

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, January 24, 2011, at 5:17 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Present were Councilmembers Michael Barnes, Jason Burgess, Nancy Carter, Patrick Cannon, Warren Cooksey, Andy Dulin, Patsy Kinsey, Edwin Peacock III

ABSENT UNTIL NOTED: Councilmember David Howard, Warren Turner, Councilmember James Mitchell

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Councilmember Barnes said No. 35. This is a third amendment to a contract for the Patton Avenue and Vest Elevated water storage tanks and renovation thereto. The question I have is who was responsible for overseeing the contractor's work?

Curt Walton, City Manager, said Kimley-Horn, but we will verify that.

Councilmember Barnes said the question is it appears there was sufficient funding in the original contract to pay for this amendment, but it gets back to something I have been concerned about for a while, and that is us essentially having to continue to fund amendments to these contracts. I appreciate that, Mr. Manager, and I actually have gotten an answer to my question regarding Item No. 38, Mayor, so I am fine with that one.

Councilmember Carter said I have three items that I would request pulling: No. 26, and I do want to congratulate our city for doing so, but I would also like to announce it to our citizens. It's dealing with Central Avenue and Albemarle, so to discuss the impact of that would be a bit important to me. No. 37 is the next, and just a bit of discussion on that point but also the timing of the project I would like for folks to know. No. 44, have we identified the contaminated areas that we will be addressing.

City Manager Walton said the first two items were just for announcement.

Councilmember Carter said but also to know the timing of the one on 37.

Councilmember Kinsey said No. 28 on page 27, Colonial Village/Sedgefield Neighborhood Improvement Project, Park Road drainage. I think I read this, but I want to make sure. Let me make sure this goes by the sidewalk project we have been dealing with for some time. The gap in the sidewalk along Park Road, and, if so, I want to make sure it's coordinated – the two projects are coordinated so we have the least amount of tear-up possible. I have two In Rems that I don't know if there will be speakers, but I will just alert you to that. It's Item 50, and it's B, C, and D – the Siegle Avenue Presbyterian Church and also L, Kennon Street. They are all in District 1, and there has been concern about us tearing them down, so I anticipate maybe some speakers tonight.

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ITEM NO. 2: TOWING AND BOOTING BUSINESS ORDINANCE

Councilmember Cannon said the members of the Community Safety Committee are Vice Chair Patsy Kinsey, Councilmember Edwin Peacock, Councilmember Michael Barnes, and Councilmember Andy Dulin, and staff resources on this item happen to be Eric Campbell, out of the City Manager's Office, who is our assistant city manager, along with Mark Newbold and Eddie Levins.

Approximately a year or so ago Council will recall that numerous calls were coming in to you if not emails as well from citizens concerned with towing practices within the city. The Council

referred the issue to the Community Safety Committee for review and consideration, and over the past year – it seems a bit longer than that, but it’s been a long time. Over the past year, the Community Safety Committee has discussed tow ordinances from other cities in as well as outside the state of North Carolina. The committee discovered that other cities also were attempting to address issues with their non-consensual tow ordinances. The City of Raleigh actually just completed a revision of their ordinance a year ago, and the City of Greensboro is actually in the early stages of reviewing their ordinance presently.

The ordinances from Asheville as well as Raleigh served as the foundation for the Community Safety Committee’s discussion even though we also looked at and considered other cities as was made mention of. The major ordinance provisions happen to be required signage and locks, fees for trespassed tows, and towing practices. The committee understands that everyone, as is the case typically with any ordinance, is not going to be happy about it, but the committee attempted to establish the best balance between citizens with vehicles, the tow industry, and parking lot owners. Although not required for the ordinance, the staff will be recommending a public hearing that should be up around February 14th and then for Council decision to be made on February 28th. With that said, Mr. Mayor, now that we do have staff resource here, Eric Campbell, let me just go ahead and yield to City Manager Walton for that introduction.

City Manager Walton said I will turn it over to Eric and also Mark Newbold from Police will be addressing this.

Eric Campbell, Assistant City Manager, said I’m going to quickly give you a background review of some of the committee’s work, and then Mark Newbold will come up and talk more about the technical aspects of the proposed ordinance you have before you. He began a PowerPoint presentation entitled, “Proposed Towing Ordinance,” a copy of which is on file in the City Clerk’s Office. He covered the slides on the first three pages and then turned it over to Mark Newbold.

Mark Newbold, Charlotte-Mecklenburg Police Department, said I’m going to go through some of the highlights of the ordinance and the changes we put in there. The issue of predatory towing and sometimes referred to by the industry as patrol towing has been something that has bubbled across the country, and we are not alone in trying to deal with it. It’s quite clear that we have the power and the ability to regulate the fee. There is no question about that under the federal regulations, and we also have the ability to regulate safety concerns through our general abilities as a municipality. He continued with the top slide on page 4.

Councilmember Barnes said, Mr. Newbold, a question for you just from the committee discussion. I thought when we talked about the 9,000 pound plus vehicles we said up to \$500 or no more than \$500 as opposed to saying that it is \$500. With respect to the bullet point there that if the vehicle must by law be towed by separate sections then up to \$500 for each section.

Mr. Newbold said you’re correct. The slide is a little more general, but the particular wording in the ordinance is as you have spoken. He continued with the top slide on page 6.

Councilmember Barnes said just to be clear there are penalties for violations of 565(d), in fact, for all of those, I suppose.

Mr. Newbold said for all of these. Instead of making it a civil penalty, we went ahead and made it a standard misdemeanor that’s allowed under this ordinance. He continued with the top slide on page 7.

Councilmember Howard arrives at 5:40 p.m.

Mayor Foxx said a lot of good thought has gone into these revisions.

Councilmember Burgess said is there any recourse to the person who owns the car is they are unable to get their car until the next day?

Mr. Newbold said what currently happens is the recourse. If somebody goes to a storage lot and nobody is there, if this ordinance is passed, it would be a violation. They would either call 911

or 311 during regular hours, and a report would be taken, and eventually the lot owner could be cited for that violation. I'm not sure if that answers your question.

Councilmember Burgess said the lot owner could be fined \$500 and the City may benefit from that, but a person who owns a car wouldn't get any benefit from that. I'm not quite sure what to do about it.

Mr. Newbold said would it be where you are saying a person who owns a car doesn't get it back.

Councilmember Burgess said right.

Mr. Newbold said usually what happens in those the officer is called by that person to the lot. Usually the response is, okay, I'll give that person the vehicle. If I feel I'm owed money by the driver of the vehicle, I'll take him to small claims court if it's worth it to me.

Councilmember Cannon said, Mark, you made reference to 565(f) where we talk about the concern from the wrecker industry being able to call CMPD. There was conversation, Council and Mayor, with regard to trying to ensure that they wouldn't have to wait for very long periods of time, so we talked about a dedicated line per se. Would you please talk about that a little bit for the benefit of Council?

Mr. Newbold said one of the issues we have to deal with is when somebody calls that we are responsive to those needs, and we do recognize that towing a vehicle that is not supposed to be on a lot is a good sound practice for some companies, and there have been some complaints that the calls coming into CMPD people were placed on hold and sometimes they had to wait. Major Levins has looked into those complaints, and we will continue to make sure that when somebody calls the best we can that they get as quick and as speedy response back to that wrecker driver so they are not sitting there. We have looked at a couple of options, but I do think during the day 311 may be the vehicle, and after a certain number of hours –

Councilmember Cannon said in addition to that with some of the other cities that have already taken up the issue and others that are currently reviewing it where might we fall relative to some of the restrictions and the requirements in comparison to some of those cities?

Mr. Newbold said there are some significant ordinances that just prohibit altogether what we call predatory towing period, and they have been challenged, and those have been upheld. Ours is in the middle. Ours recognizes that sometimes there is a need for a vehicle to be removed, that somebody owns property, and that is how they have got their property designated for a certain type of property. They ought to be able to get that vehicle out of there, so ours recognizes both interests. The reason we have the sections in here they are rationally related to public safety. That's what drove this was the issues we had with breaches of peace – not trying to regulate the private business.

Councilmember Cannon said I believe that there is some level of expectation where maybe tow companies in some of these other cities require for their folks to be there 24 hours. That is not being proposed in this. Can you speak to that, please?

Mr. Newbold said that's correct. We do not require that somebody be on site 24 hours. There are some public safety concerns that they have just having somebody stand out there or sit out there. We are requiring that there be a phone number to call, and once that is buzzed, that would be passed on to an agent, and within 45 minutes they need to be at that lot.

Councilmember Cannon said, Mayor and Council, I highlight those few areas because I want you to know that we were sensitive to what we were hearing from the industry, the wrecker industry here, and their level of concerns, and we have tried to meet them as best we can beyond halfway, if you will, so I wanted for the record for that to be known. We have really tried to engage them and get their level of feedback, which I think we have done, but again, they will have an opportunity or anyone else to come before us as we all know on February 14th to articulate anything more they would like.

Mr. Campbell said, Mr. Mayor, as we mentioned earlier we are just asking Council to approve the scheduling of a public hearing for the 14th with Council action scheduled for the 28th.

Mayor Foxx said this is a great report. I want to thank the Public Safety Committee and the staff for obviously putting a lot of time in and put a good product out. Thank you very much, and we'll have more discussion about that.

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ITEM NO. 3: LYNX BLUE LINE EXTENSION UPDATE

Curt Walton, City Manager, said in November the MTC had a Workshop at which it heard recommendations from the financial consultant, which also there is a contract on your agenda tonight from the same consultant, who had recommended a cost-cutting approach to the Blue Line Extension that would reduce the price by approximately \$200 million. So this presentation was made as the MTC directed CATS to develop the \$800 million option that was presented to the MTC in December, so we wanted to update you on that tonight. I will turn it over to Danny Rogers.

Danny Rogers, Charlotte Area Transit System (CATS), said I appreciate the opportunity to share with you what we are recommending as far as changes to the Blue Line Extension. He began a PowerPoint presentation entitled, "Blue Line Extension Update," a copy of which is on file in the City Clerk's Office.

Councilmember Dulin said for comparison how many cars is the deck at 485 on the South Line?

Mr. Rogers said the 485 deck was right at 2,000 spaces, and we have added about 1,300 to 1,400 spaces back. Some of that was lost ridership.

Councilmember Dulin said will 600 -- you know, we would like to have the same problem. Having too few spaces has been a good problem to have, but can we gauge what 600 will do for us out there?

Mr. Rogers said we have run it through our ridership models, and we made the projections for what we would need there. What you will find that a lot of the traffic that was coming to the 485 station was coming in on I-85, so now instead of going I-85 to 485 and then up Tryon Street they will just stay on I-85 and connect over to the University City Boulevard Station because it's a much easier access, so from a traffic time perspective that's the closer route, so that's why the bigger jump in parking was at University City Boulevard.

Councilmember Barnes said I just wanted to make sure Mr. Dulin's question was answered. I think you asked how many spaces are at the South Boulevard I-485 deck.

Mr. Rogers said I'm sorry. I thought he was talking about what we had planned on the northeast.

Councilmember Dulin said I'm sorry. I was trying to gauge what we have at 485 and South Boulevard and what we are planning.

Mr. Rogers said we are around 1,000 spaces or 1,200 spaces total I think at 485 and South. We had planned on a 2,000 space deck at 485 and the North. He continued with the bottom slide on page 4.

Councilmember Howard said this is just a cut-back for now. What about in the future when we do have the possibility of it expanding back to its original -- I mean of buying more trains, adding back some of the stuff we are taking out. Will you be able to accommodate that then or do you have a plan to maybe phase that in as opposed to just cutting it out?

Mr. Rogers said there's a couple of ways that could be done. The first way is this design is laid out so that it could be expandable back to the original plan. The other option is if there is a different line there may be another place that might be more appropriate for the extra vehicles,

but we can expand this. It's designed so it can be expanded back to the original plan. He continued with the top slide on page 7.

Mayor Foxx said let me jump in a little bit to add a little context to this discussion as well. Last week I was at the U.S. Conference of Mayors, and one of the things that mayors as well as the administration is very focused on is infrastructure investment, which is coming at a very challenging time for the country because at the same time there is a real push but a necessary push for deficit reduction, too. I think what that is going to create is some pressure on infrastructure investments that could eventually start impacting transit projects. That's one overlay.

The other overlay is that the new Congress has signaled a different view of earmarks than past Congressional legislative sessions. In other words, there won't be earmarks most likely, although the Senate and the House have a difference of opinion on that. I think it's fair to say that earmarks are probably not going to be the way projects get funded. As you know, earmarks supported the design for the south corridor line, and it has also heretofore supported the design work for the Blue Line Extension.

Another layer of this is the FTA doesn't have a process for giving administrative grants for New Starts projects like this for design work. They do it for construction, but for design there really isn't a process. So what I'm basically saying is that over the next several months and maybe longer there has to be a decision on how much money is going to be appropriated to infrastructure. There has to be some parameters developed by FTA over how they would actually allocate money for design, and we are \$40 million away from getting this project to a point where it can be included in the President's budget for construction.

I think that as we talk about this, and I will say this also to the Metropolitan Transit Commission, that we probably ought to give the staff some direction in looking at some self-help options that get us to the point where we can get in the President's budget. I don't know what that would look like or how that would affect what we have just seen, but I think we need to be aggressive on this because I think there is a window of time when this project can get moved through and pushed through with all of us working on it, but I'm a little nervous that if we don't start thinking about some other options that the time may get away from us and we may get thrown off schedule. Curt, I don't know if you have heard the same thing or whether you have a reaction to that. But I'm not asking the Council to do anything other than to let the staff kind of go back and maybe have some conversations with Holland and Knight and with the FTA and start thinking about whether there is a different way to get at the same place.

City Manager Walton said I don't think we have heard that, but we have seen that. There has just been no movement on even processes for moving these things forward, so I agree with what you heard, Mayor, and we'll be glad to go back and look. I think earlier in Danny's presentation the one-year delay – if we got out of line and one-year delay would cost \$25 to \$30 million at a 3% inflation rate, and so if there is some manageable number that we can keep it moving, it behooves us in the long run because CATS is capped at that 227 – is that the right number?

Mayor Foxx said that's kind of the way it is.

Councilmember Barnes said I want to say that I am impressed on the work our staff has done in revising this project. I had a meeting with Ms. Flowers and Mr. Rogers, and we spoke in detail about the adjustments that they have proposed, and ultimately the proposed changes allow us to maximize the usefulness of this line for the people who work and live in that corridor, particularly the folks who are affiliated with the University of North Carolina at Charlotte. To your point, Mayor, I would like to advise our staff to explore methods to help us achieve that last bit of the design and planning phase to get the project right at the construction phase, so I don't know if that requires a motion or simple statement of support.

Mayor Foxx said if there is no objection we can do that. I do want to say this. I had opportunities to meet with the staffs of all of our Congressional representatives: Senator Burr, Senator Hagan, Congresswomen Myrick, and Watt, and Kissell, and all of them are ready to put their shoulders to the wheel on this. I mean everybody understands the importance of this, and it's a great thing to see our delegation working so well together. We have got some work to do

here in a time when there is a lot of uncertainty about how projects at our stage get funded, and I think the more flexibility we can give the staff the better.

Councilmember Peacock said, Mayor, thanks for that context because I had two questions, Danny. One, I guess has more to do with the context and perhaps getting the order of events a little out of line here. Was the December meeting – when did we make this announcement that you are talking about right now that we are shortening the line? When did the news first come out, I guess? Was it before or after the MTC meeting and presentation from Jeffrey Parker?

Mr. Rogers said the November MTC meetings when Jeffrey Parker's presentation was made that directed us to look for savings. The December MTC meeting is when we announced what opportunities we were exploring, and that's when we talked about shortening the project.

Councilmember Peacock said my initial comment about context is this is both good and bad. It's good that we are able to accelerate the project and get this done. It's also bad in a sense that a lot of the factors that have led up to where we are right now, and the Mayor points out that we are working in a new environment on earmarks here going forward, so I look forward to learning more from Holland Knight about how we go about funding these large projects with this context of that. The other question I have for you, Danny, what were the factors leading up to – what were the major factors other than sales tax decrease that led us to come to that? I didn't see his full presentation.

Mr. Rogers said I think I would like to defer that question to Carolyn. That's the financial side. I'll do the technical stuff.

Mayor Foxx said let me interject while Carolyn is responding that our staff has had an enormously difficult set of circumstances to help us try to create order out of chaos with our sales taxes and everything else, and, Carolyn, your entire staff has just done a great job and continues to. I'll say that while you are standing there.

Carolyn Flowers, CATS, said I think the significant driver that caused us to look at our entire long-range transit plan was the financial impact of the economic downturn. We looked at sales tax. We looked at the impact it had on our budget, and we started trying to project what we could do in terms of delivering the 2030 Plan, and we saw it was a very difficult time for us to try to figure out what to do. So we did decide to go out for a consultant to help us build a model that took into consideration not only the capital side but what it was going to take us to sustain our operating environment during that period of time. So the FTA is looking for the ability to operate what you currently have, what you plan to operate in the future, as well as your ability to have your contribution to match any grant that they give to you.

Councilmember Peacock said my final question would be what factors or I guess what analysis was involved in determining that we weren't going to be able to maintain what we have already built? I was wondering what was the tipping point here other than the obvious of sales tax and a depression?

Ms. Flowers said the tipping point was the slowdown in the growth of sales tax receipts and then at the same time escalation of the operating costs. So at some point you are going to get to a structural deficit.

Councilmember Dulin said without objection from my chair tonight I don't mind having staff spend some time looking because we need to – I mean this is looking outside the box of what we are doing – the box being the half-cent sales tax. We have got to make sure we have an opportunity to study what they come back with and then have open and good debate. I mean all of us – I don't think anybody around this dais has said they don't want to get this line extended out there, but they want to make sure we do it in an open way and, gosh knows, we have told everybody in this community that we weren't going to go outside that half-cent sales tax, so if we start looking at that we need to – I don't mind studying it. It's an open time to study, and if not now, when?

Mayor Foxx said it's a different environment.

Councilmember Howard said, Carolyn, before you leave, I want to make sure I understood something that you were talking about earlier, Mayor, about the \$40 million we requested from D.C. to help us with this line. It's my understanding from previous presentations from you guys that the \$40 million won't stop us from asking for full funding grant agreement in the fall.

Ms. Flowers said the \$40 million includes about \$3.1 million to complete the final design plus it included funding for the acquisition of the right-of-way. Now, if we don't get sufficient funds for the acquisition of the right-of-way, it could affect the project timeline. So we are looking at all of these options. We are also considering are there any other alternatives for project delivery that basically reduce the risk on CATS and the City of Charlotte and find a way to get the private sector to engage in the way we deliver the project, but that also takes some changes in our legislative ability to have design build or other options.

Councilmember Howard said but the \$3 million that we got last year will help us finish the engineering that we need to do.

Mayor Foxx said we didn't get it.

Ms. Flowers said we don't have that \$3 million yet. We need an additional \$3 million.

Councilmember Howard said between now and the fall we really need to find the \$3 million to finish the engineering. If we don't get the money for the right-of-way acquisition, whatever the balance is – the \$37 million for acquisitions – then that could be rolled into the full funding grant agreement though; right?

Ms. Flowers said yes.

Councilmember Howard said it would just delay it.

Ms. Flowers said yes.

Councilmember Howard said really the earmarks could affect us with the \$3 million we need for this year but probably affects the future lines more than this one.

Mayor Foxx said I think the challenge in this conversation is not for us to get too technical because there is a lot of moving –

Ms. Flowers said there are a lot of variables, and it depends on what the objective is and when you want the project delivered.

Mayor Foxx said I think we ought to just have the staff come back –

Councilmember Howard said that's all I wanted to make sure if something changed that I understood it.

Mayor Foxx said there is a good cause for concern.

Councilmember Dulin said about the right-of-way purchases. The model that you showed us tonight, 143 to 147 feet, are we hopeful of having a right-of-way of that length and width? Is there that much room in NODA before we go over to North Tryon?

Mr. Rogers said that is only for the North Tryon area, and that includes all the roadway and everything. In NODA, we only have to have the footprint for the rail, and we are within existing railroad right-of-way through there so we don't get out of right-of-way. We're good.

Mayor Foxx said thank you very much. I know there is a lot more conversation we'll be having about this, but it is good to get the update and close the information.

ITEM NO. 4: COUNCIL RETREAT PLANNING COMMITTEE REPORT

Councilmember Carter said I would like to thank the committee who participated in this: Mayor Foxx, Councilmembers Cooksey, Howard, and Mitchell, and the Retreat will be held on January 31st and end on February 1st. The first meeting will start at 8:30 in the morning, and we will adjourn at 4:00 on the 1st. It will be held at Johnson C. Smith University. We are very grateful to them for allowing us to use their facilities. The facilitators will be Mike Whitehead and Nick Beaman, and the agenda is robust, and I do think it provides time for information, prognostication, and interaction. Next Wednesday you will find in that deliver your packets for the Retreat, and I do encourage everyone to come fully engaged and fully informed.

City Manager Walton said it will probably be on Friday – the packages.

Councilmember Carter said, sorry, thank you very much.

Mayor Foxx said I want to thank Nancy Carter for chairing the Retreat Committee. Unfortunately, it is your last City Council Retreat as a City Council member, and we'll talk about that later, but thank you for helping us get this organized.

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

Julie Burch, Assistant City Manager, said there are questions for follow-up on four items this evening. On Item 28, Councilmember Kinsey asked about the sidewalk project, and, yes, it will be part of this area, and, yes, we will ensure there is coordination between the sidewalk project and the drainage improvement. Item 35, Patton Avenue and water storage tank renovation, Councilmember Barnes had a question pertaining to who is responsible for overseeing the contractor. The answer to that question is Kimley-Horn. This amendment has to do with the Kimley-Horn project. The cost of that amendment will be offset by the liquidated damages that are being charged to the contractor as a result of significant time delays in his construction work. Item 37, Independence Boulevard Project Municipal Agreement, Councilmember Carter had a question about the timing of that work. We understand that NCDOT will begin construction in 2012, anticipated to take as much as 36 months, and when we get a little closer to the beginning of that project, we will be talking with the State about a public information campaign related to those improvements. I believe the last question centered around Item 44, Brownfield Assessment Services. Councilmember Carter asked about the geography involved, and the geography is the business corridor revitalization areas, all of those geographies. Both private and nonprofit property owners may apply to the City to be considered to be part of the brownfield assessment work and to take advantage of that grant, and any new City capital project within that geography will also be considered for a possible grant through that brownfield funding. I believe that concludes all the questions we had earlier this evening unless there are any additional follow-up questions.

Mayor Foxx said any other questions? Hearing none, why don't we go downstairs and get ready for a Council meeting.

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The meeting was recessed at 6:24 p.m. for the Council to move to the Council Meeting Chamber.

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BUSINESS MEETING

The Council reconvened for the regularly scheduled Business Meeting at 6:36 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 Cooksey gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

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Mayor Foxx said I have just been made aware that we have former Council member Nasif Majeed, in the room. Welcome.

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CITIZENS' FORUM

SOLID WASTE PICKUP

Cynthia Smith, 1726 Glenlea Vista Ct., said I'm from the Glenlea Park Homeowners Association, and I guess you all know why I'm here. We would like for you all to revisit your solid waste collections for multifamily dwellings. We are having a real hard time because the economic crisis for one. We are paying I would say on the average of about \$35,000 a year just to have our trash picked up. At first we were letting homeowners do it individually, but we had trucks coming into our community every day, which was wear and tear on our streets, so we decided as a community to hire one company, and our association pays the bill. So that's why we inherited this fee. By reading what you all classify as a multifamily dwelling, if you have a community over 30 units, you all make us get a dumpster or you have to get private roll-out service, which is very expensive, and when I looked at what you all decided in 2001, you said that you all had a contract with CCC to pick up our trash. Who is that? We never heard of CCC. It's called Container Corporation Company, and they are supposed to charge us something like \$8, \$9 to pick up the trash a month. We have never heard of that company, and every company that we tried to get to pick up our trash is an average of from \$30 to \$40 a month. That's very expensive, and when you all pick up the trash, you are spending, what, \$8 a unit. That's a big difference. Then you also said that the communities that had units that were connected with four units or more. We are a community of 200 homes, and out of those 200 homes, only six buildings have a unit that are more than four units, so most of our community has buildings that only have four units in it – not six, not seven, so that doesn't put us in that category of multifamily dwelling. We would like to ask you all to revisit it. No one will come to our community and walk it with us, survey it, see the difference between our community and what you all are saying is a multifamily dwelling. We don't have a place for a dumpster. We don't have it. If we could put one there, we would consider it, but there is no space for a dumpster.

Mayor Foxx said thank you.

Ms. Smith said Candy Stowe and Diana Keal could not come, and they are also with our community.

Mayor Foxx said I'm sorry. It's three minutes per speaker.

Ms. Smith said I have been here nine minutes?

Mayor Foxx said I'm sorry, ma'am, but what I will offer is if we could have you meet with someone from our Solid Waste Department afterwards, and I think our City Attorney also would be involved in that conversation.

DeWitt McCarley, City Attorney, said Assistant City Attorney Thomas Powers is standing right over there.

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Mayor Foxx said if you could come over there. I do understand the issue very well because I talked about it with citizens before, but if you wouldn't mind talking to this city attorney I would appreciate it.

PROACTIVE CHANGES FOR THE FUTURE OF ANIMAL CONTROL

Susan Boyer, 246 Shoreline Loop, Mooresville, said I'm a veterinary technician, and I have worked on and off at Charlotte-Mecklenburg Animal Care and Control since the early 1980s. I am not a City of Charlotte employee. I am speaking tonight to not only give my thanks and support to your current Animal Control employees for the fabulous job that they do but to thank you for continuing to support animal control so that they can continue to be one of, if not the best, animal control facility in the state. Many times we only read and hear negative ramblings from citizens that are uninformed about our shelter, most of which have never even set foot in the facility. While these people mean well, they lack the experience to understand that working in an animal shelter on a daily basis takes not only a love of animals but the ability to combine that compassion with the needs and well-being of our entire county. Every day the employees of the shelter make the best choice with what they have to deal with, first and foremost for the animal, for our taxpayer dollars, and for the greater good of society. These employees have a different level of tolerance, compassion, and skill. Their emotions are tested each and every day. I recently attended a seminar that talked about a no-kill nation. There is no such thing as a no-kill shelter. There are low kill shelters even with our local humane society. One of the nine points of a no-kill nation, your shelter is already doing eight of these points and is daily looking for ways to improve. We don't have to look far to see how progressive Charlotte is. Iredell County, gas chamber explosion; Cabarrus County, shooting dogs in the streets, uses a gas chamber; Gaston County, euthanizing by gas chamber; Lincoln County just fired its director; Waxhaw, no animal control at all. Charlotte did away with its gas chamber in the mid-1980s. That is how far ahead we are, and here's what we can read about Charlotte. Pit bull project, free spay/neuter clinics, free rabies clinics, hundreds of well trained volunteers, a shelter veterinarian, who recently was involved in publishing the guidelines for standards of care at animal shelters. The list goes on and on. Charlotte does not need to fix something that is not broken, so the next time one or two disgruntled citizens stir up the media, please just log on to your CMPD Web site and pat yourself on the back. You can always be proud of the employees and the management you have hired there.

Christine Dale, 12524 Panthersville Dr., said I'm also a volunteer at the Animal Care and Control Shelter, and I'm here to speak about the good works being done by the shelter and to raise community awareness. The shelter works with approximately 110 rescue groups. These groups pull animals from the shelter when they can in order to free up space for incoming animals. The shelter will also call rescue groups whenever possible to inform them of specific animals. There are approximately 120 volunteers along with the staff who foster animals as needed. Fostering is open to all Mecklenburg residents once they have completed the new volunteer orientation. Animals are being fostered for weight gain, socialization, cage relief, etc. The shelter animals are advertised on FOX News Rising Pet Projects, WSOC-FM Tanner's Pets, and WCNC-TV Tail Waggers, to name a few. Once a month the shelter animals are brought to the SouthPark Mall for a monthly adoption event. The shelter works to have other adoption events whenever possible such as the ones that take place in the summer at the Whitewater Rafting Park and one that just took place on January 21st. There are approximately 300 volunteers that volunteer in different areas of the shelter. Some come in to walk dogs, to interact with the cats. Some foster pets, some volunteer at the spay/neuter clinics, some focus on pet adoption follow-up calls. There are too many areas to mention in the forum. As for medical steps at the shelter, all animals coming through the shelter doors are vaccinated to help stop the spread of disease. The shelter also has a second chance medical fund that pays for animal surgeries and treatments so that animals can be saved that are adoptable and do not have to be euthanized. The shelter is involved in humane education through visiting schools, summer camps, and daycare centers. They also meet with businesses that work in fields that may encounter animals such as mail carriers, utility workers, and social workers. The humane education focuses on responsible pet ownership and bite prevention. This is just a few areas that the shelter is involved in. Again, it's another area that there is just not enough time to go into. Thank you for your time.

COMMUNITY TOWN HALL

Deshauna McLamb, 7841 Elm Tree Ln., said I do have a community concern. My concern is about the homeless. When you were elected in 2009, I contacted the Mayor's Office on some issues regarding the homeless. My ministry is Beyond Ministries, and I was led in three different directions. I did meet with Mr. Peter Safir, who invited me to the meeting of the homeless at Hope Haven. When I arrived at this meeting, I addressed the board with an issue. I was given two mobile units – one by the Lake Norman School and Housing Development here in Charlotte and asked if the board could help me bring these units to Charlotte, North Carolina, so I can do the ministry for it to be used to utilize the homeless for transitional housing. I was told that I would be called back. It is now 2011, and I have not received a return phone call. I did ask for a meeting with you and Patrick Cannon, and to this day, I have still not received a meeting. I am very concerned about who we have on board that say they want to help the homeless and for the last five years I have been raising my arms and waving flags that I do have an organization that can help the homeless. I have been so frustrated because I know for a fact that \$1 million was given when the swine flu epidemic was going around. This board said that they needed to house a clinic. I offered if you can help me bring these mobile units and this unit that Lake Wylie was donating to Beyond Ministries that I would volunteer to give my services. I do have people that are qualified CNAs that could have attended this situation. I notice that everybody in the room, although they were there to help the homeless, did not offer to allow or wanted to service the homeless although they said they were. It was a group of over 25 people in that room, and, again, they asked for my phone number. I gave them my name, signed in if you look at the board list, the sign-in list, my name was maybe the third person on the list. The secretary said she would call me. To this day, 2011, I have not received a return phone call. We are holding community town hall meetings to inform the public on School Board, City Council, and County Commission, and the voters' rights of felons and misdemeanors to exercise their vote because I believe if we put people in office who say and scream out loud that they are doing things for the homeless then why aren't you helping someone who has arms raised.

Mayor Foxx said let me say this to you. I don't know what interaction you had with my office, but I take you at your word, and I will make sure that we get that meeting scheduled. I was not aware of the request, but I'll make sure that happens.

Ms. McLamb said, yes, sir, I do have documentation.

Councilmember Cannon said, Mr. Mayor, if I might add, Ms. McLamb, we interact. You know how to reach me directly. I would just say you can Inbox me on Facebook, if you want to do that. I'm helping you as a matter of fact on something else right now beyond what we are talking about this day, and if you will just deal with me directly as well that will help to facilitate something between us to get together.

Ms. McLamb said I hope so, Mr. Cannon, because I have Facebooked you for the last two years, and I really haven't received an answer and also you are a Facebook friend of mine, Mr. Foxx, and I still haven't received an answer, but I hope today that you –

Mayor Foxx said you say you can bring your grievances, so here you go.

AIRPORT TAX CABS

Nasif Majeed, 5401 Ruppert Ln., said I come to you this evening representing the Independent Taxicab Owners and Operators Association. Many of you know that they already work in a sharecropper type of relationship, and that needs to be restructured in all fairness. They will be burdened with an unrealistic criteria that will put them out of business. We are in very bad times, and government should not be in the business of putting hard working people, the salt of the earth, out of a livelihood. I have circulated to you a brief containing common sense suggestions for the Council. The Charlotte Douglas Airport has imposed taxicab rules should not supersede the rules and regulations for taxicab operating in the City of Charlotte. These rules don't afford the taxicab operators the benefit of depreciating their rolling stock allowed under

Federal tax laws. This newly proposed system is excessively restrictive, financially destructive to the livelihood of the operators, and is counter-productive to our free enterprise system of business. The taxicab owners seek to assist in solving the problems related to taxi service at Charlotte Douglas, and we urge you to delay your Airport taxi decision because 50+ jobs will be lost affecting our community and the livelihoods of these people. We suggest for your consideration that the Charlotte City Council appoint a special ad hoc study committee to examine the successful working airport model in St. Louis that has been adopted and has proven to be mutually beneficial to the City of Charlotte and the Independent Taxicab Association. This temporary cessation will in no way affect the delivery level of the taxi service for the public, but by prematurely adopting this airport rules rewrite 50+ jobs will be destroyed along with the livelihood of many of our hard-working taxpaying citizens. This ad hoc study committee could be made up of two members of the taxicab association, two members of the Airport Authority, and two members of the Charlotte City Council or their designees. We appeal to this Council soliciting your assistance in coming to a mutually beneficial conclusion for the City of Charlotte and the taxicab operators. This is serious, and we hope that people dedicated as we are and you are can't sleep on their pillow at night knowing that we put people out of work like this. Members of the taxicab association here would you please stand?

Mayor Foxx said, by the way, just because we are not directly responding doesn't mean we haven't received the message. We are having some conversation about it among Council.

DeWitt McCarley, City Attorney, said may I have just a second while he is coming down. I recognize the Council members have some interest and concern over the taxicab issue, but as long as that is in active litigation probably wouldn't be a good idea for you to individually speak with the taxicab operators about the issue.

Councilmember Dulin said some of us have got a lot of time and effort. Could I ask him to elaborate on that just a little bit, sir? Should I do it off-line? I would really like to do it out in front of everybody.

Mayor Foxx said we have only got a couple more speakers, so let's do that and then we can pick that up.

ANIMAL CONTROL

Ron Simons, Executive Director, SPCA, P.O. Box 30484, said the SPCA Alliance was chartered as the Mecklenburg County Humane Society way back in 1938. Our organization has been in the forefront of making positive changes in animal welfare and have been proud to be partners with Animal Care and Control for many, many years. I want to make it clear tonight that our support of Animal Care and Control is unwavering in that they have the full support of our organization. I know the heart and soul of Animal Control because I also once worked there. I feel it's the best in North Carolina. I speak all around the country, and there are not too many organizations out there, especially government run organizations, that are as good as ours is. The staff is compassionate and caring individuals with big hearts and only want the best for the animals in Charlotte. We have an excellent vet in Dr. Mary Blin. Supervisors are always looking for innovative ways to resolve issues, and a support staff of officers, volunteers, vet techs, and administrative personnel, all who work extremely hard for the citizens and the animals of Charlotte. We also have the right person at the helm of the shelter, Mark Lester. Mark is a leader in North Carolina and very well respected not only in North Carolina but across the country. I would expect nor accept nothing less of Mark, who is a protégé of Diane Quisenbury and Pat Cox, both leaders in the animal welfare industry. Mark continues in the footsteps of advancing the shelter and its program to have a positive effect on the lives of the animals in Charlotte. Mark has expanded the shelter's many outreach programs like spay/neuter clinics, rabies clinics, microchipping, pet food assistance, a dog house program, humane education program, disaster response and disaster boarding, and even assist battered women with their pets. Let me give you just a little education tonight. You might be shocked to know that no humane society or SPCA is affiliated with another humane society or SPCA. They are all generic terms like bank or radio station. We might work together, but other than that there is no connection. Each is independent of one another. There are basically four types of animal groups in the animal welfare industry: animal care and control, animal welfare, animal rights, and animal

activists. Each of these groups has a purpose and a mission but do not necessarily share the same philosophy. In fact, some of these philosophies conflict with each other, however, animal control and animal welfare in general have always been able to work together. Here in Charlotte the bond between animal care and control and animal welfare has always been strong because of the leadership and the desire to do more. However, just like some dogs don't play well together, some animal groups don't play well together either.

Mayor Foxx said that concludes our speakers for tonight. Mr. Dulin, you had a question you wanted to raise.

Councilmember Dulin said we have been working on the taxicab deal quite a while, Mr. Attorney, and you just gave us – we're your clients. You gave us legal advice, so we probably ought not to have one-on-one discussions with folks in the taxi cab alliance and so forth. Obviously that's forward. Can you give us some idea as to when and how you can communicate with us – how and when that might change?

Mr. McCarley said currently the taxicab issue will be before you when the Airport RFP comes back for your consideration one way or another, but it's better if you act as a body either through your committee structure or through the Council as a whole. If you start meeting with them individually, what I would expect is they would try to get various members of you to announce a personal position different from the City's position and then use that in a lawsuit to try to defeat any defense we might have. I think you would also find yourself subject to depositions. I think if anybody indicates they are willing to have a personal opinion different from the corporate opinion you are going to be a witness, and I don't think you want to be there individually.

Councilmember Dulin said I certainly don't want to be a witness, but I'm about 50-50 for agreeing with what the City wants to do.

Mr. McCarley said I'm not asking you not to have an opinion. I'm asking you to have your opinion at this dais rather than in private conversation.

Councilmember Dulin said that helps.

Mayor Foxx said and I was suggesting the conversation would be the Council having conversation among ourselves about this particular request. Are you suggesting there is an issue with that?

Mr. McCarley said, no, sir, perfectly appropriate.

Mayor Foxx said when will this issue be coming back to us?

City Manager Walton said February, I believe, 14th. When is it coming back?

Jerry Orr, Director, Aviation, said February 14th.

Councilmember Kinsey said may I respectfully request that everyone turn off their cell phones. We are hearing a lot of bells ringing, and it's a little bit distracting.

Mayor Foxx said are you sure those are Blackberries?

Councilmember Kinsey said I don't know what they are. Turn them off.

Mayor Foxx said that's where we are going to leave that dialogue. There's a lot more to talk about, and I think there is actually another conversation about the overall relationship between the cab drivers and the companies. Where is that process, by the way?

City Manager Walton said that's the larger ordinance question, yes, sir.

Councilmember Cannon said the passenger vehicle for hire ordinance, you mean?

Mayor Foxx said yes.

bvj

Councilmember Cannon said that's currently in committee. We have actually had our first meeting as of last week, and we'll continue on through that process to evaluate where we are with the passenger vehicle for hire ordinance where essentially we have the black car industry with some perspective as well as the taxicab industry with some perspective, and we're trying to pull all that together while at the same time engaging them in their overall perspectives and sharing among the committee. That will be an ongoing process, Mayor and Council, that will probably take several months. We just started that process, and we'll continue that dialogue.

Mayor Foxx said more to come, and I'm sure we'll see you on the 14th of February on the discussion on the Airport.

AWARDS AND RECOGNITION

CHARLOTTE'S CROWN TREE AWARDS

Mayor Foxx said the City of Charlotte is known as the city of trees, and we have received National Arbor Day Foundation designation as a Tree City USA for the past 31 years. Charlotte first adopted a tree ordinance in 1978, and it has been continually refined over the years. The last revision was the combined work of many talented people. Members of development and design as well as other industry professionals continued to the refinement of Charlotte's tree ordinance, so tonight we are recognizing members of the Tree Ordinance Stakeholder Committee and team who worked on the cost and benefit analysis for their contributions to this large body of work, and I would like you to come down. He recognized the recipients of Charlotte's Crown Tree Awards. These awards recognize outstanding contributions to the community's crowning glory – the tree canopy which has led to Charlotte's designation as "Tree City USA" for 30 consecutive years. The 2011 awards recognize the citizens who contributed to the Tree Ordinance Revision Process.

TRILLE MENDENHALL RETIREMENT

Mayor Foxx said tonight we recognize Trille Mendenhall of Charlotte-Mecklenburg Utilities. She has dedicated her career to serving the public and protecting the environment. She will retire at the end of January after more than 45 years of service within the city. This distinguishes you, Trille, as the longest serving employee currently and the second longest serving employee in the history of our city. Between 1965 and 1986, Trille worked with the Urban Redevelopment Department, the Community Development Department, and the Municipal Information Department. In 1986, she started with the Charlotte-Mecklenburg Utility Department and tackled several challenges throughout her career. This is getting very specific – every time a customer flushes, the waste is treated at one of five wastewater treatment plants, and for more than two decades, Trille has helped recycle the community's flushable waste into a beneficial fertilizer for farmers earning her the unofficial title of Biosolids Queen. This recycling saves the City money and is part of what we do to keep the city green. Trille is a leader at the state and national level. She won a national EPA award for her work in biosolids, and in 1999 was named the City Employee of the Year. Thank you very much Trille for your dedication to protecting public health, the environment, and serving the citizens of Charlotte and Mecklenburg County.

CONSENT AGENDA

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of]
[Item Nos. 26, 37, 44, 50-B, 50-C, 50-D, 50-L, 50-P, and 50-R.]

The following items were approved:

bvj

27. Contract to the lowest bidder, Hi-Way Paving, Inc. in the amount of \$17,864,856.80 for reconstruction of Runway 18C/36C, and Budget Ordinance No. 4579-X in the amount of \$17,864,856.80 from the Airport Discretionary Fund to the Airport Capital Investment Plan.

The ordinance is recorded in Ordinance Book 56 at Page 967.

28. Contract to the lowest bidder, Ferebee Corporation, in the amount of \$2,580,227.03 for the Colonial Village Sedgefield Neighborhood Improvement Project/Park Road Drainage Improvement.
29. Low bid unit price contracts for providing practice and duty ammunition for a term of one year to the following: Streicher's, Keepers, Parks & Son, Inc., Lawmen's Safety Supply, Inc., and authorize the City Manager to extend the contracts for four additional one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The FY2011 estimated expenditures are anticipated to be a combined total of \$275,000, and authorize the City Manager to extend the contracts for four additional, one-year terms with possible price adjustments at the time of renewals as authorized by the contract.

Summary of Bids

<u>Vendor</u>	<u>Description</u>	<u>Unit Cost</u>
Streicher's	45T caliber ammo, service	\$0.36/round
Streicher's	40 caliber ammo, service	\$0.297/round
Streicher's	40 caliber ammo, practice	\$0.19/round
Streicher's	45 caliber ammo, practice	\$1.24/round
Keepers	12 gauge 9 pellet 00 buck shotgun	\$0.36 round
Keepers	Hornady 75g TAP FPD Ultra stealth	\$0.57/round
Keepers	Hornady .308 swat ammo 155 gr.	\$0.90/round
Parks & Son, Inc.	.223 ammo 55 gr	\$0.25
Lawmen's Safety Supply, Inc.	Frangible .223 45-55 gr ammo	\$0.38
Lawmen's Safety Supply, Inc.	Shotgun slug, 12 ga.	\$0.40
Lawmen's Safety Supply, Inc.	Ballisticlean 40 caliber	\$0.31

30. Purchase of Oracle software as authorized by the cooperative purchasing exception of G.S. 143-129(e)(3), and purchase of Oracle software in an amount not to exceed \$160,000 from Mythics, Inc. per a contract with GSA.
31. Purchase of equipment to upgrade/replace the cameras in the two Police helicopters by the sole source exemption of G.S. 143-129(e)(6) from L3 Communications in an estimated amount of \$341,311, and authorize the purchase and installation of ancillary equipment to support the replacement and upgrade of the cameras from various vendors in an estimated amount of \$20,000.
32. Agreement with Hinde Engineering Inc. in the amount of \$1,300,000 for design of water and sewer infrastructure related to transportation projects.
33. Change Order #1 for \$75,798.67 with Kemp, Inc. for additional work required to repair two digester gas pipelines for Charlotte-Mecklenburg Utilities at the McDowell Creek Wastewater Treatment Plan.
34. Professional services contract with Southeastern Consulting Engineers, Inc. in the amount of \$546,850 for Arc Flash Assessments.
35. Amendment #3 to the Kimley Horn and Associates, Inc. contract in the amount of \$109,000 for design and construction administration for the Patton Avenue and Vest elevated water storage tanks renovations.
36. Contract extension #1 with Dallas 1 Construction, LLC in the amount of \$250,000 for the installation of water and sewer services throughout Mecklenburg County.

38. Resolution finding the procurement of aircraft deicing and anti-icing fluids to be an emergency, Change Order #1 to an existing purchase order with Clariant Corporation in the amount of \$519,700, low bid contract in the amount of \$783,000 to Ascent Aviation Group for the acquisition of Type I Deice fluid, purchase of Type IV Anti-ice fluid as authorized by the sole source purchasing exception of G.S. 142-129(e)(6), and sole source contract with Clariant Corporation in the amount of \$600,000 for the acquisition of Type IV Anti-ice solution for the remainder of the winter season.

The resolution is recorded in Resolution Book 42 at Page 831.

39. One-year contract extension with Signature Technologies, Inc. d/b/a ComNet in the amount of \$128,400 for maintenance of the Airport's Flight Information Display System.
40. Contract with Robert & Company in the amount of \$142,600 for design services related to the expansion of the Airport fuel farm facility for the hourly/rental car parking deck, and Budget Ordinance No. 4580-X in the amount of \$142,600 from the Contract Facility Charge Fund to the Airport Capital Investment Plan.

The ordinance is recorded in Ordinance Book 56 at Page 968.

41. Five-year extension to the lease with Nextel South Corporation for a telecommunications antenna site on the Airport's rotating beacon, and five-year extension to the lease with NewCingular Wireless PCS, LLC for a telecommunications antenna site on the Airport's rotating beacon.
42. Contract with Covington Power Services for the purchase of Allision Transmissions and parts and services for Detroit Diesel and Mercedes Benz engines from the estimated annual amount of \$125,000 to an estimated annual amount of \$250,000 for the term of five years.
43. Second amendment to the General Development Agreement and the sixth amendment to the Purchase and Sale Agreement with Scaleybark Partners, LLC, and authorize the City Manager to execute any additional documents necessary to implement the amendment.
45. Change Order #1 in the amount of 4395,564.84 to Shamrock Environmental Corporation for the Muddy Creek Watershed restoration improvements.
46. Purchase of 14 vehicle lifts as authorized by the cooperative purchasing exception of G.S. 143-129(e)(3) and approve a contract with Rotary Lift for the purchase of 14 vehicle lifts and related services in the amount of \$322,256.
47. Resolution declaring specific vehicles as surplus and authorize said items for sale by electronic auction beginning February 7, 2011, and ending May 7, 2011.

The resolution is recorded in Resolution Book 42 at Page 832.

48. Sub-lease with Park Property Management for a code enforcement office at 800 Briar Creek Road not to exceed \$124,050 over the five-year period.
49. Resolution of intent to abandon an eight-foot alleyway off N. Brevard Street, and set a public hearing for February 28, 2011.

The resolution is recorded in Resolution Book 42 at Page 833.

- 50-A. Ordinance No. 4581-X authorizing the use of In Rem Remedy to demolish and remove the structure at 420 W. Tremont Avenue (Neighborhood Statistical Area 15 – Wilmore Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 969.

- 50-E. Ordinance No. 4582-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1550 Jennings Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 970.

- 50-F. Ordinance No. 4583-X authorizing the use of In Rem Remedy to demolish and remove the structure at 4014 Rozzelles Ferry Road (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 971.

- 50-G. Ordinance No. 4584-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1001 Seigle Avenue (Neighborhood Statistical Area 51 – Belmont Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 972.

- 50-H. Ordinance No. 4585-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2153 Camp Greene Street (Neighborhood Statistical Area 13 – Ashley Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 973.

- 50-I. Ordinance No. 4586-X authorizing the use of In Rem Remedy to demolish and remove the structure at 423 Leland Street (Neighborhood Statistical Area 110 – Wildwood Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 974.

- 50-J. Ordinance No. 4587-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2720 Mayfair Avenue (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 975.

- 50-K. Ordinance No. 4588-X authorizing the use of In Rem Remedy to demolish and remove the structure at 116 S. Gregg Street (Neighborhood Statistical Area 25 – Smallwood Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 976.

- 50-M. Ordinance No. 4589-X authorizing the use of In Rem Remedy to demolish and remove the structure at 800 W. Morehead Street (Neighborhood Statistical Area N/A).

The ordinance is recorded in Ordinance Book 56 at Page 977.

- 50-N. Ordinance No. 4590-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1119 Pegram Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 978.

- 50-O. Ordinance No. 4591-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3916 The Plaza (Neighborhood Statistical Area 48 – Plaza/Shamrock Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 979.

- 50-Q. Ordinance No. 4593-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2124 West Boulevard (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 981.

- 50-S. Ordinance No. 4595-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2901 New Pineola Road (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 983.

- 50-T. Ordinance No. 4596-X authorizing the use of In Rem Remedy to demolish and remove the structure at 12501 Oakhaven Drive (Neighborhood Statistical Area 102 – Griers Fork Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 984.

- 50-U. Ordinance No. 4597-X authorizing the use of In Rem Remedy to demolish and remove the structure at 4529 N. Sharon Amity Road (Neighborhood Statistical Area 150 – Windsor Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 985.

- 50-V. Ordinance No. 4598-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3506 Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

The ordinance is recorded in Ordinance Book 56 at Page 986.

51. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$50,289.41, and resolution authorizing the refund of business privilege license payments made in the amount of \$46,978.01.

The resolution for refund of property taxes is recorded in Resolution Book 42 at Pages 834-835.

The resolution for refund of business privilege license payments is recorded in Resolution Book 42 at Pages 836-837.

- 52-A. Acquisition of 7,909 square feet in storm drainage easement plus 4,244 square feet in temporary construction easement at 415 Gum Branch Road from Darrell W. Drum and wife, Shirley T. Drum, for \$13,050 for Coulwood/Gum Branch/KentBerry Sidewalk Projects, Parcel #79.

- 52-B. Acquisition of 2,057 square feet in fee simple plus 2,253 square feet in existing right-of-way plus 2,325 square feet in temporary construction easement at 6403 Freedom Drive from H.E. Fletcher and wife, Ines M. Fletcher, for \$14,600 for Freedom Drive Intersection Project, Parcel #505.

- 52-C. Acquisition of 2,088 square feet in fee simple plus 288 square feet in storm drainage easement plus 73 square feet in temporary road easement plus 4,954 square feet in temporary construction easement at 4400 Carmel Estates Road from Jeffery L. Walker and wife, Emily Blanchard Walker, for \$92,500 for Rea Road Widening/Improvements, Parcel #16.

- 52-D. Acquisition of 10,392 square feet in fee simple plus 13,792 square feet in storm drainage easement plus 4,648 square feet in utility easement plus 1,029 square feet in slope easement plus 8,661 square feet in temporary access road easement 4664 and wall easement 3997 plus 11,203 square feet in temporary construction easement at 4808 Rea Road from Maurice E. Rapp and wife, Paula T. Rapp, for \$140,000 for Rea Road Widening/Improvements, Parcel #120.

- 52-E. Resolution of condemnation of 431 square feet in sidewalk and utility easement plus 73 square feet in utility easement plus 2,869 square feet in temporary construction easement at 235 Gum Branch Road from Kathy Hipp Smith and Janey McPherson Smith, et al, and any other parties of interest for \$725 for Coulwood/Gum Branch/KentBerry Sidewalk Projects, Parcel #37.

The resolution is recorded in Resolution Book 42 at Page 838.

- 52-F. Resolution of condemnation of 524 square feet in fee simple plus 12,051 square feet in storm drainage easement plus 1,688 square feet in sidewalk and utility easement plus 1,688 square feet in sidewalk and utility easement plus 289 square feet in SUE & SDE plus 3,928 square feet in temporary construction easement at 405 Gum Branch Road from Robert Michael Kinnett and wife, Karen K. Kinnett, for \$7,425 for Coulwood/Gum Branch/KentBerry Sidewalk Projects, Parcel #51.

The resolution is recorded in Resolution Book 42 at Page 839.

- 52-G. Resolution of condemnation of 5,677 square feet in fee simple plus 3,963 square feet in existing right-of-way plus 263 square feet in storm drainage easement plus 8,910 square feet in temporary construction easement at 8407 Coulwood Oak Lane from 42 Owners in Coulwood Oaks Townhomes and any other parties of interest for \$4,850 for Coulwood/Gum Branch/KentBerry Sidewalk Projects, Parcels #53, 74, and 75.

The resolution is recorded in Resolution Book 42 at Page 840.

- 52-H. Resolution of condemnation of 5,098.85 square feet in conservation easement at 3115 Barringer Drive from Huey M. Rowe-Anderson and any other parties of interest for \$1,125 for Glassy Creek Restoration, Parcel #5.

The resolution is recorded in Resolution Book 42 at Page 841.

- 52-I. Resolution of condemnation of 15,815.25 square feet in conservation easement at 3133 Barringer Drive from Donald Andrews and any other parties of interest for \$2,025 for Glassy Creek Restoration, Parcel #8.

The resolution is recorded in Resolution Book 42 at Page 842.

- 52-J. Resolution of condemnation of 40,417.8 square feet in conservation easement at 3420 St. Vardell Lane from 77 Corporation Park, LLC, and any other parties of interest for \$22,750 for Glassy Creek Restoration, Parcel #12.

The resolution is recorded in Resolution Book 42 at Page 843.

- 52-K. Resolution of condemnation of 5,176.26 square feet in conservation easement at Trade Park Court from 77 Corporate Park, LLC, and any other parties of interest for \$3,450 for Glassy Creek Restoration, Parcel #15.

The resolution is recorded in Resolution Book 42 at Page 844.

- 52-L. Resolution of condemnation of 2,706 square feet in fee simple plus 4,598 square feet in storm drainage easement plus 10,449 square feet in temporary construction easement at 5000 Rea Road from Bruce C. Werder and wife, Marlene M. Werder, and any other parties of interest for \$99,000 for Rea Road Widening/Improvements, Parcel #64.

The resolution is recorded in Resolution Book 42 at Page 845.

- 52-M. Resolution of condemnation of 3,678 square feet in fee simple plus 4,165 square feet in storm drainage easement plus 512 square feet in utility easement plus 2,535 square feet in temporary road easement plus 9,744 square feet in temporary construction easement at 4600 Rea Road from Reacroft Property Owners' Association, Inc., a/k/a Reacroft

Property Owners Association and any other parties of interest for \$3,900 for Rea Road Widening/Improvements, Parcel #122.

The resolution is recorded in Resolution Book 42 at Page 846.

53. Titles, motions, and votes reflected in the Clerk's record as the Minutes of the November 8, 2010, Business Meeting.

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ITEM NO. 26: TRANSIT SIGNAL PRIORITY SYSTEM

Councilmember Carter said this is about our transit signal priority system. We received a grant of \$1.3 million from the Feds for congestion mitigation and air quality, and I think this is extraordinarily appropriate. It puts emitters in emergency vehicles and our buses, and our city is targeting Central Avenue from 10th Street to Albemarle Road and Albemarle Road from Central Avenue to Lawyers Road, so it will be expediting a service for our community, and I truly commend our city for, number one, going after this grant; number two, receiving it and now putting it to use for our citizens.

[Motion was made by Councilmember Carter, seconded by Councilmember Kinsey, and]
[carried unanimously to award a low bid contract of \$98,054.74 to Tritech S.E. Inc. for]
[the installation of Opticom emitters on approximately 300 CATS buses, approve a contract]
[with Siemens Industry, Inc. in an amount not to exceed \$86,000 for system engineering]
[services related to traffic signal software programming and testing, and approve purchase]
[of extended warranty for Opticom emitters through Temple, Inc. in an amount not to exceed]
[\$40,000.]

* * * * *

ITEM NO. 37: INDEPENDENCE BOULEVARD PROJECT MUNICIPAL AGREEMENT

Councilmember Carter said this is about Independence Boulevard, the project for municipal agreement, and it is dealing with the investment of the City as we move through the improvements on Independence. We are investing a lot of money in putting in six-foot sidewalks instead of five-foot sidewalks and other amenities that will hopefully bring our citizens together in community on Independence Boulevard. I'm very appreciative of this investment by this city and move approval.

[Motion was made by Councilmember Carter, seconded by Councilmember Kinsey, and]
[carried unanimously to adopt a resolution authorizing the Transportation Key Business]
[Executive to execute a Municipal Agreement with the North Carolina Department of]
[Transportation (NCDOT) for the Independence Boulevard Project in the amount of \$881,314.]

The resolution is recorded in Resolution Book 42 at Page 830.

Councilmember Carter said if I might just say one thing on Independence because I forgot to say that construction is due to start 2012 and will take 36 months approximately and more information will be going out about that.

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ITEM NO. 44: BROWNFIELD ASSESSMENT SERVICES

Councilmember Carter said this is about brownfield assessment services, and Neighborhood and Business Services will be coordinating an outreach and marketing program to potential community and business leaders in our business corridors and this is to work with contaminated land to bring it back into a healthy state and available for development. So please be aware of this and contact our Neighborhood and Business Services if you have land or knowledge of land that can benefit from this in our five business corridors.

[Motion was made by Councilmember Carter, seconded by Councilmember Kinsey, and]
[carried unanimously to approve a contract with Hart and Hickman, P.C. in the amount of]
[\$130,000 for the assessment of brownfield properties within the City’s Business Corridor]
[Revitalization Area, approve a contract with Terracon Consultants, Inc. in the amount of]
[\$130,000 for the assessment of brownfield properties within the City’s Business Corridor]
[Revitalization Area, approve a contract with S&ME, Inc. in the amount of \$130,000 for]
[the assessment of brownfield properties within the City’s Business Corridor Revitalization]
[Area, and authorize the City Manager to amend the above contracts in an amount not to]
[exceed \$130,000 each.]

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ITEM NOS. 50-B, 50-C, AND 50-D: IN REM REMEDY AT 832-1 SEIGLE AVENUE, 832-2 SEIGLE AVENUE AND 832-3 SEIGLE AVENUE

Mayor Foxx said would it be okay to group B, C, and D since you want to speak to those three? You will each have three minutes, but I think you are probably talking about the same issue on each one.

Rodney Faulkner said I work at Legacy Real Estate Advisors, and I am representing 832 Seigle Avenue. It is actually currently up for demolition, and I’m trying to get it sold, and I have some interested parties, but the parking has been an issue ever since I have listed it, and I have talked with the City real estate representative, Robert Drayton, who said they have a parking lot that is behind the property that could be for sale; they just don’t have a price, so the group that I have interested needed parking, so I need to try to orchestrate all this before the property gets demolished, and I understand it’s in front of you guys and normally when that happens there is no turning back, so what I am asking for is an extension of six to eight weeks to see if I can work something out with the City Real Estate Department. Elizabeth is here to kind of be an advocate for the building so it wouldn’t be just another empty lot, more like a concrete jungle, so she has been a great help for me in trying to get some eyes on it other than mine. I would have had this thing taken care of if the church had some funds to fix it up, but they don’t, so we have reduced the property from \$800,000 to \$150,000, and I have offers on the table, but again, they need parking, so I just need time to be able to work all that out.

Elizabeth Bergman said many of you know me as a five-year resident of the Belmont neighborhood and somewhat of a community activist and a cofounder of our rebranding effort, the Eco District that includes Villa Heights and Optimist Park. I am here to beseech you to find a way to help us preserve the Seigle Ave. Presbyterian Church Building, and I acknowledge that a last minute appeal on this is difficult for you to consider, and had I learned of it last spring, you would have heard from me for a while now. I have been supporting Mr. Faulkner’s efforts to get the property sold since mid-November and have become acquainted with some of the challenges, least of which is also the economy, and I appreciate Mr. Abernethy’s willingness to hear from a willing buyer and his patience in the duration of this process. I also share a certain frustration from about a landlord neighbor that has not kept up their property while I have to live near it. Accountability is a real issue, but that’s probably for another time. Here’s my position on this property. Annihilation of all three buildings is not in the spirit of conservation, literally conserving, and sustainability and new vision that the City has recently and brilliantly embraced. Relocating the church from Seigle Ave. to the landfill via demo is not cost effective. I understand it is expensive to haul debris. It’s disrespectful of the resources that went into building the church in the first place to last generations, and it’s unwise because there is some

small business out there waiting to emerge from this economy and start creating jobs in exactly this kind of airy, open, convenient space with history. I believe small businesses are critical to the future of our economic development, not just in Belmont but in Charlotte-Mecklenburg and probably beyond. Code has an interest in safety, and there are problems in the structures, but the solution of simply wiping them out of existence does not meet the best interests of Belmont community. It only leaves us with more urban blight, more concrete, and a sense of defeat. So if you could see like I do the appeal of this property's location along the greenway, near highway access, a gorgeous skyline view, and a large future customer population, you could see the senselessness of total destruction. So I ask you, as Charlotte's representatives creating our future now, how can we reduce the consumption of new construction materials, how can we reuse what we already have, and how can we recycle more here in Charlotte by your finding that this property should not die by bulldozers, so please grant us an additional six-week extension. I have got a cordless drill and hedge trimmers ready to deploy as volunteer clean-up crew. Will you come and join me?

Councilmember Howard said, Mr. Faulkner, any chance you can give us some ideas of what the potential use of this building could be; what your buyer is interested in doing with it?

Mr. Faulkner said I have two churches that are looking at it, but they both have parking constraints, and that's why I'm working with Bob Drayton to see if we can get a price on that property. The problem is it's part of a larger piece, so they would have to do some due diligence to find out if they break this part of the property up how much that is actually going to cost, and he said it's going to take more time than I actually have on the table right now. So I have two churches, and I actually have a law firm that is looking at it. Both of them have the same issues with the parking.

Councilmember Turner arrived at 7:25 p.m.

Councilmember Howard said, Mayor and Council, I don't know if the other church got pulled or not. It's the one in Seversville. This kind of falls in line with stories that we have been hearing about the buildings up north about buildings that have some historical significance. I guess all the stories in the paper and all the emails we have gotten have me thinking about special situations like this one differently. I guess I was wondering what the use would be if it was something that would be special and of benefit to the Belmont community, so anyway just putting that out there. I'm not sure where I am on it.

Councilmember Kinsey said I would like to hear from Real Estate about the parking situation. I think that's important to understand because it does play into Mr. Faulkner's issue with his potential purchasers.

Jeff Reid, City Real Estate, said we did receive an inquiry from Mr. Faulkner here recently with regard to potentially purchasing a portion of our Central Yard facility, which is currently vacant. As is our policy in situations like that, we responded to Mr. Faulkner that we would like to see a proposal in writing as to what his plans for the parcel were, what his intended uses were, what it would be. He did explain and elaborate that it was to provide parking for a proposed development or several proposed developments, different people who he had as potential buyers. To my knowledge, he has not produced anything to Mr. Abernethy in the form of a proposal nor has he responded to us in writing in terms of a proposal for what he is willing to offer for the property.

We have the policy in place to prevent constantly going out and commissioning appraisals and doing title search and incurring cost over and over again in situations where none of the people who inquire, none of their plans ever come to fruition. So typically we wait on a written proposal from a potential buyer, and we respond to that proposal, and that is what has occurred here.

Councilmember Kinsey said if Mr. Faulkner produces that written proposal would that trigger the appraisal? What would that trigger and what kind of timeline would we be talking about?

Mr. Reid said currently our turn-around on an appraisal has run anywhere from eight to 12 weeks. Depending on the value of his offer it may or may not trigger an appraisal, but we would

have to go through the typical public sale process, which would require upset bids, and it would be a time-consuming process to get to an ultimate sale.

Councilmember Kinsey said is that four months or six months or what do you guess?

Mr. Reid said I would defer to Mr. McCarley as to what the timeframe on an upset bid is. It depends on how many times the bid is upset.

DeWitt McCarley, City Attorney, said exactly. The short version of that is about 30 days. The long version is as long as competition keeps it going.

Councilmember Kinsey said that's on top of the appraisal process you are looking at some months; right? In looking at the pictures – now, I have not been in that building since I went to worship one Sunday some time ago, but the church itself looks like it needs right much work. I can't tell. This may be the basement that we are looking at and not the main floor of the sanctuary. Then there are two other buildings. One building I understand might be redeemable; one probably not. I guess I need to ask Mr. Faulkner this. Are you looking or are your potential buyers looking at just the church building, the church and one of the auxiliary buildings or all of the buildings?

Mr. Faulkner said one of the buildings is in pretty bad disrepair, so the two church groups were wanting to probably demolish that building and build a new structure because it has a lot of damage to the roof, so I think if they went in and tried to repair it it probably would be more expense than they are looking at doing, so it would be the back part of the church. You can't see it from the street. It's behind the old Jacob's Ladder Building. I just wanted to mention that I have talked to the church leaders and they are willing to do some clean-up to the building. They just don't have it in their budget to go in and fix it up. We have gotten quotes from contractors that have worked with the potential buyers, and it's going to be a pretty expensive project. However, the cost or the proposed offers on the table are so low that they would be able to incur the cost of the clean-up and purchase the property. In my defense, Mr. Reid, I didn't know I was supposed to put a sales price into the proposal. I put a kind of hand-written idea of what each of the proposed interested parties wanted to do, and I didn't know I was actually supposed to put a price in there because I have done some due diligence over there, and I don't really know how to price an empty lot because nothing over there has sold that big, so I'm trying to think how to do it. I can put something on paper, but I don't know if the City will accept it or not, so that's not a problem. We'll also make sure the building is secure so we won't have any vagrants in there.

Councilmember Kinsey said that was going to be another point, but I would suggest maybe going on and putting something in writing if you really do have serious buyers. I am concerned that if we wait too long the buildings are going to deteriorate further. I, like my colleague, Mr. Howard, am very interested in saving our older structures and would like to save this if possible, but this has been going on for some months now, and we have gotten nowhere pretty quickly. I would hope that if it is the wish of my colleagues to grant some additional time that we would see some action pretty quickly.

Mr. Faulkner said the reason we didn't have a lot of interest at first was because of the economic conditions we are in now, but I had it listed pretty high because of the project, and I'm sure you guys are familiar with what Tim Crawford was doing right beside the property on Seigle and Tenth. He purchased those properties for a pretty penny, so our initial prices were kind of reflecting that, and as the months kept rolling by, we ended up reducing, and like I said, we reduced it from \$800,000 to about \$150,000 right now. I mean they just want to get it off the books and don't want to see the building destroyed, so they were willing to take whatever for it and give it to somebody pretty much that was going to be able to bring it back to a livable standard.

Councilmember Kinsey said, Mr. Abernethy, did you have anything you wanted to add? I know we have been talking about this.

Walter Abernethy, Neighborhood and Business Services, said we received this from the Police as a public agency referral. It was described to me as a homeless camp. The buildings are still unsecure. In our meetings and hearings with the owner of the property, Seigle Avenue

Presbyterian, they have indicated to us that they do not have an inclination or the funds to repair the structure, they don't have funds or an inclination to demolish the structure, and frankly that they could not secure the structure on a regular basis. It is a high vagrancy area. It is an area where you have a lot of problems with securing the structure. They never secured the structures to any point we would consider to be acceptable. We started the case about a year ago. I have talked to Mr. Faulkner. I started discussions with him at least six months ago, and it has been our position that if you are trying to sell it, please go ahead and sell it and bring the buyer in. I will sit down with the buyer, work out a plan to salvage what we can salvage out of it – whether it's saving a building or saving some of the buildings – but that has kind of been an ongoing process about every month or two for the last six months or so. As I said, we started this case a year ago.

The buildings exceed your expectations in terms of – you talked about the overall conditions of the buildings. One of the buildings is simply unrepairable. The other two, one is in almost that position, and the third, while it is repairable, it would require a huge input of money to bring it up to minimum standards – just minimum standards. So that's where we are in terms of that. I did talk to Mr. Faulkner, and I encouraged him months ago to try to make that arrangement and come to us with a new owner that we could have confidence in that we could move forward. We have gone through a period of months with pretty much no change. I am concerned currently about the building itself. The building is unsafe. We have vagrants still using the building. I don't want to read to you the reports of what is in there, but it's not very good, and that's where we are.

Councilmember Carter said I certainly share the anxiety about an historic building, which has so many good memories for our community. Do you think that taking down that building that is not retrievable would add to the value of the property and make it more attractive and then advance the case of having the other two buildings or maybe the single building saved?

Mr. Abernethy said what we did, Ms. Carter, as a second step to this that we try to do on most commercial cases like this I contacted Dan Morrill and had Dan go out and look at the building. I asked that very question that you asked, and I got information back that they were not interested. Well, they weren't interested in purchasing the building. We tried to go down that road with them where they potentially somebody could help solve this particular problem, and the answer I got was no. I talked this morning to Elizabeth about preserving some of the things inside the building with the demolition, but as far as the value of the property as a whole, I can't answer that question. I know these are far surpassing Council's direction in terms of what falls in demo category and what falls in a repair category. These are really bad.

Councilmember Carter said my primary concerns is that those buildings be kept safe and not invasive or invaded, so that would be one really great concern that I would like to hear a commitment before we take any action.

Mr. Abernethy said one other comment on that. These buildings would require regular vigilance where they are located. In other words, not just clean it up and maybe even board it up and try to secure it, but the conditions are so severe that they would require regular maintenance, somebody going by there regularly and checking it and taking action when there is need. We have not gotten that kind of feedback from the church that would do that.

Mayor Foxx said, Mr. Faulkner, are you prepared to provide that kind of support?

Mr. Faulkner said I have talked with several of the church members, and they told me that they would do that today. To Ms. Carter's point, I definitely think that if the back building was demolished it would make the value of the property –

Mayor Foxx said I'm sorry. Let me make sure I'm sharp on the question because we have to keep the response to the question that is asked of you. Are you prepared to provide the safeguards that Mr. Abernethy just talked about?

Mr. Faulkner said safeguards in regards to securing the building?

Mayor Foxx said, yes, or assure that is done.

bvj

Mr. Faulkner said, yes, we can do that. I talked the church today, and they said they would be willing to do that.

Mayor Foxx said that's fine; that's sufficient.

Councilmember Barnes said I have a couple of questions for Mr. Abernethy and a couple of general statements. Mr. Abernethy, you indicated that this item and the succeeding two items came to us from a CMPD referral; is that correct?

Mr. Abernethy said yes.

Councilmember Mitchell arrived at 7:40 p.m.

Councilmember Barnes said the report we have indicates that the date of inspection on this particular property was April 14, 2010.

Mr. Abernethy said, yes, sir, that's correct.

Councilmember Barnes said and that the owners were notified of the complaint and a notice of hearing was advertised on May 5, 2010.

Mr. Abernethy said, yes, sir, that's correct.

Councilmember Barnes said and that a hearing was held on June 8, 2010, as well.

Mr. Abernethy said yes.

Councilmember Barnes said the concern I have, Council, is there have been several months, almost a year, that have passed since the time that the owners became aware of the problems with the property. The property has yet to be secured, the property has yet to be sold, and there have been many, many months available to you, sir, to sell the property or for the owners to sell it or have it boarded up. None of that has happened, and one of the experiences that we have in some of our neighborhoods is dilapidated property becomes homeless camps and are used for drug purposes, any number of purposes that are not necessarily in keeping with what people expect to have going on in their communities.

The concern I have is there have been a number of months available to the owners to sell the property and that obviously has not happened. The risks to the surrounding community with this property being open and subject to use for whatever purposes someone might go in there for obviously are continuing, and I don't feel like there is any indication from you, sir, that this condition of being an open facility will necessarily cease nor do I get a sense that it will be sold any time soon. So, while I have an interest in preserving historic properties – a number of you all have seen the emails about the Davis General Store. That's a functioning store, it's a functioning business; it is not abandoned, so in my opinion and in my estimation, the treatment is somewhat different.

But with this particular property, I'm supporting staff's recommendation because of the amount of time that has passed since you became aware of our involvement and the actions of our staff with respect to you all in terms of us asking you to address the state of the property. We need to do something about this soon. If we said we would give you a month to get rid of it, would that make a difference?

Mr. Faulkner said it would get me closer to – again, I have interested parties, but the issue is parking. If I can't get the parking, they are not in the deal. If the City is willing to sell me that back parking, I can get the interested party to actually sign a contract. I just don't know what that dollar amount would be for the parking in the back because if I say, hey, they want to offer \$50,000; is that enough? Is \$100,000 enough, and they don't want to incur – I mean I can put together a proposal, but then we have to go back and forth with the Real Estate Department to find out if that number works, so I don't know how many weeks that –

Councilmember Barnes said I understand. Obviously we have a real estate transaction that is impacting an In Rem action, and the In Rem action is in your mind contingent upon the real estate piece, and I separate those. We have an unsafe property that needs to be addressed, and, again, I'm supporting what staff has recommended because we need to do something about that structure and the next two that are near it.

Mayor Foxx said we could go a long time on this, and I know you all spent a lot of time – both the owners and the folks in the neighborhood and the staff. Why don't we just go ahead and call this issue to a vote. It is Item 50-B, C, and D. We'll have separate votes on each of those.

Councilmember Dulin said I have one question. I have to because I'm confused. I'm planning on voting to save the church. I'm very confused, Walter, about which one of the other two structures is unsavable. I can't figure that out. I have been working on it and asking.

Mr. Abernethy said there are three buildings. If you look on your In Rem package, you will note the numbers. The church sanctuary, which is the one I believe they are talking about, is 832-1. That's the one I believe is the one that is the most salvageable of the three. The other two are not salvageable. One is absolutely not salvageable. The other one is almost at the same position, but the building that has generated the consideration is 1.

Councilmember Dulin said my next question is if the other two buildings come down, do we pick up enough parking to solve the parking problem?

Mr. Faulkner said whether or not the other two buildings are not salvageable I would probably disagree with that. There is one in the front –

Councilmember Dulin said I'm sorry. That's not –

Mr. Faulkner said if they do come down, yes, that would give you some additional parking, but I wouldn't take the one in the front down. The one in the back is the one that is in a lot of disrepair.

Mayor Foxx said we are going around and around. This is very difficult to do in a meeting setting.

Councilmember Peacock said I would make a motion to defer to the February 14th meeting. I would like to have a clear, written plan from you. There is nothing like a deadline to get all parties to come together. You either have a signed contract and a clear written plan for this Council and Mayor to look at, and you better give clear direction back to Mr. Abernethy or we are not going to deal with you, and this is going to come down, and it's not about whether we like historic properties or not. It's about whether we have something that is safe. We need to hear some more assertiveness from you. We need to hear that you are going to get back to us quickly, and I'm making the motion to defer, Mr. Mayor.

Councilmember Howard said I would love to second it if you make it 30 days.

Councilmember Peacock said I will be happy to concede to a friendly amendment of 30 days.

[Motion was made by Councilmember Peacock and seconded by Councilmember Howard to]
[defer Item Nos. 50-A, 50-B, and 50-C for 30 days.]

Councilmember Barnes said in the interim will there any effort made to secure the property?

Mr. Faulkner said yes.

Councilmember Barnes said do you know when that will happen?

Mr. Faulkner said I can get back with Mr. Abernethy tomorrow. I will touch base with the church and give you a definitive date for that.

Councilmember Barnes said here's why I'm going to vote against the deferral. It hasn't been secured in almost a year.

Mr. Faulkner said it was secured. It wasn't secured to the point where we could stop vagrants from breaking –

Mayor Foxx said I'm sorry. There is a motion and a second to delay for 30 days.

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

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

NAYS: Councilmembers Barnes, Dulin

Mayor Foxx said that carries 9-2.

* * * * *

ITEM NO. 50-L: IN REM REMEDY AT 1306/08 KENNON STREET

Francis Proctor, Jr., 1616 Biltmore Dr., said first let me apologize that I sent this information to Councilmember Carter and Councilmember Kinsey and probably was an error in not sending all of my email correspondence to all of you, but I thought I was keeping it simpler, and that may have been a mistake for not sending it to all of you sooner. Let me try and bring you up to speed here. I visited and spent time with my grandmother in a house that was built in about 1800. I understand older homes and currently live in a home built in 1939. These two homes on Kennon Street have historical significance to most of us. Councilmember Kinsey lives in an older home not far from Kennon Street. It is almost impossible for any historical home to pass a current inspection just by the nature of the structure. Through the HUD, the State, to local code must be changed to maintain affordable housing, and I know we must start at the federal level and not at Kennon Street. It is time to revisit the requirements in the structure of historic homes and buildings that seem to fall under the same demolition as big box problems. So I went about the process and interviewed and received bids and chose D.J. Preston – Dan Preston is here with me. So far we have spent \$14,570 on home repairs to include structural, electrical in preparation for replacing four joists and repair wood siding. The value of this property is more than the tax value of \$28,000. According the zillow.com, the estimated value of this property is \$200,500. Other nearby sales at 1300 Kennon Street sold for \$225,000, another for \$179,000, another for \$153,000. Some number closer to comp sale should be used for the ratio of repair work to value. My contractor, Dan, has worked on historic homes in Elizabeth, Chantilly, NoDa, SouthPark, and other areas of Charlotte. I have shown a willingness to spend money and try to do things to repair the property. I agree the scope of the project has changed, so it will take some time to do the major repairs that it will need to take to be completed. The original permits were pulled for \$4,500 for each side. It's a duplex. We have reviewed the violation summary report. Most violations were cosmetic and would not justify any higher value. There was no violation of the wiring; only the service panels be upgraded. This was the first thing we did at a cost of almost \$4,000. There was no saw horse put on the property, only new service panels for power, which took extra time, which were inspected only by the County inspector, Travis McCall, and by an inspector with Duke Power. We could not have gotten the power turned on if we had not passed the County inspection. This is public information. To date, there is no other work performed that would require an inspection. The email calls the house essentially a hull – the inspector does – but only about a third of the home's subfloor has been removed so we can rebuild the floor system, install new bathtubs, kitchen cabinets, and hot water heaters. No structural members have been removed. If I can take his three minutes?

Mayor Foxx said I'm sorry, no, we can't transfer it, but if he wants to speak, he can speak for three minutes.

Dan Preston, Jr. 345 Wilshire Ave., said I have 30 years of doing this. I graduated from Olympic here in Charlotte, went to work right away doing work in the SouthPark area, NoDa, Chantilly. My experience is with this particular property is it can be saved. We have the floor systems tore out right now, and they can be replaced, but like Mr. Proctor said, it started out as only about a \$10,000 cosmetic repairs on summary violations report. As I tore out, we got into further and further rot and stuff, but it can be saved. Like I say, I have been doing this all my life. From a professional standpoint, the house can be saved. It will just cost a lot more than we projected in the beginning, and I would have a hard time coming up with this money, but I hate to see it torn down. This house has a lot of character. I have built houses -- \$5 million homes in Lake Norman that don't have the character that this old house has, and I really hate to see it go down.

Councilmember Kinsey said question. If we were to allow more time, how much time?

Mr. Proctor said there are three things that have got to occur. One is we have to come up with additional financing for it. Two, I have got to continue with Dan Preston doing the work. Ultimately, third, I have to have some financial into it of finding a renter to it, so we are talking several months at a minimum to get the financing and to get the work completed.

Councilmember Kinsey said generally it takes about 30 days – even if we voted tonight, it would be about 30 days before it would actually come down, but if we gave you an additional 30 days, that's only two months, but I think we would have to see some improvement in that time, and I see Walter standing there and maybe wanting to respond as well.

Walter Abernethy, Neighborhood and Business Services, said the dilemma is within –

Mayor Foxx said there hasn't been a question. I'm sorry.

Councilmember Kinsey said if we were to give you an additional 30 days would we see some real significant change in what we are looking at right here?

Mr. Proctor said, well, you have seen significant change up to this point. I am scared to death to say in 30 days I can get far enough along because if I don't make enough progress from your point of view then I have spent more than the \$14,000, almost \$15,000 I have spent and then I'm back at the same point. Now, I have spent even more money, so I'm totally anxious. I would love for this historic property to stick around, but you are making it too liable for me to continue without giving me some length of time to reasonably find the financing and get the work completed.

Councilmember Kinsey said how much time is more time?

Mr. Proctor said it's probably going to be 90 days at a minimum to complete the work.

Councilmember Kinsey said, Walter, all I have are these pictures to go by, and like I told you earlier, I drove by on my way to church on Sunday. Of course, the front looks very nice. Can it be brought up to code in 90 days?

Mr. Abernethy said I asked that very question to the inspector, and our inspector has interacted with the contractor. I asked 30 days or 60 days, but frankly, and he describes it accurately. As they got into – as they went in and did work, they found more and more problems as they got into it. This maybe explains it the best. I have a report from the inspector from the last time he was out there for any real substantive inspection. He reports that the exterior of the building was painted. Most areas that were painted were painted over damaged, decayed siding, fascia; that the trim was not repaired. It was simply painted over. Areas that have been repaired there had been no work done, and the new trim that was put in in the front to make it look better was installed over damaged, decayed structural frame. As far as the inside goes, the kitchen and the bath had been gutted, but that revealed more extensive damage and decayed structural framing in the floor and the walls; no structural repairs had even been started in those particular areas. The kitchen ceiling had been drywalled covering up unsafe wiring and some unknown structural issues. The front porch ceiling was replaced covering up unsafe wiring. Plaster ceiling was removed from the bedroom. Old, unsafe wiring was covered with a suspended ceiling. There

was no fire stop to the attic, and there were damaged areas of old wiring where the electrical units had been wrapped with electrical tape. New shower valves had been installed in the bathrooms, but it covered up other structural damage that had existed.

One other issue to point out is Duke Power pulled the power on these – one unit – ten years ago; the other unit six years ago. So there hasn't been – and we talked to the neighbor across the street trying to ascertain when the last time somebody actually lived there, so you get an idea about that, and the third piece – this house. This is not a commercial structure. This is a residential structure. It violates your board-up rules. It was registered as a boarded-up structure. The six months on boarded-up expired. Three things caused us to look at it. One, that the board-up had expired and also police issues with stolen property and with accessibility to the unit. They look like they might have tried to secure the unit, but understanding there is no flooring system in the back of the unit people enter the crawl space area and go up into the house, and, as I said, it's violating your own board-up rules that say six months and then repair the house, so that's what we have.

Councilmember Kinsey said would you be angry with me if I suggested 90 days, Mr. Abernethy?

Mr. Abernethy said, Ms. Kinsey, you know I would never be angry with you.

Councilmember Kinsey said, here again, it's an old house. I love old houses and particularly in this area, but I really want to see some action. I don't want it to come back in 90 days and it's not quite ready. So, with that, I will move deferral for 90 days.

[Motion was made by Councilmember Kinsey and seconded by Councilmember Dulin to]
[defer this item for 90 days.]

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

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

NAYS: Councilmembers Barnes, Cooksey

Mayor Foxx said that's two opposed, so that's 9-2 for a 90-day deferral.

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ITEM NO. 50-P: IN REM REMEDY AT 206 1-5 WALNUT AVENUE

J'Tanya Adams, 309 Lima Ave., said this is Mr. Wallace Pruitt, president of Seversville community. He has been a resident for probably more than 50 years in the area. We are coming before you today just to ask you with diligence approve the demolition of the apartment building that is on Walnut, which is 206. At this time, there are no windows or doors in the unit. Walnut is a street that flows from Wesley Heights all the way into Seversville, and unfortunately as people enter our neighborhood from Walnut off of Wesley Heights Way it's one of the first eyesores that they see. It's been in disrepair for some time, so we have waited to see some change and have not.

Councilmember Mitchell said Mayor Pruitt is here, and Ms. Adams is a hard-working Seversville, so if they instruct me to tear down, I'll make sure we move forward and tear it down.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Barnes, and]
[carried unanimously to adopt an ordinance authorizing the use of In Rem Remedy to demolish]
[and remove the structure at 206 1-5 Walnut Avenue (Neighborhood Statistical Area 24 -]
[Seversville neighborhood.]

Ordinance No. 4592-X is recorded in Ordinance Book 56 at Page 980.

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ITEM NO. 50-R: IN REM REMEDY AT 208 SOUTH BRUNS AVENUE

J'Tanya Adams, 309 Lima Ave., said we want to say again also that Seversville is the hidden jewel that sits between Wesley Heights and Biddleville, and we have great housing stock, wonderful parcels, and so we have an issue with a church that resides on Bruns Avenue. It is no longer being used for institutional purposes or religious purposes. It is no longer owned by a religious organization. It is privately owned by a developer. We have talked with the developer, and he has not been able to sell or repair the structure. We have a concern that due to safety others will seek shelter in it and will be harmed by that. Also, this particular building is one of several boarded up structures in the community. We have four houses and four apartment buildings along with this one, and this particular building is sitting directly in front of things that others have invested in such as the Charlotte Housing Partnership's beautiful complex there. We have homeowners directly across from it who face this every day. It's also the route that people pass to get to Bruns Avenue Elementary School, the Seversville Recreation Center, the urban greenway park, so it's a great concern to us, and the Seversville Park. It's an eyesore, and it does not compliment us as far as tax values and property values as well, so we ask that you do as you did with the Garr, which had great historic value because it was a wonderful church for the Garr congregation, it was a wonderful church for the Cannon Church of God in Christ, but it could not be repaired, and the City expedited that. We ask you to do the same in this case because it does not have historic value and it is simply brick veneer, so we ask that you demolish the church at Bruns.

[Motion was made by Councilmember Mitchell and seconded by Councilmember Barnes to]
[adopt an ordinance authorizing the use of In Rem Remedy to demolish and remove the struc-]
[ture at 208 S. Bruns Avenue (Neighborhood Statistical Area 24 – Seversville neighborhood.]

Councilmember Howard said I was wondering if the developer is here at all, and I was wondering if, in fact, Mr. Abernethy, you did confirm with the Historic folks that this had no historical significance to them.

Walter Abernethy, Neighborhood and Business Services, said I have talked to Mr. – we have contacted Mr. Doney. He's the developer, Michael Doney, and he has indicated he did not have the resources to repair the church or to demolish it, so we have had contact with him through the process. I will be honest with you. I'm not sure about the church in terms of the historical question about the church. The conditions frankly have been so bad here. It is unsafe to enter the church. The flooring system has collapsed, the roof area – some of the roof has collapsed, and it's infested with termites, so it's pretty far gone.

Ms. Adams said I did inquire with Mr. Doney if he would like to pursue to see if it could be a historic designation. He said he already attempted that, and it did not pass.

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

Ordinance No. 4595-X is recorded in Ordinance Book 56 at Page 982.

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Councilmember Kinsey said, Mayor, I think the lesson to be learned is when you are first contacted about an In Rem you better start working on it right then.

Mayor Foxx said I agree with that.

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ITEM NO. 9: REZONING PETITION 2010-068

Mayor Foxx said this is an item that had been on our previous agenda. The Zoning Committee had not had a chance to meet. They have since met. Is there a staff resource here?

Tammy Keplinger, Planning, said this is not a public hearing, so I will briefly tell you that the Zoning Committee did recommend to approve this item. It is inconsistent with the Providence/I-485 Area Plan, and the reason for that is because that plan was updated by the 2008 rezoning which took this property to residential. The proposal is for office, medical, general office, and for a bank.

Councilmember Cooksey said just want to make absolutely what is the status of the protest petition?

Ms. Keplinger said the status of the protest petition – a good portion of the protesters have removed the petition. It made the protest petition invalid.

[Motion was made by Councilmember Cooksey and seconded by Councilmember Howard to]
[adopt the Zoning Committee's recommendation for approval, which includes an inconsistency]
[statement.]

Councilmember Carter said there are two issues that I was interested in. They removed the short-term bicycle parking spaces. Why was that?

Ms. Keplinger said they have to meet the ordinance requirements on that, so we asked for them not to show the minimum ordinance standards on the site plan. They just need to show things that go above and beyond the ordinance.

Councilmember Carter said the storm water detention pond is not just possible but it will be actual.

Ms. Keplinger said the reason for that is because once the engineering is done the location of the storm water detention can change, so that's why we label it possible.

Councilmember Cannon said, Ms. Keplinger, please explain, if you don't mind, this more intense office use that is not in keeping with the surrounding residential use. It suggests it should be eliminated.

Ms. Keplinger said staff's position on this rezoning is the general office and the medical office uses are consistent with the surrounding residential properties that serves as the transition or buffer between the adjacent business complex and the residential, but when you look at the institutional use that is proposed it is a bank, and that is a higher intense use than the office district, and staff is concerned about that use being adjacent to single family residential.

Councilmember Cannon said intensive bringing about more –

Ms. Keplinger said more traffic, more people in the area.

Councilmember Cannon said that's interesting because CDOT has a note in here that there is no traffic impact. Can you explain that?

Ms. Keplinger said I can try to speak for CDOT. I'm not a traffic engineer, but I can say –

Councilmember Cannon said are they represented?

Ms. Keplinger said I don't believe anyone that has worked on the rezoning is here.

Councilmember Cannon said as best you can explain it.

Ms. Keplinger said the traffic impact is based on what the 27 townhomes that are proposed that are currently approved for the site versus the standard engineering requirements for traffic

studies, and when they look at those two numbers, they determine there is no significant impact on the public street system between the uses.

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

Ordinance No. 4575-Z is recorded in Ordinance Book 56 at Pages 962-963.

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ITEM NO. 10: CITY MANAGER'S REPORT

Curt Walton, City Manager, said, Mayor and Council, last June you approved the Small Business Strategic Plan, and included in that was the recommendation to increase awareness of small businesses through a Web portal, so Brad Richardson is here. The site has been prepared and is ready to go live pretty soon, so wanted to give you an update on that.

Brad Richardson, Neighborhood and Business Services, said I'll go through a very brief presentation to update you on the Web portal. He began a PowerPoint presentation entitled, "Small Business Web Portal," a copy of which is on file in the City Clerk's Office. Some important steps going forward. The site will be complete March 4th, in that general timeframe. We want you to see it. I don't know how we'll do this yet, but we'll set up a demonstration for you guys to test drive it yourself. We want your feedback as well. You need to be telling folks about it. As I said, we are to go live April 1st. We have a small business roundtable of research partners that I mentioned. They will be test driving it with their customers as well. Focus groups are planned including your Business Advisory Committee, and, as I said before, the major roll-out in Small Business Week.

After we launch it, we are not done. Remember I said it's Phase 1. We are going to be asking for all kinds of feedback on this. We want to make sure it's relevant and it works, and we will be devoting some staff resources to the continual updating and maintenance of it, but we will also evaluate what can we do next – a smarter search wizard, to customize some responses, some best practice ideas we have seen in other cities. A really big idea that has not worked very well in this town before is the business-to-business marketplace aspect. We'll talk more about that in future sessions with you, but that's a reach goal for us in Phase 2 or 3.

Councilmember Carter said I just want to say absolute thank you, Brad. This is just amazing. Three years ago I asked the question about what the City is doing for small businesses with the intent that we help create small business and nourish them in an economic downturn. You have just really exceeded my anticipation, any expectation I had. You have created something of far greater wealth than I ever imagined. The links are huge. The Chamber is involved with this; correct?

Mr. Richardson said, yes, absolutely. They are on the list of partners.

Councilmember Carter said this is just an amazing thing. Thank you very much.

Mr. Richardson said thank you. Your expectations are low then because we have given you an update, right, and again, we want to show you good work through the next six months to a year on how this really works. That's the true test, but thank you for your comments. I appreciate them.

Councilmember Kinsey said I like the logo.

Mr. Richardson said I do, too.

Mayor Foxx said I know this is part of a larger effort we are making on small business, and it's really needed, and I look forward to hearing more. This is so high level that maybe some of the questions I might ask about some of the tactical pieces maybe should wait until we see a

prototype and get more into the details, but people are clamoring for having the resources, and this is a good way to do it.

Councilmember Dulin said I do need to add my two cents in this. This is an example of the City of Charlotte being a leader. All of us on our mission statements in our different committees want Charlotte to be the leading environmental city, we want Charlotte to be the best economic development city, and this is how you get there – making your services more available and making it easier for people to get to. You guys have done a lot of hard work on this, and I just wanted to put my two cents in there.

Mayor Foxx said more to come on this stuff. I would like to get an update at some point on the Small Business Loan Program to see whether we are starting to see some activity there, but there have been a lot of initiatives we have done over the last year to really try to ramp up small business, so thank you, Brad, and thank all of you in the Neighborhood and Business Services Department.

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ITEM NO. 11: PLAZA-CENTRAL PEDSCAPE PLAN AMENDMENT

Councilmember Howard said we actually had a public hearing on this one, so I won't bring it back up unless we want to talk about it some more.

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously to approve the Transportation and Planning Committee's recommenda-]
[tion to adopt the Plaza-Central Pedscape Plan Amendment.]

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ITEM NO. 12: TRANSITIONAL SETBACKS ON INDEPENDENCE BOULEVARD ORDINANCE AMENDMENTS

[Motion was made by Councilmember Carter and seconded by Councilmember Barnes to]
[approve the Economic Development Committee recommendation to advance the public]
[hearing for the Subdivision Ordinance text amendment 2011-013SUB and Zoning Ordinance]
[2011-14 from the March 21, 2011, Zoning Meeting to the February 21, 2011, Zoning Meeting.]

Councilmember Mitchell said I would thank Councilmember Howard for his leadership as well as our state representatives, so move for approval.

Councilmember Carter said this confirms what the staff has proposed, and I am very delighted to recognize the staff work on this, so thank you very much.

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

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ITEM NO. 13: WATERSHED RESTORATION PROJECTS GRANT APPLICATIONS

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously to approve two grant applications in an amount not to exceed \$937,500]
[from the North Carolina Clean Water Management Trust Fund (CWMTF) for construction]
[of the McDonald Pond Rehabilitation (\$300,000) and the SouthPark restoration project in]
[the Briar Creek watershed (\$637,500), authorize the City Water Quality Manager to accept]
[and administer the grant(s), and approve Budget Ordinance No. 4576-X appropriating up]
[to \$937,500 in grant funds to provide approximately 50% of the total estimated funding]
[(\$1,875,000) required to construct these projects.]

The ordinance is recorded in Ordinance Book 56 at Page 961.

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ITEM NO. 14: UTILITIES MECHANICAL UPGRADES AND RENOVATIONS

[Motion was made by Councilmember Barnes and seconded by Councilmember Howard to]
[award a low bid contract for \$1,931,762 to Camps Construction Company for the Charlotte-]
[Mecklenburg Utilities Department Administrative Building mechanical upgrades and reno-]
[vations.]

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

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

NAYS: Councilmembers Cooksey, Dulin

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ITEM NO. 15: ELECTRIC VEHICLE CHARGING STATION EQUIPMENT

[Motion was made by Councilmember Howard and seconded by Councilmember Kinsey to]
[award a low bid contract of \$176,390 to Lake Electric Co., Inc. for the installation of electric]
[vehicle charging stations and related equipment.]

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

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

NAYS: Councilmember Cooksey

Mayor Foxx said that's 10-1.

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ITEM NO. 16: DAVIDSON STREET BUS FACILITY CHANGE ORDER #1

[Motion was made by Councilmember Kinsey and seconded by Councilmember Howard to]
[approve Change Order #1 with Clancy & Theys Construction Company in an amount not]
[to exceed \$100,000 for the replacement of the exterior wall framing system at the Admin-]
[istration Building.]

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

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

NAYS: Councilmembers Cooksey, Dulin

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ITEM NO. 17: PARKING DECK ENERGY EFFICIENT LIGHTING REPLACEMENT

[Motion was made by Councilmember Barnes and seconded by Councilmember Carter to]
[award a low bid contract of \$135,599 to Watson Electric Company, Inc. for the purchase]
[and installation of energy efficient lighting fixtures at the Charlotte-Mecklenburg Govern-]
[ment Center parking deck, and award a low bid contract of \$255,511 to Watson Electric]
[Company, Inc. for the purchase and installation of energy efficient lighting fixtures at the]
[LYNX Blue Line I-485 parking deck.]

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

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

NAYS: Councilmember Cooksey

Mayor Foxx said that's 10-1.

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ITEM NO. 18: GOODWILL INDUSTRIES OF THE SOUTHERN PIEDMONT, INC.

[Motion was made by Councilmember Kinsey and seconded by Councilmember Mitchell to]
[approve a grant to Goodwill Industries of the Southern Piedmont, Inc. (Goodwill) in the]
[amount of \$216,000 to provide residential energy efficiency improvements.]

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

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

NAYS: Councilmember Cooksey

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ITEM NO. 19: TRANSIT FINANCIAL CONSULTANT CONTRACT AMENDMENT

[Motion was made by Councilmember Barnes and seconded by Councilmember Howard to]
[authorize the Manager to negotiate and execute a contract amendment with Jeffrey A. Parker]
[& Associates, Inc. totaling \$650,000 for financial planning and analysis, construction delivery]
[method analysis and support, and project presentation/legislative support for the Blue Line]
[Extension and Red Line projects.]

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

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

NAYS: Councilmember Cannon

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ITEM NO. 20: BUSINESS INVESTMENT GRANT FOR RED F

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously to approve contracts with the NC Department of Commerce (NCDOC)]
[and Red F for a \$60,000 One North Carolina Grant from the State to Red F, adopt Budget]
[Ordinance No. 4577-X appropriating \$60,000 from a One North Carolina Grant to Red F,]
[and approve the City's share of a Business Investment Grant to Red F for a total estimated]
[amount of \$36,123 over three years (Total City/County grant estimated at \$102,186.)]

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

The ordinance is recorded in Ordinance Book 56 at Page 945.

ITEM NO. 21: BUSINESS INVESTMENT GRANT FOR SPX CORPORATOIN

[Motion was made by Councilmember Howard, seconded by Councilmember Mitchell, and]
[carried unanimously to approve contracts with the NC Department of Commerce (NCDOC)]
[and SPX Corporation (SPX) for a \$350,000 One North Carolina Grant from the State to SPX,]
[adopt Budget Ordinance No. 4578-X appropriating \$350,000 from a One North Carolina]
[Grant to SPX, and approve the City's share of a Business Investment Grant to SPX for a]
[total estimated amount of \$1,708,331 over five years (Total City/County grant estimated]
[at \$4,832,572.]

The ordinance is recorded in Ordinance Book 56 at Page 966.

ITEM NO. 22: NASCAR HALL OF FAME ADVISORY BOARD

Councilmember Barnes said I would move to appoint Councilmember Cannon and Councilmember Peacock as the Council's ex officio members of the NASCAR Hall of Fame Advisory Board, which would be Option 2.

Mayor Foxx said so you want to have the Council consider Option 2?

Councilmember Barnes said yes.

[Motion was made by Councilmember Barnes and seconded by Councilmember Kinsey to]
[consider Council appointment of City Council member(s) to the NASCAR Hall of Fame]
[Advisory Board, and choose Option 2: Two Council-appointed City Council members]
[serving in an ex-officio capacity.]

Councilmember Howard said I thought the option was just approving to add two people. I didn't know if we figured out how to do it. I guess I just assumed the Mayor would do it because once we do this tonight this is the way it will be going forward.

Councilmember Barnes said with respect to all committees, advisory boards, or this one?

Councilmember Howard said this one. So these become Council appointments.

Councilmember Barnes said whatever the Council's pleasure is I'm fine with it. I was simply trying to move us along, so I have no particular dog in that fight.

Councilmember Howard said can we move number two and let the Mayor make the appointment?

bvj

Mayor Foxx said I'll make whatever y'all want me to make.

Councilmember Cannon said I think it's fine either way with the exception of this. It's always been the Mayor who pretty much makes the appointments to advisory committees or whatever they might be.

Councilmember Barnes said I'll restate the motion. I would move that we approve Item 22, Subsection 2 and allow the Mayor to make the appointment.

Councilmember Cannon said I wouldn't want to set a precedent here that is not needed.

Councilmember Cooksey said I have been mulling this over since it was put on the agenda. I'm not convinced that we need Council members serving on this board. We have two appointments. I think the two folks that the Council has appointed to this board on behalf of the City of Charlotte can represent our interests ably, and I don't see the need. Furthermore, I'm curious. Do we have the authority to just add members without cracking open the contract with NASCAR? That's another question before we move forward. Do we get to unilaterally change the make-up of this board?

Mayor Foxx said is that something you can answer, Mac, or not?

DeWitt McCarley, City Attorney said I think Deputy Manager Kimble is ready to answer this question for you.

Ron Kimble, Deputy City Manager, said the original agreement is contained as attachment, I believe it's 6 in the agenda. Those appointments currently that you have made are Jim Schumacher and me as the two appointed representatives, and that's one of the reasons why making them ex-officio, I think, gains the consensus of NASCAR, the CRVA, the two banking representatives, and they have consented to the fact that the ex-officio members would be added.

Councilmember Cooksey said I still don't see the need, so I will just be voting no.

Councilmember Mitchell said, Councilmember Barnes, I was okay with the original motion selecting Mayor Pro Tem Cannon and Councilmember Peacock because I think some of us around the dais from a time constraint wouldn't lend our name to serving this board, so I was okay as long as I think those two gentlemen would like to serve in that capacity just to move forward and vote for those two to represent us. That is just my own personal opinion.

Mayor Foxx said it's okay either way. If that's what people want, those two would be appointed either way.

Councilmember Carter said my question is most of the time when a Council member serves on a board they have voting privileges so I am a bit concerned that we have placed these two Council members without a voting privilege on this board.

Councilmember Cooksey said I was distracted. Your question.

Councilmember Carter said why are we not giving voting privileges since it is customary to grant Council members who serve on community boards the privilege and the right and the responsibility to vote on issues?

Mayor Foxx said, Mr. Kimble, why is that?

Mr. Kimble said this is an advisory board as defined in the original agreement. It's advisory to the CRVA, and as of yet – I don't know if I can ever remember that the NASCAR Hall of Fame Advisory Board has taken a true vote on any matter. It's advisory built through consensus of the group to advise the CRVA. So making it ex-officio I think gets around it as to making amendments by each of the bodies formally to the agreement and making them ex-officio was just a way to give input into the process, which is what came out of your discussion recently about the NASCAR Hall of Fame.

Mayor Foxx said the motion is on Item 2 of Item 22.

The vote was taken on Item 2 of Item 22 and recorded as follows:

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

NAYS: Councilmembers Cooksey, Dulin, Turner

Mayor Foxx said there are three no's.

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ITEM NO. 23: NOMINATIONS TO BOARDS AND COMMISSIONS

Business Advisory Committee - The following nominations were made for a three-year term:

Recommended by the National Association of Women Business Owners

1. Colleen Brannan, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner

Recommended by the Charlotte Mecklenburg Black Chamber of Commerce

2. Veronica Giles, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner

Recommended by the Charlotte Mecklenburg Latin American Chamber of Commerce

3. Julio Colmenares, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Howard, Kinsey, Mitchell, Turner

Recommended by the Carolinas Asian-American Chamber of Commerce

4. Nimish Bhatt, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Howard, Kinsey, Mitchell, Turner

Recommended by the Metrolina Minority Contractors Association

5. Michael High, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Howard, Kinsey, Mitchell, Turner

Recommended by the Hispanic Contractors Association

6. Julio Barriga, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Howard, Kinsey, Mitchell

Councilmember Cooksey said, Mayor, if I understand correctly, we don't actually have a choice in this one. We are simply accepting – we are rubber-stamping who the various groups are picking, in which case I move to appoint the nominees of the various groups that are associated on this committee.

Stephanie Kelly, City Clerk, said there is one we are still waiting on – the Native American Association.

Councilmember Barnes said just to be clear about Councilmember Cooksey's point. The write-up indicates that we are being asked to appoint these folks who have been recommended by these various constituencies. Is it mandatory that we take the recommendation? I have no problem with the nominees, but I want to clarify what Councilmember Cooksey was saying?

Mayor Foxx said why don't we ask our city attorney on that question?

DeWitt McCarley, City Attorney, said I think what you would have to do is send the nomination back and ask for another one. I don't think it's mandatory that you take who they sent you, but you are going to eventually have to take someone they have recommended.

bvj

Councilmember Barnes said the point is, if I might, Mr. Mayor, with respect to 23-A1 through A7, we have one nomination for each of those except for the last one.

City Clerk Kelly said, yes, sir.

Councilmember Barnes said so could we move by acclamation to appoint those individuals tonight? If we can, I move to do that.

Mayor Foxx said all in favor of that motion say “aye”.

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

Ms. Brannan, Ms. Giles, Mr. Colmenares, Mr. Bhatt, Mr. High, and Mr. Barriga were appointed.

Charlotte International Cabinet – The following nominations were made for one appointment.

Open Category

1. Cynthia Barnes, nominated by Councilmember Barnes
2. Sean Gautam, nominated by Councilmembers Burgess, Carter, Cooksey, Dulin, Howard, Peacock
3. Debra Moffitt, nominated by Councilmember Burgess
4. Matt Njoku, nominated by Councilmember Barnes
5. Yolanda Perry, nominated by Councilmember Turner
6. Jim Peterson, nominated by Councilmember Dulin
7. Hans Plotseneder, nominated by Councilmember Howard
8. Charles Prendergast, nominated by Councilmembers Cooksey, Peacock
9. Kurt Robinson, nominated by Councilmember Kinsey, Mitchell
10. Aaron Sanders, nominated by Councilmembers Carter, Mitchell, Turner

Mayor Foxx said we’ll take that in due course. On the second nomination of the International Cabinet.

City Clerk Kelly said I don’t have those nominations separated. They are all together here, but we will figure those out and bring those back to you at the next meeting. On my list, I have them all together rather than broken out.

Charlotte Mecklenburg Housing Authority – The following nominations were made for one appointment.

1. Pamela Gordon, nominated by Councilmembers Barnes, Howard
2. Robert Johnson, Sr., nominated by Councilmember Carter
3. Dennis La Caria, nominated by Councilmember Burgess
4. Jim Peterson, nominated by Councilmembers Cooksey, Peacock
5. William Scurry, nominated by Councilmember Turner
6. David Sharp, nominated by Councilmember Mitchell
7. Robert Szymkiewicz, nominated by Councilmember Kinsey

Mayor Foxx said we’ll take that in due course.

Privatization/Competition Advisory Committee – The following nominations were made for five appointments:

1. Gregory Antman, nominated by Councilmembers Mitchell, Peacock
2. Christopher Brown, nominated by Councilmembers Carter, Howard, Peacock
3. Kevin Gottehrer, nominated by Councilmembers Barnes, Burgess, Carter, Kinsey, Peacock
4. Paul Hurlburt, nominated by Councilmembers Burgess, Cooksey, Howard, Kinsey, Peacock
5. Michael Knight, nominated by Councilmembers Burgess, Cooksey, Peacock
6. Dazzell Matthews, Sr., nominated by Councilmembers Barnes, Carter, Kinsey

7. Randall Miller, nominated by Councilmembers Barnes, Kinsey, Mitchell
8. Erik Monroe, nominated by Councilmembers Barnes, Kinsey, Mitchell, Turner
9. Owen Sutkowski, nominated by Councilmembers Barnes, Burgess, Cooksey, Howard, Mitchell
10. Adrian Woolcock, nominated by Councilmembers Carter, Cooksey, Howard
11. William Strong, nominated by Councilmember Cooksey
12. Rodney Falkner, nominated by Councilmember Howard
13. Eric Montgomery, nominated by Councilmember Mitchell

Transit Services Advisory Committee – The following nominations were made for two appointments:

1. Terry Lansdell, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell
2. Kimberly Lawson, nominated by Councilmember Turner
3. John Murphy, III, nominated by Councilmembers Peacock, Turner
4. George Schaeffer, III, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock

Mayor Foxx said we have two who are eligible in seeking reappointment. We can take that up next week or we can –

Councilmember Barnes said I move to reappoint them by acclamation.

The vote was taken on the motion to reappoint Terry Lansdell and George Schaeffer, III and recorded as unanimous.

Mr. Lansdell and Mr. Schaeffer, III were reappointed.

Waste Management Advisory Board – The following nominations were made for one appointment.

City Clerk Kelly said there was an additional nominee, but we received an email that he is not interested in serving.

1. Mark Joyce – nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Turner

[Motion was made by Councilmember Cooksey, seconded by Councilmember Kinsey, and]
[carried unanimously to appoint Mark Joyce.]

Mr. Joyce was appointed.

Zoning Board of Adjustment – The following nominations were made for one appointment.

1. David Hoffman, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Peacock
2. James Smith, nominated by Councilmember Turner
3. Kyle Winston, nominated by Councilmember Mitchell

Councilmember Cannon said do we have six for any of those?

City Clerk Kelly said David Hoffman has eight nominations and James Smith one and Kyle Winston one.

[Motion was made by Councilmember Cannon, seconded by Councilmember Cooksey, and]
[carried unanimously to reappoint David Hoffman.]

Mr. Hoffman was reappointed.

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ITEM NO. 24: APPOINTMENTS TO BOARDS AND COMMISSIONS

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

1. Wesley Carter, nominated by Councilmembers Carter, Howard
2. Chaunta Jones-Hunter, nominated by Councilmember Kinsey
3. Ryan Licari, nominated by Councilmember Turner
4. Darrin Rankin, nominated by Councilmembers Burgess, Cannon, Peacock
5. William Strong, nominated by Councilmember Cooksey
6. Angela Williams, nominated by Councilmember Mitchell

Results of the first ballot were recorded as follows:

1. Wesley Carter, 2 votes – Councilmembers Carter, Howard
2. Chaunta Jones-Hunter, 1 vote - Councilmember Kinsey
3. Ryan Licari, 1 vote - Councilmember Peacock
4. Darrin Rankin, 3 votes – Councilmembers Barnes, Burgess, Cannon
5. William Strong, 2 votes, Councilmembers Cooksey, Dulin
6. Angela Williams, 2 votes, Councilmembers Mitchell, Turner

Mayor Foxx said Wesley Carter and Darrin Rankin were the top two vote getters in that.

Councilmember Howard said I just wanted to say Ms. Carter is a well known person in the business community. She has a magazine that she has come out with, and I just advocate on her behalf.

1. Wesley Carter, 6 votes – Councilmembers Burgess, Carter, Howard, Kinsey, Mitchell, Turner
2. Darrin Rankin, 1 vote - Councilmember Cooksey
3. William Strong, 0 votes
4. Angela Williams, 2 votes – Councilmembers Cannon, Mitchell

Ms. Carter was appointed.

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ITEM NO. 24: MAYOR AND COUNCIL TOPICS

Councilmember Burgess said for several years I watched my mother run for City Council and get elected and then do some good work, and then before it was long enough she would start running again. I think that two-year terms for City Council in Charlotte is too short, and I would like to make a motion that we extend or at least up for discussion the extended terms to four years.

Councilmember Howard said how does that work? I know it went to Warren’s committee, Restructuring Government Committee, and then it’s just voted.

DeWitt McCarley, City Attorney, said there is a statutory process that has some steps to it that you would need to go through, but you may do it by ordinance. You can change the charter by ordinance to change the length of terms.

Councilmember Carter said since I no longer have a dog in this fight I would like to second that motion with great fervor. Long-range planning is very difficult to accomplish in two-year terms, and I think this Council has the wisdom, the insight, and the integrity to work very hard for four years and accomplish something of great value for this city, and I would heartily recommend it. There is a cost to the City for running the election. There is a cost for supporting candidates. There is a physical cost of getting volunteers out and working. It does unify the committee. It does unify the community usually, but I think it has a great value and should be considered.

bvj

[Motion was made by Councilmember Burgess and seconded by Councilmember Carter for]
[Council to discuss extending City Council terms to four years.]

Councilmember Cannon said just for clarity this would be for discussion purposes only, Councilmember Burgess; is that what you are asking?

Councilmember Burgess said I would assume this would get sent to a committee.

Councilmember Cannon said for further consideration.

Councilmember Burgess said yes; is that correct?

Mr. McCarley said, yes, sir. It would take developing some ordinances for you and putting the process together and advertising a public hearing and doing several things, but we wouldn't do any of that without direction of Council.

Councilmember Cannon said, Councilmember Burgess, would you also consider adding to that term limit per se as well?

Councilmember Burgess said, no, I don't know that there should be a term limit.

Councilmember Cannon said so just four-year terms.

Councilmember Burgess said yes.

Councilmember Cooksey said generally I try to take the approach that anything within Council purview is something that should be studied further, but this has been. I'm judging by my seating I'm clearly, with the exception of Dr. Burgess, the shortest tenured member of this Council, and then Councilmember Howard, of course – one of the two – and within my tenure we have discussed that issue and not moved forward with it, so I don't see the need to revisit it again so close to when we decided against it.

Councilmember Burgess said I think that Nancy and I have a unique perspective in that we really aren't going to be running again. I know all you feel the pain that my mom felt and that Nancy has been feeling every two years, and it's a tough thing to do because you don't want to seem like you are extending your own term. I don't know how this would go. You probably wouldn't be extending your own term. It would be after the next election, but it's just that there is so much work to be done, and it seems like a whole lot of energy and money that is used to get re-elected every two years, and it just seems like it's too soon. It just seems like there is a whole lot of work you could get done and not have to necessarily worry about getting re-elected right away with the fundraising and the other issues that are associated with that. It's very expensive, and in my opinion somewhat wasteful, but I understand that having it every two years has its advantages, too.

Mayor Foxx said it's been put out there. I think we should make a decision as to whether the study goes forward or not.

Councilmember Dulin said the discussion and this vote tonight is going to be final, and I don't think – this hasn't come up. Well, it comes up from time to time, but this body didn't know until tonight, until this moment, that the finality of this vote will happen tonight.

Mayor Foxx said I don't think it is to do it.

Councilmember Mitchell said you will see it in committee, Andy.

Councilmember Peacock said we are just referring it to the committee, and what Councilmember Cooksey is saying is we have already addressed this issue in the committee. Chairman Mitchell, you were chairing the committee at the time. Mr. Mitchell, I will pass it on to you, but we had this discussion, and you remember what we had referred to the committee was the specific subject, and in the committee, I asked questions about what has been the average tenure of

Council members in this body going back to the '70s, and the study came back and showed the average term is about 4.2 years. We also talked about district representation and statutory options that we have to have someone live in the district but be voted on at large. Would that be something the committee would want to consider, and I think the decision was to not refer it back to Council; is that your recollection?

Councilmember Mitchell said you are exactly right, and the recommendation came out of Restructuring Government like 3-1, and it came to full Council. It failed not to proceed with four-year terms.

Councilmember Kinsey said may I suggest the information from that study be circulated so everybody will know, or we will refresh our memories, and certainly was not here, and he does not have access to that.

Mayor Foxx said there is a motion on the table on this. Let's see how it goes. I think there has been a motion and a second.

Councilmember Howard said this is to refer to the Restructuring Government Committee the concept of four-year terms for Council members.

Councilmember Burgess said, yes, and I wasn't suggesting we change anything other than going from two years to four years. I wasn't suggesting that we have everybody vote on the district reps. I was just suggesting the change from two years to four years.

Councilmember Barnes said may I make a friendly amendment to Councilmember Burgess' motion and that would be that we take this vote after receiving the information that Councilmember Kinsey just requested. I would like to make as informed a vote as possible, and one of the ways that I would feel comfortable doing that would be with the information that she cited. I was not a part of that committee, and I would like to have that information and be prepared to vote at the next business meeting, if that would be acceptable to you, sir.

Mayor Foxx said I will also share with you that we have a Retreat that is coming up next week, and there is time to perhaps have that information and then have some conversation about it, if that's what you would like, but there is still a pending motion, so we have got to either vote on it or defer it or pull it back.

Councilmember Cannon said, Mr. Mayor, you know what I like about your suggestion. It's that it probably gets to us quicker by way of Retreat than it does by way of committee, and if staff can go ahead and gather the information that has been spoken about relative to what Councilmember Kinsey has presented and we can have it as background, I think that would be a very good suggestion to go ahead with the Retreat as you suggested, Mr. Mayor.

Councilmember Dulin said we got a report from the Retreat Committee earlier, and we have a limited number of minutes. We are scheduled down to the minute on our Retreat, and staff is working on our Retreat, and we don't have time. We can talk about this all day long, and adding it to the Retreat – I would like to support, and I seconded his friendly amendment to wait until we get the information.

Councilmember Burgess said can I accept his friendly amendment? I would like to accept his friendly amendment.

[Motion was made by Councilmember Burgess and seconded by Councilmember Carter to]
[accept the friendly amendment to take the vote after receiving information from staff.]

Mayor Foxx said I was thinking about the time around the social reception and dinner at Johnson C. Smith, Mr. Dulin, to have that conversation. At any rate, it doesn't matter. We can talk about it any time.

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

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

NAYS: Councilmembers Cooksey, Dulin, Peacock

* * * * *

Councilmember Carter said I have one more topic. I would like to thank Councilmember Warren Cooksey, who was in Raleigh with us last week. He is serving as vice chair of one of the North Carolina League committees. Thank you very much for being there, Mr. Cooksey, and to thank the staff for their support. I would like to report to you all that out of the 25 approved legislative agenda items all five of our legislative agenda items were approved, and number one is annexation, so Charlotte is very well represented by the League, and it's one of the most valuable services we do have. It's an exciting report to offer the Council.

* * * * *

Councilmember Peacock said this subject does somewhat piggyback off Dr. Burgess' comments here. Earlier today at 12:00 I had sent out a memo to you all, and I wanted to make a motion tonight to place an item on the February 14th agenda on the subject of City/County consolidation and specifically the composition of the governing body. That's what I'm making a motion for tonight to put that on the 2/14 agenda.

Mayor Foxx said I sent also a response to Mr. Peacock, and, first of all, your energy level and interest in this subject is to be commended because I think this community needs to have this conversation as quickly as we can have it. I'm actually of the opinion that having a conversation at this body about what the consolidated board would be named and how many people on it and that sort of thing is really a decision in which we need to be involved, but it's not a decision we can make. That decision has to be made by many other people including at some level the County Commission working in conjunction with our surrounding municipalities, working with our state legislators, etc.

I think all the questions you raised are good questions, and I think they are questions that are going to have to be resolved, but what I would suggest is that working with you, working with any other Council members who are interested in being a part of this that we work with our other partners in the County to frame a community conversation list and invite – there is a great resource in our former predecessors – folks like Richard Vinroot and Parks Helms, who were involved in this effort back in the middle 1990s who have a lot of historical memory. I have been reading this, which is the report they put out back in '95 and '96 that lays out their answers to some of the questions that you raise, but that was 15, 16 years ago, and we have got a different context now.

I also think there are resources in academia. We have got a professor at UNC-Charlotte, who has written a book on city/county consolidation. She has looked at more than 20 systems across the country that have attempted this, and I have actually been in conversation with Mecklenburg County Commission Chair Jennifer Roberts about this and inviting a resource from outside the city including a friend, Jerry Abramson, who is the recent mayor of Louisville which went through this consolidation effort several years ago and also inviting other leaders on both sides of this discussion so that we get the pros and the cons kind of laid out. But the goal, in my opinion, is to get a sense of what the advantages and disadvantages are; hopefully, from my perspective, to get buy-in – I think yours, too – to try to get buy-in from our partners in the County and hopefully be able to create an action plan to move the conversation beyond conceptual.

But I wouldn't want us to be talking among ourselves about what we would do when Cornelius might have a different idea and Davidson might have a different idea and Huntersville might have a different idea and Pineville might have a different idea, and you get 20 plans for consolidation and none of them actually agree. I think we have to start high level first and then work into those tactical steps, but I think you are asking the exact right questions.

Councilmember Peacock said I had the motion, so I don't know if there is a second to have the dialogue. I put the motion out to put on the 2/14 agenda.

Mayor Foxx said is there a second? I don't see a second.

Councilmember Howard said I wanted to give some comments like you just did. Can I do that even though we don't have a second? If you prefer not, I will leave it as it is.

Mayor Foxx said it's Mayor-Council topics. I think if you have – I'm happy to talk about this, but I think what we need to do is try to figure out a vehicle to frame it, and I have suggested one, which is a countywide conversation about this and then working to develop an action plan beyond that.

Councilmember Dulin said second then.

[Motion was made by Councilmember Peacock and seconded by Councilmember Dulin to]
[place an item about City/County consolidation on the February 14, 2011, agenda.]

Councilmember Peacock said, Mr. Foxx, great questions, great comments. Thank you for your email back today and the dialogue on this subject. You will look at the studies in the '70s, look at the studies in the '90s, and we are dealing with the most precarious subject of all, which is beginning with the end in mind – putting first things first, which is what would the future body look like, not whether or not we want to be a proponent or an opponent of consolidation, which I'm neither. It's the statute, Article 20, Chapter 153A, gives us the commission on how we can go about doing the study, and today out of all 100 counties there has not been any city or county to be consolidated in this state, and the reason in many cases is because it doesn't even get to the most precarious subject, which is this one, which is how do you merge two bodies, and that was what my motion and what my subject is here to do. If you don't mind, I would like to read it, but I don't know if all the Council members have received it, but I would like to read it just for the record, if that's fine. I have the floor.

Mayor Foxx said you do have the floor, but I'm going to interject and suggest to you that I have read it very carefully, and I think most of us have, and if you want to read it for purposes of getting it in the record, that's fine, but I think you are going to keep coming back to the fact that this body doesn't have the authority to consolidate government by itself and that if we start answering questions that have implications on other – not only political bodies but the entire community – I think what you run the risk of is you do a bunch of work and you find there are different answers to those same questions elsewhere, and then you have no real process to reconcile those differences. I'm not arguing with your ultimate point, but I think we may have a difference of methods and means, so whatever you like.

Councilmember Peacock said let me just read it for the record and put the framework to it here. Again, I'm making a motion to place on the subject of the composition of the governing body of consolidated government to be placed on the February 14th business agenda. City of Charlotte and Mecklenburg County's previous efforts to address the subject of City and County consolidation have ultimately resulted in a number of combined functions such as Police, Planning, Parks, Public Utilities, but none of these recent efforts have ever addressed the core issue, which is the composition of the governing body. Article 20, Chapter 153A of the North Carolina General Statutes establishes a process for the subject of consolidation and the creation of a governmental study commission, however, again, it does not address the composition of the governing body.

It seems to me that the body as a whole should address the question, and I'll share with you some of the questions that Mayor Foxx was referencing earlier. I do not think it can be outsourced to one of our Council committees. I do not think it can be outsourced to a study commission or to an outside consultant. It must be first dealt with directly by both bodies. So, for our meeting on the 14th, what I'm proposing is that we have an open discussion of the following questions. Number one, the name of the body and the leader's title. What would be the name of the body? For example, would it be called the Charlotte-Mecklenburg County Council? Question 2, what would be the title of the leader of the City and the County? Would it be the Mayor, would it be the Mayor of Charlotte-Mecklenburg, or would it be the Chairman of the Charlotte-Mecklenburg County Council? Would the leader be elected by all the residents of Mecklenburg? Alternatively, would the leader be determined by a vote of members by the Charlotte-Mecklenburg County Council? Would the leader be two years, four years, or longer –

piggybacking a little bit on Mr. Burgess' comment about length of term. I think it's an important subject. Would the office be partisan or nonpartisan? Would the leader be full time or part time; and, if full time, would we have a strong mayor form of government or would we have the current City-County Manager form of government?

Office of Council and Commissioners – how many members would be elected to the body? Currently we have 11 members of Council plus a Mayor and nine members of the Board of County Commissioners. Would we have Council and Commissioners' positions? Would they be part time or full time? Will the Council and Commissioners' terms of office be two years, four years, or longer, and will the members run on a partisan or nonpartisan basis? Will the members hold staggering terms of office or concurrent terms of office, and will the body be comprised of a combination of district and at-large representatives? How many members would serve at large? How many would serve as district representatives? And, finally, would the district representative be voted on by the voters in their district or voted on by everyone in the county.

The final point, and this is to the point, Mr. Mayor, that you are bringing together, and I think it's an extremely relevant one is that while this is not related to the composition of the governing body it could be important for another question, which is what would be the role of the six Towns in Mecklenburg County in a consolidated government? That is definitely an answer that we will have a lot of different answers from them on, but I think when you deal with the composition of the body, maybe you and I are approaching it from two different directions, but that is what my motion is for is to place it on the 2/14 agenda, so we have a second from Mr. Dulin, and I will let you comment back or others to comment as well, too.

Mayor Foxx said I'm going to comment on this, and actually this is an odd position to be in because I'm actually in favor of the conversation, but I think that it's a conversation that needs to be framed with everyone at the table, and I think there is significant potential minefields by the City Council of Charlotte going it alone on this conversation without our partners. That's number one.

Number two is that actually one issue I'll take with you is that in '95-'96 they did answer all the questions that you asked from the name of it to the composition of it to the length of terms to partisan, nonpartisan, to every issue that you have raised, and I have spent an inordinate amount of time studying this to try to figure out even how I feel about some of these recommendations that were made 16 years ago, and I think all of us would probably want to take some time to do that ourselves. At the end of the day, I think what we ought to do is rather than go directly to the step that you are suggesting is to invite our County Commission, our surrounding Town Commissions, our business community, our neighbors to have a structured conversation with the components I talked about before, which is having some historical context, having some looks at other cities and other communities, and reserving a significant amount of time for us to talk among ourselves because frankly we could spend a lot of time talking about this here and people elsewhere may just say this is crazy. We don't want to do it. I would rather before we get to a point where everybody says we don't want to do it, I would at least like to have people have the information in front of them about what's happened and what is possible. So, I'm not speaking against what you are saying. I'm just saying I would rather have that conversation at a later stage.

Councilmember Howard said I join the Mayor in applauding the fact that you sat down and took the time to try to put some thought about how we could move forward, but as you can see from your email just four hours ago it generated emails from the County Commission, from the Towns, and they were not all positive because they felt like we were doing exactly what the Mayor said – getting in front of the process. I think this is one of those times when we probably can learn from the past, and 16 years ago and probably even ten years before that when this has been studied, the whole idea of having the government bodies themselves do it was not something they favored. They actually created a committee to look at it – members from the community to come in and look at this as an objective third party to say these are the models in other cities, this is how it worked, this is how it didn't, and then they brought back recommendations.

The Mayor is right. They did talk about exactly what it could be, what the titles would be. It's in there. So, I think the idea is good, but I think what the Mayor is saying is we probably would – the question from this body is are we interested in it, and if we are interested in it, then what? I think the Mayor has talked about the “and what?” The “and what” is having representatives from all the bodies come together and then probably putting together a taskforce that would produce another book, and then we could make a decision then whether or not we like their recommendations, but it brings the community in, which is the appropriate way to do it.

Councilmember Turner said hearing that dialogue from Mr. Howard just now I still think that ultimately the goal should be and what the citizens want to know is what is it that you are trying to accomplish; what is the outcome; what is your mission? I have heard this, and I think all the comments tonight are very accurate in regards to our previous history with other Council members that wanted to look into these things, but I think before we can even get to that point it is important that you formally have a clear understanding what it is that you are putting out there that you want to accomplish by looking at it in the first place. If not, I think you are going to end up with the same results.

Mayor Foxx said good point, and I'll respond directly to that in a second.

Councilmember Cannon said I don't have a real problem discussing the issue, but what concerns me right now though happens to be the idea or the notion of getting all of these bodies together in one room to discuss all of these issues. Can you imagine the chaos? I mean, mind you, people will be heard, but I'm concerned about the level of production that can come out of a meeting so large with so many representatives from different parts of the city, the county, towns and the surrounding area.

I believe it serves us best if the leadership from each one of those bodies – the mayor of this body, the chair on the County Commission, the mayors of the small towns – if they would go and really poll their members about if they want to pursue this as a matter of discussion. That, in turn, will allow us to maximize some efficiencies to determine if indeed we want to move forward or not. That question was presented ten years ago, 12 years ago to a previous body, and the response to the person that asked the question was, no, there is no level of support on this body to move forward. I think that same question needs to be asked today. If we ask that question today, we may find that it may be a good idea based upon that response to have everyone congregate or come together at some point, but beyond that if there is no level of an idea by each respective body, it's moot. Some of us want to talk about it; others may not, but I think a simple poll, Mayor, of this body and to ask other leadership for their level of input might be the way to go. It can help us to move forward.

Mayor Foxx said let me jump in on these two points. The question of polling this body gets back to what Mr. Peacock is trying to get at which is react to what. The issue in terms of reacting to what is that consolidation is a concept, but to some extent we are the architects along with our partners across the county in terms of how that is built. So I can tell you having talked to some folks who have led these efforts across the country that it is a messy process, it is tough to have these conversations, so I know it is not an easy conversation to have. But I would hesitate to have the leaders of these boards talking about this without at least inviting the members of these bodies to the table. Mac, do you have something you want to say?

Mr. McCarley said there is a process in the statutes that at the appropriate time I will be glad to describe for you.

Mayor Foxx said I think as an initial issue that everybody needs to at least have a chance to start at a point of common information, to level set. If you miss the opportunity to do that, then I think you get caught up in people misconstruing and not understanding what some of the discussion is. So that's the method behind it. It's not easy or simple, and the point is to get this community on or off the dime on this issue. It's been kicking around for some 40 years, and many people have tried. There is a graveyard of people who have tried to talk about this issue, and I know it's a tough issue to get people to move off particularly elected officials who have turf and who have other issues like that.

But this community is going through a time when we are going to see very clearly what happens when we are not able to shape community priorities across governmental lines, and I think it's important for us to have that conversation. So for me victory in this at least initially is having information shared with everybody who wants to be part of the conversation across our county and to have some idea of whether the support level is there of that group and within the bodies that represent that group to move forward to the next step, which Mac will probably talk about which is a taskforce that is legislatively required before a consolidation can actually occur.

Councilmember Barnes said I spoke to Councilmember Peacock earlier this evening and told him of my general reluctance to have that discussion on the 14th because in part I believe there are some implications of the discussion that we perhaps have not considered; one being the demand on our staff in order to prepare for that session. If we don't get their involvement, it will essentially be a free-for-all for a couple or three hours, which is not in anyone's best interest, and I don't know if you have spoken with the Manager about having staff prepared to assist us on the 14th if it is necessary. I think it would be necessary, but some may not.

I also expressed to you that I have not heard a very compelling reason to support consolidation of government, and it is in part for that reason that I don't want to have the discussion on the 14th. I am open to learning more about the concept, and I have expressed that to the Mayor. I am open to hearing more about it, but I haven't heard a compelling reason thus far. I am concerned that we have instructed our staff to do a lot of stuff over the last few months, and there is a lot of stuff on their plates, it's not clear to me that we are – rephrase that. It's not clear to me that would be a wise use of staff resources at this point. That's not to say that it should never happen, and I don't know that there is any perfect time to have that discussion. I'm simply suggesting to you that I don't believe that time is February 14, 2011, so for that reason, I will vote against the motion.

Mayor Foxx said, Mr. Peacock, I will recognize you, but I will commit to you if you are interested in working on this with me, I would love to have even your thoughts on it, but what I would suggest we do is to try to frame that community conversation and try to do it within a reasonable timeframe. It's possible we could get it done in the month of February and then get into some of the tactical steps that you are suggesting.

Councilmember Peacock said thank you, Mr. Mayor, and obviously very interested in having a dialogue on the subject. I wouldn't have put my neck out like this tonight just because we didn't have a heavy enough agenda. To your point, Mr. Barnes, I really see this from the perspective of staff resources and staff time, so I feel like at the end of the day, I think again, Mr. Mayor, you know the studies and the previous efforts that have gone forward. We will hear a little bit from Mac here right now on the procedures for this, but if the bodies aren't interested in doing this – this body and the Mecklenburg County of Commissioners – are not interested in doing this – the reason I put this framework out here is it was a suggested framework of the discussion, the most difficult of the discussions first, and the other reason timing wise, Mr. Mayor, is we are both going to Retreats – the County this week and us next week. I know we have a full agenda, but it does give us some informal time to begin to consider and to flush this out whether it is something of interest and if we want to move forward and if we want to dedicate staff.

Some of the things that drove me to study a little about this as well, too, is we read in *The Observer* that Manager Walton and Manager Jones had not even really gotten to this, and I know we had talked about it last budget session. I can understand why. You have had a lot of stuff you have been doing, Mr. Manager, but at the same time, if you are not getting any signals from the political body whether they are really serious about this I can't imagine how you can dedicate resources to it. So, Mr. Mayor, I'm happy to work with you on this subject. I'm happy to continue the dialogue on it. It was not intended make a statement of being a proponent or an opponent of the consolidation. It's just this is what we need to discuss, and I think it's a good framework to work on.

Mayor Foxx said let's go ahead and have a vote on the motion as it is. I don't know how much more serious we can get than to tell the staff that we want them to evaluate four areas of functional consolidation, but our staff has to – you know, it's a two-person dance. They have to be able to have the County at the table to do it, and I think the County has signaled that they have

resource challenges that are preventing them from doing that. Why don't we have a vote on this motion?

Councilmember Howard said I was just wondering. Mac has been trying to tell us for a few minutes what the process is. If we could stop and hear the process, that would be great additional information.

Mr. McCarley said I'm going to give you a very short version of it. The statutes would contemplate that this process starts with a joint resolution passed by the City and the County that would appoint a consolidation commission to study all the issues and to come back to you with reports after some length of time. So the way this would normally come up before an elected body is that you would work ahead of time and put together an agreement with the County and you would both put on your agendas a resolution.

Mayor Foxx said because that step is required I think to put a final point on what I'm trying to say is that I think that commission, if we agreed to do it, would be better informed by the elected officials saying we would like you to study consolidation and here are some specific areas we want you to pay careful attention to and how we would like those issues resolved as opposed to an open-ended invitation, which comes back in a way that the bodies may not want and you end up with what you have ended up with in the past. I agree with you. We need to have this conversation, but why don't we try to get something put together within the month of February to frame it as a community and see where people are and then that helps inform that next step.

Councilmember Howard said one follow-up. After scanning through this book, I kind of agree with you from the standpoint that it would be smart for us to hear from the people that were involved before including our own Carol Jennings, who was a consultant on this. It would be smart not to reinvent the wheel, bring people back involved that were involved with this, tell us what didn't go right, what were the community's concerns, why it didn't happen before because I'm sensing us redoing everything that has been done already. The idea of bringing people together like the Mayor is talking about – the former mayor and former County Commission chair would be smart. What I'm saying is in the framework that you guys are talking about over the next month how do you include them in that conversation so that's part of it would be important to me.

Mayor Foxx said there is a motion to put it on the 14th.

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

AYES: Councilmember Peacock

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

Mayor Foxx said I don't want people to take that as a motion of people's indications at this point. I just think we need to have a higher level discussion before we can move forward. So, thank you, Mr. Peacock, I appreciate that energy, and I'm serious. I'm going to call you, and hopefully you will have time.

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Mayor Foxx said let me also say that I was at the U.S. Conference of Mayors last week and had a really good set of meetings. I left feeling better about Charlotte's position as a city versus many other places. There was a lot of conversation about laying off police officers and fire fighters and other critical lines of business, and we have got our challenges for sure and other levels of government have challenges, but relatively speaking the City of Charlotte is standing up pretty strong, so that's a testament to the management, to the previous Councils, to the leaders, and this body. More to come, and I really appreciate you all coming and focusing on this stuff tonight.

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Councilmember Cannon said we did have a citizen earlier this evening, Ms. Shauna McLamb, that came and said she was having some level of difficulties being able to get some form of communication, and I have seen where we have tried to reach her, and I have sent some information to her for a contact number for her to touch base back so that we can plan a meeting and get on her calendar or have her on ours, if you will, but beyond that her issue was homelessness, and I have asked that she also come I believe with a business plan and/or her proposal for addressing homelessness, and I would like to be able to get that to you, Mayor, as well as the rest of the members of Council when she so supplies it.

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Councilmember Barnes said in the event that she is watching I would like to say Happy Birthday to my mother. She is a wonderful woman. She is in Rocky Mount. I love her very much. Happy Birthday.

Mayor Foxx said that's a great note to end on. We like to end our newscast with a good note, so that's good.

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ADJOURNMENT

The meeting was adjourned at 9:18 p.m.

Stephanie C. Kelly, CMC, City Clerk

Length of Meeting: 3 Hours, 49 Minutes
Minutes Completed: March 18, 2011