

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, February 14, 2011, at 5:16 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Present were Councilmembers Michael Barnes, Nancy Carter, Patrick Cannon Warren Cooksey, Andy Dulin, Patsy Kinsey, Edwin Peacock III, Warren Turner

ABSENT UNTIL NOTED: Councilmembers Jason Burgess, David Howard, James Mitchell

ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Councilmember Dulin said I have got three. The first one is No. 20. It's another one of the pond projects that I have said over the years that I think ought to be more the responsibility of the pond owners than the citizens of Charlotte to fix these things, and to be consistent, I am going to be a no vote on No. 20. I just wanted to bring that up. It's \$418,000 to fix somebody else's pond.

No. 29, median landscape services. I am going to pull E and F. I don't know why. Let me find my notes. It means I read it though.

Councilmember Burgess arrived at 5:18 p.m.

Councilmember Dulin said they say the streets here, but I don't know where on these streets. These are areas that I represent in District 6, and I'm just curious as to Wendover, Fairview, Sardis, Providence Road, Sharon, Wendover, Fairview, Tyvola. Those are all – I want to make sure – I'm sort of curious as to where.

City Manager Walton said would it be okay if we got you a report back on those?

Councilmember Dulin said, yes, thank you. The others are fine, too, but I don't represent the others. E and F are my responsibility, and I need to be able to tell folks where we are spending money and help is coming. A cruddy looking median is cruddy looking.

City Manager Walton said we'll do that for everyone.

Councilmember Dulin said No. 33, and my guess is Mr. Barnes might have seen No. 33 also. It's Airport Concourse E expansion change order, and it's a small amount of money in the spectrum of what is going on -- \$190,000 – but that's change order after change order after change order are going on. I would like a moment or two of explanation as to why. I remember when we okayed the expansion. Pretty soon that thing is going to be in downtown if we keep pushing it out, so it will be interesting to see. That's it, Mr. Mayor; that's three.

Councilmember Barnes said, Mr. Manager, I wanted to get some additional information on Item 21, Eastburn storm drain improvements. The question regarding the general contractor and one of the subs. The general is Life Development and one of the subs is Blythe Brothers Contracting. I wanted to know if those two entities are affiliated or there may be some strategy there for other companies to attain work from us, if in fact that is the case. Additionally, on Item 34, a contract for \$1.9 million for engineering services for the Airport entrance road, and I was looking back, and I actually want to have a better understanding of the history of the contracts there. It looks like we are on the verge of spending \$2 to \$3 million, I believe, about \$3 million on the design of that road, and I want to know what the budget is for construction or at least the anticipated budget and also develop an understanding as to why we can't get any more definitive scope of develop a more definitive scope for the project. In other words, why isn't it more definition and certainty regarding that road and the project itself, if in fact there isn't, and maybe there is a definition of scope. I just want to develop an understanding. I believe that's it.

Councilmember Carter said No. 19, the Hidden Valley Phase 6 NIP. I think I would just like to make a public statement if I could that our personnel as they are out in the neighborhoods are

part of our crime watch, and they are eyes on the community as well, and they have been commissioner, as I understand it, Mr. Manager, to call in anything that is suspicious and be part of our eyes with code enforcement and good things such as this. I think as a reminder both for our citizens so they could participate more verbally, shall we say, would be beneficial.

Mayor Foxx said other consent items? Hearing none, let's go, Mr. City Manager, we have water and sewer rate methodology study.

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ITEM NO. 2: WATER AND SEWER RATE METHODOLOGY STUDY RESULTS

Councilmember Cooksey said what you are seeing tonight is the result of months and months of work by staff and consultants on adjusting the water/sewer rate methodology. This included ten public meetings – five to gain feedback going into it and then five afterward to get some feedback about initial results. The key to keep in mind about this presentation is that this is not about what the rates are going to be or even why the rates need to bring in the revenue they need to bring in. This is how the rates are set.

We have a great role in determining why they have got to bring in a certain amount of money because we control the capital program that as we remember from past budget cycles drives a lot of what rates need to be. The what of the rates will occur later on in the budget cycle. All this is about is how, and Barry will go through and talk about some of the details, but a couple of things that I would like you to keep in mind as you hear these are rate stability so that we don't necessarily have to have such large increases in a drought situation and maintaining our desire to have a lifeline rate for the folks who use the least amount of water. So, with that as two of the themes, and, again, remembering this is how the rates are set – not what they will be or why they will be what they need to be. Over to Barry.

Barry Gullet, Utilities, said, thank you, Mr. Cooksey. You have covered most of my presentation, so are there any questions?

Councilmember Cooksey said I neglected to do the most important thing a chairman needs to do, and that's thank this committee, and that includes Vice Chair Patrick Cannon, Patsy Kinsey, Warren Turner, and James Mitchell is our fifth member, and I'm sure he will be along shortly.

Mr. Gullet said I would also like to thank the members of our stakeholder advisory committee. We had 15 people from around the community who served on that committee. They met four times in the evening, and there are a few of them here tonight, so I really appreciate all of the help and guidance that they put into this.

Like Mr. Cooksey said, this has been a long process. We started last August and have moved to where we are tonight. Later this evening, you are going to have a public hearing to hear from the public any comments they may have about this, and then we'll be bringing it back to you in two weeks for approval. So that's the process; that's where we are. He began a PowerPoint presentation entitled, "Council Briefing Water and Sewer Rate Study," a copy of which is on file in the City Clerk's Office.

Councilmember Howard arrived at 5:26 p.m.

Councilmember Barnes said I read the Attachment No. 1, and you are clarifying some questions I have, but I wanted to make sure I understood in plain language the ultimate impact. As you have just spoken, and perhaps I missed some of what you said, it strikes me that the water bill for a regular Mecklenburg County family is going to go up both on the water usage side and the sewer side. For a large consumer, whether it be a business or just someone that has a lot of grass to water and a bunch of pools to fill, their water bills are going down. Did I read that wrong?

Mr. Gullet said that's correct.

Councilmember Barnes said that is not what I intended to have happen when we restructure this billing. That is not what we were trying to do. There are, as you probably know, a lot of people in our community who are struggling just to pay the water bill, and a lot of folks who don't. A lot of folks are fine and don't have to worry about it. But what I had hoped we would not do is actually raise water rates and sewer rates on our average families. That wasn't my intention. Now, I'm open to hearing to more as you talk, but that part surprised me.

Mr. Gullet said I understand exactly what you are saying. The purpose of looking at the rates, one of the purposes was to look at equity, and the finding was that those large users are paying for services that they are not receiving. So, the purpose of this proposal is to bring that more in line so that people are paying. That's a policy decision, and that is certainly up to Council to make that decision.

Councilmember Barnes said such as what? You said they are paying for things they are not getting. Give me an example.

Mr. Gullet said they are paying for sewer service they are not getting. In other words, the sewer cap is set at 24 ccf. They probably aren't putting more than 7 or 8 or 9 ccf of water into the sewer system, but yet they are paying for 24 ccf of sewer use, so they are paying for a service that they aren't receiving, and that's really the main driver of the reduction here. So that revenue has to be made up by the people who are using the service, and those are the customers that are over on this end, that are lower than the sewer cap. That delineation there is at 16 ccf, so that is where the transition occurs. In other words, we are reducing the sewer cap from 24 to 16, so that is how that is derived.

Councilmember Carter said I had the same sentiment, Mr. Barnes, and it's a regressive approach to our billing, and I'm very concerned about it. When you spread that sewer usage charge, you are spreading the base more widely to be covered by more people. I understand and appreciate what you are doing.

Mr. Gullet said currently yes.

Councilmember Carter said by using water more greatly particularly at demand times that maximum demand capacity is being created by the people who use the most. It's a convoluted argument, but it's an important one because it creates that maximum demand for which we have to build.

Mr. Gullet said that's correct, and what is happening now is that people are paying a sewer bill for sewer services they are not getting, and that revenue is being applied to subsidize everyone else. Again, I understand exactly what you are talking about. This was discussed in quite a bit of detail and at length with the stakeholders and at some of the public meetings. This is one way to do it. There are others. They way we are doing it now it does; it spreads the cost out over more usage, but it is spreading the cost to people who aren't actually using the service.

Councilmember Kinsey said point of clarification, Barry. You might want to explain. I'm not sure if you picked up on this. It took me a while, too, being on the committee, but the people who are using the most water but not using as much sewer capacity are probably because they are watering their lawns, and that doesn't go back in the sewer.

Mr. Gullet said that is exactly it.

Councilmember Kinsey said there may be some other, but I remember that was one example you gave.

Mr. Gullet said most people even if they are watering their grass they can get up into these higher usages, but like you said, that water is not going back into the sewer system, so it's not driving up costs for us to treat that wastewater.

Councilmember Cooksey said something else to illustrate when you talk about setting the rates. We are seeing an aggregate bill impact here, but we do structure the rates to capture the cost of water provision and sewer provision separately. We are charging for two separate services on a

combined bill, and I can't stress enough that what you are seeing with this impact is the fair allocation of cost on the sewer side.

Mr. Gullet said this is a combined deal. It's the net effect of both the water and the sewer rates.

Councilmember Barnes said so the net effect is the average residential customer's bill goes up and the industrial, commercial customer, or large scale residential users' bill goes down.

Mr. Gullet said, no, this is residential. The commercial customers do not pay a tiered rate, and they don't have a sewer cap, so this chart is residential customers only.

Councilmember Barnes said to that point 84% of our homeowners, people who use 10 ccfs or less, will have an increase in their bills, and that outlier crowd that are either a bunch of fools or whatever, their bill is going to go down.

Mr. Gullet said it's mostly irrigation usage at that point. He continued with the PowerPoint slide on Recommendation 4, Irrigation Usage.

Councilmember Carter said I would be much more amenable to that argument if we were using gray water. By the charges for the irrigation, are we taking into account we are giving them the same water that comes out of the tap ready for use to drink?

Mr. Gullet said, yes, we are. It's based on potable water costs. I, too, would love for us to be able to do reclaimed water for irrigation. Unfortunately, it's very, very expensive to do that, and maybe one of these days we'll get there.

Councilmember Carter said, thank you, I hope so.

Councilmember Barnes said, Mr. Gullet, regarding the separate metering for an irrigation system will there be a fixed monthly cost?

Mr. Gullet said yes. Each meter, if there are two separate meters, each meter would pay the monthly availability fee.

Councilmember Barnes said what is that again? Is that the two –

Mr. Gullet said it's \$2.19 per meter.

Councilmember Barnes said so the incentive is to actually get people to use less water.

Mr. Gullet said that's correct.

Councilmember Barnes said if they choose to use more they will pay the Tier 3 or 4 rate.

Mr. Gullet said if they are using the smart controller then they should be saving water over a scenario where they are not using a smart controller because the smart controller will adjust the amount of water that it is putting on their grass or their flower beds based on weather, based on soil moisture, even based on the weather forecast. So they are pretty sophisticated devices.

Councilmember Barnes said I'm trying to understand the incentive because the homeowner says, okay, I'm going to pay an additional fixed cost for this separately metered system and I'm paying more money for the water. What is the incentive?

Mr. Gullet said they are paying less money for the water because they are not paying Tier 4 rates. They are paying Tier 3 rates.

Councilmember Barnes said but couldn't you pay Tier 1 now if you are just not using a lot of water?

Mr. Gullet said if you have a single meter that is serving your house and your irrigation system you are going to go through the Tier 1, 2, and probably 3 rates pretty quickly because your usage

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is going to be a lot higher, so you are going to move through those. You are going to pay a sewer charge on that water, and you are going to pay that, but by the time you get to the fourth tier, and you will get to the fourth tier if you are doing much irrigating, you will be paying that higher fourth tier rate. So the incentive is that you pay less for the irrigation water than you would otherwise even though you still pay that availability fee.

Councilmember Barnes said currently, and correct me if I'm wrong, but the sewer charge is determined by your water usage. In other words, they don't meter the sewage water going out of your house.

Mr. Gullet said that's correct.

Councilmember Barnes said it takes me back to that other graph. If we are trying to be somewhat balanced about it, if you are going to charge folks for the amount they use, it should be the more you use the more you pay even on the sewer side as opposed to the proposal that I saw there, but you are helping me, sir, thank you.

Mr. Gullet said the other incentive that we are proposing is that currently when a customer installs a separate meter there are two charges that we assess. One is a capacity fee, which is \$440, and that's buying into the system. The second fee they pay is a connection fee, and that's what it actually costs us to go out, dig it up, and put the connection in, fill it back in, and restore it – materials and labor. So we are proposing to not assess the capacity fee part of that when a customer installs a separate meter that is a split service. In other words, we are not making a new hole in the City water pipe. We are just splitting the service that they have and putting two meters in, so we would not assess that \$440 capacity fee for those residential split service meters, and we would allow them to spread the cost of that new connection – that connection fee – we would allow them to spread that out over a 12-month period as a part of their water bill instead of paying it all up front. He continued with the PowerPoint slide on the fifth recommendation.

Councilmember Kinsey said, Barry, refresh my memory on bullet 1. Does that charge actually cover our cost?

Mr. Gullet said yes.

Councilmember Kinsey said does it cover it and some or does it just pretty much cover it?

Mr. Gullet said the Tier 3 rate is based on average day plus recovering some of the difference between Tier 1 and also part of the maximum day usage, so it at least covers our costs. In some scenarios, it may be a little more.

Councilmember Kinsey said if at some point we see it's not covering the cost is there any way we can up that charge, or are we committed to that charge forever?

Mr. Gullet said I don't know of any scenario where it would not recover our costs because remember that is a retail rate that we are charging them, and we are not responsible for maintaining the pipes and the systems on the other side of that. I think we are covered. He continued with the slide on the sixth recommendation.

Councilmember Peacock said great job. You have come a long way since this time last year, and this question can be for both you or Mr. Cooksey. I didn't see any slides from you comparing where Charlotte water and sewer rates are compared to our other peer cities in the southeast, and can you give us some commentary on that?

Mr. Gullet said I can. We compare very well. We will be bringing you those comparisons when we get into setting the rates for next year. We have done that comparison using this new methodology, and we still compare very favorably. Another thing we had that was part of the rate study – there weren't any slides about it – is we looked at affordability, and we had an affordability consultant who compared our water/sewer bills to the household incomes in Charlotte and then compare that ratio to other cities across the country that were comparable to us, and the finding was that we stack up very, very well, and that our water/sewer rates both now and under the proposed methodology were found to be very affordable for those customers.

There are a lot of folks that jump to the conclusion that the low users are the people who are struggling to make ends meet, and what we found is that is not always the case. We have low income customers who have large families, and they are not low water users, so there are a lot of things to be considered in that affordability analysis.

Mayor Foxx said I'm still working my brain around the recommendations here to kind of see where I think it ought to land, but it's obvious a lot of work has gone into this, Barry, and I want to thank you and your staff for it as well as the committee for the work you have done. I think there is a lot in here to digest, and I look forward to more discussion.

Councilmember Dulin said, Barry, back on page 3, one of the early slides you mentioned, another way you are going to do this is you are going to upgrade your software. You will be talking to us about the cost associated with that software in your budget.

Mr. Gullet said it's more programming changes than it is an upgrade. I don't think there is a requirement to go out and buy new software. Our current billing system has the ability to do this, but we have to push the right button, turn the right knobs to make that happen, and test it to be sure it works correctly and we are not going to have any glitches.

Councilmember Dulin said what we have got is cheaper than going to buy new, so very good.

Mr. Gullet said I want to also thank the Restructuring Government Committee for listening to four different presentations about this, I believe, so they have heard this at great length, and I appreciate your attentiveness and your support.

Mayor Foxx said thank you.

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ITEM NO. 3: AIRPORT TAXI SERVICE PLAN OVERVIEW

Curt Walton, City Manager, said the action item for later in your agenda, as you know, has been removed from the agenda tonight, so there won't be a decision requested. We wanted to go ahead with the presentation to let Jerry give you an overview of the process that has happened up to this point, and then we would like to get any feedback and comments that you have as we look forward to bringing this back at a future date.

Jerry Orr, Aviation, said we came to you in November of 2008 and discussed the challenges that were facing our Airport taxi system. We thought we could devise a system that would provide better service for the customer. He began a PowerPoint presentation entitled, "Airport Taxi Service Plan, and said over the past two years, we have been working very hard to figure out how to do that. We have looked at different types of taxi systems, we talked to customers, individual drivers, driver groups, associations, and taxi companies. We came up with what we thought is a plan that significantly improves our taxi system.

This is a snapshot of the situation we currently have at the Airport. Some taxis are clean, some aren't, some have technology, some don't, some provide excellent service, some don't. It's very unsettling for a customer coming out the front door in a strange city, and he sees a whole string of cars that each one looks different, and it's hard for him to understand what he is supposed to do. We need to change that. Like everything else at the Airport we want to provide the highest quality service to our customer, and we think they ought to expect that each time, every time.

If you look at this picture, you see a picture of taxicabs not making money. We have a very inefficient system where too many drivers spend too much time sitting around waiting for fares, not enough time actually driving. A taxi driver makes money when he has got somebody in the vehicle, the vehicle is moving, and the little wheel is just spinning around. Right now we have people sitting in this lot, drivers sitting in this lot an inordinate amount of time. What you can't see here is there are even more taxis that are spread out the Airport even out on Wilkinson Boulevard waiting to get into the line.

We have too many taxis most of the time; not enough taxis some of the time. The new system is designed to be much more efficient. It will match customer demand with taxi supply. We believe that the drivers working will make more fares in less time. Intuitively we know that a happier worker makes a happier customer, and that will lead to a better image for the Airport.

In August, we issued an RFP, and in that RFP, we asked companies that wish to propose to provide taxi service at the Airport to tell us how they would run the system if they were the ones doing it. We read their answers, we interviewed five companies who had submitted the best proposals, and we selected three best companies, three best proposals. It would have been far easier for us to go with one company – that's the quickest, easiest way for us to get uniform service, a uniform look, and uniform technology – but we decided in the interest of the drivers and owner-operators that a competitive environment would give them more options in selecting which company they wish to work with.

Councilmember Cannon said, Mr. Orr, you said you interviewed five companies.

Mr. Orr said yes.

Councilmember Cannon said how many actually went after the RFP?

Mr. Orr said nine. Nine companies submitted proposals. The operating agreements these companies would sign gives these companies the right to serve the Airport's on-demand customers in exchange for meeting Airport standards, which are higher than the PVH standards. Of course, any company in compliance with PVH can have its taxi serve the Airport. They can deliver customers, they can drop off, and they can pick up customers if they are pre-arranged customers.

Compromise is a word I don't like, but we have compromised a great deal in this process. Originally we parsed a great amount of information about demand. We think that 105 permits would meet that demand. We asked the companies. Most of the companies came back and said 105 permits were fine. Despite that, we added 51 peak time permits, which would be good for particularly busy days like Monday morning, Tuesday morning, and also when there are events in town. The permit fee was set at \$1,250 a year back in 1989. We originally planned to move that up to \$3,000. In our discussions, we figured out that those fees would be passed on to the drivers and owner-operators, so we reduced that fee to \$500 plus a \$1 trip charge, which means that the drivers that carry the fares would be the ones that were paying the bulk of the fee.

We wanted new vehicles. Each of the three companies who proposed that we recommended said they could provide the 105 new cars. Despite that, we did compromise and said we would accept three-year-old cars, which means a 2008 car, and that cars could stay in the system for three years. After three years of taxi use, cars are pretty well worn out. We also wanted a unified paint scheme, but we determined that would be an impediment to drivers pursuing their street business, so we gave on that.

Councilmember Cannon said, Mr. Orr, you said the taxis are pretty much worn out after three years. Are you averaging that on mileage? Are you averaging it on the look, a combination thereof? What might it be, and if there is an average mileage, what average might that be?

Mr. Orr said mechanical condition, interiors, all of those things that make a taxicab look spiffy are worn out.

Councilmember Cannon said in three years the idea is that the interior has eroded.

Mr. Orr said three years of intensive taxicab use, yes, sir.

Councilmember Cannon said what about the wear and tear on the vehicle driving to and from its destination in terms of miles? Is there a number there that would also allow for there to be some level of concern about the age of a car?

Mr. Orr said I'm not sure I understand your question.

Councilmember Cannon said there is a difference between years of a car and the mileage of a car to determine its condition about being able to operate. While we are talking about the interior, there is also an exterior feature as well.

Mr. Orr said, yes, sir, that would be the mechanical condition of the car.

Councilmember Cannon said I'm sorry, sir.

Mr. Orr said that would be the mechanical condition of the car.

City Manager Walton said is your question, Mayor Pro Tem, is there a tipping point of the mileage that also means it's pretty well worn out.

Mr. Orr said I don't know that mileage, and I'm not sure there is a magic mileage. As you know, it depends on how the car is cared for, how it's maintained.

Councilmember Cannon said I'm just trying to figure out a little bit how you got the magic number of three.

Mr. Orr said from talking to the taxicab companies, the drivers, the owner-operators, the information they conveyed to us is that three years in a taxi fleet pretty well wears out a vehicle.

Councilmember Cannon said the only reason I'm asking that question, Mayor and Council, is largely in part because our current PVH ordinance I know has a life of ten years that is in it, and obviously we are taking up the issue of the passenger vehicle for hire ordinance right now in committee, and at ten years, you know, that's a long time and was something that previous Councils had said that they were going to go back to deal with, but, of course, we haven't gotten around to it, but we look to get around to it now that it's in committee. But that being the case to go from ten years, mind you, down to three, which is something totally different because I understand this RFP is strictly for the Airport. We are not talking about the city as a whole.

Mr. Orr said that's right.

Councilmember Cannon said we get that. But I wonder or it concerns me a little bit about the precedent that we may be setting if indeed we go with three years here and we don't do the same thing citywide because I can hear somebody coming back saying, well, if it's good enough for the Airport, it ought to be good enough for the rest of the city, but that's something else. I will continue to let you get through your presentation. I just wanted to understand your rationale for three years.

Mr. Orr said remember that the Airport cabs are 156 out of a total of 650-some cabs in the city.

Councilmember Barnes said, Mr. Orr, I just want to clarify my understanding on that issue that Mr. Cannon raised regarding the age of the taxis. So, under the proposed changes three years from now, assuming this passes in 2011, some of the taxis that go into the system now would be six years old when they come out.

Mr. Orr said that's correct.

Councilmember Barnes said I will share with you that actually have appreciated the work you have done on this plan, and but for an issue regarding one cab company I was ready to move forward tonight. I know we deferred it, but anyway, I think you guys have done some pretty good work. There are a couple of things that we could talk about perhaps, but all in all it seems to me that we have done a good bit of work to try to do what is in the best interest of most of the cab drivers that service the Airport and the consumers, so I know that is another thing you want to cover, and I may have a couple of other questions, but thanks.

Councilmember Carter said I was wondering about the permits, Mr. Orr. Are the permits for one operator, and there are several types of permits, I understand that, but if the permit is linked to an operator, at the end of his service, if he decides to terminate before the year, can he transfer that permit to another person?

Mr. Orr said, no, the permit is an annual fee, and it's tied to the vehicle.

Councilmember Carter said so it doesn't matter who drives the vehicle.

Mr. Orr said that's right, so two drivers could actually share one permitted vehicle.

Councilmember Carter said if that vehicle goes out of service for some reason such as an accident or something such as –

Mr. Orr said there is a mechanism if a permitted a vehicle goes out to replace that permitted vehicle or if it's out for maintenance there is even a provision for substituting a vehicle temporarily.

Councilmember Carter said that's outstanding. Thank you very much.

Mr. Orr continued with the PowerPoint presentation and said using the PVH is base line. Our attempt has been to increase the standards of Airport taxi service with fewer cars, better technology, and a driver dress code. What this picture shows you is what the customer sees in the back seat. Customers today expect certain amenities in cabs, and among those are GPS that helps the customer figure out that he is going where he wants to go and is taking the best route to get there, back seat credit card devices that allow the customer to swipe his card himself in the back seat and get a receipt right then and there, and the newer vehicles will have a decal that says "Airport" on it. That's the Airport stamp of approval for our customers coming out the door that says to them we authorize and stand behind this taxicab. We'll take the worry off your shoulders. With these improvements, we think the customer can expect first-class service every time.

Now, we are moving ahead to step up our end of the bargain. We are going to require the taxi drivers, we are going to issue them an ID badge like the ID badge that I have to work at the Airport, and, of course, that requires a background check to be issued that badge. We are also redoing the taxi dispatch station on the lower level of the terminal. We want to staff it with our people. We are putting in an electronic system that will call up and dispatch the cabs as well as keep track of all of the trips. Be glad to answer any questions you might have.

Mayor Foxx said I have a couple of questions. I want to acknowledge the work you have been doing on this. It's been two years of work as far as I know – maybe longer than that, and speaking for myself, but I'm pretty sure most of us are in agreement that we want to improve the experience for people who use taxis at the Airport. I think the questions that I have are really more fundamental to why the experience today is what it is. When you say, for example, that we will have a three-year limit on the number of years a cab can be in service eventually after these current ones sort of grandfather out. I guess the question I would ask you about that is how are the cab companies going to guarantee that to us because as I understand the relationship between the cab drivers and the cab companies is that most of the drivers actually buy the car themselves and drive it, so how does the cab company guarantee that?

Mr. Orr said many companies provide cars for drivers who lease them from the company. Companies also arrange insurance and financing sometimes for owner-operators. Each of the three companies that we looked at from their financial statements had the financial wherewithal to furnish 105 cabs. That's either through agreements that they had in place with owner-operators or through buying new cars if necessary.

Mayor Foxx said this is not necessarily a question for you. It's really probably more for us, but as we have been talking about this ordinance, we have had a parallel conversation about the overall passenger vehicle for hire ordinance, and I know it's in committee, but I guess looking back over the last several months as this RFP process has been moving forward, can someone enlighten me as to where that conversation is and whether we will get some closure to it before we see this come back?

Councilmember Cannon said, well, it's actually in the – Mayor, it's in the early stages. We have just begun to take up the issue in committee right now, and as I understand it, the RFP at the

Airport is something that I believe some would like to move on fairly quickly. It's with that said that with the current PVH ordinance as the committee is dealing with it right now that is something that will not be done very swiftly. As a matter of fact, I mean it could be a longer process. It could be 90 to 120 days. It just depends on the issues we are having to deal with some of which the Aviation director has brought up in terms of trying to make sure there is a level of convenience for the customers with GPS systems and credit card machines and things of that nature as well as even looking at what we talked about a moment ago in terms of even the times or the year or the age of the car I guess is what I should be saying among a host of other issues. So it is not a quick fix situation for us to address this PVH ordinance, and I think where I hear you going is what can we do to probably institute bringing back the PVH ordinance and then, in turn, reacting to the RFP off of what the committee and/or the City Council approved relative to the PVH ordinance; is that accurate?

Mayor Foxx said that would be accurate.

Councilmember Cannon said with that said I just don't think it's going to be again something that happens overnight. It will take us some time, and I will defer to my staff resource to kind of get a general idea about the timeframe; is that pretty much accurate? It will be 90 to 120 days or so? He said yes.

City Manager Walton said I think at least.

Councilmember Cannon said at least, and that's just a ballpark guess. It could be longer. It just really depends. It could be less, but we have to look at the workload in terms of what staff has, what we have in terms of committees and so forth and so on.

Mayor Foxx said the problem I see in this is a process problem, and I think that is one of the reasons why we are deferring the issue tonight. One has to do with the issue about the actual selection of some of the firms, and I think that over the next couple of months my hope is there is some attention given to that particular issue. But the other issue has to do – a much deeper issue – which is that there are some companies and drivers who I think felt like the criteria that was set out were criteria that they were inherently unable to compete with because of the way the current regime operates. That is, if I'm a driver and I'm paying \$1,200 a month for the right to drive the car that I bought and take people around, my incentive is to drive that car as long as I can. So we have almost inherently built into our system what we see on the streets in terms of the quality of the taxi service in the city.

I think I'm having some problems, and maybe somebody can convince me that the support of making these changes, but I'm having some problems digesting how we can lock in an arrangement under the current PVH system when, in fact, that system may be changed in the next several months anyway. I know time is of the essence in terms of trying to get things changed at the Airport. Y'all have been working on this for two years or longer, and there is a lot of energy around trying to get something done, but it seems to me that we have really got to not only try to get something done and something that is probably the right thing ultimately to get it done the right way. I'm wrestling with that. I have wrestled with it from the very beginning, and I'm hopeful that we will find some closure to it at some point.

Councilmember Barnes said I actually want to respond to something you raised because I discussed that issue with Mayor Pro Tem, and I completely understand the position of someone, who as you indicated, is paying \$1,200, \$1,500 a month or more to operate a cab and then they have got to get rid of it after three years, and what I said to him and others is the primary reason, if not the only reason, I am interested in that three-year minimum is because – or the maximum -- is because we are talking about a service that is being provided at the Airport. If these were taxis throughout the city, it would be a different ballgame, but because the Airport is the way so many people come to our city and get to know the city and move around in the city when they first arrive here, I think there is room for a special exception to be made with respect to Airport traffic and people who come to the city and use the Airport.

So, I understand that issue, and I think that based upon what Mr. Orr is saying and things I have read that the three companies they have selected, two of which I support, part of the issue there is those companies have the wherewithal to undertake the requirements or meet the requirements of

the RFP, and I don't know if, for example, there is a third company that I believe was involved in the process that is made up of owner-operators, and I don't know if they have the ability to meet those standards, but I would be happy to have them involved if they could because I like that competition, and I want as many qualified companies as possible to be involved. There are 156 permits?

Mr. Orr said there are 144 permits right now.

Councilmember Barnes said under the proposed changes.

Mr. Orr said 144 current.

Councilmember Barnes said is it 105 plus the 51 for peak?

Mr. Orr said that is what we propose. There are 144 current.

Councilmember Barnes said right now, yes, but under the proposal it's 156.

Mr. Orr said 156. Some of those are peak time permits, but 156.

Councilmember Barnes said so there is an opportunity there I think to create, one, a reasonably fair level of competition but also to create a set of standards that apply to the Airport that would be in the best interests of Charlotte. I'm still concerned, but I understand why they proposed it and would support the three years.

Councilmember Howard said first thing I want to do is apologize for sounding stopped up, Jerry, so I'm going to try to talk as clear as I can so you can understand me. I want to join the Mayor and Councilmember Barnes in saying I, too, as well understand your goal and actually support it and told you so on more than one occasion of making sure that the best face possible is put forth when people come to our city.

I also shared an email with you and the Manager as well as Council about a month ago about the fact that I do have concerns about the people, the cab drivers, the taxi drivers who will be for lack of a better word displaced because of this new arrangement. In that email, what I suggested was a couple of things – one that would help with training, which I think this community is going through a lot of. We have a lot of industries that are downsizing, had to do other things, and this community has responded by helping learn new trades and they have helped with providing training opportunities. I even suggested something of a job fair to make sure we had several of them so that people would come and they could be matched up with other vendors and other opportunities. I'm not quite sure where that was. I think I heard from a few people that they were concerned about precedent being set by doing that, but I would love to hear an official response from you guys on that.

Also, in that email, I talked about the fact that I was a bit concerned about the requirement about the changeover of cars, and I want to ask you a question before I make my statement about that. The three and three concept, is that saying that if somebody has a three-year-old car that is with one of the companies that is picked right now they need to change over sooner than later?

Mr. Orr said, no, sir, as long as their car is 2008 or later it can enter service. It can enter service today.

Councilmember Howard said for how long?

Mr. Orr said it can stay in service for three years.

Councilmember Howard said that addresses the concern I shared with you about the change-over. The other thing we heard from a couple of the taxi drivers was the increase in fees that the cab companies told them would happen almost overnight, and I don't remember what that range was, but it sounded unacceptable when I heard it. So what are we saying about what the cab companies can charge the taxi drivers if they are picked?

Mr. Orr said I can't tell the cab company how to deal with their drivers, but remember the permit fee for the last 20 years has been \$1,250 a year. That is going down to \$500 a year. Not many other places I know that is going on. Also remember there are 650-some licensed taxi drivers in the city. Only 144 are permitted at the Airport, so 500 of those are already locked out from the Airport and have been.

Councilmember Howard said, again, my concern would be for the ones that have been able to service the Airport now and because of these changes won't be able to. The last thing I want to do is before I let you respond to the job fair and training parts of my remarks is talk about kind of the PVH, and I know that is right now with the Mayor Pro Tem's committee, and I think my concerns around this that I understand their job was to vet the companies for you. I think, Mr. Mayor Pro Tem and your committee, I think as a part of this process I think in the long run I think I would like to know about kind of what the vetting process is and how that all works.

I have had some concerns from the day that the taxi ordinance first started coming to us probably about nine months ago, a year ago, that I didn't understand that system, and it seemed to be something we should spend some time trying to figure out how to make better. I know that is what the Mayor Pro Tem's committee is working on. I think as part of that I would love to know about this whole vetting process and how that works, if that makes sense.

Mayor Foxx said Mr. Cannon is going to comment, and we have a couple of other Council members. Is there something that Jerry needs to respond to?

Councilmember Howard said I think Curt probably will.

City Manager Walton said on the question of training I think that is a policy question, Mr. Howard. It certainly is within Council's purview. I think what you mentioned with precedent, and I'll just use two comparisons on Independence and North Tryon, two roads that are going to be reconstructed for transit. Chances are somebody along those lines are going to be put out of business, so what do we do, and where does it stop? So, could we make a special case for this; absolutely. Would we have some problem explaining in the future why we didn't extend it further; I think probably so.

Councilmember Howard said those examples were given to me. The example I would give you is that when Eastland Mall closed we asked the staff to work with those companies to see if we could help them relocate, find other places. I think this is probably when we are affecting businesses, whatever the situation is, if we can lend any hand in helping them figure it out to me that's good business. So, in those two situations, you know, a job fair to – and maybe teaming with somebody else would make sense to me in those situations as well as just making clear about the fact that there is CPCC and there are other ways – kind of being a clearinghouse and sharing information is what I'm talking about so in all situations I think that is a precedent that at least I would be comfortable supporting.

Councilmember Kinsey said back to your comment, Mr. Mayor, about PVH. As a committee member, I could be wrong – somebody correct me. I believe we always looked at this as two separate issues, maybe running – well, not really running parallel anymore, but two separate issues. I understand what you are saying, but we have really dealt more with PVH than this. This has been, of course, Airport, but we didn't intertwine the two.

Mayor Foxx said I understand it. I think I'm having some trouble because if you are a driver who is self-funding his or her vehicle and is paying for the right to drive that vehicle through a cab company, you are almost by definition not competitive in this process. I have got some problems with that, but, you know, we will talk over the next couple of weeks and we'll see whether I can find a way to get over it, but I understand it. I know you all have been working hard.

Councilmember Cannon said, one, Jerry, thanks for your presentation. There are some good things in here obviously. One that you pointed out reminded me of a conversation that I had with another Council member earlier this day who actually took a trip to the Airport in a cab and was looking to use a charge card, and the cab driver, as I understand it, kind of looked all over, finally found it, had to put it together, and all this other kind of stuff rather than to have it at the

disposal of the customer who could have just had it just to go right through that process and call it a day and everything be all well and good.

But, beyond that, Mr. Howard asked a question relative to how companies are vetted. I would imagine, and I could be wrong, but it would seem to me before a company is issued a permit I would think the PVH board would be the entity to look at who is trying to apply for a permit per se, and I think from there is where that level of determination comes in, so I think that would be Berhan – I can't call his last name – but I believe they are the entities that actually do that. Curt, am I right about that?

City Manager Walton said, yes, sir, I think that's right.

Councilmember Cannon said so if there is a question relative to any of the companies that may have gotten licenses or permits, things of that nature, that is, of course, where one would look to ask the question in term of if there is a level of concern or a level of praise. That's where you need to go to have that conversation.

Now, Mr. Mayor, I do want to add. I heard Councilmember Barnes talk a little about the idea of the companies that have gone through this process who really haven't had a real problem with it. They are able to meet the RFP. In this type of business, obviously as you talk about fees, there are going to be things called pass-through's, so it may be sometimes where the company itself may not absorb all of those costs, but they will pass it on to the – in this case – driver of the vehicle. So those folks are actually having to absorb that cost so the strain is not so much on the entity that is providing the service. I just wanted to put that out there for that level of understanding.

Then the second thing, the displacement side, one of the things I'm pleased to hear is that we do have some of the companies that are engaged who have said, hey, we believe we have some room within our organization for some of these displaced workers, and inasmuch as they are good drivers, they are experienced drivers, we will look to bring them in and have them be part of our organization. We certainly can't mandate that, but this is obviously something that the Airport again is doing, but it says a lot about people trying to make sure -- Councilmember Howard, that we are trying to close that gap of those folks that may be displaced. Jerry, any idea relative to how many displaced workers we might be talking about potentially?

Mr. Orr said if you had awarded to the three companies 84 of the current drivers at the Airport work for those three companies – 84 out of 144. The remaining drivers are not displaced. They are still permitted taxi drivers. They are just serving the rest of the city with those other 500 permitted taxi drivers.

Councilmember Burgess said could we go back one slide? If this is the first experience that somebody gets when they come to Charlotte I think it's fantastic. I think my question is and my issue is having it absolutely being three years as what is mandatory because in my opinion it's how well a taxicab is maintained. If I were a taxi driver and I purchased a 2007 Town Car or Crown Vic that hadn't been used before – you know the back seat was not used, then they would automatically not be able to qualify, but I think a lot of it has to do from my standpoint as how well the car is maintained, and I wonder if it is a consideration to have yearly inspections of these cars to be able to have the privilege of driving from the Airport.

Mr. Orr said we do quarterly inspections of all of the Airport permitted cabs. Those that are in terrible shape are sent back. Typically a cab that has been in hard service for three years is pretty exhausted.

Councilmember Burgess said so I bought a 2007 car that was used with 20,000 miles on it, and then –

Mr. Orr said I drive 20-year-old car, which is very, very nice, but you kind of need to draw the line somewhere.

Councilmember Carter said I have three points. Mr. Howard, I heard your concern about the individuals, and I share them. I just wish we had a job fair for the taquerias, and I understand

that some of the people who owned the taco trucks are now driving taxis, and I am very concerned that they might get double hits from the system. That's one of my real personal concerns and focuses.

In other cities there is an element of preference placed on environmentally friendly taxis, and I hope that sooner or later we can incorporate that in our standards. I think it's a very important issue that we, the City, are trying to emphasize, and it would benefit all of our citizens and the taxicab drivers because it would be less fuel cost and less fuel intensive. Then the other thing I understand there are some lawsuits against the City, and I would appreciate the Council receiving information on this issue – the PVH as well as this.

City Manager Walton said okay.

Mayor Foxx said is that something we want the City Attorney to send us something on?

Councilmember Carter said, yes, please.

Mr. McCarley said I'll be happy to.

Mayor Foxx said, Mr. Dulin, you have done some research.

Councilmember Dulin said I forgot what we were talking about. It's been going on a while. Listen, this is interesting stuff, you guys. Safety Committee chairman, Mayor Pro Tem, this last year and before that Chairman Turner of the Public Safety, I mean we have been working on this thing for years, and this is one of the things that before you get elected, even if you are not elected, you are thinking to yourself why don't they do this better, why is it like this. I think it's important that we are here working on this; it's important that these men and women that are in the industry, thank you for being here, are here listening to this because it's getting a lot of thought a lot of work from everybody.

Along those lines any of us that have ever owned a business have had something done called the Secret Shopper where without notice, without warning somebody comes to your business and buys product from you or comes through your store to see how you are doing. I went and secret shopped the cab companies today. Those of you that are laughing ought to not laugh because it's not funny, and it's good feedback I'm about to give the community now. We had three cab companies that made it on the list that we were going to vote on tonight. Like Mr. Barnes, I was ready to support two of them, and I can't even now remember which ones, but the cab companies that are on the list are Crown Cab, King Cab, and Yellow Cab.

Now, I had their telephone numbers, and I just called King Cab today. I was upstairs. They answered the phone with one ring, and I said, hi, I'm at the Government Center. I need a cab to the Airport. They said be there in two minutes. I said that is great, so I got up from my desk real quick and went downstairs, and sure enough – that was at 12:36. At 12:50, that cab hadn't gotten there yet, and I called them back, and they said, oops, we'll be right there, and at 12:54 a cab comes, so that's 16 minutes for a cab to come. Now, I called King Cab, and a Royal Cab shows up. The note I made here is the people of Charlotte need to know who they are doing business with. If you call a King Cab and a Royal Cab shows up, how do we know that it's the same company? How do we know that fare is not getting pirated? You don't is the answer to that.

So, I get in. It's a nice car. The first sign that things weren't the greatest though is he had his rate card – this piece of paper – it looked like it had been copied a million times, and his permit with his permit number on there looked like it had been copied a million times. It was dog-eared. They were literally thumb tacked to the dashboard with the thumb tacks like your kid has or you have in your kitchen in the back hallway. So his rate card and so forth was just thumb tacked and hanging there, the papers – not very professional.

The driver was talkative. We had a nice conversation. It was a Ford. I don't know what year it was, Jerry, but it was in good shape. He took the long way to the Airport. Like that guy didn't know I knew the way to the Airport from here. A couple of times he went the long way to the Airport. For goodness sakes, it's the wrong guy to do that to. We arrive there at 1:15 after I

made the first call at 12:36, so it takes 45 minutes to get to the Airport from here in a cab. That's a tell, and he did not offer me a receipt, and I wasn't smart enough to ask for one, dad burn it, because that's a business expense.

The trip out there though was \$21 from here to there, and I gave him a \$4 tip, so it was \$25 out there. I said USAirways, so he dropped me off at USAirways. I go downstairs in the luggage area, and then I called, Jerry, the other two companies. Crown Cab, I called them. The lady answered the phone, and I asked for a quote from the Airport to uptown Charlotte, and her quote to me was it will be at least \$21, at least \$21. I said, okay, thank you very much and hung up. Then I called Yellow Cab, which is the last one on our thing. That operator was a nice lady. I asked for a quote from the Airport to uptown, and she wanted a specific address. I said 600 East Fourth Street, which is the address of this building. She said that will be \$22 to \$26. I said, okay, ma'am, just checking, but where are you physically talking to me from, and she said, oh, I'm in Utah, so Yellow Cab – I don't know those folks at all, but they got a phone bank in Utah working the streets of Charlotte.

Then I go downstairs, I go out the door, and I queue up at the taxi dispatch stand, as you have said, which, by the way, is awful. I really hadn't ever noticed it before, but none of us in this room would be proud of it. There was a young man standing out there – actually he was in it, and then he came out of it, and I asked him is he the man that helps me get a cab, and he said just go get in the first one. I mean he was awful, so if we can take control of that deal. I said do you work for the City, and he said, no, I work for someone else. I said all right. I was making a note of that guy.

So the first car I get in is a minivan. It's a Nations Cab. I don't know if anybody is from Nations Cab here, but it was a nice minivan. His license and permit weren't thumb tacked to the dashboard. They were just taped up there with some clear tape, but it was loose at the bottom. For goodness sakes. What if you are some guy coming in here for a big business deal or you are a mom and dad bringing your kids to the NASCAR Hall of Fame, and that's the first thing you see in Charlotte, North Carolina? He had a rate card that had two holes punched in it on either end, and it was hanging on the back of his driver's seat with just some twine, just hanging there and dangling behind his seat. He was a nice fellow, too, but rate sheets hanging off the driver's seat with cord. He took the long way into town. Now, he just punched his button when I got in, and the meter wasn't running. It just said \$25 on there. I knew where that was going. We are on Wilkinson Boulevard coming uptown, and he gets off of Wilkinson Boulevard and takes I-77 north to Trade Street and takes Trade Street through uptown. For goodness sakes. Then go to the Federal Courthouse. He and I had a little bit of a language problem, but we had a nice visit. He got me here -- \$25 and a \$5 tip -- \$30 from the Airport to here.

A guy coming in or a lady, too, we know they are going to spend at least \$55 getting in and out of the Airport. Now, what we ought to go do is ride that Sprinter. I bet it can get me out there in 45 minutes. What I learned today though is there is a lot of upside trying to get this thing a little better out there. It was a tell to me as a businessman to call King Cab and Royal Cab show up. If I call King, I want somebody with King Cab coming up to get me, and I want to know who I'm doing business with, and that's a tell to the people that are here in the industry, too, ladies and gentlemen. Having your permit -- you are the one that talked all night – don't look at the clock with me, David. Having the permit thumb tacked to the dashboard is not as professional as anybody would ever want their business to be or taped up there with clear plastic tape.

I'm sorry. The second guy coming into town from the Airport I did want to use my credit card and test that. When I got in, I said can you use a credit card – yes. But his credit card machine was in the glove box in between his two front seats, and it wasn't much bigger than my cell phone, but he had to put it together. The top was off of it, and he had to put the top on it, and he swiped my card, and then the paper didn't work, and he had to fix the paper. Finally the thing started very slowly bringing out what I signed and then my receipt. Being able to get in a cab – and I don't want to have to worry about some mom and dad coming in here to go somewhere else, so we are going to continue to work on this. I'll secret shop here again sometime, cab groups, because that's all. I just needed to report. Both drivers were nice, both cars were nice, I felt safe. Thank you.

Mayor Foxx said, Andy, I want to thank you for that. I was one of the ones laughing initially because that was only because it's very tough for me to see anybody on this dais posing as a secret shopper.

Councilmember Dulin said, trust me, nobody knows who we are.

Mayor Foxx said you have proven that today.

Councilmember Dulin said with the exception of Mr. Mayor.

Mayor Foxx said empowered by that additional information I understand this will be held in abeyance for a little while. You will be working on coming back to us.

City Manager Walton said we hope to come back in March.

Mayor Foxx said I think that is why it is going to take us a little more time with this given some of the process issues. Thank you very much, and, Mr. Orr, thank you.

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ITEM NO. 4: ANSWERS TO MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

City Manager Walton said why don't we push this one to the 28th? I think it will take a while and just do consent instead?

Jim Schumacher, Assistant City Manager, said Item 19 Ms. Carter wants to speak to downstairs, I believe, so we can skip that here. The same with Mr. Dulin on 20, speak to that downstairs. No. 21, Mr. Barnes asked the question about Blythe Brothers and Blythe Development. The information we have on Blythe Brothers Contracting in the SBO program and they are the SBE. Blythe Development is not an SBE. The information we have in our SBO program records do not indicate anything common between the two, however, as a result of your question, we went this evening to the Secretary of State's Web site to see what information we could find on those two companies, and we, in fact, do find a common name between what the Secretary of State lists for those two firms. Given this short amount of time, we are not able to sort that out and understand what that common name means, so, accordingly, we would suggest that we just pull that from the agenda to give us the time to do that and come back later. No. 29, Mr. Dulin was interested in the maps, and we will include those maps in a future follow-up report for all of the service areas on those landscape maintenance contracts.

Councilmember Dulin said they don't have to be ornate. It can be a road with a dark line down the middle of it – this is where it is, you know.

Mr. Schumacher said Item No. 33, Mr. Dulin was looking for a little further explanation on the reasons for the change order on the Concourse E expansion. I would categorize them basically in two areas. The first is unsuitable soil, and the contracts for this type of work is typically done on a unit price basis, and it would provide some quantity for unsuitable soil. When you actually do the excavation and find that the soil is worse than you anticipated, then that would require more expenditure on that unsuitable soil, which takes dollars out of the contract.

Councilmember Dulin said I have a problem with that though, Jim. Is there any way to bring up Jerry's last slide? Is that already gone? I meant to ask him, but I didn't. Well, we all know Concourse E, and that thing gets expanded and expanded and expanded, and we talk about Concourse E, and that used to be the employee parking lot, so that ground and dirt has been compacted and used as a parking lot for years back. All of that stuff over there to the bottom right used to be the employee parking lot, and it might have been regarded to make it an airplane parking lot, but that soil – there is no reason for that soil to be unsuitable soil because it's all the same, and I just don't buy that.

Mr. Schumacher said I would say I don't think we can say it's all the same. The soil in a given area can change its consistency, and it's the type of soil. When you are building a building, you

have to build footings for that building. Those footings go down into the ground a certain distance. You may find different soil five feet down than you find ten feet down, and those are the kind of variables that come into play, one, when you are designing the footings and the foundations, and, two, when you are doing the excavation.

Councilmember Dulin said the contractor that is building that have they built any of those other buildings out there for us?

Mr. Schumacher said that I don't know.

Councilmember Dulin said I'm sorry but that needs to be in their bid price or they need to eat it. I don't know what my colleagues are going to do, but I'm a no on No. 33 tonight.

Mr. Schumacher said, if I can, let me just speak once to that idea that if you bid this type of work as a lump sum price, meaning the contractor has to fix whatever he finds, that puts all the risk on him, and he will reflect that in his price, so you will pay it whether that situation turns out to be true or not. By doing unit price contracts, which is what almost all horizontal civil type work is done, you don't put that risk on your contractor in a significant degree. He gets paid for each cubic yard of soil that he has to replace he gets "X" dollars. If you make him assume that some of it might be bad then he will reflect that in the lump sum price, and you will pay it either way.

Councilmember Dulin said particularly that's a known construction site there. It's not like he is having to go out in the woods and do soil samples. He can go out there and do a soil sample before he does his bid package. I know this is just a little bit of money, but that stuff is really starting – it's just bugging me. I'm sorry. I'm just pissed off.

Councilmember Howard said I don't know. I'm kind of scared to respond, Andy, but remember this was a whole bunch of neighborhoods and woods, so soil consistency changes, and actually work on digging the soil samples was done by the people who were doing the engineering drawings – not the contractor. The contractor bid on a set of drawings. All the work to prepare it was done by the people we hired to design it and to do the civil and all that work. That was not the contractor. He had a set of drawings, and he bid on them. If he runs into something in the field, which happens all the time, I mean that is just another expense. I mean that is not his fault that the soil was bad and the civil or somebody else didn't catch it.

Councilmember Dulin said who are we going to get \$190,000 off of then? There is no accountability here. Everybody is saying it is the next one down the street, it's the next guy. I want somebody to stand up and say, hey, we bid this wrong.

Mr. Schumacher said those dollars are available in the project budget, and had there been enough sub-soil investigation, drilling many, many, many holes to an extreme degree what the soils would be, then you would have had that quantity in the contract originally, and that \$190,000 would have been in the original bid. It's not like it's a new cost. It's just the cost you didn't know is going to be there until the process uncovers it.

Councilmember Barnes said, Mr. Dulin, did you pull Items 20 and 28?

Councilmember Dulin said I don't know if I pulled it. I plan on voting no on it. I did discuss it.

Councilmember Barnes said both of them?

Councilmember Dulin said I was going to be a "no" on 20 because I would like some day for those costs to be rotated back to the pond owners instead of put on the taxpayers' backs.

Councilmember Barnes said is that the same as 28? It looks like another private pond; is that right?

Councilmember Dulin said I don't know. Actually I have got written pull here. I didn't write it down. The same type stuff.

Mayor Foxx said are there any Consent Items you need to run through?

bvj

Mr. Schumacher said the other item is Item 34. Mr. Barnes asked about the Airport entrance road and the changing scope. The concept for the entrance road to the Airport that was on the books for so many years was for a simple, pretty much a straight-shot road from I-85 across Wilkinson Boulevard and across the railroad and connecting with the existing loop that is around the parking decks at the Airport. When the consultant did an updated traffic study in 2007 that considered all the growth of the Airport that had happened over those two to three decades, the traffic levels that the growth brings to the Airport and all the new conditions, they developed a roadway program that would substantially increase the size of the loop as well as improve the connection across Wilkinson Boulevard. In fact, the original scheme or plan would have grade separated and gone over Wilkinson Boulevard and then on to connect to the Airport loop.

But the Airport didn't have the \$60 million available to fund that full solution, so what they did was pull back to a single roadway extending Little Rock Road across Wilkinson Boulevard at grade. There would be a signalized intersection as you cross Wilkinson. Then after you are across Wilkinson, the road would split and create that larger loop around the Airport facilities.

Councilmember Barnes said is this additional \$1.9 million the end of all these design and planning phase expenses as far as you –

Mr. Schumacher said what this will do is complete the design work. They have done a 30% design for that last concept that I described, so what these funds will do is complete that design work to 100% and then handle construction administration and bidding during the construction of the project, so there will be an additional design contract for the bridges that are required for these roads, and then ultimately there will be a construction contract for a contractor to construct the bridges and the roads that we are talking about.

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The meeting was recessed at 7:02 p.m. for the Council to move to the Council Meeting Chamber.

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BUSINESS MEETING

The Council reconvened for the regularly scheduled Business Meeting at 7:10 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding and all Council members present.

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INVOCATION AND PLEDGE

Councilmember Dulin gave the Invocation and Daisy Troop 2218 led the Council in the Pledge of Allegiance to the Flag.

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CONSENT AGENDA

[Motion was made by Councilmember Dulin, seconded by Councilmember Cannon, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of Item]
[Nos. 19, 20, 28, 33, and 34, which were pulled for discussion; Item No. 36-L, which has]
[been settled; Item No. 36-J, for a speaker; and Item 21, which was removed by staff.]

The following items were approved:

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18. Contract to the lowest bidder, Carolina Cajun Concrete, Inc., of Matthews, NC, in the amount of \$271,147.70 for the Brookshire-I-485 Area Plan Sidewalk Improvements.

Summary of Bids

Carolina Cajun Concrete	\$271,147.70
WM Warr & Son	\$286,164.90
ECON International	\$286,858.78
Bullseye Construction, Inc.	\$304,234.14
Blythe Development	\$310,800.00
United Construction	\$315,718.14
Red Clay Industries	\$318,410.80
Little Mountain Builders of Catawba County	\$329,192.39

22. Low bid contract of \$295,950 to Morlando Construction, LLC for construction of the Fire Station 18 Addition Project.

Summary of Bids

Morlando Construction, LLC	\$295,950.00
D.E. Brown Construction, Inc.	\$306,078.00
The Bowers Group, LLC	\$328,440.00
Murray Construction Co. of Monroe, Inc.	\$361,547.10
Artistic Contractors, Inc.	\$396,000.00

23. Low bid unit price contracts for providing public safety equipment for a term of three years to the following: 1) Streicher's, 2) Lawmen's Safety Supply, Inc., and authorize the City Manager to extend the contracts for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The FY 2011 estimated expenditures are anticipated to be a combined total of \$300,000.

24. Contract to the lowest bidder, Atlantic Coast Contractors, Inc., in the amount of \$520,127.48 for miscellaneous sewer system repairs, and authorize the City Manager to renew the contract for a maximum of three additional terms with possible price adjustments based on the terms of the contract.

Summary of Bids

Atlantic Coast Contractors, Inc.	\$520,127.48
Dallas 1 Construction, LLC	\$587,654.32
State Utility Contractors, Inc.	\$817,001.64

25. Low bid unit price contract for the purchase of tractors and wheeled excavators for a term of two years to the following: 1) James River Equipment, 2) H & E Equipment Services, and authorize the City manager to extend the contracts for two additional one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The FY2011 expenditures are anticipated to be a total of \$521.80.

Summary of Bids

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
Tractor:		
James River Equipment	Rock Hill, SC	\$59,894
Charlotte Tractor Company	Charlotte, NC	\$68,588
Quality Equipment, LLC	Fuquay Varina, NC	\$87,900
Wheeled Excavator:		
H & E Equipment Services	Charlotte, NC	\$342,128

26. Contract with Michael Baker Engineering, Inc. in the amount of \$848,000 for engineering services for the McKee Road and Providence Road intersection improvements.

27. Contracts for environmental services with the following firms: HDR Engineering, Inc. of the Carolinas, \$125,000; Hart & Hickman, PC, \$125,000; ATC Associates of North Carolina, PC, \$75,000; Shield Engineering, Inc., \$75,000; S&ME, Inc., \$75,000; Terracon Consultants, Inc., \$75,000; and URS Corporation-North Carolina, \$75,000.; and authorize the City Manager to execute up to two renewals to each contract. Each renewal will not exceed the original contract value.
29. Three-year contracts for median maintenance landscape services with: A) The Byrd's Group, Inc. for East District A in the amount of \$390,641.64; B) The Byrd's Group, Inc. for East District B in the amount of \$253,033.80; C) The Byrd's Group, Inc. for West District A in the amount of \$244,477.08; D) A-1 Services & John Todd Landscaping for West District B in the amount of \$311,719.08; E) Accolade Designs for South District A in the amount of \$175,320, and F) The Byrd's Group, Inc. for South District B in the amount of \$192,791.52.
30. Purchase of a public safety back-up (or contingency) microwave connection as authorized by the sole source exception of G.S. 143-129(e)(6), and contract with Motorola for the purchase of a communication connection in an estimated amount of \$288,648.
31. Payments totaling approximately \$150,000 per year to the NC Department of Justice – State Bureau of Investigations (SBI) for the use of approximately 900 Division of Criminal Information (DCI) terminals for a period of three years, and authorize the City Manager to approve the DCI terminal access fee payments for two additional years with possible fee adjustments. The total cost over five years is estimated to be \$750,000.
32. Contract with DB Consulting, Inc. in the amount of \$120,000 for master planning and design services for communications systems at the Airport.
35. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$23,829.70.

The resolution is recorded in Resolution Book 42 at Page 847-848.

- 36-A. Acquisition of 12,317 square feet in sanitary sewer easement plus 11,548 square feet in temporary construction easement at 2100 and 2120 E. Independence Boulevard from D.L. Phillips Investment Builders, Inc. for \$70,550 for Briar Creek Relief Sewer Phase 2, Parcel #21.
- 36-B. Acquisition of 11,971 square feet in sanitary sewer easement plus 12,504 square feet in temporary road access easement plus 10,210 square feet in temporary construction easement at 2121 E. Independence Boulevard from D.L. Phillips Investment Builders, Inc. for \$49,775 for Briar Creek Relief Sewer Phase 2, Parcel #22.
- 36-C. Acquisition of 1,329 square feet in storm drainage easement plus 234 square feet in temporary construction easement at 6023 Park South Drive from D & A Investment Group, LLC and Perierra Management, LLC F/K/A Perierra Management, LLC for \$20,550 for Eastburn Storm Water Capital Improvement Project, Parcel #71.
- 36-D. Acquisition of 2,900 square feet in fee simple plus 10,799 square feet in existing right-of-way plus 500 square feet in storm drainage easement plus 11,656 square feet in sidewalk and utility easement plus 49 square feet in utility easement plus 12,861 square feet in temporary construction easement at 4600 Freedom Drive from Carothers Holding Company, Inc. for \$13,050 for Freedom Drive Widening, Parcel #304.
- 36-E. Acquisition of 15,332 square feet in fee simple plus 3,531 square feet in existing right-of-way plus 2,360 square feet in storm drainage easement plus 3,850 square feet in sidewalk and utility easement plus 12,043 square feet in temporary construction easement at 4601 Freedom Drive from Alderwoods North Carolina Inc. for \$56,275 for Freedom Drive Widening, Parcel #448.

- 36-F. Acquisition of 14,398 square feet in fee simple plus 4,081 square feet in existing right-of-way plus 595 square feet in storm drainage easement plus 3,769 square feet in sidewalk and utility easement plus 43 square feet in utility easement plus 9,662 square feet in temporary construction easement at 4601 Freedom Drive from Carothers Holding Company, Inc. for \$24,875 for Freedom Drive Widening, Parcel #449.
- 36-G. Acquisition of 11,994 square feet in storm drainage easement plus 983 square feet in temporary construction easement at Hawthorne Lane from Barnhardt Manufacturing Company for \$16,400 for Louise Avenue Capital Improvement Project, Parcel #14.
- 36-H. Acquisition of 871 square feet in fee simple plus 395 square feet in storm drainage easement plus 2,361 square feet in temporary construction easement at 5020 Rea Road from Crystean Uwanawich and Stephen Sonny Danny Johnson for \$50,000 for Rea Road Widening/Improvements, Parcel #67.
- 36-I. Acquisition of 220 square feet in sidewalk and utility easement plus 1,333 square feet in temporary construction easement at 2724 Phillips Avenue from Emma Lee Miller by her attorneys-in-fact, Ada Miller, Lula Miller, and Roy Lee Miller, for \$13,600 for Revolution Park Neighborhood Improvement Project, Parcel #20.
- 36-K. Resolution of condemnation of 2,242 square feet in fee simple plus 2,794 square feet in existing right-of-way plus 1,398 square feet in sidewalk and utility easement plus 5,381 square feet in temporary construction easement at 311 Gum Branch Road from Betty C. Williams and any other parties of interest for \$5,775 for Coulwood/GumBranch/KentBerry Sidewalk Projects, Parcel #36.

The resolution is recorded in Resolution Book 42 at Page 850.

- 36-L. Resolution of condemnation of 15,303 square feet in storm drainage easement plus 4,332 square feet in temporary construction easement at 435 Gum Branch Road from Paul F. Henderson and wife, Doris B. Henderson, for \$10,800 for Coulwood/GumBranch/KentBerry Sidewalk Projects, parcel #84.

The resolution is recorded in Resolution Book 42 at Page 851.

- 36-M. Resolution of condemnation of 40.84 square feet in sanitary sewer easement plus 682.45 square feet in temporary construction easement at 3267 Shamrock Drive from Alliance Pp2 Fx2, Limited Partners and any other parties of interest for \$1,000 for Shamrock Drive – Proposed 10” Sanitary Sewer Relocation, Parcel #1.

The resolution is recorded in Resolution Book 42 at Page 852.

- 36-N. Resolution of condemnation of 3,011 square feet in permanent easement within road plus 2,043 square feet in temporary construction easement at 4601 Statesville Road from 4601 Statesville Road, LLC and any other parties of interest for \$33,850 for Statesville Road Widening (I-85 to Sunset Road), Parcel #21.

The resolution is recorded in Resolution Book 42 at Page 853.

37. Titles, motions, and votes reflected in the Clerk’s record as the Minutes of the November 15, 2010, Zoning Meeting; November 22, 2010, Business Meeting; and December 6, 2010, Workshop.

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ITEM NO. 19: HIDDEN VALLEY PHASE 6 NEIGHBORHOOD IMPROVEMENT PROJECT

Councilmember Carter said this is to celebrate the investment by the City in Hidden Valley. They are improving the neighborhood with storm water, gutter improvements, and we are really

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excited about that, and I want to celebrate our employees, who invest their time in these communities but also are part of the court watch for the system. They keep their eyes on the neighborhood, and they are commissioned to call in if there is a problem – code inspection, crime, whatever, and it’s partnering with our neighbors who do such a good job, so move approval, Mr. Mayor.

Councilmember Barnes said I also pulled that item, and I appreciate Councilmember Carter’s sentiments and expressions. This is a \$441,000 contract for Phase 6 of a neighborhood improvement project bond for work in Hidden Valley, and it will include improvements to the sidewalks, curb and gutter, storm drainage, planting strips with street trees, and a water line on Dawn Circle, and I want the family there to know that we are continuing our efforts. There are other things we need to do from a code enforcement perspective, but I am happy to see that we are continuing to work to make the infrastructure in that community better, so thank you so much.

[Motion was made by Councilmember Carter, seconded by Councilmember Cannon, and]
[carried unanimously to award a low bid contract of \$441,959.96 to OnSite Development,]
[LLC for the Hidden Valley Phase 6 Neighborhood Improvement Project.]

Summary of Bids

OnSite Development, LLC	\$441,959.96
Horsepower Site Services	\$442,599.56
W.M. Warr & Son, Inc.	\$456,879.80
Blythe Development	\$491,842.00
ECON International Corp.	\$508,898.00
Bullseye Construction, Inc.	\$516,279.92
United Construction Company	\$519,097.28
Sealand Contractors	\$537,139.98
Carolina Cajun Concrete	\$537,996.16
Morlando Construction, LLC	\$557,650.08
Pedula Excavating & Paving, Inc.	\$598,042.64
Ferebee Corp.	\$619,141.85
State Utility Contractors	\$663,144.56
T.K. Browne Construction	\$726,183.59

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ITEM NO. 20: HUNTER ACRES POND PROJECT

Councilmember Dulin said this is a stream restoration of a dam restoration project, and it is for water quality and sediment control, but to be consistent I have voted against these “no” in the past, and I will continue to do so because I would like for the stream owner and the pond owner and those groups to take more responsibility for their actions. I will vote no and let somebody else make the motion.

[Motion was made by Councilmember Mitchell and seconded by Councilmember Kinsey to]
[award the low bid contract of \$418,631.40 to Harvest Environmental Services, Inc. for the]
[Hunter Acres Pond Project.]

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

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

NAYS: Councilmember Dulin

Summary of Bids

Harvest Environmental Services, Inc.	\$418,631.40
DH Griffin Infrastructure	\$491,930.34
Boggs Paving, Inc.	\$521,094.64

Blythe Development Company	\$529,100.00
Wayne Brothers, Inc.	\$600,954.12
Monroe Roadways Construction, Inc.	\$634,717.96
Eagle Wood, Inc.	\$671,152.36
United Construction Company	\$694,819.40
Morgan Corporation	\$771,339.75
Blythe Construction, LLC	\$856,479.80
Hall Contracting	\$860,525.60
Callahan Grading, LLC	\$866,745.00

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ITEM NO. 28: ENGINEERING SERVICES FOR POND AND DAM REHABILITATION PROJECTS AMENDMENT #1

Councilmember Dulin said I pulled that. The same thing as Item 20. I would like for the property owners to take more responsibility.

[Motion was made by Councilmember Howard and seconded by Councilmember Kinsey to]
[approve Amendment #1 with Armstrong Glen, PC in the amount of \$350,000 to provide]
[funding for pond and dam rehabilitation projects.]

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

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

NAYS: Councilmember Dulin

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ITEM NO. 33: AIRPORT CONCOURSE E EXPANSION CHANGE ORDER

Councilmember Dulin said this is a change order for an Airport concourse expansion. We have gone over it in detail, and I was a “no” upstairs during our meeting, and I’m still there. I just think the reasons for this I just don’t understand it well enough. I understand it, but I don’t think this needs to be done – this change order for \$190,000 – at this time, and I’m going to vote no.

[Motion was made by Councilmember Cannon and seconded by Councilmember Howard]
[to approve Change Order #1 with Edison Foard, Inc. in the amount of \$190,444 for the]
[construction of the Concourse E expansion.]

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

NAYS: Councilmember Dulin

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ITEM NO. 34: AIRPORT ENTRANCE ROAD DESIGN CONTRACT

Councilmember Barnes said I pulled this item. It’s a \$1.9 million contract for engineering services for the Airport entrance road. Mr. Schumacher answered my questions, and I move to approve the item.

[Motion was made by Councilmember Howard, seconded by Councilmember Barnes, and]
[carried unanimously to approve a contract in the amount of \$1,943,619 with HNTB North]
[Carolina, PC for engineering services for the Airport entrance road.]

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ITEM NO. 36-J: CONDEMNATION AT 144 COULWOOD DRIVE

Mayor Foxx said we have a speaker. No speaker here.

[Motion was made by Councilmember Cannon, seconded by Councilmember Barnes , and]
[carried unanimously to approve a resolution of condemnation of 756 square feet in fee]
[simple plus 69 square feet in storm drainage easement plus 1,233 square feet in sidewalk]
[and utility easement plus 34 square feet in storm drainage easement and sidewalk utility]
[easement overlap plus 489 square feet in temporary construction easement at 144 Coulwood]
[Drive from M.O. Burgess, Jr. and any other parties of interest for \$1,350 for Coulwood/]
[Gum Branch/KentBerry Sidewalk Projects, Parcel #20.]

The resolution is recorded in Resolution Book 42 at Page 849.

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ITEM NO. 7: PUBLIC HEARING ON TOWING ORDINANCE

The scheduled public hearing was held on the subject item.

Mayor Foxx said I would like to ask Mayor Pro Tem Cannon if you have any comments at the outset.

Councilmember Cannon said, no, sir, Mr. Mayor. This is a straight-up public hearing on the towing ordinance that the Safety Committee has been entertaining over the last several months. Members of the committee would be: Vice Chair Patsy Kinsey, members Councilmember Andy Dulin, Councilmember Michael Barnes, and Councilmember Edwin Peacock. With that, the Community Safety Committee approved this proposed amendment of the towing ordinance in its entirety at the December 14th meeting. The full Council, of course, received a Dinner Briefing on the amendments on January 24th, and the committee began discussing the issue again in November due to citizen complaints regarding predatory towing practices including excessive fees. The proposed amendments cover only tows from private property, including apartments and condominium parking lots.

The City staff went ahead and sought feedback from citizens, tow companies, and parking lot owners, and a proposed ordinance is an attempt to balance their concerns. Major changes in the ordinance include the requirements of signage in parking lots and the fees and practices for trespassed tows. In conclusion, the proposed ordinance amendment will be on the February 28th agenda for City Council approval.

Tim Harden, 426 Foster Ave., said I'm with United Towing. I have been targeted numerous times by the media, citizens, and even the police for simply enforcing the illegally parking at the Key Man Building at 1409 East Boulevard. It's a Key Man parking lot that is probably 80 parking spaces throughout that parking lot, and it doesn't belong to Starbucks. The issue here is you have a location where Starbucks is on the corner of East Boulevard, and you are getting a lot of complaints of people being towed or booted because they went in to get a cup of coffee or whatever the case is. Well, I'm speaking on behalf of the parking is there for the property of Key Man. The signage – Patsy Kinsey has been out there with the media. The signage – there are supposed to be four signs on the property. I have 28 signs. The big problem that is going on at this property seems like to me the issue is that Starbucks is on the corner that has less than 30 spaces for the hundreds of people that come throughout the course of the day, and I feel like if they don't have adequate parking and people are parking everywhere and I'm doing my job then I'm getting accused of predatory towing, watching people park. I would love to invite any one of you all out to just ride in my truck with me just to see what all goes out throughout the day in one day where people are thinking coffee more than reading signs or whatever the case is. I think the bigger issue here is the fact that you have a company that is luring people into a place

where they don't have adequate parking, and if I'm doing my job, then I'm the wrong person or the bad person. Andy, himself, his car has been in the process of being towed. We go by the policies of the ordinance. He came up. The car was released. The Mayor himself parked illegally. His car was booted. He paid with no problem. So my thing is I'm hired to do a job.

Mayor Foxx said I wouldn't quite go as far as to say illegally, but we had some issues.

Mr. Harden said the complaint against the towing industry actually all the complaints that are coming in are actually coming in from people whose car has either been towed or booted because of this issue, and I think the bigger issue here is not that we are doing such a bad job or we are sitting here watching people do. The bigger issue I think that needs to be addressed to the Starbucks or any business that is luring people into a place that don't have adequate parking for them people.

Doug Oates, 5224 Rozzelles Ferry Rd., said I'm from In Style Towing and Recovery here in Charlotte. I have been with you since 2003 when the ordinance first started. I have several issues, which I probably won't be able to cover in this time. You are wanting us to take credit cards. We are small businesses; we don't want the charge-backs. If you go up to the Courthouse, you cannot take a credit card at the Courthouse. Why are you enforcing us to take credit cards as being a small business. We don't want the charge-backs just like the City doesn't. Your release policy – you want us to release after hours, so now if we release to intoxicated people and they go out and do bodily harm to someone, who does this fall back on, so we asked the committee. The committee said check with your lawyer. A lawyer says we are just as liable as a bartender, so that means if we release that car to that person and they hurt somebody because of the new regulations you are going to enforce upon us we are going to be held liable for that person hitting someone now? I see over there understanding, but this is what the lawyer says, so now if you force us to release that car that would fall back on the City. Rate – we asked for a rate increase. We have been like this since 2003 -- \$120. At that time, zone was getting paid \$55. Zone is now getting currently getting paid \$85, and we are still at \$120. Their storage was \$10 at that time. Now their storage is at \$20 a day. Their storage kicks in four hours after the car has been on the lot. We have to wait 24 hours. Why is there such a difference between a nonconsensual tow on private property than it is from on the street property. If Eastway comes up and is towing your car up on the deck, you don't have to let it go. They have to pay for the tow, they have to pay for the citation from the City; whereas if we come up, you are saying that we have to let the vehicle go because that person has walked up on us. One hand is no better than the other. So, I think your release policies and some of the things, and now you want us to release to the owner of the car and the driver in possession of the car, so that can come to a conflict, too, whereas if the property or if that car doesn't belong to that person just because they have the keys and said they were in control of it, it might be an unauthorized use or whatever the case may be. Then we fall liable for that, too, under your new guidelines and rules because we only release to the owner of the vehicle, and that way if they want somebody else to come pick up their car, they fax over the note and let them pick it up, and we don't have a problem with that then, but at least the owner will know where that car has been released to. I thank you for your time.

Michael Melandro, 9515 Hebron Commerce Dr., said I'm the owner of Ace Towing. We have been in business for 20 years, and we do not do any predatory towing at all. All of our trespass tows require a signed authorization given to one of our drivers or a form faxed to our office. We do not police or cruise private lots. My attention is more towards in Section 6-564, Part B, "There shall not be any additional fees assessed." The problem we run into is the towed vehicles are abandoned at our storage lot. The owners rarely come back to retrieve them. Sometimes finance or insurance companies will call a few months later to retrieve a vehicle. North Carolina DMV considers a vehicle abandoned after ten days. On or about day 15, we start title proceedings. This costs us between \$175 and \$450. We have been unable to get reimbursed for our costs to legally gain title to these vehicles. Why does the City regulate this portion of our business? I do not believe this falls into the safety and welfare of the general public, and I would like the Council to allow additional fees to cover title proceedings for vehicles left more than ten days. In Part C, considering storage fees, they are set at \$15 a day. Again, after ten days, DMV declares the vehicle abandoned. We should be able to charge competitive rates for storage after ten days. At the very least, have the storage fee capped at the same rate as the zone wrecker contract allows. Currently it's \$20 a day. A couple more things. Back to Section 1 concerning

fees, I will touch on a trespass tow fee that has been set at \$120 since 2003. Since that time my standard fees for towing have increased 30%. In the past 12 months, diesel fuel has gone from \$2.80 a gallon to \$3.55 a gallon. My trucks get eight miles to the gallon. That is a \$32 increase per tank of fuel. My rate to tow a vehicle 15 miles currently is \$109. That is only \$11 less than a trespass tow. I have paid over \$6,500 in property taxes to the City in 2010. That's increased over the years. I expect it to increase again. The expenses do not go down. Small businesses like my own cannot run a deficit like the City can. Please look at little closer at raising a trespass tow rate. Give us a little bit to work with, and I would like to thank you for your time on this matter.

Mayor Foxx said just one comment. The City cannot operate on a deficit. I just wanted to make sure for the viewing public we can't do that.

Joseph Cloninger, 206 Crane Haven Dr., said I'm an operator for In Style Towing. I'm a driver-operator. Some of the ordinances y'all are trying to pass is kind of like endangering drivers at night and during the day time, too, where you want someone to call in and get a case number on a vehicle. If you put a driver in danger while leaving him out there waiting on a case number, in other words, it's like you want somebody to wait on a case number regardless – you have 30 minutes to call in now. That's ample time to report a stolen car, call a car in, get it back to the lot, and everybody be safe, but now under your new ordinances y'all want to pass where someone has to stay there to get a case number. That can take anywhere from five to 25 minutes, so you are trying to put someone that might be under the influence of narcotics, drinking in danger of waiting on a case number to get it to leave. So, I think 30 minutes is plenty well time enough to get a vehicle called in where everybody can understand if it's stolen. You can recover it at our lot and get all your follow-up paperwork on it. When it comes to taking debit to major credit cards, the City don't take no kinds of forms of credit or debit. It has to be certified check, money orders, and that kind of cashier check or something like that. You are trying to pass the forms of debt down onto the small business, you know, trying to get us to be responsible for the charges. Being set up to take credit cards, debit cards, it costs extra expense for us, and I really don't think that's fair to a small business if everybody don't have to play by the same rules.

Nissan Williams said in an attempt to follow through with some of the guidelines that you guys were researching we asked that our drivers sit on the property to get the authorization or to get the dispatch number, and in doing so, two things have happened. One of our drivers was actually shot at. The gentleman actually emptied an entire clip. Charlotte-Mecklenburg had to actually come out to the lot, and the gentleman chased the driver all the way to the lot. ICE ended up getting this gentleman. He was an illegal immigrant – I'm guessing. I don't know, but it was a lot of trouble behind that. You are asking the guys to release cars that time of night. It's very dangerous. We have people come to the lot oftentimes very irate. They have been drinking, they are cussing, they are screaming, they are leaving clubs, and it's a dangerous situation for not only the consumer but the drivers as well. The second attempt we tried was we had a gentleman pull a car out of a parking space. He sat to the side to get the PIN number from the operator over the phone, the dispatcher, and that time we had a woman jump in the truck with our driver, snatch his keys out of the ignition, throw his cell phone. The police again had to come out. This isn't just an issue with safety in regards to our drivers, but again, the consumer, and with doing that now you have an excess number of calls to 311 and 911 for people who, first of all, shouldn't have parked in those places in the first place. That is going to be an issue as well. The second thing is with regard to the fees. Now, we had a tow company in DC before, so we are not new to this either, and we have had people actually sign their name with a missing letter and then go straight home, call the credit card company, say they didn't authorize that transaction, and, we, in turn, lose the money after we have already paid the driver, fueled the truck, and also the signage. With regards to the signage, previously I think the State of North Carolina changed the rule where we had to have 24 x 24 signs. We did that, and now you guys are saying they need to be red and white. Well, we followed through effective October 1st, and now the signs have to be changed to red and white colors, so that, too, is an additional cost that again a small business has to incur because we are going back and forth with these guidelines. So I ask that you just take all those things into consideration.

Councilmember Barnes said I wanted to respond to a few things. First, I appreciate my committee colleagues and their efforts on this ordinance, but there are just a few things I wanted to respond to from statements that were made by some of the speakers. Regarding liability for

releasing vehicles to people who are drunk, I would like for the city attorney, if he is prepared, to give us feedback regarding the liability of the City or of the towing company for that drunk person's actions.

DeWitt McCarley, City Attorney, said I don't believe we have any, Mr. Barnes.

Councilmember Barnes said we talked about several things throughout the committee meetings, and I didn't believe that issue came up as one that would be a concern for us. Do you know if it's a concern for the tow company?

Mr. McCarley said I can't imagine why it would be. The intervening action in that case is the action of the driver or the person who owns the car taking it, getting in it, and driving. None of us cause that. That's the drivers. I can't imagine that anybody other than the driver has liability.

Councilmember Barnes said regarding that issue that was expressed regarding the safety of drivers and having to wait for a number. We talked about that during the committee meetings, and what we said was that the drivers could take the cars away from the lot. I do not recall how far away, but we said – Captain, help me. No. Could you come down, Major Levins? If we did not make provision for that, perhaps we do need to revisit that part of the proposed ordinance.

Major Eddie Levins, Charlotte-Mecklenburg Police Department, said as far as the provision of taking it away at all, what we are saying is when you touch the car you take away any opportunity for us to get any evidence from the car whether it be stolen, involved in another crime. We are just asking that they wait before they even approach the car to call it in. They can go get the tag number and drive away and wait for it. It's slowing it down a little bit so we can make sure the car is not stolen and needed for other criminal investigations.

Councilmember Barnes said so they can check the tag number before they tow the vehicle – get the tag number, call that dedicated line we talked about, and if it's confirmed that it's a legitimate tow, go back and get the vehicle.

Major Levins said that's correct.

Councilmember Barnes said with regard to the charge-back issues, we talked about that one as well during the committee discussion, and I understood the concerns they expressed about people being upset about being towed and automatically refusing to pay the charge. What our attorney told us was that in conversations with – and it was Mr. Newbold – in conversations with at least the major banks in Charlotte that unless the controversy was based upon an actual case of fraud that there would not be a charge-back to the towing company. Now, I would be happy to hear from some of the operators whether in fact they have discovered that is not the case, but I was very sensitive to that situation because it's very reasonable for you guys to be in a position where you tow a car, a person gives you the card, gets upset, goes home and does exactly what the lady indicated a few moments ago. Major Levins, would you clarify your understanding of how the banks are handling those charge-backs?

Major Levins said exactly like you said. The banks told us – actually all the major banks in Charlotte that we called said that unless the person claimed fraud, made a criminal complaint, then they uphold the charge, they don't hold it back. It is also dependent upon the agreement the company gets with the bank and how they work the credit cards, but none of the banks said they would automatically give the money back to the caller just because they said they didn't do it.

Councilmember Barnes said thank you so much, and finally, Mayor, as we discussed during the committee meetings, we knew there would be no ordinance that would make everybody happy. What we are trying to do is pass an ordinance that will address most of the concerns, and I have the displeasure of saying that many of the issues that have given rise to this new ordinance started in that Starbucks off of East Boulevard and in the multitude of apartment complexes in my district where people were having illegal parking problems. I have been hopeful that we could find a solution that would address at least most of the challenges we are seeing. Having been with this for a few months now, I feel pretty good about it.

We are willing to go back and re-tweak a few things, but in terms of what we have laid out thus far I feel pretty good about it. We tried to deal with the people who are literally abusing – tractor-trailer drivers – in terms of charging them \$2,000 to recover their vehicles, and we are trying to be responsive to the concerns expressed here about the \$120 fee and the fact that it hasn't gone up in quite some time. Again, I don't know that we will ever come up with a perfect ordinance, but I feel pretty good with this one as it currently stands as proposed, so thank you.

Councilmember Peacock said, Major Levins, Michael Melandro made a couple of points that I know we discussed, but one thought came to mind. This is regarding Section 6, 564, and it was regarding the fees for \$120 that we are right now. In you or Mr. Newbold's evaluation of different ordinances, did we ever look at an inflation clause of some type? He makes a good point that his ability and any owner's ability to keep pace with obviously the high cost of fuel is certainly an obvious indicator, but I just didn't know if any other ordinances we looked at had an inflation feature in it. The second question was related to his comments also about title proceedings. I didn't know what you all's reactions were to that, and I know you all spent the majority of the time when you reported to the committee. I expressed in the committee meeting some concerns about setting a specific number, and is that number current with what the real costs are to do business?

Major Levins said we did our research throughout the state and found that the charge was in line with the rest of the state. What's interesting though is most of the companies we looked at have their regular fee is \$80 or \$85 for a normal tow and is \$100 or more, \$120 for the trespass tows. So, there is a big difference there already, so we felt like and I think the committee felt it was enough at the time between the \$85 regular charge and the \$120 was a fair fee, and most all of the cities were in line with that same fee.

Councilmember Peacock said what about the comments about title proceedings. There is no reference in the ordinance about recouping what the specific element was he was talking about once a car has been left with him and he has a chance to now take possession of it.

Major Levins said that is actually a point we didn't hear about, which makes sense. I think Mark and I can go back and look at that because after, say, a ten-day period then they can file for it legally maybe that is something we can explore.

Councilmember Peacock said if you all could come back maybe with some suggestions there, and if you can find anything out about any ordinance that might add a factor for inflation.

Councilmember Dulin said I know all the gentlemen except for Mr. Cloninger and Ms. Williams that came down. We have been in the meetings together. I have been on site with you, and I truly know that you are hard-working business people, and you are down here because you are watching after your business. There are bunch that aren't down here, so I appreciate that. You all know how we have worked hard on this, and everything – it's all been said. I do want to say one thing though about the credit card application, and whether we put the credit card use in or not my tendency is it's going to be in there, but a couple of you all mentioned that the City of Charlotte does not take credit cards, and we, in fact, do. I mean I just need to get that information out there. Yes, sir, you can use your credit card for everything from your animal licenses to your property taxes to all sorts of things. Everything we do now is slicked up so the customer can use their credit card for their convenience and for our convenience.

We have got the ability to process those, and that's difficult or more difficult for small businesses, but there are small businesses in every strip shopping center and every building in this community that for the convenience of their customer and the efficiency of their business are using credit cards. I used a credit card in a taxicab today, and it was convenient for me to do that. I mean I appreciate all of y'all, and you are hard-working folks, and I'm trying to get this right. I just want to let you know and the 300 people that are watching at home need to know that they can use their – thank you, Mayor.

Councilmember Cannon said, Eddie, if you don't mind, I think there was a point raised from one of the speakers with regard to having to wait a pretty long time – 30 minutes or so, if you will, 25 minutes. Talk about this dedicated line for access for them hopefully not to wait that long. Can

you share some light on that for the viewing audience, please, and those represented here tonight?

Major Levins said we already have a phone line that is established for the call-in tows. That's the same number they call in now. There is at most a five-minute wait time at the most that I have heard about. There are people that staff that phone 24/7, and they are actually assigned to the communication section, so their ability to get a complaint number is immediate. So once they answer the phone and get the information – the only time wait will be the time to check to make sure it's not stolen.

Councilmember Cannon said so beyond that there is really no other wait time other than unless the car is maybe stolen.

Mr. Levins said we get no complaints now about the time they have to call in now. I never heard about any other extended times until after this came up. I have gone up there and I have witnessed the phone ringing, and I see how they answer it. It's quick, and there are three or four people usually available at any given time to answer the phone.

Councilmember Cannon said hopefully in the future what we will be able to do, I hope we can monitor that just to kind of see how that's working. I would like to be able to get some future updates pending the Council moves forward with this particular ordinance. Mayor, I would like to close and certainly thank Major Levins along with Attorney Mark Newbold and also Assistant City Manager Eric Campbell, being staff resources and helping us out a great deal. They did a lot of research. There are other municipalities around the state right now actually doing the same thing that we are discussing right now, so we continue to kind of work together as partners throughout this state to ensure that we are doing the proper things to mitigate actions like the ones we have been seeing in some cases but not all.

Mayor Foxx said with that we need to close.

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

* * * * *

ITEM NO. 8: JOINT PUBLIC HEARING ON REVISIONS TO THE WATER AND SEWER RATE METHODOLOGY

The scheduled public hearing was held on the subject item.

Councilmember Cooksey said do we have anyone signed up? In that case, I would like the members of the Charlotte-Mecklenburg Utilities Advisory Committee who are here to stand up on your way out so we can express our appreciation. These folks put in a lot of time to do the kinds of reviews that we need citizens to do for us and for our staff, so thanks also to staff on this. We will be seeing this item for a vote in two weeks, and we have gotten some emails in support of the new methodology already, so I think it's a good sign that folks aren't here. It means there has been a lot of communication.

[There being no speakers either for or against a motion was made by Councilmember Cooksey,]
[seconded by Councilmember Turner, and carried unanimously to close the public hearing.]

* * * * *

ITEM NO. 10: I-77 HIGH OCCUPANCY TOLL LANES RESOLUTION

Mayor Foxx said I think this is enormously important. I don't know where Councilmember Howard ran off to, but –

Councilmember Barnes said I will take it as vice chair of the committee, if you would like.

bvj

Mayor Foxx said, yes, sir.

Councilmember Barnes said this is an action item to request the Council's approval of the Transportation and Planning Committee's recommendation to adopt a resolution supporting the North Carolina Department of Transportation's I-77 High Occupancy Toll (HOT) Lanes project between uptown Charlotte and Lake Norman, and you all see the information presented, and I would move to approve the item.

[Motion was made by Councilmember Barnes and seconded by Councilmember Carter to]
[approve the Transportation Committee recommendation to adopt a resolution supporting the]
[North Carolina Department of Transportation's (NCDOT) I-77 High Occupancy Toll (HOT)]
[Lanes project between Uptown Charlotte and Lake Norman.]

Mayor Foxx said I will only say that I think this is an important one from the standpoint of continuing to send a signal that we are a participant in the region, and it's a project of County importance but also regional importance.

Councilmember Dulin said, Mr. Barnes, was there feedback from the three northern Towns in Mecklenburg County?

Councilmember Barnes said they have been actively involved by way of their Town officials, the Chambers of Commerce, etc.

Councilmember Dulin said everybody is in?

Councilmember Barnes said yes.

Mayor Foxx said they are already in, and this is just saying we are in, too.

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

The resolution is recorded in Resolution Book 42 at Page 854.

* * * * *

ITEM NO. 11: FOUR-YEAR TERMS FOR MAYOR AND CITY COUNCIL

Mayor Foxx said this is an item that was brought up on the January 24th Council meeting, and we voted to place this on the agenda for today, so it is there, so, therefore, I would like to open it to conversation.

Councilmember Cooksey said I'll defer to Mr. Burgess, the maker of the motion, but I have a few comments on the subject.

Councilmember Burgess said I have had several discussions I think amongst everybody. Once again, from my standpoint, what I have witnessed was my mother running over and over, and it seems like every time she won, she would do work for about a year and then cut work between running again – split her time between running again and doing the work for the City, and it just seems like that was a tremendous waste of time and money. It's very expensive to run a campaign. I'm sure it's the same and probably ten times worse for the Mayor.

I think that Ms. Carter agrees 100%, and she and I, of course, will not be running again for next term, but I think it's important, and Mayor Foxx and I were just discussing this before the meeting, and he had a very good suggestion that if this were to go forward that this would not be something that would take effect in 2011; that this may take effect in 2013 because what we are all trying to do is doing what we think is best for the City, and this is not intended to be self-serving at all. Certainly I think we all make decisions of what we think is best for the City, but when we make decisions like this, inherently you could take the opinion of, well, they are just trying to extend their terms, but that is not the case. I personally, and I think Nancy agrees, that

bvj

this is better for the City. In these times, we have to make tougher decisions, and it may be tougher to make some of these tough votes when you know there is a vote right around the corner, so we are all trying to do what is best for Charlotte, and I think this would be good for Charlotte.

Councilmember Cooksey said I think I sent the attorney on an interesting rules challenge because it is a measure of how much I have been focused with the Restructuring Government Committee on water-sewer methodology and the like that when this motion was originally made frankly I completely forgot that this Council had already sent the matter of four-year terms to Restructuring Government Committee about a year ago, and the committee decided – and it was communicated to Council – that the committee would recommend no action on the subject, so we are currently in a bit of a rule limbo in that our rules say the introducer may compel consideration of the measure by Council 60 days after a motion has been referred to committee. So it was referred to committee last year. The committee decided not to take any action on it, and Council has kind of left it there ever since. I don't know where we go from here, and I'm not sure what Mac would say about where we go from here either.

DeWitt McCarley, City Attorney, said do you know who the introducer was?

Councilmember Cooksey said I believe it was the late member Councilmember Burgess.

Mr. McCarley said which means that the rule is probably ineffective in this situation.

Councilmember Cooksey said the rule is ineffective?

Mr. McCarley said what the rule allows is that the introducer may compel the Council's consideration. Ms. Burgess is not available to compel, so I'm not sure the rule works.

Councilmember Dulin said English, please.

Mr. McCarley said what this rule does is allow someone who asks something to be referred to a committee to bring the issue back up if it's languishing in committee. Sixty days after it is referred the person who sent it there may ask that it be considered by Council whether or not the committee has reported or not. But in this case, the rule is pretty specific that the person that has that authority is the introducer of that motion. Ms. Burgess is deceased, and, therefore, the rule doesn't really apply. There is no one that fits the rule.

Councilmember Peacock said my point of order is just simply that the action that Mr. Burgess has referred here is to consider referring it to the committee. We are not debating the actual subject of four-year terms at this point. We are debating now to refer it to committee and what the vote is there. So, I would make a motion to call that to a vote at this point, and we can debate Mr. Cooksey's point, which is a good one, but the question is does this Council believe it's a good subject to refer to committee and then look at further.

Councilmember Cooksey said my response to that is that procedurally the matter is already in committee by this Council with a committee that voted not to take any action or to recommend anything to Council. I would suggest, and I will check with Mac here. I think the way to get out of this conundrum is either not make any motion at all and go along with the Restructuring Government Committee's recommendation for this Council not to take any action on the subject or to suspend the rules to do something else, and whoever wants to offer a motion to suspend the rules to do something else could clarify what that would be.

Councilmember Carter said several questions. Has the committee been reconstituted since that point, number one? It's this Council's committee. Number two, in absence of the maker of the resolution, would it be the seconder?

Mr. McCarley said the rule doesn't say that. Not to be too disagreeable with Mr. Cooksey, but, Mayor, my view would be that if the Council wants to pass this motion as written in your book, you can do that and ask your committee to reconsider the action.

Councilmember Carter said three points to make in favor of this motion in that it's long range, it allows us to make long-range plans over four years, which is very difficult to do in two terms. It's efficient. It costs less money both for the City to run those elections or the County at this point, and then also it costs more for the participants in the campaign, etc. to raise those funds. It's costly business for the City. It gets efficient service, and, if debated, term limits come up from time to time, and this can be discussed as well.

Councilmember Barnes said I wanted to make a motion to refer to the Restructuring Government Committee a review of four-year terms for the Mayor and members of City Council.

[Motion was made by Councilmember Barnes and seconded by Councilmember Carter to]
[refer to the Restructuring Government Committee a review of four-year terms for the Mayor]
[and members of City Council.]

Councilmember Dulin said can I speak to the motion? Within the last eight months, it has already gone to the committee. The committee is made up of a majority of one party and a minority of the other party, and that majority of this Council members, us, has said that they want to take no for their action on this issue. In my opinion, four-year terms eliminate much of the accountability that we sit here week after week and are held to by the people who vote us into office. Four-year terms segregate us from the accountability that holds us to our word and holds us to our ethics of coming down here and doing the best. It puts a bubble up between a four-year elected official and the voters.

In some cases, it might push good candidates away from running that don't necessarily have four years to give to service. There are people out there that would like to come do this. Maybe they want to change their mind. They don't want to have to quit. A two-year term gives them the opportunity to do that. Two-year terms give us the reason, and, Jason, your mom was correct and everybody on this Council knows that it's a quick two years. It rolls by quick – the first year – and then the second year we have to go out and campaign again. What that does is we have to go out and physically see everybody, and that is a good thing. Some of us are out in the community darn near every night seeing people, but that's what we have signed up to do. Some of us are more insulated from that. Well, those folks every two years have to get out and say hello.

With a four-year term, there is less push for the elected body to get out and talk to the people that we work for, and it's the voters, and every house is a big deal for me. I have been told not to speak for others. Every house is a big deal to me, and every neighborhood community meeting is a big deal, and I like the opportunity to go out and ask those people how am I doing? Here is another chance for you to give me – we were talking about secret shopping earlier. This is the secret shoppers because people go into the voting booth every two years, and they either push the button next to your name or they push the button next to somebody else's name, and that's an important part of our democracy, and I want to keep it so the people have an opportunity to give me a report card every two years and not every four years. Thank you very much. Let's keep this as two years. This does not need to go to committee.

Councilmember Barnes said just to make the point, Mr. Dulin, I don't necessarily favor changing the terms either, but I would say two things. This is not a party issue, as I believe you were alluding to.

Councilmember Dulin said I didn't mention a party.

Councilmember Barnes said it seems like you were saying something about one party dominates the committee. I don't know what you meant by that if not party, but that's what it sounded like because you said it. Also, as you said yourself at the dinner meeting, nobody knows who we are anyway, so whether we are here for two years or four years, it shouldn't matter. All I'm saying is send it to the committee. If the committee comes back and says take no action, fine. If the committee comes back and says we recommend that the Council consider "X", that's fine. You guys know from that discussion that we had about the CRVA and some other entities that I don't mind conversations. I think conversation is healthy, and if one of our committees says we don't want to do anything with something, that's okay, but to say we want to shut down the conversation and not allow it to be had is not in my opinion in keeping with what an elected

body should be about, so that's why I don't have a problem with it going right back to the committee and let them work it.

Councilmember Cannon said I was going to say something, but it would get into debating the issue, and I think that is what we are doing around the table. It's just a matter of getting it to committee. The only thing I will say is any time there may be new ideas or new thoughts it's worth probably reconsidering something, and it's probably where we are with some of the minds around this table. Charlotte is so behind the rest of the state as it relates to four-year terms. All you have got to do is go and look at the numbers. That's all you have got to do, and you'll see we are so far behind, but yet we want to be so far ahead. Call the question.

Councilmember Cooksey said we'll see how it goes. Five members of the committee didn't really want to go forward with it about a year ago. We'll see where we go with it this time.

Mayor Foxx said let me ask the city attorney a question. With the action that has been described, if the committee comes back or it doesn't come back again and the issue sort of languishes, is there anything that can be done in this action to compel the committee to come forward with a recommendation even if it's a negative recommendation?

Mr. McCarley said your rules don't speak to that. There are two fairly easy answers. One is the rule that Mr. Cooksey has looked at this evening, which is that Mr. Barnes, the maker of the motion, could bring this up for Council action 61 days from now whether the committee has reported or not. The other is the Council could simply choose to put the item on the agenda for action with or without a recommendation.

Councilmember Dulin said I would like to make a friendly amendment. I would be willing to support sending it to committee tonight if we can also add to the committee's work the study of term limits for City Council members, and I don't want to add, but may I add the Mayor as well?

Mr. McCarley said there is a North Carolina Supreme Court decision holding that term limits in North Carolina are unconstitutional.

Councilmember Dulin said, boy, that puts a little bit of a damper on that.

Councilmember Howard said after this motion is voted on, I was wondering if I could ask the committee to also consider maybe the thought process of asking a citizen committee to weigh in on this?

Councilmember Barnes said is that a friendly amendment?

Councilmember Howard said I think I would like for them to consider that in their consideration. What I have heard from Andy every time – this is the second time this has come up – is the part about the citizens, and I think I would like to know, and I'm not sure how we would constitute such a task force or committee, but I would be interested in that.

Councilmember Cooksey said I suggest that any citizens who want to serve four-year terms have a couple of opportunities a month to tell us that at the Citizens' Forum at our Workshop on the first Monday and at the Citizens' Forum before the fourth Monday Business Meeting, and I don't recall anyone has come down to tell us that we should be serving four years instead of two. That's our citizen input on that part.

Councilmember Howard said not the same thing as having a task force, and we both know that – a working committee, a study committee, so all I'm asking is for the committee to consider that in your options.

Mayor Foxx said we have gone around and around.

Councilmember Barnes said as the maker of the motion, Mr. Howard, unfortunately I cannot accept that as a friendly amendment or addendum to the motion.

Mayor Foxx said we have got a motion. We have had lots of discussion. I know it's been an interesting discussion so far, but thanks for the input all the way around. So, let's go ahead and have a vote.

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

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

NAYS: Councilmembers Cooksey, Dulin, Peacock

Mayor Foxx said 8-3.

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ITEM NO. 12: OLD CITY HALL BUILDING MECHANICAL UPGRADE

[Motion was made by Councilmember Mitchell and seconded by Councilmember Barnes to]
[award the low bid contract of \$517,834.65 to Southern Comfort of Charlotte, Inc. for the]
[Old City Hall Building mechanical upgrade.]

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

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

NAYS: Councilmembers Cooksey

Summary of Bids

Southern Comfort of Charlotte, Inc.	\$517,834.65
P.C. Godfrey, Inc.	\$586,500.00
Tri/meck Mechanical, Inc.	\$629,050.00

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ITEM NO. 14: NOMINATIONS TO BOARDS AND COMMISSIONS

Business Advisory Committee – The following nomination was made for one appointment:

1. Walter Baucom, III, nominated by Councilmembers Burgess, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner

[Motion was made by Councilmember Mitchell, seconded by Councilmember Dulin, and]
[carried unanimously to appoint Walter Baucom III.]

Mr. Baucom III was appointed.

Civil Service Board - The following nominations were made for one appointment:

1. Ralph Barnes, nominated by Councilmember Kinsey
2. Karen Burke, nominated Councilmembers Barnes, Burgess, Cannon, Mitchell
3. James Harrell, nominated by Councilmembers Howard, Turner
4. Jason McGrath, nominated by Councilmembers Dulin Peacock
5. Ed Ross Stutts, nominated by Councilmember Cooksey
6. Brigit Taylor, nominated by Councilmember Carter

Councilmember Mitchell said James Harrell.

Ashleigh Martin, Deputy City Clerk, said he has been nominated.

bvj

Councilmember Mitchell said he was nominated again even though he is in the book to not meet City Council attendance requirements.

Ms. Martin said he did not meet Council attendance requirements, but as per our policy they may send in a letter and request to be reappointed, and that is what he has done.

Councilmember Mitchell said did he give a reason why his attendance?

Ms. Martin said it is in his letter, and he gave several reasons why he missed the various meetings.

Councilmember Turner said he indicated based on his letter than he had several – what does he do for a living – he had a lot of appointments scheduled during that time, and that is the heaviest time of year for that, which caused him to miss those meetings back to back.

Councilmember Cannon said but I guess the question, Mr. Mitchell and Council, whether or not he had that same level of a shortcoming if he had it in the past. If he is still working in that same capacity, would he not have that in the future, so I guess we can just route back with him to find out what his level of commitment might be.

Ms. Martin said absolutely.

Community Relations Committee – The following nominations were made for two appointments:

1. Patricia Albritton, nominated by Councilmembers Barnes, Burgess, Mitchell
2. Chantay Cooper, nominated by Councilmember Turner
3. Richard Doty, nominated by Councilmember Turner
4. MaNeisha LaFate, nominated by Councilmember Dulin
5. Sharon Merritt, nominated by Councilmembers Burgess, Carter, Howard, Kinsey
6. Kathleen Odom, nominated by Councilmember Cooksey
7. Aaron Orr, Sr., nominated by Councilmember Mitchell
8. Teresa Sandman, nominated by Councilmember Peacock
9. Ben Stevenson II, nominated by Councilmember Howard
10. Marilyn Sutterlin, nominated by Councilmembers Cooksey, Dulin, Peacock
11. Regina Tisdale, nominated by Councilmember Kinsey
12. Johnnie Veal, nominated by Councilmember Carter

Historic District Commission, The following nominations were made for one appointment:

1. Helen Butler, nominated by Councilmembers Burgess, Turner
2. Belinda Corbus, nominated by Councilmember Dulin
3. Vincent Pfahl, nominated by Councilmember Kinsey
4. Thomas Polito, nominated by Councilmember Mitchell
5. Karen Rush, nominated by Councilmembers Barnes, Carter, Cooksey, Howard, Peacock

Neighborhood Matching Grants Fund Review Team – The following nominations were made for one appointment:

1. Tami Burris, nominated by Councilmembers Barnes, Mitchell
2. Hilary Greenberg, nominated by Councilmembers Burgess, Cooksey, Dulin, Peacock
3. Rosemary Martin, nominated by Councilmembers Howard, Kinsey
4. David Molinaro, nominated by Councilmember Carter
5. J.M. Bryan Taylor, nominated by Councilmember Turner

Storm Water Services Advisory Committee – The following nominations were made for one appointment:

1. James Baysinger II, nominated by Councilmembers Barnes, Burgess, Cooksey, Peacock, Turner

2. Hollis Nixon, nominated by Councilmembers Carter, Howard, Kinsey, Mitchell
3. Brandon Plunkett, nominated by Councilmember Dulin

Tree Advisory Committee – The following nominations were made for one appointment:

1. Fred Dodson, Jr., nominated by Councilmembers Barnes, Burgess, Cooksey, Dulin
2. Susan Tompkins, nominated by Councilmembers Carter, Howard, Kinsey, Mitchell, Peacock, Turner

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APPOINTMENTS TO BOARDS AND COMMISSIONS

Charlotte International Cabinet – The following nominees were considered for one appointment in open category and one appointment in the business category:

Business Category

1. Cynthia Barnes, nominated by Councilmember Barnes
2. Sean Gautam, nominated by Councilmembers Burgess, Carter, Cooksey, Dulin, Howard, Peacock
3. Scott Jensen, nominated by Councilmember Kinsey
4. Yolanda Perry, nominated by Councilmember Turner
5. Jim Peterson, nominated by Councilmember Dulin
6. Charles Prendergast, nominated by Councilmembers Cooksey, Peacock
7. Kurt Robinson, nominated by Councilmembers Kinsey, Mitchell
8. Aaron Sanders, nominated by Councilmembers Carter, Mitchell, Turner

Results of the first ballot were recorded as follows:

1. Cynthia Barnes, 2 votes – Councilmembers Barnes, Cannon
2. Sean Gautam, 7 votes – Councilmembers Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Peacock
3. Scott Jensen, 1 vote - Councilmember Kinsey
4. Yolanda Perry, 1 vote - Councilmember Turner
5. Jim Peterson, 1 vote - Councilmember Dulin
6. Charles Prendergast, 2 votes – Councilmembers Cooksey, Peacock
7. Kurt Robinson, 1 vote - Councilmember Kinsey
8. Aaron Sanders, 3 votes – Councilmembers Burgess, Carter, Mitchell

Mr. Gautam was appointed.

Open Category

1. Cynthia Barnes, nominated by Councilmember Barnes
2. Scott Jensen, nominated by Councilmember Kinsey
3. Debra Moffitt, nominated by Councilmember Burgess
4. Matt Njoku, nominated by Councilmember Barnes
5. 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 Councilmembers Kinsey, Mitchell
10. Aaron Sanders, nominated by Councilmembers Carter, Mitchell, Turner

Councilmember Mitchell said, Council, I just wanted to remind you that a lot of times we ask executive directors to make a recommendation for the skill set they need, and Aaron Sanders was recommended for the International Cabinet. I just wanted to remind everyone.

Mayor Foxx said let's go through this and see if we can figure it out.

Results of the first ballot were recorded as follows:

1. Cynthia Barnes, 1 vote – Councilmember Barnes
2. Hans Plotseneder, 0 votes
3. Charles Prendergast, 3 votes – Councilmembers Cooksey, Dulin, Peacock
4. Aaron Sanders, 6 votes – Councilmembers Cannon, Carter, Howard, Mitchell, Peacock, Turner

Mayor Foxx said I think somebody didn't vote.

Councilmember Dulin said I did not. I'm sorry. I missed it, and I would have voted for Charles Prendergast.

Mayor Foxx said that's three for him.

Councilmember Turner said I change my vote to Mr. Sanders.

Mayor Foxx said very well. That's six for Mr. Sanders.

Mr. Sanders was appointed.

Housing Authority – The following nominees were considered for one appointment:

1. Pamela Gordon, nominated by Councilmembers Barnes, Howard
2. Robert Johnson, Sr., nominated by Councilmember Carter
3. Dennis La Carla, 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

Results of the first ballot were recorded as follows:

1. Pamela Gordon, 4 votes – Councilmembers Barnes, Burgess, Cannon, Howard
2. Robert Johnson, 1 vote - Councilmember Carter
3. Jim Peterson, 3 votes – Councilmembers Cooksey, Dulin, Peacock
4. William Scurry, 1 vote - Councilmember Turner
5. David Sharp, 1 vote - Councilmember Mitchell
6. Robert Szymkiewicz, 1 vote - Councilmember Kinsey

Results of the second ballot were recorded as follows:

1. Pamela Gordon, 6 votes – Councilmembers Barnes, Burgess, Cannon, Carter, Howard, Mitchell
2. Jim Peterson, 4 votes – Councilmembers Dulin, Cooksey, Kinsey, Peacock

Ms. Gordon was appointed.

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. Rodney Faulkner, nominated by Councilmember Howard
4. Kevin Gottehrer, nominated by Councilmembers Barnes, Burgess, Carter, Kinsey, Peacock
5. Paul Hurlburt, nominated by Councilmembers Burgess, Cooksey, Howard, Kinsey, Peacock
6. Michael Knight, nominated by Councilmembers Burgess, Cooksey, Peacock
7. Dazzell Matthews, Sr., nominated by Councilmembers Barnes, Carter, Kinsey
8. Randall Miller, nominated by Councilmembers Barnes, Kinsey, Mitchell
9. Erik Monroe, nominated by Councilmembers Barnes, Kinsey, Mitchell, Turner

10. Eric Montgomery, nominated by Councilmember Mitchell
11. William Strong, nominated by Councilmember Cooksey
12. Owen Sutkowski, nominated by Councilmembers Barnes, Burgess, Cooksey, Howard, Mitchell
13. Adrian Woolcock, nominated by Councilmembers Carter, Cooksey, Howard

Results of the first ballot were recorded as follows:

1. Gregory Antman, 3 votes - Councilmembers Cannon, Dulin, Mitchell
2. Christopher Brown, 6 votes – Councilmembers Burgess, Carter, Dulin, Howard, Peacock, Turner
3. Rodney Faulkner, 5 votes - Councilmembers Barnes, Cannon, Howard, Mitchell, Turner
4. Kevin Gottehrer, 5 votes - Councilmembers Barnes, Burgess, Carter, Kinsey, Peacock
5. Paul Hurlburt, 4 votes - Councilmembers Cooksey, Howard, Kinsey, Peacock
6. Michael Knight, 3 votes - Councilmembers Burgess, Cooksey, Peacock
7. Dazzell Matthews, Sr., 4 votes - Councilmembers Barnes, Carter, Kinsey, Mitchell
8. Randall Miller, 4 votes - Councilmembers Barnes, Kinsey, Mitchell, Peacock
9. Erik Monroe, 4 votes - Councilmembers Barnes, Cannon, Kinsey, Mitchell
10. William Strong, 3 votes – Councilmembers Burgess, Cooksey, Turner
11. Owen Sutkowski, 5 votes - Councilmembers Burgess, Carter, Cooksey, Howard, Turner
12. Adrian Woolcock, 3 votes - Councilmembers Carter, Cooksey, Turner

Mr. Brown was appointed.

Results of the second ballot were recorded as follows:

1. Rodney Faulkner, 6 votes – Councilmembers Barnes, Cannon, Howard, Kin, Mitchell, Peacock
2. Kevin Gottehrer, 6 votes – Councilmembers Barnes, Burgess, Cannon, Carter, Kinsey, Peacock
3. Paul Hurlburt, 7 votes – Councilmembers Burgess, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock
4. Dazzell Matthews, Sr., 4 votes – Councilmembers Barnes, Carter, Kinsey, Mitchell
5. Randall Miller, 3 votes – Councilmembers Barnes, Kinsey, Mitchell, Peacock
6. Erik Monroe, 6 votes – Councilmembers Barnes, Cannon, Cooksey, Dulin, Mitchell, Turner
7. Owen Sutkowski, 5 votes – Councilmembers Barnes, Burgess, Carter, Howard, Peacock

Rodney Faulkner, Kevin Gottehrer, Paul Hurlburt, and Erik Monroe were appointed.

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ITEM NO. 16: MAYOR AND COUNCIL TOPICS

Councilmember Dulin said this is pertinent to me, but I'm sure it's pertinent to all of us on Council – the number of calls we are starting to get on the reval questions. It's nice for us to be able to say we have good confidence in the County and how they have ramped up and Garrett Alexander and how he has ramped up and how 311 has been ramped up and trained, but the calls are starting to flood in, and every single one of them is important because it's our bosses. Every single one of them – I would like to have – on the City side, I would like to have somebody that we can go to as Council members to get it started – either somebody that we can go to right away or somebody in the County that won't mind taking a call from an elected official on the other side.

We do a pretty good job of staying out of each other's business, but I got a call this afternoon from this elderly gentleman that I spent a lot of time with, he and his wife, you know they can hardly move around, and they have a 60% up property valuation, and I really want to be able – I want to give this man some help. I just want to be able to help this man, so by me telling him to call 311 is not the kind of assistance I want to give to this man. Can you help us work through that a little bit?

bvj

Curt Walton, City Manager, said we can. I think we can have someone from the County. We don't have the database, so all we could be would be a pass-through. So we could talk to the County Tax Office and see if they can designate someone that for the people that contact you that you can find out information about those. I think we would only add another layer to it because we don't have it. We'll be glad to talk to the Tax Office and find out how we can do that.

Councilmember Dulin said, and, gosh knows, they are swamped. This is the busiest season they have had in eight years.

City Manager Walton said we will talk with them and get back with you.

DeWitt McCarley, City Attorney, said if I might add to that. Mr. Dulin, one of the assistant city attorneys, Thomas Powers, is prepared to answer questions for any of you on the reveal, the law of it, or anything else. Not sure it makes sense to have him answering questions for citizens because those questions really need to be answered by the County, but Thomas Powers, Assistant City Attorney Powers, is available to all of you to answer your questions.

Councilmember Dulin said I can answer most questions, but we really do need to have a go-to person.

Councilmember Mitchell said just a quick announcement for the community. East Stonewall AME Zion Church is doing a spiritual luncheon, outreach, on this Thursday, February 17th, from 11:30 to 1:00. Please feel free to drop by. We are trying to lift up those who are in dire need both spiritual and feed them a nice meal. That address is 1729 Griers Grove Road.

Councilmember Howard said I wanted to thank Mr. Mitchell and Sterling Elementary School as well as Linda Jones at (inaudible) Junior Academy for inviting me to come talk to the kids during Black History Month. I wanted to say thank you. I enjoyed talking to the kids, and they said they would be watching, so I wanted to say hello.

Councilmember Barnes said I want to say Happy Valentine's Day to my bride and my baby girls as well as my boy, and Happy Valentine's Day to y'all, too. (Mayor Foxx went around the dais, and Council members were able to recognize their Valentines.)

Mayor Foxx said we do have a Closed Session tonight, but before we do that, I did want to make mention of something that has come to my desk. There is an effort called Get Real 2011 that is being run by Crossroads Charlotte. It's an effort to try to bring together the community to talk about some of the public sector challenges that we have this year, and one of the requests they have made is that we consider doing a joint session with the School Board as well as the County Commission, and I wanted to get a sense of your openness to that because I would like to be able to indicate one way or the other to them. I think it's a good idea, and it really will be partly to help educate citizens but also partly to give us feedback that they have heard through their listening process over the next couple of months. We don't have a date, so the question is do we want to do it, and they will set a date for us. Any objection? Okay, very well, I will go ahead and get that going.

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ITEM NO. 17: CLOSED SESSION

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

The meeting was recessed at 8:25 p.m. for Council to go into Closed Session.

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ADJOURNMENT

The meeting was reconvened at 8:35 p.m. and then adjourned at 8:35 p.m.

Ashleigh Martin, Deputy City Clerk

Length of Meeting: 2 Hours, 11 Minutes
Minutes Completed: March 29, 2011