 at Pages 762-763.

45. Resolution of intent to abandon a ten-foot alleyway located off S. Mint Street, and set a public hearing for December 13, 2010.

The resolution is recorded in Resolution Book 42 at Page 764.

- 47-A. Acquisition of 1,668 square feet in utility easement plus 1,252 square feet in temporary construction easement at 236 Matthews Township Parkway from Sylvia L. Harrison for \$13,850 for 36" water main along NC 51 to Fullwood Lane, Parcel #7.
- 47-B. Acquisition of 2,971 square feet in storm drainage easement plus 1,480 square feet in temporary construction easement at 933 Sedgefield Road from William M. Verch and wife, Melisa J. Verch, for \$13,800 for colonial Village/Sedgefield Neighborhood Improvement Project – Phase II, Parcel #46.
- 47-C. Acquisition of 2,693 square feet in fee simple plus 1,161 square feet in existing right-of-way plus 478 square feet in storm drainage easement plus 811 square feet in utility easement plus 821 square feet in temporary construction easement at 6220 Freedom Drive from Guadalupe Vidal, Jr. for \$11,475 for Freedom Drive Intersection Project, Parcel #248.
- 47-D. Acquisition of 2,877 square feet in fee simple plus 1,478 square feet in existing right-of-way plus 360 square feet in utility easement plus 1,433 square feet in temporary construction easement at 6221 Freedom Drive for \$10,850 for Freedom Drive Intersection Project, Parcel #497.

- 47-E. Acquisition of 37,940.9 square feet in fee simple at 413 Oakdale Road from Cynthia K. Thompson a/k/a Cyndy K. Thompson for \$125,000 for Raw Water ROW protection, Parcel #1.
- 47-F. Acquisition of 740 square feet in storm drainage easement plus 20 square feet in utility easement plus 10,733 square feet in temporary construction easement on Fletcher Circle from Renaissance on Rea, LLC for \$27,300 for Rea Road Widening/Improvements, Parcel #2, 3, 4, and 5.
- 47-G. Acquisition of 1,657 square feet in fee simple plus 1,546 square feet in storm drainage easement plus 16 square feet in utility easement at 4412 Pebble Pond Drive from Hyung S. Kang and wife, Soon Y. Kang, for \$14,275 for Rea Road Widening/Improvements, parcel #110.
- 47-H. Acquisition of 506 square feet in fee simple plus 1,955 square feet in storm drainage easement plus 1,231 square feet in public utility easement plus 1,731 square feet in temporary construction easement at 5207 Macandrew Drive from Charles R. Yates, Jr. and wife, Jane L. Yates, for \$12,815 for Rea Road Widening/Improvements, Parcel #124.
- 47-I. Acquisition of 2,970 square feet in storm drainage easement plus 221 square feet in temporary construction easement at 8405 Double Eagle Gate Way from Camdee Land Company, LLC for \$20,400 for Shillington Storm Water Capital Improvement Project, Parcel #8.
- 47-J. Acquisition of 1,865 square feet in storm drainage easement at 8400 Double Eagle Gate Way from Camdee Land Company, LLC for \$18,175 for Shillington Storm Water Capital Improvement Project, Parcel #10.
- 47-N. Resolution of condemnation of 1,425 square feet in utility easement plus 623 square feet in temporary construction easement at 208 Matthews Township Parkway from Donald D. Grey and wife, Parilee G. Grey, and any other parties of interest for \$20,900 for 36" water main along NC 51 at Fullwood Lane, Parcel #4.

The resolution is recorded in Resolution Book 42 at Page 765.

- 47-O. Resolution of condemnation of 1,573 square feet in utility easement plus 643 square feet in temporary construction easement at 216 Matthews Township Parkway from Donald D. Grey and wife, Parilee G. Grey, and any other parties of interest for \$16,800 for 36" water main along NC 51 at Fullwood Lane, Parcel #5.

The resolution is recorded in Resolution Book 42 at Page 766.

- 47-R. Resolution of condemnation of 1,826 square feet in fee simple plus 11,922 square feet in existing right-of-way plus 1,915 square feet in storm drainage easement plus 48 square feet in utility easement plus 1,674 square feet in temporary construction easement at 2600 Park Road from Owners of All Units in the Condominiums At Versailles and any other parties of interest for \$13,450 for Colonial Village/Sedgefield Neighborhood Improvement Project – Phase II, Parcel #219.

The resolution is recorded in Resolution Book 42 at Page 767.

- 47-S. Resolution of condemnation of 382 square feet in utility easement plus 1,254 square feet in temporary construction easement on Pence Road from Heirs at Law of Ethel Johnson Fielder Thurston and any other parties of interest for \$450 for Harrisburg Road 16" water main – 8128 (from Pence Rd), Parcel #1.

The resolution is recorded in Resolution Book 42 at Page 768.

- 47-T. Resolution of condemnation of 1,448 square feet in permanent water main easement plus 600 square feet in temporary construction easement at 7301 Harrisburg Road from

Virginia Wesley or Her Heirs At Law and any other parties of interest for \$325 for Harrisburg Road 16" water main – 8128 (from Pence Rd), Parcel #3.

The resolution is recorded in Resolution Book 42 at Page 769.

- 47-U. Resolution of condemnation of 309 square feet in sidewalk and utility easement plus 712 square feet in temporary construction easement at 2009 Patton Avenue from Omari W. Greene and any other parties of interest for \$975 for McCrorey Heights Neighborhood Improvement Project, Parcel #65.

The resolution is recorded in Resolution Book 42 at Page 770.

- 47-V. Resolution of condemnation of 331 square feet in sidewalk and utility easement plus 584 square feet in temporary construction easement at 2015 Patton Avenue from Fredericka Bryant and any other parties of interest for \$700 for McCrorey Heights Neighborhood Improvement Project, Parcel #66.

The resolution is recorded in Resolution Book 42 at Page 771.

- 47-W. Resolution of condemnation of 1,421 square feet in temporary construction easement at 5405 Brianton Place from Adlai Asante and any other parties of interest for \$14,475 for Rea Road Widening/Improvements, Parcel #39.

The resolution is recorded in Resolution Book 42 at Page 772.

- 47-X. Resolution of condemnation of 1,175 square feet in sidewalk and utility easement plus 200 square feet in utility easement plus 3,933 square feet in temporary construction easement at 5312 Rea Road from Rosa M. Earnhardt and any other parties of interest for \$29,500 for Rea Road Widening/Improvements, Parcel #45.

The resolution is recorded in Resolution Book 42 at Page 773.

- 47-Y. Resolution of condemnation of 4,748 square feet in fee simple plus 2,927 square feet in storm drainage easement plus 1,738 square feet in utility easement at 4404 Pebble Pond Drive from Shaun E. Koch and wife, Zipora Koch, and any other parties of interest for \$76,600 for Rea Road Widening/Improvements, Parcel #111.

The resolution is recorded in Resolution Book 42 at Page 774.

- 47-Z. Resolution of condemnation of 3,782 square feet in fee simple plus 23,327 square feet in storm drainage easement plus 1,736 square feet in utility easement plus 790 square feet in temporary construction easement at 4400 Pebble Pond Drive from Jane Patten Powell and any other parties of interest for \$71,050 for Rea Road Widening/Improvements, Parcel #112.

The resolution is recorded in Resolution Book 42 at Page 775.

- 47-AA. Resolution of condemnation of 2,018 square feet in fee simple plus 584 square feet in underground UE plus 5,624 square feet in temporary construction easement at 5229 Macandrew Drive from David Ardrey and wife, Lisa Ardrey, and any other parties of interest for \$49,775 for Rea Road Widening/Improvements, Parcel #126.

The resolution is recorded in Resolution Book 42 at Page 776.

- 47-AB. Resolution of condemnation of 1,784 square feet in storm drainage easement at 8407 Winged Bourne from Blue Ridge Savings Bank, Inc. and any other parties of interest for \$32,750 for Shillington Storm Water Capital Improvement Project, Parcel #7.

The resolution is recorded in Resolution Book 42 at Page 777.

- 47-AC. Resolution of condemnation of 202 square feet in permanent shelter easement at 1401 Morehead Street from 1401 Morehead, LLC and any other parties of interest for \$1,000 for CATS: West Corridor Bus Enhancements, Parcel #3.

The resolution is recorded in Resolution Book 42 at Page 778.

- 47-AD. Resolution of condemnation of 450 square feet in permanent shelter easement at 1 Julian Price Place from WBTV, LLC f/k/a WBTV, Inc f/k/a Jefferson-Pilot Communications/WBTV, Inc. and any other parties of interest for \$2,250 for CATS West Corridor Bus Enhancements, Parcel #5.

The resolution is recorded in Resolution Book 42 at Page 779.

- 47-AE. Resolution of condemnation of 261 square feet in permanent shelter easement at 1900 West Morehead Street from Raycom Sports Network, Inc. f/k/a Lincoln Financial Sports, Inc. and any other parties of interest for \$1,050 for CATS: West Corridor Bus Enhancements, Parcel #6.

The resolution is recorded in Resolution Book 42 at Page 780.

- 47-AF. Resolution of condemnation of 327 square feet in permanent bus shelter easement at 2533 Wilkinson Boulevard from Heirs of Mary A. Funderburk and any other parties of interest for \$875 for CATS: West Corridor Bus Enhancements, Parcel #9.

The resolution is recorded in Resolution Book 42 at Page 781.

- 47-AH. Resolution of condemnation of 300 square feet in permanent shelter easement at 4517 Wilkinson Boulevard from F.D. Godley Number Two, LLC and any other parties of interest for \$500 for CATS: West Corridor Bus Enhancements, Parcel #26.

The resolution is recorded in Resolution Book 42 at Page 782.

- 47-A.I. Resolution of condemnation of 269 square feet in permanent shelter easement at 4516 Wilkinson Boulevard from Knosby, LLC and any other parties of interest for \$1,075 for CATS: West Corridor Bus Enhancements, Parcel #27.

The resolution is recorded in Resolution Book 42 at Page 783.

48. Titles, motions, and votes reflected in the Clerk's record as the Minutes of the June 21, 2010, Zoning Meeting; June 28, 2010, Business Meeting; July 19, 2010, Zoning Meeting; and July 26, 2010, Business Meeting.

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**ITEM NO. 14: CLANTON ROAD SIDEWALK PROJECT**

Mayor Foxx said we have a speaker. I don't see Mr. Rains, and I'm actually thinking about the fact that we did have some Council questions on some of these items as well, so why don't we have Mr. Campbell respond to Council questions, and then we can do the speakers in sequence.

\* \* \* \* \*

**ITEM NO. 17: EMPLOYEE ASSISTANCE PROGRAM AND RELATED SERVICES**

Eric Campbell, Assistant City Manager, said just to review some of the questions from Council earlier tonight at the Dinner Briefing. On Item 17, the Employee Assistance Program, there were questions from Councilmember Dulin and Councilmember Barnes. I believe the Manager responded to most of those, but we wanted to make it clear that we do pay for the EAP services even though they are not used. We just wanted to make sure that was clear.



Councilmember Dulin said wait a minute. That's not the answer we were looking for. Let me get to 17 real quick then. That's \$374,000 we are going to pay them regardless of whether we use their service or not?

Mr. Campbell said, yes, it's a blanket contract. Now, we do get an amount of free visits. If the services are needed, we get six free visits within the contract.

Councilmember Dulin said six for the entire City of Charlotte or six –

Mr. Campbell said per employee – not for the entire City.

Councilmember Dulin said, I'm sorry, Mr. Mayor. I'm hung up on this thing a little bit. Mr. Manager, is there a cheaper way for us to do this?

**Curt Walton, City Manager**, said, no, sir, we don't believe so because the services have to be available at any given moment, so it's not the sort of thing that we can submit a bid for or put out a bid for, an RFP.

Councilmember Dulin said are we mandated to provide this service?

City Manager Walton said, no, sir. I would urge you that in the business we are in you would not want to not have this service.

Councilmember Dulin said because of the folks that are using it?

City Manager Walton said, yes, sir.

Councilmember Barnes said the question I had is I recall under some other contracts that we have, Mr. Manager, Mr. Assistant Manager, that we have – and I'm trying to articulate the nature of those contracts where they are billed as used, and we wouldn't spend the \$374,000 unless we actually use those services. I'm wondering whether there are any providers who would enter into an agreement where there is some retainer, some non-refundable retainer, but also that they would not charge us unless we use the services because essentially if you only had – was it 874 – 870 employees use it last year, the company got the benefit of keeping the rest of that money, and I know that's the bargain that we arrange, but I'm concerned that we might find some other arrangement, Mr. Manager, where we could get the services, and, again, pay some small retainer just to have them on retainer but only pay them the \$434 or whatever that number may be when the services are used.

City Manager Walton said I don't know of any, Mr. Barnes, because of the counseling nature of this, but Mr. Tim Mayes.

**Tim Mayes, Human Resources**, said I want to take a second and tell you about employee assistance programs. The program that we have had in place we have had for 25-plus years, and I think the write-up in your documentation is pretty clear about the purpose of the program. Employees have to shoulder a lot of personal issues that can potentially impact their performance on the job, so we have had this program in place for a long period of time to help our employees work through those sorts of issues. It's a very common program in the industry even with small employers.

The bidding you go through with this sort of service the bids come from companies that will give you a pricing based on number of eligible employees. The nature of this business is such that when companies let you know they want to do this work for you they are not willing to take the risk of not knowing how many people are going to be involved or not involved. Just the way the bidding is done and the way this service is costed is based on an eligible employee basis. I think Mr. Dulin raised a good question at the dinner meeting when he looked at the number of our employees that actually use the service. I think that number, Mr. Dulin, is an accurate depiction, but what it did not capture is the number of occasions that those individuals actually use the service. There is an assortment of services that individuals might use under the AP program, so a number of our programs use the service multiple times, multiple issues. But in a nutshell, the

pricing that you have in front of you is based on what is the industry approach for companies that are in this business when they provide you an estimate of a bid on what it would cost to provide the service.

Councilmember Barnes said I think the Council – well, I'll speak for myself. I do believe the program is necessary. My concern is whether or not we can do it in a more fiscally sound way. Who is the vendor, by the way?

Mr. Mayes said Behavioral Health Services.

Councilmember Barnes said is that a County agency?

Mr. Mayes said Business Health Services, I'm sorry. No, no, they are a company that provides EAP services. They have a local presence, but they are a national company. We have used some local vendors in the past, but through the bidding processes we have had in recent years, we determined this was our best alternative for the price.

Councilmember Barnes said did you say, Mr. Mayes, that we had used BHS before?

Mr. Mayes said you have to bear with me. I have got contracts with a couple of BHS's, and one of those is this company, Business Health Services. Behavioral Health Services is another company we do some wellness programming with. Business Health Services is who we use, yes, sir, currently, and we recommend that we continue to use, yes.

Councilmember Barnes said thank you and congratulations.

Mayor Foxx said I was going to say, Mr. Mayes, before you step down, you have been with the City 37 years, and we are going to lose you on December 1<sup>st</sup> to retirement, and we just want to say a great word of appreciation for your years of service.

Mr. Mayes said although you haven't given me this right, Mayor, I'm going to take it anyway. I do want to make a couple of statements, and I thank you for that comment. I love my work, I continue to love my work, I have as much energy for it and commitment to it as I have ever had, and I told Curt that I wanted to leave. In fact, I told Pam when she was here that I wanted to leave at a time when I really didn't want to leave. I wanted to love my work so much that I had to be pulled away from it, and that's kind of the way I feel. But you know what kind of an organization you have, and I will tell you, as you know, you have the greatest workforce of any public organization in this country. Continue to support them, continue to appreciate them, and thank you so much for the support I have received from all of you. I appreciate it very much.

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Carter, and ]  
[ carried unanimously to approve a three-year, unit-price contract with Business Health ]  
[ Services for the Employee Assistance Program and related services in an estimated amount ]  
[ of \$374,400, and authorize the City Manager to approve up to two additional one-year ]  
[ renewal options as authorized by the contract and contingent upon the Company's satisfac- ]  
[ tory performance. ]

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#### **ITEM NO. 18: SMALL BUSINESS WEB PORTAL DEVELOPMENT**

Eric Campbell, Assistant City Manager, said, Councilmember Carter, if I understood your question correctly, you had a question about whether contracting opportunities would be available on the portal, and there will be a link for City contracting opportunities on the portal.

Councilmember Carter said if I might clarify that those contacts will not be counted. If a small business comes into this session, it will not be counted as a hit by the larger business that is soliciting. They still have to go through the procedure; is that correct?

Mr. Campbell said my understanding is yes.

bvj

[ Motion was made by Councilmember Carter, seconded by Councilmember Mitchell, and ]  
[ carried unanimously to approve a contract with Crown Communications for Small Business ]  
[ Web Portal development with brand and marketing campaign services for an initial term of ]  
[ 16 months in the amount of \$147,204, and authorize the City Manager to approve up to two, ]  
[ one-year renewal options for continued marketing and website support and maintenance as ]  
[ authorized by the contract and contingent upon the company's satisfactory performance. ]

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**ITEM NO. 19: ENHANCED SECURITY EQUIPMENT FOR TRANSIT FACILITIES PERIMETER MONITORING**

**Eric Campbell, Assistant City Manager**, said Mr. Dulin asked a question. His question was regarding who would be monitoring the equipment, and the answer is that, number one, it's not additional equipment; it's actually enhancing the equipment that is there, and it would be monitored by the existing staff.

Mayor Foxx said we also have a speaker on this item, too, but does that answer your question?

Councilmember Dulin said I just want to make sure. I have no problem upgrading security cameras. I just want to make sure we are using the technology to the best we can.

Mayor Foxx said we'll save that one for action and wait for the speaker.

\* \* \* \* \*

**ITEM NO. 25: AIRPORT DEICING TRUCKS**

**Eric Campbell, Assistant City Manager**, said Mr. Dulin asked if there were any secondary uses available for the trucks. The Airport has hired a third party to do the deicing on all the airplanes. The total cost is actually paid through the airlines. The process is cheaper, is more efficient, and is also environmentally friendly. There are no other uses for the trucks, and the third party will be responsible for storing all the trucks.

[ Motion was made by Councilmember Mitchell and seconded by Councilmember Howard ]  
[ to approve a contract in the amount of \$10,548,853 to Global Ground Support for 28 ]  
[ deicing trucks and four training simulators, and adopt Budget Ordinance No. 4529-X ]  
[ appropriating \$10,548,853 from the Passenger Facility Charge Fund. ]

Councilmember Dulin said I have a question. We are paying \$10 million to buy the trucks, and third party will use the trucks when we need deicing work.

**Curt Walton, City Manager**, said the airlines are buying the trucks.

Mr. Campbell said the airlines are paying for it. They are covering the total cost.

Councilmember Dulin said I sure read that thing wrong this weekend.

**Jerry Orr, Aviation**, said we are buying the trucks. We contracted September 13<sup>th</sup> with a third party that will maintain the trucks, operate them, buy the fluid, and do the whole operation. All of that cost will be rolled together, and the airlines will pick that up through rates and charges.

Councilmember Dulin said, okay, now I got it.

**The vote was taken on the motion and carried unanimously.**

The ordinance is recorded in Ordinance Book 56 at Page 808.

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**ITEM NO. 30: AIRPORT RUNWAY PROJECT CHANGE ORDER**

Councilmember Barnes said I asked to pull that item. I simply just want to – well, a couple of things. It's the ninth change order on a contract, and I had asked the question some time ago, and Mr. Orr acknowledged tonight that, in fact, there would be this additional change order, and I'm not going to argue against the item. I'm just going to vote against the change order.

[ Motion was made by Councilmember Kinsey and seconded by Councilmember Howard to ]  
[ approve Change Order #9 with E.S. Wagner Co., LLC in the amount of \$800,000 for ]  
[ additional work on the Third Parallel Runway. ]

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

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

**NAYS:** Councilmember Barnes

\* \* \* \* \*

**ITEM NO. 33: 2010 UASI AND MMRS GRANTS**

Eric Campbell, Assistant City Manager, said Item 33, Mayor, is the 2010 UASI grant. Councilmember Carter asked about the shelf life on the pharmaceuticals. The shelf life is five years.

Councilmember Carter said we have this itemized in our budget under current expense in five years.

Curt Walton, City Manager, said it's usually grant funded.

[ Motion was made by Councilmember Carter, seconded by Councilmember Cannon, ]  
[ and carried unanimously to authorize the Fire Chief to accept a grant in the amount of ]  
[ \$4,016,969.90 from the US Department of Homeland Security's 2010 Urban Areas ]  
[ Security Initiative (UASI) Grant Program, and authorize the Fire Chief to accept a grant ]  
[ in the amount of \$301,548.05 from the US Department of Homeland Security's 2010 ]  
[ Metropolitan Medical Response System (MMRS) Grant Program. ]

\* \* \* \* \*

**ITEM NO. 36: CRIME SCENE SEARCH VEHICLE**

Eric Campbell, Assistant City Manager, said Item 36 is the crime scene search vehicle. Mr. Dulin asked a question if we currently have a vehicle, and Mr. Barnes wanted to know a rationale for the 180-something thousand dollar cost for the vehicle. We do currently have a crime scene vehicle that's a 1990 Ford truck. It will definitely upgrade the current truck, which will be used for processing evidence, packaging evidence, and storing evidence. The truck would actually be customized in order to do specific field work and contain generators and lighting and those things that will be needed on the scene. The vehicle life expectancy is about 20 years on the vehicle.

[ Motion was made by Councilmember Cannon and seconded by Councilmember Mitchell to ]  
[ approve the purchase of a crime scene search vehicle as authorized by the cooperative pur- ]  
[ chasing exemption of G.S. 143-129(e)(3), approve a contract with MBF Industries for the ]  
[ purchase of a crime scene search vehicle in the amount of \$187,086, and adopt Budget ]  
[ Ordinance No. 4531-X appropriating \$187,086 in assets forfeiture funds for the purchase ]  
[ of the vehicle. ]

Councilmember Dulin said we are going to retire one crime scene investigative truck and bring this one on line so the City will have just one; correct?

Mr. Campbell said yes.

Councilmember Dulin said it's not frivolous then.

Councilmember Barnes said is the 1990 vehicle, that model year vehicle, obsolete for some reason, did you say?

Mr. Campbell said it doesn't have the space requirements needed now, so this one will be customized to be more updated with the current equipment.

Councilmember Barnes said the write-up indicates that there will be the 16-foot box work area on the back of the F-550. I'm trying to understand how much an F-550 would normally cost because it seems a number of things that will be in the back of it are things that people are going to pick up and put into the truck. In other words, it's not like a piece of equipment where the add-ons come from the factory. I just want clarification on that.

**Deputy Chief Ruth Story, Police**, said, yes, sir, the vehicle we currently have is a ten-foot on an F-550 truck bed, and this would be a 16-foot. The equipment that comes in it – the majority of the customization comes with the storage capacity, the way it's designed and built, the ability to actually get into that van to do processing and packaging of evidence, which we do not have now.

Councilmember Dulin said it must be a big ambulance looking truck then.

Deputy Chief Story said it's a 16-foot versus the ten-foot we have now. The ten-foot will not allow anyone to enter the van. When they try to get items out of there whether it's cameras, tripods, shovels, lights, generators, things of that nature, everything is kind of stacked on top of each other. It's really not quite safe to enter that van, so this will allow us the opportunity to get in there and actually have a place to do the work. Sometimes we are at a scene for 24 or more hours, may have inclement weather, so it gives them a place to process that evidence and to package that evidence where it doesn't get contaminated out in the field.

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

The ordinance is recorded in Ordinance Book 56 at Page 810.

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**ITEM NO. 37: ASSETS FORFEITURE APPROPRIATION**

**Eric Campbell, Assistant City Manager**, said the asset forfeiture appropriation. I think Councilmember Kinsey had a question about the psychological services and wanted to know if they were new and the relationship between the EAP and AP program. This is a new program. It is tailored specifically for first responders – Fire, Police – basically because of the traumatic experiences they have out on the field. This one is not a coverall. This is actually paid for on an as-needed basis, and it also enhances the current EAP program.

[ Motion was made by Councilmember Kinsey, seconded by Councilmember Carter, and ]  
[ carried unanimously to approve a Budget Ordinance No. 4532-X appropriating \$230,914 ]  
[ in assets forfeiture funds for various public safety needs. ]

The ordinance is recorded in Ordinance Book 56 at Page 811.

\* \* \* \* \*

**ITEM NO. 43: VARIOUS STORM DRAINAGE IMPROVEMENT PROJECTS**

Councilmember Carter said this is regarding storm drainage improvements, and I'm asking what type of oversight we have for these projects because there has been an error made at the Edwards Branch Storm Water Improvement – 43 extra trees were taken down – and apologies have been made, but we are looking for mitigation. I want to make sure this doesn't happen in the future.

**Eric Campbell, Assistant City Manager**, said we are aware of your concerns. We talked about it. We probably need to get back to you with more detail, but we are aware of your concerns, and we'll follow up with you.

[ Motion was made by Councilmember Carter, seconded by Councilmember Turner, and ]  
[ carried unanimously to approve a contract with HDR Engineering, Inc. of the Carolinas ]  
[ for \$1,000,000 for engineering services. ]

\* \* \* \* \*

Mayor Foxx said we are going to now go to the speakers. We have speakers that have asked us to hear from them on some other consent items, so we are going to go back through some of the sequence here.

\* \* \* \* \*

**ITEM NO. 15: FRED D. ALEXANDER BOULEVARD SECTION B1 LANDSCAPING**

[ There being no speakers a motion was made by Councilmember Mitchell, seconded by ]  
[ Councilmember Kinsey, and carried unanimously to award a low bid contract for ]  
[ \$102,852.20 to Ingle and Son Landscaping, Inc. for the Fred D. Alexander Boulevard ]  
[ Section B1 Landscaping project. ]

**Summary of Bids**

Ingle & Son Landscaping, Inc.	\$102,852.20
Metrolina Landscape Company	\$116,630.80
Distinctive Naturescapes, Inc.	\$121,797.02
The Byrd's Group, Inc.	\$132,577.14
Green Touch Tree & Turf, Inc.	\$143,397.21
Superior Seeding Inc.	\$149,826.38
Skyline Design	\$162,270.23
Ruppert Landscape	\$206,713.10

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**ITEM NO. 19: ENHANCED SECURITY EQUIPMENT FOR TRANSIT FACILITIES PERIMETER MONITORING**

[ There being no speakers motion was made by Councilmember Howard, seconded by ]  
[ Councilmember Kinsey and carried unanimously to approve a contract with Simplex- ]  
[ Grinnell in an amount not to exceed \$544,000 for the purchase and installation of updated ]  
[ security equipment to monitor the perimeter of transit facilities. ]

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**ITEM NO. 26: AIRPORT TERMINAL ELEVATED ROADWAY DESIGN**

[ There being no speakers motion was made by Councilmember Barnes, seconded by ]  
[ Councilmember Carter, and carried unanimously to approve a contract with HNTB North ]  
[ Carolina, P.C. in the amount of \$1,292,280 for the design of the elevated commercial road- ]  
[ way in front of the terminal, and adopt Budget Ordinance No. 4530-X appropriating ]  
[ \$1,292,280 from the Airport Discretionary Fund Balance. ]

The ordinance is recorded in Ordinance Book 56 at Page 809.

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**ITEM NO. 41: BROWNE AND HUCKS ROAD IMPROVEMENTS MUNICIPAL AGREEMENT**

**Roxanne Watson, 7800 Browne Rd.**, said actually I am reading a statement from one of my neighbors, who had foot surgery. He called me this afternoon and sent this to me. He couldn't come tonight because he was having problems with that. His name is Lafayette Small. My property is the closest one from the Amberleigh subdivision to the proposed road construction. When we moved in, there was a berm in place, and everyone assumed that the developer had already reconciled all the right-of-way issues and those plans had been approved by the City. It was a shock to find out that the noise and congestion that has increased in the last few years was moving closer to my home. I might add that we just found out about the recent cut-through from the Hampton Place subdivision, so all of this was an unnecessary surprise and has the neighbors and my family very concerned. I have intended to plant some trees and other plants along the edge of my property to create an even larger barrier that would provide a safer and more private area for my family, my grandkids, and I to enjoy. Many of us near the intersection of Browne and Hucks Road feel the original road design was never addressed, and many of the safety issues that the design team said was the reason for this construction. For those of us with children and grandchildren, the widening of Browne Road will feel less safe, and we feel less confident about the future of our community. The developer has backed out of his promise to build walking trails, and there are not any parks or common areas in the Amberleigh subdivision for children to play and enjoy safely. This plan does not need to be so aggressive considering the limited scope of this project. We feel the berm should not have to be moved at all. We question why a six-foot wide sidewalk that goes nowhere that is alongside a large drainage ditch and grassy shoulder is the best use of funding at this time when there are no streetlights proposed for this project. We feel they should build a curb and gutter system and smaller, if at all, sidewalk beside the shoulder. I and my neighbors believe you can keep this project on the other side of the current berm – sidewalks or not. You should use the funding for streetlights along Browne Road near the Amberleigh subdivision or for improvements which emphasize safety.

**Donnie Watson, 7800 Browne Rd.**, said I have a couple of handouts here.

Mayor Foxx said you can hand them to the Clerk right here.

Mr. Watson said I live at the intersection of Browne and Hucks Road. I was born in Charlotte in 1955, and my family is from here. We have lived and worked and some are even resting at (inaudible) Cemetery. I'm only saying that because we know this area at Browne-Hucks Road. We learned to drive out there many years ago, and I have watched it reach its potential. It is really a wonderful, little place, and I am hoping that it maintains that and that some of the plans that are on the books as a wedge area do fulfill its potential there. Basically all I'm saying is besides being from Charlotte and being born in '55 is I'm old, but my neighbors and I have been – we were approached by CDOT and DOT on this matter. It was brought to us for safety. That was the main reason – we are going to make this a safer intersection for the community school and everyone actually, but they were concerned about the bus turning and so forth. When we saw the design, it fell very short of that safety tag they were trying to say it was. So we got together with some of the folks in the community, and what you are seeing is the very first handout that we were able to give the residents and so forth, and it was back in June, so obviously it's a little bit dated, but I wanted to just reiterate some of the items still on there are still unaddressed, but we have had some success. With the involvement of our Council man and the community, we actually were able to get the speed limit changed to 40 miles consistently all through the Browne Road corridor. Could I have 30 seconds to wrap up?

Mayor Foxx said if you had 30 seconds, what would you say?

Mr. Watson said we tried to work with CDOT, and we have not been able to get any success there. I have always thought we could. We haven't been able to. I think considering the scope

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of this project this plan is way too aggressive. I would hope we could have some question/answers and work together in the future, but it appears that it has broken down so far.

**Mr. Mitchell** said I have been working with the Watson's here, and I'm actually a resident of Amberleigh – very small subdivision of about 60 homes. We have got several concerns, but I will focus on just one for now. Right there at Amberleigh and Browne Road, turning out of Amberleigh, turning left to right, there is a blind spot in the road heading north, so the cars will drop from line of sight as you are turning out of the subdivision, and then all of a sudden they will reappear. They are traveling fairly quickly. This has been a problem for a while, and we were hoping the new improvements would, in fact, help that situation. It's not clear as to whether or not the grading is going to really help improve the visibility turning left to right out of that subdivision. The other thing is Hampton Place, which is behind us, they are going to open up Amberleigh Way to Hampton Place. More traffic will come through there, so more traffic coming through there and turning left to right on Browne Road could be some serious issues. Again, the big issue that I'm focused on right now is that blind side that will cause a serious accident here one of these days, and I'm just concerned about that as a resident. Now, we have got some improvements that we have, I guess, some concessions to some extent that have worked out related to our discussions with the team here – Alan Morrison. I guess Mr. Barnes has been in some of those meetings, so we are making progress, but, again, we are trying to take it a little further from a safety standpoint.

Mayor Foxx said is there a response by the staff?

**Curt Walton, City Manager**, said, Mark, could you address their concerns, please?

**Mark Cole, Transportation**, said this project we believe is an important project. It will realign the intersection of Hucks and Browne Road, make it a hopefully more safe intersection, will better accommodate turning school buses in the area. Mr. Watson, who spoke earlier, his property falls on the inside of the curve, which when you try to do work on Browne Road that's the side that you have to do the majority of the work on in order to make that curve up to current standards. So we feel like the project is very important. If you have any other questions, I can try to help you.

Councilmember Kinsey said I'm concerned about the blind spot that was mentioned.

**Alan Morrison, Engineering & Property Management**, said the blind spot has been recognized from the time they were working on the project. The grading that we are doing for the project's widening will be gone, so there will no longer be an issue of the blind spot at that intersection.

Councilmember Barnes said I wanted to add that this project's budget initially – was it \$1.4 million? -- \$1.7 million, and that's down to \$1.2. It was intended, as Mr. Cole indicated, to kind of smooth out the curve and make that area safer. There have been a number of neighborhood meetings that I have been a part of, and the community and staff have worked hard. In fact, the State has been a part of this as well, NCDOT, in reaching some resolution to a number of the issues, for example, reducing speed limit or adjusting speed limit where appropriate through that area. This is one of our classic farm-to-market roads. This particular action item tonight is to allow CDOT to accept a quarter of a million dollars from the state to fund the project, it's portion of the project, and there were a number of issues raised by the community that I don't know will ever be resolved in the way that people would necessarily like, so, for example, we were able to adjust the speed limit. We have been able to adjust the blind spot. I don't know if you all have seen – have you shown them the DDD of the elimination of that blind spot?

Mr. Morrison said we had a rendering of improvements at our last public meeting on November 3<sup>rd</sup>, so they are all aware that problem will be solved. I'm kind of surprised they didn't recognize that would be solved.

Councilmember Barnes said the challenging thing about this one is not all of the concerns are going to be addressed, but some of them will be. We were trying to make sure that we addressed the school bus stop issues. I think we understand why the street lighting issues are difficult because you are going from darkness into light and vice versa and creating some visual



issues according to the feedback we received from staff. So, what I wanted to know several meetings ago and what I would like to know tonight is whether there are additional adjustments that we can make to address the concerns of the community, and if not, why not; and, if so, tell us, please. I know there is a list. Everyone has the list, so let's talk about the list briefly.

Mr. Morrison said as I understand the main concern was the blind spot and the safety issue of the access to and from Amberleigh Drive. That issue is resolved when the grading will be done with the project, so that issue is resolved. As far as the cut-through traffic to Hampton Place subdivision in the future, that is a problem that make this in the future does exist.

Councilmember Barnes said let me ask you this. There was a concern about the location of the sidewalk. Will the sidewalk be between the road and the berm or between the berm and the houses?

Mr. Morrison said between the berm and the ditch.

Councilmember Barnes said that wasn't one of the options. Will it be between the road and the berm or the berm and the houses?

Mr. Morrison said between the berm and the houses.

Councilmember Barnes said I think they were advocating for it to be located between the roadway and the berm. I was looking at a picture. I think it's from Mr. Watson's front yard, and I was curious as to why we couldn't locate it. I don't know if you all have this, but it's the one that says large trucks at intersection. I believe that's taken from your front yard.

Mr. Watson said in 2006 the developer actually approved the right-of-way, had it moved back 50 feet from the center of the road, and it was approved, and it was 2006. I think the City took this plan over and is planning to do construction and so forth. My point is we got there, we knew there was a project coming in when we got there. They are going outside of that right-of-way. They are also from the neighbor's standpoint when they moved in the berm was there. We thought all the right-of-way issues were resolved. It was on record that it had approved in 2006.

Councilmember Barnes said let me ask again, Mr. Morrison, if you have this photograph, is there not enough room between that berm and the road to build the sidewalk?

Mr. Morrison said the sidewalk must be off the edge of the pavement by at least eight feet, so that puts us on the back side of the ditch between the ditch and the berm. The roadway, the ditch, the sidewalk, and then the berm, and then Mr. Watson's home.

Councilmember Barnes said, Mr. Watson, would you be amenable to moving the berm back in order to accommodate the sidewalk being between the street and the –

Mr. Watson said, sir, I don't mind doing anything that is safe. My issues are it doesn't make this safer. The scope of it is very narrow. We have tried to make some improvements, and we have, and I am thankful for those, so I consider that a win. But basically the lanes are increasing by two feet, and you have a turning lane. It's more difficult for me to get out.

Mayor Foxx said you want to maybe defer this item and let some –

Councilmember Barnes said I think there are some reasons why we have to eventually begin to move it forward. There is a project schedule that staff has provided, and I would be happy for you all to explain the ramifications of delaying the item or delaying the action. I think we could still vote to approve A and B and continue to work on some of these outstanding issues; is that not true?

Mr. Morrison said I'm ready to work.

Councilmember Barnes said I know you are, and I know you guys are.

Mr. Morrison said so is the community, too.

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Councilmember Barnes said, yes, sir. Tell me, if you would, Mr. Cole, Mr. Morrison, whether there is any progress to be made or to be had at this point in your opinion. I know you all have been meeting since February 2009.

Mr. Morrison said honestly, Mr. Barnes, no, sir, I think we are at the point, and it's time to move on. We have held meetings and there are all the issues we could resolve.

Mr. Watson said –

Mayor Foxx said, I'm sorry, sir, we really are trying to get this resolved.

Councilmember Cannon said Mr. Barnes, I think, had a question with regards to the timeline. You asked the question, but we didn't get a response. I would like to know what kind of timeline you are up against.

Mr. Morrison said the biggest timeline is we do construction during the summer break when school is out of session. That's one of our constraints. The second constraint is that NCDOT (inaudible) NCDOT (inaudible) Closeburn Road in May of '12 for seven months, so if we miss that opportunity now and next summer (inaudible).

Councilmember Cannon said so 30 days hurts you in this process?

Mr. Morrison said, yes, sir.

Councilmember Turner said it sounds to me – this is really about a design issue. The citizens don't seem like they really think the design we are proposing is going to resolve the matter. We are here tonight to make a decision on \$250,000 that the State is appropriating for the upfit of this street, and you are saying you need that money and also if we don't make that decision it's going to delay your efforts to be able to complete this project on time; is that what we are talking about?

Mr. Morrison said that's correct.

Councilmember Turner said I'm a little concerned why is it, Mayor, that we are just now hearing this? If there is a design flaw, it seems like somehow or another tonight is not going to get resolved. Either we are going it up to accept this money and allow you to move forward. I don't know how we can help these people, and I don't really know if that is still going to resolve and make this gentleman happy or the residents out there just based listening to what he has stated. Mr. Barnes is his district, and he apparently has spent some time out there. Just looking at these photos tells me there are some – I mean it's hard really grabbing what's on these photos, but what I have heard tonight and looking at this photo, I can see why they would have some concern, but I guess we don't have the full picture here, and we don't have all the information, and I feel kind of bad to vote on something tonight that very well will not give these people a fair opportunity to resolve it. At the same time, I don't want to delay a project that has some safety issues here, and I understand and see those safety issues. His own pictures help us to get that part, which supports, I think, why we need to do something. So, I don't know. I'm kind of left out here right now.

**Curt Walton, City Manager**, said I think one point is I don't know that we have ever had design issues raised at the point of accepting a municipal agreement, so that's one reason there's not more information with maps. Usually the issues that they would be talking about we hear during condemnations. I think it's a bit out of sequence from what we were prepared to do. There have been meetings, as Mr. Barnes said, since 2009, so I'm not sure how much more progress there is to make. I guess my last point is it's important to get the state money while the state still has the money. There are no design issues to work out if we don't get their participation in the project.

Councilmember Turner said I just need to clear one. Even if we accept this money tonight, I want to make sure I understood what you said is that if we accept this money tonight does the money have a deadline on it? Does the money have a fall dead date? To me, if they are going to

award us the money for this project, I think we are going to use the money at some point to get this project done. I think that meets the requirement, but if there's a deadline or if they are telling us it's not like stimulus; they tell us we have to use it by this date, so, again, I'm just really concerned about where we are in this process. There are a lot of unanswered questions and a lot of folks that seem not to be very satisfied. If you are going to spend \$1.5 million or \$1.6 million and the end result you have a sidewalk and a berm and a little wider street but you still have a very unsafe street wouldn't resolve anything. We spent \$1.6 million and we came up with a bigger problem. I would like to get that money. You are absolutely right. We better get it while we can, but I need to know does this money have a deadline, a due date, where it can no longer be used for this project, or once we get it is it ours?

Mayor Foxx said all fair points. We have got Mr. Howard who wants to make a point as well, Mr. Turner. I think we have six other items just like this on Consent, so at the rate we are going, we will be here until about 11:30 before we get to the business agenda, so we need to get to a motion on something.

Councilmember Howard said just real quick. Just wanted to point out – and, Mr. Barnes, I know you know because it's your district, but right now to turn right onto Hucks off Browne Road, I mean it's not a 90-degree turn. What is that? You almost have to go back in. It's extremely unsafe right now. It's way more unsafe than anything else I have heard you talk about, and I'm not that way quite often. As far as the sidewalk is concerned, we are talking about the Urban Street Guidelines, and it actually talks about pulling the sidewalks away from the street. We talked about putting the sidewalks right up against the curb is not safe, so we also are kind of following our own logic of pulling it off the street. It looks like that's what the staff is trying to do. They are trying to do just exactly what we have asked them to do, and that is implement our policy, so that's why I'm kind of okay.

I do have one question for the engineers. When you turn on Hucks Road, you are going down, and you also have a little bridge that you come to as you go around that curve that is extremely unsafe as well. I mean the street gets narrowed, and then it opens back up. I was wondering why the project didn't extend down to deal with that.

Councilmember Turner said money.

Mr. Cole said we are aware of that bridge, and when this portion of Hucks Road was annexed a few years ago now that bridge will be inspected in a normal time track, so hopefully in the future we will get additional funding based on where that falls in our priority list. We realize that is an issue. We are just limited with the funds that we have.

Mayor Foxx said is there any problem with approving the contract – I mean the receipt of the funds tonight and directing the staff to continue to work with the neighborhood on areas where we might be able to make progress on the design issues? I know you said you have kind of hit brick wall.

Mr. Morrison said certainly would be glad to, but we have had three public meetings, and I met with Mr. Watson I think eight times this last year, two and a half years, and we are still at an impasse between what I think is good and what he thinks is good. I don't know what he expects to do from this point on. As an engineer, we have done the best we can to solve the problem, the safety issue with rear-end accidents, run-of-the-road accidents, the side swipes. There was one fatality there in '03, so the accidents are pretty high. It is an important project to get done as soon as possible, but we have no problems working with the citizens to resolve their issues, but we have done our best, and it hasn't resolved the problem at this point in time, so I'm not sure what else we can do to make them happy.

Mayor Foxx said I think what we are just going to have to do is have a motion. I suggest we move to go ahead and approve the receipt of the funds and ask our staff to continue working with the neighborhood. You met eight times. There is no problem with meeting nine or ten times if there are ways to make further progress. If not, we understand that we have got to get this project done one way or the other, and it's more important to have it than not have it, so –

[ Motion was made by Councilmember Kinsey, seconded by Councilmember Dulin, and ]  
[ carried unanimously to adopt a resolution to authorize the Key Business Executive for ]  
[ Transportation to execute a Municipal Agreement with the North Carolina Department ]  
[ of Transportation for the widening, realignment, and signalization of the intersection of ]  
[ Browne Road and Hucks Road, and adopt Budget Ordinance No. 4533-X appropriating ]  
[ \$250,000 in State funding. ]

Mayor Foxx said that carries, so we'll continue working with you, and thank you very much for coming.

The resolution is recorded in Resolution Book 42 at Page 784.  
The ordinance is recorded in Ordinance Book 56 at Page 812.

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**ITEM NO. 46: STEELE CREEK POLICE STATION LAND PURCHASE**

[ There being no speakers, motion was made by Councilmember Barnes, seconded by ]  
[ Councilmember Turner, and carried unanimously to approve the purchase of approximately ]  
[ three acres for \$1,695,000 for the Steele Creek Division Police Station at 9530 S. Tryon ]  
[ Street, and approve the purchase and sale agreement with Gus Kanos and Chrisoula Kanos. ]

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**ITEM NO. 47-K: RESOLUTION OF CONDEMNATION AT 130 BUBBLING WELL ROAD**

[ There being no speakers motion was made by Councilmember Cannon, seconded by ]  
[ Councilmember Kinsey, and carried unanimously to approve a resolution of condem- ]  
[ nation of 4,222 square feet in utility easement plus 1,014 square feet in temporary ]  
[ construction easement at 130 Bubbling Well Road from The Greene Family Trust, ]  
[ dated November 8<sup>th</sup>, 1994, Dennis R. Greene and wife, Patsy A. Greene, Trustees ]  
[ and/or Trustees and any other parties of interest for \$16,350 for 36" water main ]  
[ along NC 51 to Fullwood Lane, Parcel #1. ]

The resolution is recorded in Resolution Book 42 at Page 785.

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**ITEM NO. 47-P: RESOLUTION OF CONDEMNATION AT 300 MATTHEWS TOWNSHIP PARKWAY**

[ There being no speakers motion was made by Councilmember Cannon, seconded by ]  
[ Councilmember Kinsey, and carried unanimously to approve a resolution of condem- ]  
[ nation of 3,642 square feet in utility easement plus 2,497 square feet in temporary ]  
[ construction easement at 300 Matthews Township Parkway from Barbara P. Bjork, ]  
[ Christopher Bjork, and Debra Ann Bjork, and any other parties of interest for \$6,350 ]  
[ for 36" water main along NC 51 to Fullwood Lane, Parcel #8. ]

The resolution is recorded in Resolution Book 42 at Page 786.

\* \* \* \* \*

**ITEM NO. 47-Q: RESOLUTION OF CONDEMNATION AT 316 MATTHEWS TOWNSHIP PARKWAY**

[ There being no speakers motion was made by Councilmember Howard, seconded by ]  
[ Councilmember Barnes, and carried unanimously to approve a resolution of condem- ]  
[ nation of 6,208 square feet in utility easement plus 2,512 square feet in temporary ]  
[ construction easement at 316 Matthews Township Parkway from Barbara P. Bjork, ]  
[ Christopher Bjork, and Debra Ann Bjork, and any other parties of interest for \$21,925 ]  
[ for 36" water main along NC 51 to Fullwood Lane, Parcel #9. ]

The resolution is recorded in Resolution Book 42 at Page 787.

\* \* \* \* \*

**ITEM NO. 47-AG: RESOLUTION OF CONDEMNATION AT 3800 WILKINSON BOULEVARD**

[ There, being no speakers, motion, was made by Councilmember, Barnes, seconded by ]  
[ Councilmember Cannon, and carried unanimously to approve a resolution of condemnation ]  
[ of 250 square feet in permanent bus shelter easement plus 1,249 square feet in temporary ]  
[ construction easement at 3800 Wilkinson Boulevard from National Retail Properties, LP ]  
[ and any other parties of interest for \$2,700 for CATS: West Corridor Bus Enhancements, ]  
[ Parcel #16. ]

The resolution is recorded in Resolution Book 42 at Pages 788-789.

\* \* \* \* \*

**ITEM NO. 7: CITY MANAGER'S REPORT**

Curt Walton, City Manager, said, yes, sir. Mayor and Council, with the approval last Tuesday of the tree bond issues for the City of Charlotte, I wanted Assistant Manager Jim Schumacher to talk about what happens next relative to planning and design and moving forward with those projects.

Mayor Foxx said, Mr. Schumacher, by the way, happy birthday.

Jim Schumacher, Assistant City Manager, said thank you very much. As the Manager mentioned, tonight is a great opportunity to make just a couple of points about the bonds and the projects that those bonds will fund and the voters approved last week, so I want to take just a few moments to do that. The bonds will finance a wide variety of projects that will benefit our community in many ways. Some are on a neighborhood scale, some are on an individual scale, and some are on a very broad city-wide scale – major roadway and intersection projects that serve the traveling public at large as well as expanded housing opportunities through the housing bonds, of course.

This illustration shows you the breakdown of the bonds, \$203.6 million total dollars. All three issues were approved by the voters. What I will do is firstly just talk a little bit about the way the projects are implemented with regard to planning, design, real estate, and construction. This map shows the distribution of the new projects all across the city, and the reason I say new is these are the projects that are newly funded by the 2010 bonds. You will recall that what we often are doing is doing some planning and design work on projects with the bonds from one issues, for example, '06 or '08, and then a subsequent bond referendum funds the real estate acquisition and the construction. That's really a very effective way for us to move projects along, keep them moving along on a good schedule. We have been able over the last ten or 12 years or so to build many highway, roadway, and intersection projects in a three- to four-year timeframe by doing that.

So many of the projects that will be funded for right-of-way and construction from the 2010 bonds, as I say, do not show on this map. There will be two or three or four times as many dots on the map if we had all of those shown, but what that means for you is that you will be seeing a lot of right-of-way acquisition acquiring right-of-way and easements to carry out those projects as we go here into the next calendar year, 2011, and then later in the year and on into 2012, you will be seeing the construction contracts for many of those projects. The new projects illustrated on the map here will begin their planning and design process with these funds now.

Councilmember Dulin said question, Jim. We are looking at the map here on our monitors, too, but it's easier to see it up here. There is a gap in the west around the Airport, and there's a gap in south Charlotte. Are there not projects there that we can drag up and get to work on? Why is that gap there?

Mr. Schumacher said what I'm trying to describe is that these are only the projects that are new projects for 2010 starting the planning and design process. I don't have the map, but if I had a map that has all projects that are already underway that started with the '06 bonds and the '08 bonds those would be – it would fill in the map a lot more.

Councilmember Dulin said I understand. Are there not any projects that need to be done in south Charlotte in '11 with the '10 money?

Mr. Schumacher said you have two intersections down there towards the bottom of the map – Ballantyne and –

Councilmember Dulin said just north of there where the gap is.

City Manager Walton said Rea Road is the big one that is not there. It was in earlier bond referendums.

Mr. Schumacher said Rea Road is an example of a project there in the south that was begun with one of the earlier bond referendums, and its construction money comes through this referendum, 2010. So that's a good example of how a project will be picked up and carried forward with these bonds, but it's not a new project.

Councilmember Dulin said may I continue? Is everything on there – that is the \$77 million?

Mr. Schumacher said that's the 177 plus 32 in neighborhood bonds.

City Manager Walton said everything but housing.

Councilmember Dulin said I would like to find some money. We have \$185 million worth of roadwork to be done and not a lick of it going to be in south Charlotte and the people that I represent according to the map right here. I would like to find some projects.

City Manager Walton said there are projects. They weren't on last Tuesday's ballot. Rea Road is one of the larger projects we have done, and that one is still most of the money is yet to spend on that.

Councilmember Dulin said I understand that, but we are not talking about Rea Road and the money we have already done from the 2006 bonds. We are talking about the bonds that were passed last week largely with the households that are in that gap where no dots are.

City Manager Walton said those were the projects that Council approved, Mr. Dulin, to put on the referendum last Tuesday. It is possible to move. You have to decide whether you vary from your communications.

Councilmember Carter said, Mr. Dulin, you have got Sardis Road on there.

Councilmember Dulin said I understand.

Mayor Foxx said I would observe that we have meetings throughout the city.

bvj

Councilmember Dulin said I'm sitting down here to speak up for those people that aren't going to get any road monies.

Mr. Schumacher said we have road and intersection and sidewalk needs that remain throughout the city which really goes back to some of your discussion at dinner – the legislative agenda and the need for funding for transportation projects continues to exist. You will remember from the budget discussions we do not currently have a 2012 bond package programmed in the existing project, so that's another issue that will face you in the next two years how to keep this program going forward.

Mayor Foxx said, Jim, what might be helpful is a map that shows the five-year capital program from 2006 to the present and similar map to this that shows where the projects are. I think it might be instructive.

Mr. Schumacher said, oh, the other maps with all the information from all the referendums would cover the map. We'll put that together for you.

Councilmember Dulin said I would like to see that list. That would be interesting. We need to change that map around a little bit.

Mr. Schumacher said the other main point that I would like to make about this particular bond referendum is the value that we are going to receive in the bidding climate. This construction work, of course, if done through public bidding, and the bids that we have been receiving in the last couple of years are much improved from what they were prior to 2008. This is a list of some projects that have been bid in just this past year, and you can see that the prices, the actual low bid below what our engineers estimated it would be, ranges from 11% and 13% up to 40% and 50%. So the lesson there is there is a lot of competition from the contractors that yields improved bidding prices and lower low bids for our work. The end result of all that is that our dollars go farther. We get a lot of value from building projects in this current environment.

Lastly, I will just make mention of the housing bonds, the \$15 million housing bonds that will allow your Housing Trust Fund program to continue. You will recall that \$5 million was allocated to Boulevard Homes, the HOPE VI project there, which will allow that to move forward. I'll stop there and see if there are any other questions.

Mayor Foxx said I'm going to resist the urge to get into where projects are, which is something that really is the product of a lot of work on the staff's part to identify priority areas. If there is any impression that the Council mixed and mingled projects in this, I want to disabuse people of that. Actually what the staff recommended is exactly what was approved, and that has been the subject of conversation since January. At any rate, we do these projects because we think we can help improve the quality of life in the city, and, by the way, they are going to put some people to work who are badly in need of work – contractors and construction workers that last I saw nationally 40% unemployment in that industry, so this is going to put some people to work, and I think that's a good thing. Thank you very much, Jim.

\* \* \* \* \*

#### **ITEM NO. 8: CITIZENS PAROLE ACCOUNTABILITY COMMITTEE**

Councilmember Cannon said the action item here is to approve the Community Safety Committee's recommendation to do something we really don't want to do, and that is to dissolve the Citizens Parole Accountability Committee (CPAC). The members of the committee happen to be Vice Chair Patsy Kinsey, Councilmember Andy Dulin, Councilmember Peacock, as well as Councilmember Barnes. This Parole Accountability Committee was established back in 1994 as part of the City's five-year Community Safety Plan.

The two, I guess, really sticking points here that we had to reckon with had to be that, one, the workload for the CPAC has decreased significantly since 2007 when the General Assembly, in this case, went ahead and enacted legislation that changed the parole review process from every

year to every three years or from 365 days to 1,095 days. The second piece here is that the North Carolina Parole Commission also continues to release inmates sentenced prior to 1994 for a number of reasons including good behavior, successful completion of programs such as the mutual agreement parole program, and high medical costs. Additionally, as a result, a number of inmates under review by the CPAC has declined 70%. That's happened within the last three years, and that would go from 111 cases in 2007 to 33 right now in 2010.

Both the district attorney and the chief of police have recommended that the CPAC be dissolved. Now, the DA's Office will continue to object to paroles of inmates sentenced prior to October 1, 1994, but that's the basis of why we had to come to the conclusion that we are having to deal with today. I would like to add that staff resources on this happened to be Eric Campbell out of the City Manager's Office along with Katrina Graue with the Charlotte-Mecklenburg Police Department.

[ Motion was made by Councilmember Barnes and seconded by Councilmember Kinsey to ]  
[ approve the Community Safety Committee recommendation to dissolve the Citizens ]  
[ Parole Accountability Committee. ]

Councilmember Carter said, Mr. Cannon, was there a possibility suggested that this is a very valuable committee with much experience, and we have volunteers engaged with our public safety entities. Would it be possible that they adopt an oversight of these volunteer activities; in other words, an umbrella group to be involved and promote to our citizens the activities of Crime Stoppers and PAL and Weed and Seed and Gang of One, just to keep that engagement that is so valuable for us. We do have individual boards for most of these entities, but still to have an umbrella organization to promote volunteer engagement with our public safety might be of value.

Councilmember Cannon said we could not agree more with you. That is something that is healthy. The idea here is simply we didn't want to waste our citizens' time of just having a name and a name only to be a part of something that really had no real charge. Our citizens want to be engaged. They want to be really about something and not just be out there in name only. They want to perform. We recognize that on the committee level, and it certainly is something that we would love to continue, but obviously if there is a reduction in the number of people who are participating – even the chair – it got to be a situation where the chairman of the CPAC resigned in June of 2010 and only five members remain on the committee. That was telling in itself to us as a committee that this is something obviously that people were a little bit concerned about largely in part because of what happened on the state level reducing those years – really not reducing but expanding those years from one year to three years. It's my hope that we can continue to do though is maybe engage them in other public safety areas some of which you have already mentioned accordingly because we certainly want to encourage our citizens to participate, but we don't want them to be engaged where their best talents and skills cannot be utilized.

Councilmember Howard said, Mr. Cannon, I agree with you. It is a sad day that you have to bring this recommendation forward. I will tell you there is a little sensitivity on this one given my long history of working with the group Mothers of Murdered Offspring. The whole point of the committee, if I remember right, is to make sure that family members were not taken by surprise by people just showing up on the street and allowing them the opportunity to be involved. I hear you on the fact that the Police Department is going to work to try to take up some of the slack, but I would hope that we, as a city, not forget kind of what that purpose was, so families can get involved so families can advocate against people being released without their knowledge. So some kind of way, either working with organizations in the community such as MOMO or others, we should still find a way to deal with this every three years – if not with a committee through some means. We shouldn't just let the whole purpose and spirit of the committee go.

Councilmember Cannon said I think you are absolutely right, Councilmember Howard. I could not begin to agree more, and there are entities like Mothers of Murdered Offspring. There are other support groups or entities that are out there that center their attention around some of the things that are going on. The County has some related areas. I think it might be appropriate to



touch base with the County to see what they are doing, and maybe we can suggest there needs to be other areas that citizens participate in.

Councilmember Howard said, Mr. Mayor, Victims Assistance, the organization we helped fund. My point is there should be some entity put into making sure the spirit of what we were trying to get at with this committee is not lost in this community.

Councilmember Cannon said in closing, as it is dear to you, it certainly is to me. I think it's dear to all of us who sit around this dais as one who lost my father, as many of you know, to a murder only for the person not to be brought to justice. This is something that is really, really important to me that we would be able to continue, but obviously the way the administratively it's been going is something we are not able to do right now, but I certainly understand, believe me.

Mayor Foxx said let me ask this question. What's the harm in having it? That's one question. The second one is was there conversation in the committee around – to Mr. Howard's point – finding some replacement for it before we dissolve it?

Councilmember Cannon said let me yield to staff resource on this. I have an answer, but I want to go ahead and allow – ask Mr. Walton if he would have Mr. Campbell come and present to us on those two questions, please.

**Eric Campbell, Assistant City Manager**, said, Mayor Foxx, one of the issues that came up in addition to what Mayor Pro Tem gave you a summary about the workload, all the boards and commissions, their requirements to report to the committees, to Council, we did not have quorums available for the committee. We didn't have enough people for the quorums. We had problems getting people to the meetings, so you can keep it intact, but the question becomes then are you getting a quality meeting.

One of the things they did do, and Chief Graue can elaborate on it, before the decision was made, we did talk with the committee members about other community opportunities that were available like Neighbors for a Safer Charlotte and other community activities that were available for them to get involved in so they could maintain their involvement in the community.

**Deputy Chief Katrina Graue, Charlotte-Mecklenburg Police Department**, said I just wanted to say also the numbers will continue to diminish because now there is structured sentencing, which the sentencing guidelines are very different than they were during fair sentencing where a judge had more opportunity for leeway, so those numbers will continue to diminish each year, the number of parolees we would consider.

Mayor Foxx said I hear you, but something about this just doesn't sit well.

Councilmember Kinsey said I'm sure everybody read the back-up material, but the committee themselves say they don't object to this, and what sold me on it was the Police asked for it, the District Attorney asked for it. The committee has just been nonfunctional, so I didn't see any reason whatsoever to continue a nonfunctioning committee particularly when they say they were looking for other opportunities to serve, and they didn't oppose – the remaining few committee members didn't oppose the dissolution. I just don't see a reason to keep a committee if there is nothing for that committee to do.

Councilmember Howard said I'm not trying to stop us from going forward. I'm actually supporting what you are saying we should keep people involved. I'm just asking us to find other ways. I know you want to stop it – just find other ways to deal with what we were trying to do to begin with.

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

**AYES:** Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell

**NAYS:** Councilmembers Peacock, Turner

Councilmember Mitchell said, Mayor, hearing your comments and Councilmember Howard's comments, and even the chair, Mayor Pro Tem, would it be safe to say can we send this back to the Public Safety Committee to see can we facilitate what you all have articulated as a need still in the community for an organization like Mothers of Murdered Offspring and other organizations that work closely together to be engaged. I didn't know if that motion would be appropriate to send back to Public Safety to continue to engage those organizations.

[ Motion was made by Councilmember Mitchell and seconded by Councilmember Howard ]  
[ to send this matter back to the Public Safety Committee to see if there is still a need in the ]  
[ community for a committee. ]

Mayor Foxx said I think that's a great idea, Mr. Mitchell. I think in my mind if there's one case it matters to somebody. Even if the volume has gone down to one, I think there is a value in having some vehicle for us to be able to help people get closure and to have information shared with the Parole folks. Maybe it takes a different form, but I think we need to be respectful of that.

Councilmember Cannon said, thank you, Mr. Mayor, and it may mean, and you have heard from the representative coming from the Charlotte-Mecklenburg Police Department as well as the gentleman out of the City Manager's Office. We know it's spread out, but we come up with some level of restructuring, some sort of way of understanding; but the only problem with that again is that it will be very minimal, but I think as long as the people who are going to be on that committee, if they choose to serve, understand exactly what is going to be before them and they have the willingness to be able to do that or want to do that then that might be okay. Again, we reluctantly wanted to resolve it, but again with the police chief along with our current district attorney, Peter Gilchrist, with their level of recommendation, we rest pretty heavily on their level of recommendation, experience, and expertise.

Mayor Foxx said as you talk about it you may find you don't need a committee per se, but you just need to have some way to –

Councilmember Mitchell said some way to facilitate.

Councilmember Cannon said happy to discuss it further.

**The vote was taken on the motion to send back to committee and recorded as follows:**

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

**NAYS:** Councilmember Dulin

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**ITEM NO. 9: 2011 ANNEXATION ORDINANCE AND RESOLUTIONS**

[ Motion was made by Councilmember Kinsey and seconded by Councilmember Carter to ]  
[ A) adopt a resolution amending Camp Stewart South annexation report, B) establish the ]  
[ effective date of June 30, 2011, for the annexations and adopt annexation ordinances for ]  
[ the Rhyne, Whitehall, and Camp Stewart South annexation qualifying areas, C) adopt an ]  
[ annexation budget ordinance totaling \$502,747, and D) adopt a resolution stating the ]  
[ intent of the City to pay economic loss to qualified solid waste collection firms totaling ]  
[ \$179,079. ]

Councilmember Carter said we had a discussion about a separate portion in here about Camp Stewart, and I did want to report out to the citizens who live there that there was a very serious investigation of whether separating out their area would facilitate movement ahead for the city and movement ahead for the neighbors. The neighbors are, as indicated, an elderly set, and there is a potential economic impact, but it also increases the value of their houses to have availability

of these services to them. There is no way to join the other two sides around this center section, consequently, I'm going to support the movement ahead on annexation.

Councilmember Barnes said was that with respect to A-D?

Mayor Foxx said yes.

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

The resolution amending the Camp Stewart South annexation is recorded in Resolution Book 42 at Pages 788-789.

The resolution to pay economic loss to qualified solid waste collection firms is recorded in Resolution Book 42 at Page 790.

Ordinance No. 4534-X to annex the Rhyne area is recorded in Ordinance Book 56 at Pages 813-821.

Ordinance No. 4535-X to annex the Whitehall area is recorded in Ordinance Book 56 at Pages 822-834.

Ordinance No. 4536-X to annex the Camp Stewart South area is recorded in Ordinance Book 56 at Pages 835-843.

Budget Ordinance No. 4537-X for the annexation is recorded in Ordinance Book 56 at Page 844.

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**ITEM NO. 10: 2010 COMMUNITY HOUSING DEVELOPMENT ORGANIZATION GRANTS**

[ Motion was made by Councilmember Mitchell and seconded by Councilmember Kinsey to ]  
[ approve financial commitments of \$1,594,000 to four City of Charlotte community housing ]  
[ development organizations or housing development in the City's targeted revitalization areas. ]

Councilmember Mitchell said not a discussion – just to thank staff, Zelleka, and those CDCs who continue in these tough economic times to really try to improve our community. I have two in District 2, who are actually here tonight, and who have waited, and I just want to thank Jennifer Coble with Friendship CDC and Dave Nichols with Lakewood CDC, and thank you so much for trying to make a difference in our community.

Councilmember Kinsey said not to let him steal the thunder I have two in District 1, and I know I see Belmont up there. Thank you very much. This is going to be great.

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

\* \* \* \* \*

**ITEM NO. 11: TRANSFER OF GRANT FUNDS TO STIMULUS ACCOUNT**

[ Motion was made by Councilmember Mitchell and seconded by Councilmember Barnes to ]  
[ approve the transfer of \$567,985 in Gang of One (Gang Reentry and Intervention Team) and ]  
[ \$62,684 in Gang of One (Multidisciplinary Gang Intervention Team) to the American Rein- ]  
[ vestment and Recovery Act (ARRA) or stimulus grant account, and adopt Budget Ordinance ]  
[ No. 4538-X transferring \$630,669 in grant funds to the stimulus grant account. ]

Mayor Foxx said any discussion? Mr. Cooksey, would you like to –

Councilmember Cooksey said this one is so rough because I should have voted no when we got the money. This is a procedural transfer that makes a no vote kind of silly, but I'll do it anyway.

Mayor Foxx said wanted to give you your day in the sun.

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

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

**NAYS:** Councilmember Dulin

The ordinance is recorded in Ordinance Book 56 at Page 845.

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**ITEM NO. 12: APPOINTMENTS TO BOARDS AND COMMISSIONS**

**Bicycle Advisory Committee** – The following nominees were considered for one appointment:

1. Christopher Gladora, nominated by Councilmembers Barnes, Cooksey, Turner
2. Jonathan Harding, nominated by Councilmembers Cannon, Carter, Howard, Kinsey, Mitchell, Peacock
3. Dick Perlmutter, nominated by Councilmembers Dulin, Peacock

Results of the first ballot were recorded as follows:

1. Christopher Gladora, 2 votes – Councilmembers Cooksey, Turner
2. Jonathan Harding, 7 votes – Councilmembers Barnes, Burgess, Cannon, Carter, Howard, Kinsey, Mitchell
3. Dick Perlmutter, 2 votes – Councilmembers Dulin, Howard

Mr. Harding was appointed.

**Charlotte International Cabinet** – The following nominees were considered for two appointments:

1. Cynthia Barnes, nominated by Councilmembers Barnes, Dulin
2. Carrie Cook, nominated by Councilmembers Burgess
3. Larken Egleston, nominated by Councilmembers Burgess, Cannon, Dulin, Kinsey, Peacock, Turner
4. Tracy Hill, nominated by Councilmember Peacock
5. Judith Osei-Tutu, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Peacock, Turner
6. Yolanda Perry, nominated by Councilmember Carter
7. Aaron Sanders, nominated by Councilmember Mitchell
8. Ximena Uribe, nominated by Councilmembers Cannon and Cooksey
9. Sonya Young, nominated by Councilmember Mitchell

Results of the first ballot were recorded as follows:

1. Cynthia Barnes, 2 votes – Councilmembers Barnes, Dulin
2. Carrie Cook, 1 vote - Councilmember Burgess
3. Larken Egleston, 6 votes – Councilmembers Burgess, Cannon, Dulin, Kinsey, Peacock, Turner
4. Tracy Hill, 0 votes
5. Judith Osei-Tutu, 6 votes – Councilmembers Barnes, Carter, Cooksey, Howard, Kinsey, Mitchell
6. Yolanda Perry, 2 votes – Councilmembers Carter, Mitchell
7. Aaron Sanders, 0 votes
8. Ximena Uribe, 3 votes – Councilmembers Cannon, Cooksey, Peacock
9. Sonya Young, 1 vote - Councilmember Turner

Ms. Egleston and Ms. Osei-Tutu were appointed.

**Charlotte-Mecklenburg Public Access Corporation** – The following nominees were considered for two appointments.

1. Cassandra Blaine, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Peacock
2. Sonnie McRae, nominated by Councilmembers Cannon, Dulin
3. Linda Webb, nominated by Councilmembers Barnes, Burgess, Kinsey, Turner
4. Adrian Woolcock, nominated by Councilmembers Carter, Cooksey, Howard, Peacock, Turner

Results of the first ballot were recorded as follows:

1. Cassandra Blaine, 9 votes – Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner
2. Sonnie McRae, 2 votes – Councilmembers Cannon, Dulin
3. Linda Webb, 4 votes – Councilmembers Barnes, Kinsey, Mitchell, Turner
4. Adrian Woolcock, 5 votes – Councilmembers Burgess, Carter, Cooksey, Dulin, Peacock

Ms. Blaine was appointed.

Results of the second ballot were recorded as follows:

1. Linda Webb, 6 votes – Councilmembers Barnes, Burgess, Canon, Kinsey, Mitchell, Turner
2. Adrian Woolcock, 5 votes – Councilmembers Carter, Cooksey, Dulin, Howard, Peacock

Ms. Webb was appointed.

**Community Relations Committee** – The following nominees were considered for one appointment:

1. Myna Advani, nominated by Councilmembers Cooksey, Peacock
2. Patricia Albritton, nominated by Councilmember Mitchell
3. Chantay Cooper, nominated by Councilmember Turner
4. MaNeisha LaFate, nominated by Councilmember Dulin
5. Sharon Merritt, nominated by Councilmembers Burgess, Carter, Kinsey
6. Teresa Sandman, nominated by Councilmember Howard
7. Glenn Thomas, nominated by Councilmember Barnes
8. Gaynell Thornton, nominated by Councilmember Cannon

Results of the first ballot were recorded as follows:

1. Myna Advani, 1 vote - Councilmember Cooksey
2. Patricia Albritton, 1 vote - Councilmember Turner
3. Chantay Cooper, 0 votes
4. MaNeisha LaFate, 1 vote - Councilmember Dulin
5. Sharon Merritt, 3 votes – Councilmembers Burgess, Carter, Kinsey
6. Teresa Sandman, 2 votes – Councilmembers Howard, Peacock
7. Glenn Thomas, 3 votes – Councilmembers Barnes, Cannon, Mitchell
8. Gaynell Thornton, 0 votes

Results of the second ballot were recorded as follows:

1. Sharon Merritt, 4 votes – Councilmembers Burgess, Carter, Kinsey, Turner
2. Glenn Thomas, 7 votes – Councilmembers Barnes, Cannon, Cooksey, Dulin, Howard, Mitchell, Peacock

Mr. Thomas was appointed.

**Keep Charlotte Beautiful** – The following nominees were considered for two appointments:

1. Daniel Callahan, nominated by Councilmembers Carter, Cooksey, Peacock
2. Lawrence Ferri, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Kinsey, Peacock
3. Gregory Greer, nominated by Councilmembers Howard, Mitchell, Turner
4. Cecelia Hendking, nominated by Councilmembers Burgess, Cooksey, Mitchell
5. Sonya Young, nominated by Councilmembers Barnes, Cannon, Howard, Kinsey, Turner

Results of the first ballot were recorded as follows:

1. Daniel Callahan, 3 votes – Councilmembers Carter, Cooksey, Peacock
2. Lawrence Ferri, 7 votes – Councilmembers Barnes, Burgess, Carter, Dulin, Kinsey, Peacock, Turner
3. Gregory Greet, 3 votes – Councilmembers Howard, Mitchell, Turner
4. Cecelia Hendking, 1 vote - Councilmember Cooksey
5. Sonya Young, 6 votes – Councilmembers Barnes, Burgess, Cannon, Dulin, Kinsey, Mitchell

Mr. Ferri and Ms. Young were appointed.

**Waste Management Advisory Board** – The following nominees were considered for three appointments:

1. Christopher Capellini, nominated by Councilmembers Burgess, Cannon, Dulin, Howard, Mitchell, Peacock
2. Patrick Darrow, nominated by Councilmembers Burgess, Cannon, Carter, Cooksey, Dulin, Mitchell, Peacock
3. Mark Joyce, nominated by Councilmembers Cannon, Cooksey, Dulin, Howard, Mitchell, Peacock
4. Jennifer White, nominated by Councilmembers Barnes, Burgess, Carter, Howard, Kinsey, Turner

Results of the first ballot were recorded as follows:

1. Christopher Capellini – 8 votes, Councilmembers Barnes, Burgess, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock
2. Patrick Darrow, 8 votes - Councilmembers Barnes, Burgess, Carter, Cooksey, Dulin, Mitchell, Peacock, Turner
3. Mark Joyce, 6 votes - Councilmembers Cannon, Cooksey, Dulin, Mitchell, Turner
4. Jennifer White, 6 votes - Councilmembers Barnes, Burgess, Carter, Kinsey, Peacock, Turner

Mr. Capellini and Mr. Darrow were appointed.

Results of the second ballot were recorded as follows:

1. Mark Joyce, 4 votes – Councilmembers Cannon, Cooksey, Dulin, Peacock
2. Jennifer White, 7 votes – Councilmembers Barnes, Burgess, Carter, Howard, Kinsey, Mitchell, Turner

Ms. White was appointed.

\* \* \* \* \*

### **ITEM NO. 13: MAYOR AND COUNCIL TOPICS**

Councilmember Peacock said on Wednesday night here in the body from 7:00 to 8:30 I want to invite the public as well as my fellow colleagues here for a continued discussion that we had last year on the subject of energy and the environment talking about Charlotte's energy future. We

have a referral currently to the Environmental Committee on just this very subject, and we look forward to your dialogue.

Councilmember Cannon said that's on the 10<sup>th</sup>, Mr. Peacock?

Councilmember Peacock said it sure is.

Councilmember Mitchell said, citizens, there is an uptown city market community information meeting this Wednesday, November 10<sup>th</sup>, at 6:00 p.m. Parking is free at the Seventh Station parking deck. It's in conversation gathering public information on the Center City market proposal. It will be at Reid's location. The second announcement is District 2 Town Hall Meeting will be held December 7<sup>th</sup> at 6:00 p.m. at East Stonewall AME Zion Church located 1729 Griers Grove Road. Please RSVP to Kim Pearson-Brown at 704-336-2180. The third one, City Manager and Council, I would like to make this referral, if I can, to have some discussion with City staff and the Chamber to talk about being a good corporate partner in the City of Charlotte to look at ways as companies come into our city a checklist of what we kind of expect; i.e., taking on initiative in our community, being a Chamber member, working with Bob Morgan and Ron Kimble to look at the way of being a good corporate partner in the City of Charlotte.

City Manager Walton said does that go to committee then? Is that a committee referral?

Councilmember Mitchell said, yes, it is.

Mayor Foxx said any objection to that?

Councilmember Barnes said could you repeat that request?

Councilmember Mitchell said the request will have City staff – Ron Kimble – and Bob Morgan work on what it takes to be a good corporate partner of the City of Charlotte, look at initiatives like joining the Chamber or working on key issues in our community, but as we look and as companies relocate to our city, I think we need to hold them accountable to a certain extent what do we expect for them to participate in our community.

Councilmember Dulin said don't we have programs like that already with our small business help groups and our business advisory groups?

Councilmember Mitchell said, no, it's totally different. These are large corporations that relocate to Charlotte as opposed to small business, Councilmember Dulin.

Councilmember Barnes said if I might continue, Mr. Mayor. The concern I have is I would not want any corporation or any company to have the impression that the City government is interested in dictating how they behave in the City. Now, there are certain underscores or should be certain understood norms in any community. I get that, but I don't want there to be this word on the national scene that when you go to Charlotte they try to dictate how you perform and behave. I don't think you are suggesting that.

Councilmember Mitchell said, no, that's not the objective.

Councilmember Barnes said so I'll support it, but that's one of the sort of tangential concerns I have.

Councilmember Mitchell said I trust the ED Committee will vet it with Bob Morgan and Ron Kimble, and I trust they will come back with something we can accept.

Mayor Foxx said I agree with what you are saying, Michael, that we want to make sure we don't give that impression.

Councilmember Cannon said I just want to make a point though that all we have ever simply articulated in this community is what has made Charlotte what it is today – a public/private ventures or partnerships. If you are suggesting to anyone or any entity not that they have to do

something, but this is what has worked for us as a community. I don't know that we tell them what to do. It's up to them if they want to participate. But we'll discuss it and hash it out in ED.

Councilmember Dulin said staff has got plenty to do, that committee has plenty of work to do, Mr. Mitchell. With all respect, we don't need to be inventing work for ourselves. There is a Chamber of Commerce. There is all kinds of different ways. Companies don't grow large and not know that they need to join the Chamber, that they need to be involved. I think that would be the Department of Redundancy Department. I don't think we need – as much as I like you, I don't like that motion, and I'm going to vote against it.

Councilmember Mitchell said and I still like you.

Mayor Foxx said let's go ahead and call it to a vote. Can you restate your motion again, Mr. Mitchell?

Councilmember Mitchell said, Mayor and Council, the motion would be to refer an item to ED Committee with Ron Kimble and Bob Morgan working on a list of criteria called being a good corporate partner in the City of Charlotte.

[ Motion was made by Councilmember Mitchell and seconded by Councilmember Howard to ]  
[ refer to the ED Committee to work on a list of criteria called being a good corporate citizen ]  
[ in the City of Charlotte. ]

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

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

**NAYS:** Councilmembers Barnes, Cooksey, Dulin, Peacock

Mayor Foxx said that will carry. It's discussion, so we are not making any laws tonight. We'll see how that plays out. I do look forward to hearing what you discuss.

Councilmember Burgess said this won't generate as much discussion. I just wanted to wish happy fourth birthday to my son, Shade, and if you are watching TV, go back and get into your bed – not our bed.

Mayor Foxx said I'm going to ask you all to consider reserving some time on November 17<sup>th</sup>. We have talked about the MTC meeting that is going to be kind of a workshop to look at our transit plan. At 9:30 that morning – that meeting is supposed to start at 10:00. At 9:30 that morning, we are going to have a very special guest from Washington, and y'all may have details of that already, but we are going to have the U.S. Transportation Secretary, who is going to come and talk to us about regional transportation issues, and I think it will be a very, very good opportunity to hear straight from Washington what they are thinking about infrastructure and how that plays into our transit plans as well as our regional transportation planning, so I want to make sure you all come to that if you can.

Councilmember Mitchell said, Mayor, could I just give kudos. Councilmember Carter, who is a member of the National League of Cities Board of Directors, last March approached Secretary LaHood about coming to our great city and talking about our transportation needs, so I would like to thank Councilmember Carter for kind of planting the seed.

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**ADJOURNMENT**

The meeting was adjourned at 8:41 p.m.

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Ashleigh Martin, Deputy City Clerk

Length of Meeting: Hours, Minutes  
Minutes Completed: December 14, 2010

bvj