

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, April 11, 2011, at 5:21 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Pro Tem Patrick Cannon presiding. Present were Councilmembers Michael Barnes, Jason Burgess, Nancy Carter, Warren Cooksey, Andy Dulin, Patsy Kinsey

**ABSENT UNTIL NOTED:** Mayor Anthony Foxx, Councilmembers David Howard, James Mitchell, Edwin Peacock III, Warren Turner

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

Councilmember Dulin said No. 25, the exterior advertising contract. In our write-up, some questions about Titan's performance in New York City, and then Titan apparently has answered our questions. I don't think you would have brought this forward unless you were comfortable with it.

**Curt Walton, City Manager**, said we are comfortable with it.

Councilmember Dulin said anybody else have some questions on 25?

**Mayor Foxx arrived at 5:22 p.m.**

Councilmember Cannon said actually I do, but I wanted to get the others pulled first and then route back to them.

Councilmember Dulin said I just want to make sure that – like I said about the taxi things. I want to make sure I can go and stand up in front of a neighborhood group and explain what we are up to and that we are good to go.

City Manager Walton said, yes, sir.

Councilmember Dulin said No. 32, the uniformed guard service. This is the fifth year. We have one more one-year extension on their contract after the end of this year, which would probably have to be six months from now, so we go take that our for RFP?

City Manager Walton said, yes, sir, after this one-year extension, we will take that back out.

Councilmember Dulin said are there competitive businesses in Charlotte that can compete for that?

City Manager Walton said, yes, sir.

Councilmember Dulin said it's a big contract.

City Manager Walton said, yes, sir.

Councilmember Dulin said I don't have anything against what we are doing now.

City Manager Walton said we will put that out after this one last renewal.

Councilmember Carter said I went to the Small Business Opportunity Forum last Tuesday night, and this question is a result of that meeting. It's No. 16, and it's the Small Business Opportunity, and this would be a collective question. Are we collecting information on the efforts, best efforts, by our larger businesses, and I'm wondering about the timing of requests for small business proposals from these larger contractors. I'm wondering if they are left to the last three days before the submission of a proposal or a contract proposal. I don't have a feel for that at this time. If there is timing that is specific within our commitments to these businesses that says you have to have a timely offering to a small business, and do we know these are timely offers?

City Manager Walton said centered around good faith efforts?

Councilmember Carter said yes.

City Manager Walton said why don't we get you a report on how good faith efforts are determined and what the process is.

Councilmember Carter said I would be grateful because I heard some complaints at that meeting. Then on No. 23, I am absolutely delighted about the proposed public art for the underpass, but also to read that we are looking at the water tower. Thank you very much. That's not a pull. Just a thank you.

Councilmember Barnes said, Mr. Manager, I wanted to ask you a question about Item 15. This is the Eastburn Storm Drainage Improvements. I think most of us know that the new winning low bid is about \$600,000 higher than it was the last time around, and I just wanted to know whether the scope of work changed or whether there are additional improvements that we requested to change the nature of that contract, and with respect to the transit system advertising, Item 25, if we are not receiving payments in a timely fashion from Titan, how quickly can we terminate that agreement and under what circumstances?

City Manager Walton said we'll address that.

Councilmember Cannon said, Mr. Manager, under the same item, Item No. 25, which is the Transit Exterior Advertising Program, I hadn't seen the email that apparently some have gotten. I didn't see whatever report was out that I understand came out also from one of the media outlets to gain any perspective at all there, but I would like to know relative to the New York City MTA suggestion that they had defaulted on the advertising contract behind some \$18 million in payment, can you enlighten us as to why that took place? Two, I would like to know what we can do to not find ourselves in a renegotiating situation with them if somehow or another they see they may be struggling to adhere to paying us on this contract that is being suggested that we award them. How do we keep their feet to the fire and make sure the taxpayers are not out anything relative to that. There were two highest rated vendors that were invited to make the presentations. Who was the other vendor? I think sometimes the applications for whether or not one has defaulted – had any previous defaults relative to any other contracts. I would like to know if that item was checked yea or nay or not at all. Then I would like to get some feedback on what happened in Chicago, if you can allude to anything with that as well, relative to the same entity falling behind on another contract with Pace some nearly \$3 million.

City Manager Walton said, yes, sir, be glad to.

Councilmember Kinsey said on Item 25 I do support it, but I want to go on the record as saying I'm really sorry we are having to go there because I like the looks of our buses and our trains, and I hate that we are doing it because I do think that it is going to tacky everything up, but I understand the economic situation.

Councilmember Dulin said along those lines, Ms. Kinsey, just today I have seen a bus that already has a sticker on it that says "advertise your company here" with a telephone number on it. It was going the opposite direction. I didn't get to see, but we are already putting out feelers. Surely we are doing that on our dime without the encouragement of Titan since they don't have the contract yet.

City Manager Walton said I'm not familiar with that one, Mr. Dulin. We will address that when we come back.

Councilmember Dulin said it was on the 18 line today.

**Councilmember Turner arrived at 5:26 p.m.**

Councilmember Cannon said I just want to add something to that. It was somewhere around 2004 or so when the issue came up to stop advertising on transit largely in part there was some concern it was causing clutter, but on the other hand, to Ms. Kinsey's point, recognized the idea that it was a revenue generator. Of course, the MTC went ahead along with the idea and the plan from previous leadership – not this body – but a previous body to do away with it. I cautioned that we not do that knowing that maybe one day we might find ourselves here, so we are right back here, and I think we still need to go in that direction, but I hope we do that, but I want to make sure we are doing it with the right entity.

Mayor Foxx said that concludes the consent items.

Councilmember Cooksey said I hate to do this but given that it's a short meeting and won't prolong us I would pull 26 for comment and separate vote downstairs just because of the significance of the water meter equipment purchase.

Councilmember Turner said that was the same one, so I would do the same.

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## **ITEM NO. 2: MECKLENBURG COUNTY CONSOLIDATED CAPITAL PLANNING**

**Bobbie Shields, County Manager's Office** said we appreciate this opportunity to share with you the results of the IBM study that was done. Hopefully by this time, you all have heard at least something about the IBM study in Mecklenburg County, and I will try to make this brief and leave some time for questions as well. IBM has what they call the Smarter Cities Program, and their goal is to see how they can recommend how communities around the world can be smaller, and most of the time communities can be smaller by using technology effectively and also working together. He began a PowerPoint presentation entitled, "Consolidated Capital Planning," a copy of which is on file in the City Clerk's Office.

### **Councilmember Howard arrived at 5:34 p.m.**

Councilmember Barnes said I wanted to take you back to the previous slide and make sure I understand. If I'm understanding you correctly, it sounded to me like you said they were suggesting that local government invest money in neighborhoods where property values are on an upward trend or are likely to be on an upward trend. One of our core values and one of our Council priorities has been to actually help neighborhoods that are experiencing a downward trend with property values to get on an upward track, so they are not there yet because they don't have in many instances the infrastructure they need before you have the natural market forces kick in, and if we didn't do that, those neighborhoods would always be, under the current terminology, fragile. I'm wondering if there was some thought given to that issue in that study because if we only address neighborhoods that are already moving up then we are going to have again the have-not's only getting bigger.

Mr. Shields said thank you for that question because that is the hardest concept to grasp in the IBM study, but you are correct. They do suggest that investments should be made in neighborhoods that are improving, that they should be strategic investments. They went further in determining exactly how property value would be assessed. They back out of the equation the reduction in governmental services that might be required as a result of improving those investments, so there could be a situation where although the rate of increase in a threatened or fragile community may not be as great but by investing there the net result of the decrease in governmental expenditures will come into that equation, so that would help balance that somewhat. It is a very hard concept to grasp, and part of the effort by the committee and the people working will be to actually explore exactly that concept and to make sure we are all doing the right thing.

### **Councilmember Peacock arrived at 5:39 p.m.**

Mr. Shields continued the PowerPoint presentation with the slide on page 5. In summary and in conclusion, I want to point out that the people from the City of Charlotte who were actually

involved with this – you see the list there. One thing stood out very clearly in the IBM report and in all the conversations with them. They were quite impressed at the leadership that has been exhibited by staff in the City, and most of their recommendation is saying Mecklenburg County, Towns, partner with the City of Charlotte and others to see if we can expand upon what is already in place so at the end we can truly have a consolidated capital plan in process. With those, thank you.

I believe Manager Walton is planning to bring the resolution to you sometime in the future. You have in your material, or you should have, a sample resolution, and you will find that all the resolution does is to basically reiterate what I shared with you tonight. It talks about sharing the same mission to advance the quality of life. It talks about quality of life as experienced primarily at the neighborhood level. It does not say that you should make investment in areas that are improving, although that is part of IBM's recommendation and road map. It talks about the tradition of collaboration that we have in the community and the importance of capital planning, and probably most importantly a resolution of support would indicate that we all are willing to work together to pursue this concept and idea. Thank you again.

Councilmember Peacock said, Bobby, on page 3, the first bullet, it says IBM suggested that local government entities share the same mission to advance the quality. Can you define again what the local governmental entity that they were referring to? Was it just Mecklenburg County and the City of Charlotte or –

Mr. Shields said Mecklenburg County, the City of Charlotte, the six Towns, Central Piedmont. They mentioned the Housing Authority. Any public entity within Mecklenburg County – Charlotte-Mecklenburg Schools.

Councilmember Peacock said these team of five executives – I came a little bit late, so I apologize. They had experience in other cities doing the same thing where they come in?

Mr. Shields said actually the lead person has worked extensively in Fulton County, and he has vast governmental experience. They brought a mixture of people, some with technology experience, some with public relations experience, but they called them their best and their brightest. They actually go through their staff and dedicate them to providing this service around the world.

Councilmember Peacock said was there any area they weren't allowed to go or to look? Did they come in with any preset boundaries – I can go to this side of the room or that side of the room?

Mr. Shields said if I understand your question completely, we really couldn't control this group. They came in with a mission, and they were to demonstrate that, yes, indeed, they are the best and brightest, and it's kind of interesting that anyone would be bold enough to come into a community and say in three weeks we can look at a challenge and make recommendations and prepare a report and send it to you, and they did that, and they were not encumbered by anyone trying to direct them in one particular way.

Councilmember Peacock said we talked a lot in this community for many, many years. The subject has barely raised its head on this body about County and City consolidation, but I think when you hear about citizens' concerns about is government running efficiently and they don't really know the inner workings of the City and the County and the very different roles that we serve. This strikes me a lot they came in almost with a consolidation mindset; is that a fair statement? They are looking to consolidate something here. Obviously we are talking about capital planning, but capital planning is the very thing that we deliver on the property taxes that people are paying for.

Mr. Shields said it doesn't go as far as consolidation. Again, it's collaboration and it's coordination. The interesting happened as soon as they got in the community. We were talking within this community about cuts, and you might recall that certain neighborhoods were impacted by closures of schools, parks, and libraries. That's an example of what they are suggesting could be done by careful, strategic planning. We can reverse that. We see the

outcome in one way, and they are suggesting there is an outcome on the positive side if we plan strategically. It's not consolidation. It's planning strategically and in a coordinated way.

Councilmember Dulin said, Bobby, welcome, thank you for coming. The same page, the terminology there is no surrendering of authority in determining how capital dollars are allocated. Could we sort of forensically work through that? What does it mean?

Mr. Shields said they said that, but unless there is some legislation associated with this you can't surrender your authority. It's kind of a statement of fact. These statements were made primarily in an effort to get local government or entities to agree to work together without having any concern about giving up power, giving up ownership, giving up authority; that's not the purpose. Again, it's collaboration and consolidation – not consolidation – and coordination.

Mayor Foxx said you said that right. You cited the libraries, schools, and parks as a negative example of how better coordination might work. Can you sort of help me with a couple of examples of things that are in out years that you think would be improved by this type of process?

Mr. Shields said any of the infrastructure work that you all do in the City of Charlotte could be combined as we try to do often now with Park and Recreation work, with work done by Charlotte-Mecklenburg Schools. There are a ton of examples. We talk about joint use, but we never have pursued a process where we can strategically through a GIS system long term put in place the plans and the concepts and then take a look at it. What if the City of Charlotte decides to put sidewalks in this neighborhood at the same time that Mecklenburg County or another government entity makes an investment? The same thing is true with transit. There are a number of examples associated with transit that could come into play.

Mayor Foxx said let me ask this of our City Manager. I assume you were part of the interview process with this and have seen the recommendations. Do you feel like what is in here is something you are comfortable with recommending to us?

**Curt Walton, City Manager**, said, yes, sir. I don't think it's terribly inconsistent with what we do now. I think what changes it most is that it has that planning coordinating committee, planning liaison committee, in that loop, but there are a lot of things that staff has at most of those levels, maybe all of those levels that Bobby mentioned that we are already doing that sort of thing. I think maybe Mr. Peacock's question earlier – when I met with them and I think it was early in the process, one of the observations I had is since they were coming at least some of them from Atlanta and Fulton County, they didn't have an appreciation for the degree of functional consolidation we already had done, so there is a whole lot more overlap in Atlanta and Fulton County with Parks and Rec and Police and on down the line that we are already on top of. So I don't have any objection at all to doing this.

Councilmember Carter said I have three questions. Thank you, Bobby, for this information. Partners receiving public funding like the Arts and Science Council, etc. Will they be drawn into this planning process as well because they receive some of our money?

Mr. Shields said if they are making capital investments, yes.

Councilmember Carter said who will provide the support for this because I hope this is an implementation plan as well.

Mr. Shields said if you pass the resolution you would also be directing your staff to work together jointly, so it would be a joint effort – City, County, Towns, staff. There is already a group of planning directors, and they meet regularly doing planning, and this could fall under their purview as well.

Councilmember Carter said we had the joint planning committee, commission, whatever it is, luncheon last week, and that seems like a logical board for a larger venue, but it only meets twice a year.

Mr. Shields said as you probably are aware and I know that during the planning liaison days they were struggling for something to rally around. We are not saying that particular group is the group. It could be a different group, but that group is already in place and they are looking for a mission, and I think something like capital planning for a planning coordinating committee could certainly fit the definition for them.

Councilmember Howard said actually the directors meet on a quarterly basis, so they are already doing that now talking about bigger planning issues, so adding capital to the list couldn't seem to be a hard thing. You would probably just be adding more people to the table because you would be taking in some budget folks and utilities, I mean if you are talking about all capital. That framework is in place already at least from Mecklenburg County's standpoint. The thing I wanted to ask you about is the resolution. The items at the bottom seem to be a bit generic because I notice there is a sample. We would be taking into consideration all the things we have in place, Mr. Manager, in making this fit more of what Charlotte already has in place. Are you asking everybody to adopt the same resolution?

Mr. Shields said they are very similar resolutions. I think the only thing that has been changed are the names of the entities. Now, these are examples. If there is some language in here that you are not comfortable with, again, we are just trying to meet for a resolution expressing support for pursuing this concept in a collaborative way, but they are similar resolutions that have been suggested, and the ones adopted by the Town of Matthews and the Town of Huntersville are very similar to this except for the change of the name.

Councilmember Kinsey said, Mr. Manager, I think you said this, but I really thought we were doing most of this already. My experience on the library board and some of those where we couldn't do anything until we went to the joint committee. This is the first time I have seen this resolution, so I have some questions I will certainly ask and get some feedback, but am I hearing it correctly that probably this would be under the Planning Department?

City Manager Walton said, right, Planning staffs the Planning Coordinating Committee. It would at last funnel up through there, and our departments would work with Planning to make that happen.

Councilmember Kinsey said which makes me feel a little more comfortable since they are under the City. I'm a little uncomfortable with some of this, but I will get that information.

City Manager Walton said that resolution will be on the 25<sup>th</sup> agenda.

Mayor Foxx said we can submit questions to whom?

City Manager Walton said you can send them to me.

Mayor Foxx said if you have questions about this between now and the 25<sup>th</sup> send them to Curt, otherwise, thank you very much Bobby.

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### **ITEM NO. 3: BUSINESS INVESTMENT GRANT PROGRAM UPDATE**

**Curt Walton, City Manager**, said we wanted to bring you an update on the Business Investment Grant Program and at the end ask for a referral to the Economic Development Committee to review the program since it has been some years since we did that.

**Bard Richardson, Neighborhood and Business Services**, said this presentation is divided really into two parts. He began a PowerPoint presentation entitled, "Charlotte-Mecklenburg Business Investment Program", a copy of which is on file in the City Clerk's Office.

Mayor Foxx said, Brad, on that slide, does the 4,300 correlate to the investments to date; in other words, would we have been tracking that number of jobs with investments to date, or is that the total projected capital?

bvj

Mr. Richardson said, I'm sorry, Mayor. I missed that last part.

Mayor Foxx said I'm trying to figure out whether the projected new jobs correlates to the total projected capital investment of \$646 million or whether we would have expected based on the investments made to date that those 4,300 jobs would be on the ground?

Mr. Richardson said the first. They are correlated. The 4,300 jobs correlate to the full investment of 646 as does the investment to date correlate to the actual new jobs to date. So these companies in our communities making investments today trying to qualify for the grant and hiring toward the grant goals before we pay them. He continued with the top slide on page 6. Tonight we are asking for a referral, as the Manager said, to committee. We have not updated this program in about four years. We think it's time to take it to committee, work collaboratively with the County. We want to look at a few things: the geography of the program, does it still make sense? The criteria, the thresholds, the terms, and those types of things. We want to align this with our business corridor strategy that we are going to be revising. It's in the focus area plan tonight. Once you approve that, we'll begin working on that path. We are going to make sure these programs are in alignment, and, as I said, the County is a critical partner, and we want to make sure they are on board and will do a concurrent review.

Councilmember Cannon said just to add. One, let me thank Brad along with other members of the staff that have been a part of helping to pull this together under Manager Walton's leadership. I wanted to add that Chairman Mitchell, obviously one of the things that came up in committee happened to be about trying to continue to have collaborative efforts as it relates to the County. We have been working with them, as Brad has said, for a very long time as it relates to business investment grants, and the idea emerged out of committee from the chairman and from the committee itself in terms of having some level of this next future meeting because there is a future action here where staff recommends the referral to ED Committee to conduct a review of the program and updates to the current policy. Have that happen, but have it happen in a way where you have a joint City/County ED review that takes place, and I believe it's County Commissioner Harold Cogdell who chairs the County's ED Committee, so I wanted to put that out there in the absence of Councilmember Mitchell.

Mayor Foxx said so that's a request to add that as part of the action for the committee to consider. Is there any objection to that?

Councilmember Howard said no objection at all. Councilmember Turner, I was down riding around to see that expansion going on down there, but it is huge. It has doubled in the size of that current building, and that building is big. One of the things I think would be good is for us – we saw the numbers, but actually seeing it visually – I don't know if through pictures or however we can do it just to see the effects of what this policy is doing would be good, too. Seeing the numbers is one thing, but when you see it on the ground and you get a chance to see how big a deal some of these investments are, so, Tom, it would be nice to see it practically as well as just on paper as well. I don't know if you get an opportunity to go see some of this stuff, but they are huge investments these companies are making.

Councilmember Dulin said what building was that that is huge?

Councilmember Howard said Siemens' expansion.

Mayor Foxx said one other thing I will add into the mix for thought is Charlotte is a little unusual in the fact that the public/private partnership with the Chamber and their economic development team to actually target companies and work up those targets is a little unusual, and some occasions I have heard feedback from folks at the Chamber that sometimes when we go into closed session on an incentive package they have information that they have acquired in the course of going through the recruitment process that may be helpful to us, so I think another point to consider is how to utilize that knowledge base in our own consideration process. I know it's baked into what comes through to us through the staff, but I have even had people request being able to come into our closed sessions, and that's a sensitive issue, but I think we need – I want to put on the table kind of looking at how effectively we can leverage the information we get from our economic development team. Anyway, it sounds like there is support for going

forward with the recommendation to refer this item. I think, Mr. Cannon, there has been no objection to the point you have raised. I'm offering my comment just for the committee to consider. Without objection, we'll go ahead and refer that to Economic Development.

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**ITEM NO. 4: CHARLOTTE REGION FAST LANES STUDY PHASE 3**

**Curt Walton, City Manager**, said we are ready to begin Phase 3 of our managed lanes analysis -- Norm can answer that how many phases questions -- to give you an overview of what is involved with Phase 3.

**Norm Steinman, Charlotte Department of Transportation**, said with me is Tim Gibbs, also from the Charlotte DOT. What we would like to do is give you an update on the status of high occupancy vehicle (HOV) lanes or high occupancy toll lanes here in the Charlotte region and provide you with information in advance of the scheduled request for Council action on May 9<sup>th</sup> about Phase 3 of the managed lanes effort. We are here to inform you about the congestion pricing grant we received. By we, I mean the Mecklenburg-Union MPO. The grant application was prepared by CDOT staff but it was submitted on behalf of the Mecklenburg-Union MPO. We are here to reacquaint you with the results of Phases 1 and 2 of the managed lane study, and then it will come back to me to explain what we expect to happen next in various corridors of the region. We will link that work with Phase 3 of the managed lane study. He began a PowerPoint presentation entitled, "Managed Fast Lanes," a copy of which is on file in the City Clerk's Office. At this point, I am going to turn this over to Tim Gibbs, who is going to present to you information you have seen before explaining what our managed, or as we are calling them here in this region, fast lanes; what are the different uses of managed lanes, and what has been studied so far in Phases 1 and 2, and then it will come back to me to explain where we are going to go next.

**Tim Gibbs, Charlotte Department of Transportation**, said continued the PowerPoint presentation with the bottom slide on page 2.

Councilmember Kinsey said a request. I can pick out most of these roads, but I can't pick out all of them, and I wanted to be sure. Now, that I can read, but back on the study corridors 340 miles map I am -- I want to be sure which roads are which. If somebody could get me something that is larger or in color.

City Manager Walton said we'll be glad to do that.

Mr. Steinman said just a couple of points. The Phase 1 study was started in 2007, and this was a collaborative effort involving primarily Charlotte DOT and the NCDOT. It served as the co-manager on Phase 1 and Phase 2 effort. The other project manage came from NCDOT, from their transit section. Phase 2 ended in 2009. He continued with the top slide on page 7.

Councilmember Cannon said any idea how much those costs might be or when you may come back at some point to lay that out?

Mr. Steinman said I can provide you some of that as I go through the remaining slides. He continued with the bottom slide on page 7.

Councilmember Howard said 16 all the way out to what point?

Mr. Steinman said at this time the project is defined to Exit 28.

Councilmember Howard said on 74?

Mr. Steinman said on 77.

Councilmember Howard said so the 16 was 77.



Mr. Steinman said 2016 would be to make the project operational on I-77 North. On US 74, I can't tell you there is a 2016 timeframe.

Councilmember Howard said I thought you announced a date.

Mr. Steinman said, no, the only date I can announce is that at the present time the next section where nothing is started on design at the present time wouldn't happen for another ten years, and we are hoping to expedite that.

Councilmember Kinsey said, Norm, did I hear you say that NCDOT is paying for this?

Mr. Steinman said NCDOT is going to be making the decisions and has made most of them already on I-77 North. When I say NCTA, that's Turnpike Authority.

Councilmember Kinsey said who is paying for it? That's the bottom line.

Mr. Steinman said for which part?

Councilmember Kinsey said I-77.

Mr. Steinman said NCDOT.

Councilmember Kinsey said any of them.

Mr. Steinman said on US 74 they are going to take the lead in producing physical designs and operational and cost analyses, and let me come back to the other corridors.

Councilmember Kinsey said, okay, so 77 NCDOT is paying for that.

Mr. Steinman said yes.

City Manager Walton said and fares or tolls.

Councilmember Kinsey said but it doesn't cover the whole thing.

City Manager Walton said one-third tolls.

Councilmember Kinsey said but they are going to pick up.

Mr. Steinman said they are going to pick up the remainder.

Councilmember Dulin said let's talk about that project just a little bit. When you say they are going to pick it up, does that mean they are going to pick up the expense of making the toll booths, the ramp-in and ramp-out? You say they are going to pick up the expense. What does that mean?

Mr. Steinman said there will not be any toll booths. The way the tolls are collected currently is by what I call gantries that record special devices that people put in their vehicles. The special devices look like something between a credit card and a garage door opener affixed to a dashboard, so there are readings that are taken of vehicles. Nobody needs to slow down, and for the next 30 or 40 years the operating costs are going to be covered by tolls plus in this case the revenues generated from the tolls will exceed the operating and maintenance costs, which is why they believe they can produce about \$20 million of net revenues over the 30- to 40-year timeframe that could be used to issue bonds and buy down the cost of building the project. So, NCDOT is going to put in about \$40 million into the project to make it happen by 2016.

Councilmember Dulin said so they are going to put in \$40 million. It's only going to make \$30 million over 20 years or it's going to make \$20 million over 30 years, so it's going to make \$670,000 a year.

Mr. Steinman said approximately. What that does though is it allows the project to be advanced because otherwise that particular project wasn't scheduled to happen for at least ten years.

Councilmember Dulin said I'm not sure if those numbers work though.

Mr. Steinman said they'll work. Besides NCDOT and especially the Turnpike Authority will be turning to consultants who are specialists in this effort to make sure the revenues projected are good enough for people in the private sector to invest in the project because that's what is going to buy the bonds.

Councilmember Dulin said do they have any ideas how many numbers they have got to get through there then, and I guess those people buy that monthly that goes on the dashboard or whatever rather than coming through the toll.

Mr. Steinman said yes. That's the same kind of project that has been used on the Monroe Parkway to produce several series of forecasts of what the usage would be, and as you get to the more detailed studies, that's where they more rigorous in making sure that the projection of the motorists who are going to buy the cards or use the facility and pay the tolls are substantiated.

Councilmember Dulin said we have had some projection problems around here with projects, so if you are going to miss it – I don't know if you want to miss it high or miss it low, but I have a hard time – I mean I – Council, I have got to do a lot more study on those numbers before I'm able to commit support for it. That's the first I have heard of those numbers, David. You may can help me work through that a little bit.

Councilmember Howard said I'm not sure we get a lot of say-so on it.

City Manager Walton said it's not our project.

Councilmember Howard said the state is going to do it.

Mr. Steinman said you were asked as members of the Mecklenburg-Union MPO to endorse the project because that endorsement is required for NCDOT to go forward.

Councilmember Dulin said that would be a dedicated vote to the MTC member, wouldn't it?

Councilmember Howard said unless you tell me something otherwise.

Councilmember Barnes said one of the things, Mr. Dulin, that I recall from the committee discussion was that we essentially acknowledge that while there would be that 30-year pay-back piece, the project would never make any profit in the real world sense, so that was one of the reasons we all acknowledged I think as a committee that it wasn't going to be a profit center for the state but that some of it would be paid for by way of the tolls themselves, and because it is a first of its kind effort in North Carolina, we thought it was worth supporting. But I think you are correct. No infrastructure generates a profit for government, but we did think in this case you are getting something back over the course of the 30 years plus with the tolls.

Councilmember Howard said the way to think about HOT lanes – I had an opportunity to go out to Houston and actually do this on the ground, and the way to think about this is this is about congestion management. It's not about making enough money to do anything in particular. It's about the fact that right now that HOV lane has capacity. There is not always people in it. If you want to pay to be in it so you can move faster, that capacity is sitting there, and based on whatever time of day it is, we could make more or make less, you can move. This is about moving people. It's not about throwing off money. It's congestion management. Did I say that right, Norm?

Mr. Steinman said, yes, sir. What basically happens with these lanes is the capacity that is available today will be available 20 years from now. The main difference will be the people traveling 20 years from now are going to have to pay more to use it because it's going to be more valuable at that time. So, most of these projects do not start generating revenues that exceed costs for at least ten years or so, but just a slight rebuttal to Mr. Barnes – slight. If you look at

the Orange County, Florida, Expressway Authority, after close to 40 years of operating a network of toll roads there they are making noticeable profits.

Councilmember Barnes said I will be really old in 40 years, so I won't know.

Councilmember Dulin said I drove to a meeting in the Lake Norman area last Thursday and back, and I was by myself and didn't use it, but as you say there is plenty of capacity on that thing on I-77, but it's free now, and it's not full. What is it going to do when you have got to pay to get on there?

Mr. Steinman said the way the technology that is used these days is actually used – this is something that we couldn't do as transportation planners or managers ten years ago, but now technology can be used to determine how many vehicles are traveling on the free lanes, the general purpose lanes, how many are in the managed lanes, and the toll can be adjusted almost instantaneously based on how much capacity is left. The intent of the lanes is to keep the traffic flowing at about 50 miles an hour in the managed lanes. So regardless of what is happening on the general purpose lanes, the tolls will fluctuate on the managed lanes to keep that traffic flowing in the managed lanes at the most optimal speed.

Councilmember Dulin said what happens to a family moving through here from Ohio on the way to the beach that doesn't have a chip on their dashboard.

Mr. Steinman said what the Turnpike Authority has said is they will do two things. One, they will have the camera take a picture of the license plate if the people don't have the transponder, and, second, the North Carolina Turnpike Authority has reached agreements with other states, and I don't remember the official terminology, but they are basically collaborative or cooperative agreements where tickets issued here will be also administered in the other states, so there is reciprocity between the states that are going to be operating tolls roads or special lanes.

Councilmember Carter said you said something very important to me. You said in 20 years. I was thinking that we had an agreement or I heard this offered that there is still potential for light rail on Independence; is that correct?

Mr. Steinman said yes.

Councilmember Carter said that's a very important statement.

Mr. Steinman said let me make sure – I thought about what I said. In 20 years is the likely time period for the managed lanes to produce revenues that exceed the operating and maintenance costs. In some cases those happen within ten years, but the amount usually increases over time as congestion continues to increase.

Councilmember Carter said the implication was those lanes would be on Independence for 20 years, and I wanted to clarify that we still have the potential for the light rail.

Mr. Steinman said the potential would be for light rail, but we want to study with NCDOT is physically where the light rail would be or how to preserve the potential space for light rail to be implemented on Independence.

Councilmember Howard said, Mr. Dulin, one of the things I wanted to ask you is when you went up to Lake Norman did you go at peak hours?

Councilmember Dulin said it was 11:45 for a lunch appointment and home at 2:30 or something.

Councilmember Howard said the way this is geared is to help people who are coming in the morning when it's backed up and in the afternoon when it's backed up. That's when you pay the most is that peak. What I saw when normally when it's not congested it could be as cheap as twenty five cents if you run into accidents in the daytime and want to get around it, but the time that they charge the most is during peak hours.

Councilmember Dulin said they are gouging.

Mr. Steinman said the tolls are variable.

Councilmember Howard said they are selling capacity is what they are doing. Enforcement is really important. We saw what cameras did here, but the moving in and out of the lanes. They do a real robust amount of monitoring. It's not like what you see now where you see people in HOV lanes and wondering why are they over there when they are by themselves. In this situation, we would have to have a lot more enforcement, a lot of cameras, a lot more arrangements with the Highway Patrol to enforce it. We can't do this without a lot more enforcement.

Councilmember Turner said based on the I-77 north corridor coming down I don't recall. Are there plans to improve the HOV lane further south?

Mr. Steinman said one of the items that is still being discussed with NCDOT is where would the southern terminus of the HOT lanes be exactly. One option is to leave the terminus of the lanes where they are now. Another one, but it would be a much costlier one, would potentially involved building a direct connection between I-77 and the Brookshire Freeway. That may not be part of the first project to go ahead. He continued the PowerPoint presentation with the top slide on page 8.

Councilmember Howard said the Federal Highway Administration is holding an event here on the 20<sup>th</sup>, and, Tim, I was wondering if you could share a little bit with Council about that because they should have gotten some invitations about it.

Mr. Gibbs said on April 20<sup>th</sup>, which is next Wednesday, we'll be having a day-long session right here in Room 267 sponsored by the Federal Highway Administration and the North Carolina Department of Transportation just to talk about congestion pricing, to learn a little bit about what congestion pricing is, how it's implemented. We'll also have some staff from some peer cities. I think Minneapolis is one. We have some folks coming from there to talk about managed lanes and their experience with managed lanes in their communities.

Councilmember Howard said this would actually answer all the questions you just talked about.

Councilmember Dulin said the date on that again?

Mr. Gibbs said April 20<sup>th</sup>.

Mayor Foxx said thank you very much, and let me just say I know a lot of work has gone into this, and to both you, Mr. Steinman, and to you, Mr. Gibbs, and to your teams. We appreciate your effort, and, Mr. Gibbs, I want to say a special word to you. We don't always talk a lot about – we don't brag on our staff as much as maybe we should sometimes. I'm going to brag on Tim a little bit because I have seen him out mentoring in schools particularly the alma mater we share at West Charlotte, so, Tim, thank you for taking time during your work day but also outside of your work day to help make this community better.

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

**Eric Campbell, Assistant City Manager**, said I think you have two outstanding items that you need response to, and I have had my fellow staff members on standby if we need more detailed information. On Item 15, the Eastburn Storm Drainage Improvements, Councilmember Barnes, you asked had the scope of work changed in regards to the increase for the \$600,000, and the scope itself had not.

Councilmember Barnes said was there any value added for that increase?

**Jeb Blackwell, City Engineer**, said, no, there was no change in the documents. It was the exact same set of documents.

bvj

Councilmember Barnes said did the project change in any way?

Mr. Blackwell said it did not. We rebid that project, as you recall, because there was a concern with it. When you rebid, you don't know what will happen. The bids sometimes go up and sometimes go down. In this instance, they went up.

Councilmember Barnes said so the \$600,000 is just extra profit?

Mr. Blackwell said, no, I don't believe so. We don't know exactly what is in anybody's bid. We never know when we competitively bid a project if somebody made exorbitant profit or not. The reason we believe they don't is that contractors – if somebody can do it for way less than somebody else, they would win all the bids. We had a very close set of bids on that second one. On that one, he was way lower than any other bidder. It's entirely possible that he was missing some significant elements in his bid, but we don't know that. What we know is the marketplace, the second bid indicated with the bids that were fairly close together that was the value of the work. On any bid we do, we only know the value of the work by the fact that if somebody else can do it for cheaper they do. No one else was able to get below that price, so we feel that is a fair price.

Mr. Campbell said on Item 25, the Transit Exterior Advertising Program, there were questions from Councilmembers Dulin, Barnes, Cannon, and I will ask CATs staff to comment.

**Olaf Kinard, Charlotte Area Transit System**, said I think the first one was regarding New York City – what took place, why. We had that same question ourselves even after reading the RFP in which on four different occasions in the cover letter and the detailed questions regarding that item and their auditor statements from PriceWaterhouse Cooper and in a presentation they mentioned it. So, we picked up the phone and called the MTA, the transit system in New York City, and actually spoke with the in-house lawyer, who negotiated the settlement with Titan, and we asked what happened here? Was it that they were not selling ads; were they doing a bad job of it; was it lazy; what caused this? And, he said it was the recession. Just like everybody else around the country, there was a 15%-plus drop in national advertising sales, and the value of their minimum guarantees were up here and the money coming in was down here – pretty much what you have seen in the housing market with individual homes. The value of the loan is up here, the value of the house is down here.

So, they had a letter of credit that guaranteed their revenues, and they invoked that, and all the revenues in arrears for that year were brought up to current, and then they settled to part ways. The remaining part of the contract with a stipend that Titan has to pay New York City over the next three to four years – I think it's like a million dollars a year through 2016 or something like that. It's like \$6 million.

We then also called four other transit systems that were listed in their RFP who actually went through the renegotiation, who chose to renegotiate their contracts, and that was San Francisco, Dallas, Philadelphia, and Chicago, and we contacted them, and each one of them gave them positive comments and also mentioned they are current and pay on time. So that was what we took away from it. We also asked about auditing of the account and spoke with actually the real estate person who managed the revenue account, and said there was no special audit required for them. They normally audit their contracts, and it was just part of that, and that's all we know about that in that respect.

I think the other question was who was the other vendor. The second place vendor was Gateway Outdoor, and we also called their references. Of the six references they had in their proposal, two we didn't call. One of those they hadn't had a contract for over 14 years. The other one they hadn't had a contract for three to four years, so we didn't call those. They were fairly old. We called the other four. The other four – three responded. Of the three, two complained they didn't pay on time, so that's how we kind of looked at those two in that respect.

Regarding will we have to renegotiate in the future with Titan if something occurs, we can't guarantee what will happen with an economy, but just like New York, we would have the same option to either renegotiate or hold them to the fire.

**Councilmember Mitchell arrived at 6:55 p.m.**

Councilmember Barnes said if that was my question, and you were just answering my question was more specifically whether we could terminate the contract.

Mr. Kinard said I'm coming to that one. In regards to termination, we do not have to give them any specific notice of days, like 30 days notice. We can institute the at-will termination of contract. However, typically in the City, we would probably give a 30-day notice of termination of contract so that there would be some time for them to respond – for anybody to respond.

Councilmember Barnes said would the payments be on a monthly basis or quarterly?

Mr. Kinard said all payments are on a monthly basis.

Councilmember Barnes said if they are late, just for example say the beginning of August, at what point would you all recommend termination of the contract – one late payment or two or three?

Mr. Kinard said we would look for a little bit of a history. If we are seeing – I would say if we had two months of late payment – if we had one month, we would have a conversation with them. If we had two months, we would have them in. The third month we would start some kind of process.

Councilmember Barnes said is there any recourse against us if we terminate the contract prematurely?

Mr. Kinard said I don't think there is. In regards to what is termination and what is our standard mode of operation, actually on the previous contract that we had here with advertising we actually did invoke a 30-day cancellation notice on that company because they were late in arrears and took them through the process. That would be Gateway Outdoor, and we took them through the process. They paid up, and then we ended the contract within about a year under normal conditions.

Councilmember Barnes said so if we terminate a contract I don't know whether or not there would be, for lack of a better term, damage done to the buses and other property by placing signage on them, but are we incurring a cost of placing that advertisement on our property initially, and then who would pay it to take it off and cover the paint chips?

Mr. Kinard said in the RFP and in the contract it specifically talked about the are responsible, whoever the company is, for any damage that is done to our vehicles in that respect. We do have a piece in that. For example, if it's winter time and the ads need to come off, say, it's a fully wrapped bus, typically you need to have that bus inside for a day to warm it up. If you try to take vinyl off a bus and it's still cold, it is going to take the paint off. So we also have the responsibility if they are telling us I need to take it off in two days that we need to have that bus in so that it's heated to the right temperature in order to take it off. Mainly that is with them in that respect, so we do have current, ongoing issues we can address regardless if we cancel the contract or not.

Mr. Kinard said I think we had another one on Pace, which is up in Chicago. There are several transit systems in the Chicago area, CTA being the largest. Pace is their sister. The only thing we know about Pace is that in December 2010 they extended the contract with Titan in that area. That is the only thing that we know about Pace. That is all we know. I don't know if that satisfies your question.

I do have one other thing about talking with the lawyer at MTA. We also asked them, okay, all this occurred. Is Titan barred from rebidding this contract or any other advertising contract? The answer is they are not barred from any contract there at MTA.

Councilmember Cannon said, Olaf, thank you for your responses thus far. You made reference to their being – well, you talked about Gateway being in second position.

Mr. Kinard said correct.

Councilmember Cannon said you were around at the time then when they were with the City of Charlotte.

Mr. Kinard said, yes, sir.

Councilmember Cannon said did they have any problems paying the City of Charlotte?

Mr. Kinard said, yes, they did.

Councilmember Cannon said can you describe that?

Mr. Kinard said I actually was hired in '97. The contract was already in place. I inherited that particular contract, and it had been in place I think for a year and a half. I think we started having constant issues with them paying a month or two late. We constantly had conversations with them. Then I think it was in '99 that it turned out to be several months. We kept getting told it was coming. We never got it, so we instituted a letter of cancellation with them. They came in, and after some discussion, they finally brought forth the checks for seven month's worth and paid up within two weeks, but then for the remainder of the contract we still did see the habit of not constantly paying on time.

Councilmember Cannon said I want to say that I was a part of that in some respect or another when that was existing then, and we had that level of conversation about them. Now, relative to the renegotiating of contracts if Titan falls short, sometimes, well, oftentimes in the private sector, companies will get contracts saying they can do it at one level in terms of providing the service, finding out later they can't, and they want to come back and renegotiate it as another means of being able to attain the contract. I need not go into the detail about that. I think you get that. I want to make sure if this is approved that we find a way to make sure that we are going to get everything that they have guaranteed to be responsible to the citizens of Charlotte for relative to this contract. So, with that said, I think I heard you say – would you allow for some renegotiations to take place if they find they are going to fall short?

Mr. Kinard said I think we would hear what they have to say in that respect, and then we would take direction from probably the MTC and City Council on that and legal.

Councilmember Cannon said that's going down the road with renegotiating.

Mr. Kinard said we would take direction, but right now we don't have to take that option. We don't have to renegotiate. I will tell you this they were up front from the cover letter all the way through about the issues they had and it looks like they approached their transit system to say I have got a problem. My experience here in Charlotte has been actually the opposite; that in reality what occurred to us was that we had a vendor that at the end of the contract still owed us. We sued them for breach of contract. They went into bankruptcy, and of the \$380,000 owed us we got \$2,264.

Councilmember Cannon said keep in mind that we were phasing out, too. We were leaving what we were doing in the way of advertising contracting through Mayor McCrory and the MTC bringing a hammer down and saying we didn't want to do it anymore. That's what happened with that, so that other piece was just a matter of collecting whatever the City was going to be due from the entity you are making mention of. The MTA up in New York, what Walter says here is that Titan didn't perform to the contractual promises that were the basis for their selection, and I did see somewhere, of course, the recession was a part of it; that they hit a depression, Mayor and Council, but I guess that would have occurred in '09? We started the recession in '07, '08.

Mr. Kinard said the official recession started in the fourth quarter of '08 according to I think the conference board, the Federal Reserve, but they were in default based upon being behind in arrears.

Councilmember Cannon said I will end with this because I know Councilmember Dulin has some questions, and that is if you know we can't renegotiate – I mean if we have the right not to renegotiate –

Mr. Kinard said that's right. We have the right not to renegotiate.

Councilmember Cannon said I suggest that we allow it to be part of the language here, the motion going forward, that we don't allow for any renegotiation through this. I want to make sure we are getting those guarantees that they say they can be responsible for carrying out. We owe it to the taxpayers, and I don't think we should waiver.

Mr. Kinard said I have no problem with that. I think that's a good management decision.

Councilmember Cannon said great.

Councilmember Dulin said, Titan, do they have somebody on the ground here; are they moving somebody to Charlotte, or are they going to hire locally to get this advertising done?

Mr. Kinard said in the presentation that they gave staff their intent is to come here and to hire staff locally.

Councilmember Dulin said how many jobs are we talking?

Mr. Kinard said I think it's three.

Mayor Foxx said let's go downstairs and have a Council meeting.

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The meeting was recessed at 7:03 p.m. for the Council to move to the Council Meeting Chamber.

\* \* \* \* \*

### **BUSINESS MEETING**

The Council reconvened for the regularly scheduled Business Meeting at 7:12 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 led the Council in the Pledge of Allegiance to the Flag.

\* \* \* \* \*

Mayor Foxx said I want to acknowledge Misty Hathcock, who is a teaching fellow director at UNC-Charlotte and 15 junior teaching fellows, who are in the audience tonight. These students have been completing a year-long study of leadership and have been following the work of the Charlotte City Council over the past few months. Welcome.

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**AWARDS AND RECOGNITIONS**

**FAIR HOUSING MONTH PROCLAMATION**

Mayor Foxx recognized Fair Housing Month and Councilmember Kinsey read a proclamation in recognition of fair and equal housing opportunities in the City of Charlotte and Mecklenburg County.

**EARTH DAY PROCLAMATION**

Mayor Foxx recognized Councilmember Carter, who read a proclamation recognizing Earth Day, which will be April 22, 2011.

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**CONSENT AGENDA**

[ Motion was made by Councilmember Dulin, seconded by Councilmember Cooksey, and ]  
[ carried unanimously to approve the Consent Agenda as presented with the exception of Item ]  
[ Nos. 23, 25, 26, 42-E, and 42-F, which were pulled for discussion; Item No. 42-G, which was ]  
[ pulled for a speaker, and Item 15, which was pulled by Councilmember Barnes. ]

The following items were approved:

- 16. Contract to the lowest bidder, United Construction, Inc. of Charlotte, NC, in the amount of \$1,133,889.75 for the McCrorey Heights Neighborhood Improvement project for Engineering and Property Management.

**Summary of Bids**

United Construction, Inc.	\$1,133,889.75
Sealand Contractors Corporation	\$1,154,082.83
Blythe Development Company	\$1,171,800.00
Carolina Cajun Concrete, Inc.	\$1,213,566.90
Showalter Construction Company, Inc.	\$1,321,596.15

- 17. Contract to the lowest bidder, Petroleum Equipment & Service, Inc., in the amount of \$109,230.00 for the CMPD Lake Wylie Boathouse Fuel System project for Engineering and Property Management.

**Summary of Bids**

Petroleum Equipment & Service, Inc.	\$109,230.00
Jones & Frank	\$115,631.73
Southern Pump & Tank Company	\$119,900.00
Southeastern Petroleum System, Inc.	\$134,959.69

- 18. Contract to the lowest bidder, Crowder Construction Co., in the amount of \$1,778,500.00 for Sugar Creek Wastewater Treatment Plant for Utilities.

**Summary of Bids**

Crowder Construction	\$1,778,500.00
State Utility	\$2,155,345.00
Turner Murphy	\$2,356,394.26

- 19. One-year contract for bus parts to the lowest responsive and responsible bidder, National Fleet Services, for an amount not to exceed \$412,000, and authorize the City Manager to execute up to two, one-year renewals.
- 20. Two-year contract to the lowest responsive and responsible bidder, Quick Fuel Fleet Services, for the purchase of ultra-low sulfur diesel fuel on a fixed-price forward

purchase basis for an amount not to exceed \$13,000,000; approve a two-year contract to the lowest responsive and responsible bidder, The Guttman Group, for the purchase of ultra-low sulfur diesel fuel on a variable index-price basis for an amount not to exceed \$5,500,000; and authorize the City Manager to execute up to three one-year renewal options for each contract.

**Summary of Bids**

<u>Bidder</u>	<u>Fixed-Price Differential</u>	<u>Variable-Price Differential</u>
Petroleum Traders Corp. (non-responsive)	\$ 0.0954	\$ 0.0114
PS Energy Group (non-responsive)	\$ 0.1482	\$ 0.0209
Quick Fuel Fleet Services	\$ 0.1550	\$ 0.0395
James River Petroleum	\$ 0.1650	\$ 0.0410
Mansfield Oil Company	\$ 0.1822	\$ 0.0212
Papco, Inc.	\$ 0.1892	\$ 0.0217
Guttman Group	\$ 0.2049	\$ 0.0159
RKA Petroleum Co.	No Bid	\$ 0.0164

21. Low bid unit price contract for the purchase of mid-sized sedan hybrids and 2000 gallon fuel trucks to the following: 1) Capital Ford of Wilmington, 2) Charlotte Truck Center; second low bid unit price contract for the purchase of combination storm drain cleaning trucks to Rush Truck Centers of N.C. Inc. d/b/a Rush International Truck Center, 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 total \$410,650.

**Summary of Bids**

<u>Vendor</u>	<u>Location</u>	<u>Amount</u>
<i>Midsized hybrid</i>		
Capital Ford of Wilmington	Wilmington, NC	\$26,022.00
<i>2,000-gallon fuel truck</i>		
Charlotte Truck Center	Charlotte, NC	\$105,150.00
Rush International Truck Center	Charlotte, NC	\$107,999.00
Rush Truck Center	Charlotte, NC	\$115,763.00
<i>Combination sewer cleaner</i>		
Southern Municipal Equipment Co., Inc.	Lexington, SC	\$300,546.75
Rush International Truck Center	Charlotte, NC	\$305,500.00
Rush Truck Center	Charlotte, NC	\$315,309.00

22. Low bid contract of \$1,943,250 to Edison Foard, Inc. for renovations in the baggage claim lobby, and adopt Budget Ordinance No. 4635-X in the amount of \$1,943,250 from the Airport Discretionary Fund.

**Summary of Bids**

Edison Foard, Inc.	\$1,943,250.00
LeChase Construction Services, LLC	\$1,953,250.00
PCL Construction Services, Inc.	\$2,585,600.00

The ordinance is recorded in Ordinance Book 57 at Page 42.

24. Contract with Right Moves for Youth in the amount of \$134,692 for programs for at-risk youths.
27. Agreement with Piedmont Natural Gas in the amount of \$427,741 for the relocation of a high pressure gas line to make room for the McAlpine Relief Sewer Phase 3 pipe line.
28. Sale of the private water and sewer systems acquired from Carolina Water Service to the Town of Harrisburg in the amount of \$5,945,341.

29. Contracts for providing Cisco technology products and services for the term of five years in the estimated annual amount of \$2,000,000 to the following vendors: 1) CDW-Government; 2) DISYS; 3) NWN, and authorize the City Manager to approve up to two, one-year renewal options with possible price adjustments as authorized by the contract.
30. Contract in the amount of \$950,000 with URS Corporation-North Carolina for engineering design services for Johnston Oehler Road.
31. Contracts for engineering services for various storm water repair and maintenance projects: 1) Latham-Walters Engineering, Inc. in the amount of \$250,000; 2) Mulkey Engineers & Consultants in the amount of \$500,000; 3) ESP Associates, P.A. in the amount of \$500,000; and authorize the City Manager to renew each contract once for the original contract amount.
32. Authorize the City Manager to extend the current CMGC/City Hall uniformed guard service contract with AlliedBarton Security Services, LLC for an additional one-year period at the existing annual contract amount of \$578,406.19.
33. Resolution authorizing the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the North Church Street/CSXT rail crossing closure and improvements, and adopt Budget Ordinance No. 4636-X in the amount of \$1,270,000 including appropriating \$975,000 in State funding, \$20,000 in CSXT funding, and transferring \$275,000 from existing transportation capital appropriations.

The ordinance is recorded in Ordinance Book 57 at Page 43.

34. Resolution approving the donation of surplus computers and related equipment to Goodwill Industries of the Southern Piedmont, approve a contract for computers and related equipment disposal services with Goodwill Industries of the Southern Piedmont for an initial term of two years, and authorize the City Manager to approve up to three, one-year contract renewal options as authorized by the contract.

The resolution is recorded in Resolution Book 42 at Pages 908-935.

35. Three-year management contract with Go Green, Reduce Reuse Resell, Inc. (Go Green) for the operation and management of the Airport Recycling Center, authorize the City Manager to execute up to two, one-year extensions, and approve a month-to-month contract extension not to exceed \$450,000 for up to one year with Waste Management of the Carolinas, Inc. ("Waste Management") for solid waste disposal services.
36. Resolution accepting a Federal Aviation Administration (FAA) grant in the amount of \$16,804,107 for Airport projects related to the new runway, and adopt Budget Ordinance No. 4637-X appropriating \$16,804,107 in FAA grant funds; transferring \$9,408,473 of 2007 series B and \$7,395, 634 of 2010 Series C General Airport Revenue Bonds to the Debt Service Fund.

The resolution is recorded in Resolution Book 42 at Pages 936-937.

The ordinance is recorded in Ordinance Book 57 at Page 44.

37. Contract with AECOM, Inc. in the amount of \$325,125 for the design of two bridges for the Airport Entrance Road, contract with STV/Ralph Whitehead, Inc. in the amount of \$422,260.71 for the design of two bridges for the Airport Entrance Road, and adopt Budget Ordinance No. 4638-X in the amount of \$747,385.71 from the Airport Discretionary Fund.

The ordinance is recorded in Ordinance Book 57 at Page 45.

38. Change Order #1 with Hi-Way Paving, Inc. in the amount of \$388,560 for LED airfield lighting related to the Runway 18C/36C reconstruction; contract with S&ME, Inc. in the amount of \$595,706 for construction materials and testing services for the Runway

18C/36C reconstruction; and adopt Budget Ordinance No. 4639-X in the amount of \$984,266 from the Airport Discretionary Fund.

The ordinance is recorded in Ordinance Book 57 at Page 46.

39. Acquisition of 14.66 acres of property at 4700-4800 Wilkinson Boulevard for the negotiated purchase price of \$285,000.
40. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$44,298.04, and resolution authorizing the refund of business privilege license payments made in the amount of \$2,441.89.

The resolution to refund property taxes is recorded in Resolution Book 42 at Pages 938-939.

The resolution to refund business privilege license payments is recorded in Resolution Book 42 at Page 940.

41. Resolution of Intent to abandon a residual portion of Badger Court, and set a public hearing for May 9, 2011.

The resolution is recorded in Resolution Book 42 at Page 942.

- 42-A. Acquisition of 5,618 square feet in fee simple plus 373 square feet in existing right-of-way plus 885 square feet in sanitary sewer easement plus 1,451 square feet in storm drainage easement plus 312 square feet in storm drainage and sanitary sewer easement overlap plus 4,914 square feet in temporary construction easement at 406 Coulwood Drive from Jimmy R. Rollins and wife, Carolyn P. Rollins, for \$11,300 for Coulwood/GumBranch/KentBerry Sidewalk Projects, Parcel #10.
- 42-B. Acquisition of 1,553 square feet in sidewalk and utility easement plus 678 square feet in temporary construction easement at 5727 Fairview Road from Peter Burlos and wife, Miriam B. Burlos, for \$21,100 for Fairview Sidewalk, Parcel #2.
- 42-C. Acquisition of 151 square feet in storm drainage easement plus 2,926 square feet in sidewalk and utility easement plus 36 square feet in utility easement plus 1,375 square feet in temporary construction easement at 5709 Fairview Road from Mirsa 2, LLC for \$39,075 for Fairview Sidewalk, Parcel #3.
- 42-D. Resolution of condemnation of 1,161 square feet in temporary construction easement at 5107 Murrayhill Road from Michael Anthony Martin; Mark Patrick Martin, and Nina Ann Martin, and any other parties of interest for Murrayhill Road Sidewalk, Parcel #27.

The resolution is recorded in Resolution Book 42 at Page 943.

- 42-H. Resolution of condemnation of 39,035 square feet in sanitary sewer easement at 413 North Polk Street from Mirsa 2, LLC and any other parties of interest for Steele Creek Pump Station Replacement, Parcel #23.

The resolution is recorded in Resolution Book 42 at Page 944.

- 42-I. Resolution of condemnation of 843 square feet in fee simple plus 827 square feet in storm drainage easement plus 3,617 square feet in sidewalk and utility easement plus 3,078 square feet in temporary construction easement at 3900 Sofley Road from Nancy Viola Wilson and any other parties of interest for Sugaw Creek/Ritch Avenue Neighborhood Improvement Project, Parcel #5.

The resolution is recorded in Resolution Book 42 at Page 945.

- 42-J. Resolution of condemnation of 50 square feet in utility easement plus 1,548 square feet in temporary construction easement at 4001 Sofley Road from Gregory Hughes and any

other parties of interest for Sugaw Creek/Ritch Avenue Neighborhood Improvement Project, Parcel #10.

The resolution is recorded in Resolution Book 42 at Page 946.

- 42-K. Resolution of condemnation of 2,424 square feet in temporary construction easement at 501 Dare Drive from BTL Properties, LLC and any other parties of interest for Sugaw Creek/Ritch Avenue Neighborhood Improvement Project, Parcel #27.

The resolution is recorded in Resolution Book 42 at Page 947.

43. Titles, motions, and votes reflected in the Clerk's record as the Minutes of the February 14, 2011, Business Meeting, and the February 21, 2011, Zoning Meeting.

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### **ITEM NO. 15: EASTBURN STORM DRAINAGE IMPROVEMENTS**

Councilmember Barnes said I'm going to make a motion to deny, but I will let someone else make a motion to approve it, and I'll just make my vote.

Mayor Foxx said is there a motion to approve?

[ Motion was made by Councilmember Dulin and seconded by Councilmember Cooksey ]  
[ to award the low bid contract of \$5,064,939 to Blythe Development for construction of the ]  
[ Eastburn Storm Drainage Improvements for Engineering and Property Management. ]

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

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

**NAYS:** Councilmember Barnes

Councilmember Mitchell said I did not vote. I thought you were going to share the reasons why, Councilmember Barnes. I would love to hear your reasons. That's why I didn't vote.

Councilmember Barnes said absolutely. I don't mind. I didn't want to belabor the point. This is the Eastburn storm drainage project. You all may recall a few weeks ago it was on our consent agenda, and I pulled it because the successful SBE was actually affiliated with the principal. That was corrected. The SBE was replaced with another SBE, and the same principal won the contract this time, and it's bid is \$600,000 higher than last time, and there has been no additional work commitment to the City or to the project. So in my mind it seems like profit taking. We heard from Mr. Blackwell earlier about it, and I cannot in good conscience vote to support the project.

Mayor Foxx said do you want a revote? Motion has been made and seconded, and I'll allow the Council to take a second vote.

Councilmember Dulin said I need to speak to that. This is a good project though, and we have worked hard to get it to where we are. I have to trust Jeb Blackwell, the city engineer, and his team to bring us what the numbers are, and I do that. I'm going to vote to support this because we need this project, and we can build this project and it will help the quality of life for the folks that live in that watershed.

Mayor Foxx said, Mr. City Manager, do you have any further comment on this item before we vote again?

**Curt Walton, City Manager**, said, no, I think Mr. Barnes' points are well taken, but we had two really competing goals – taking the lower price from what we had before and moving forward

with a cloud over the SBE, and I thought it was more important to remove the cloud over the SBE program, and we have since made the administrative changes so that won't happen again. Usually when you rebid, the bids don't go up to this degree. He is absolutely right, but we can't go back to the old bids. I agree with Mr. Dulin this is an important project to move forward on, so we stand by our recommendation to award to Blythe.

Councilmember Mitchell said I apologize, but I was not able to make dinner, and Mr. Blackwell gave a reason why the \$600,000 increase.

City Manager Walton said we don't know. Mr. Barnes' question at dinner was did the scope of the project change, and, no, it did not.

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

**AYES:** Burgess, Carter, Cooksey, Dulin, Howard, Kinsey, Peacock

**NAYS:** Councilmembers Barnes, Cannon, Mitchell, Turner

Mayor Foxx said that's 7-4.

**Summary of Bids**

Blythe Development, Inc.	\$5,064,939.00
Sealand Contractors, Inc.	\$5,162,074.50
Triangle Grading & Paving	\$5,766,528.35
Blythe Construction, Inc.	\$5,804,518.50
Rockdale Pipeline, Inc.	\$6,216,466.94

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**ITEM NO. 23: NCDOT AGREEMENT FOR PUBLIC ART ON BEATTIES FORD ROAD BUSINESS CORRIDOR**

Councilmember Mitchell said, first of all, I want to thank the Johnson C. Smith and the citizens of West Trade Street/Beatties Ford Road corridor and Senator Graham for his help. This is our first public art project for that corridor particularly under the bridge, and it's the first project for NCDOT in the right-of-way policy, so thanks to Johnson C. Smith for contributing \$75,000 for this and Senator Graham for his leadership and the General Assembly.

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to adopt a resolution approving an encroachment agreement with the ]  
[ North Carolina Department of Transportation to install City public art in the Beatties Ford ]  
[ Road Business Corridor at the West Trade Street and I-77 underpass. ]

The resolution is recorded in Resolution Book 42 at Pages 905-906.

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**ITEM NO. 25: TRANSIT EXTERIOR ADVERTISING PROGRAM**

Councilmember Cannon said this is to approve an advertising contract with a three-year minimum revenue guarantee of \$2.6 million and some change plus a percentage share of revenue for exterior advertising services to Titan Outdoor, LLC, and to authorize the City Manager to renew the contract annually up to two times with a five-year total minimum revenue guarantee of over \$5 million plus a percentage share of revenue. Mr. Mayor and Council, this item came to us in the Dinner Meeting, and one of the things that was suggested by staff was that they didn't have a problem with this contract being nonnegotiable, and I am asking that we approve A and B with the understanding that the contract will be nonnegotiable largely in part because there in the past have been some defaults by the entity we are about to award this to, and I won't get into the amounts again, but they give me some pause for concern, and I want to make sure that we have

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the appropriate guarantees in place for the citizens of Charlotte to be able to receive exactly what has been suggested here in this contract and that the entity that will be awarded this contract potentially will not have the ability to go back and to renegotiate after they have been awarded the contract, which typically happens sometimes in the business world. Someone will be awarded the contract; they will say they can do it for one amount, and then they come back later just to renegotiate that number lower, so I do not want that to be the case in this situation with the taxpayers. I would move A and B with the recommendation that we also allow this to be a nonnegotiable contract.

Mayor Foxx said is that a motion?

Councilmember Cannon said it is a motion.

[ Motion was made by Councilmember Cannon and seconded by Councilmember Barnes to ]  
[ approve a nonnegotiable advertising contract with a three-year minimum revenue guarantee ]  
[ of \$2,662,500 plus a percentage share of revenue for exterior advertising services to Titan ]  
[ Outdoor, LLC, and authorize the City Manager to renew the Contract annually up to two ]  
[ times with a five-year total minimum revenue guarantee of \$5,087, 500 plus a percentage ]  
[ share of revenue. ]

Councilmember Barnes said I don't mean to play lawyer, but I want to ask the lawyer here to advise us on the legal meaning of nonnegotiable in the context that the Mayor Pro Tem has used it.

**Terri Hagler-Gray**, said we believe that could be a contract term, but after consulting with the CATS' attorneys, we recommend that perhaps you direct that CATS not renegotiate the contract absent Council approval as opposed to making it an actual contract term.

Councilmember Barnes said would that be an acceptable amendment, Mr. Mayor Pro Tem?

Councilmember Cannon said I'll accept that, sure. That' works.

Councilmember Barnes said I will still second it.

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

Mayor Foxx said that changed. Very well.

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## **ITEM NO. 26: WATER METER EQUIPMENT PURCHASE AND INSTALLATION**

Councilmember Cooksey said I wanted to comment on this particular item since it relates to a number of matters that have come up before us regarding Utilities. It's overall a \$6.425 million item that comprises four parts. I think it's important to note there are four parts to this – not simply one because a lot of the reporting is focused on part of this. The first part is basically a \$2.94 million two-year contract that renews a contract Council approved three years ago with a company called Badger to provide water meter service and equipment going forward. At the time, I would like to point out, that contract was a little over \$1.6 million a year. Now it's down to \$1.47 million a year for this level of service, but it's a renewal of the contract.

The second part and one that gets a lot of attention is replacing 60,000 units – the electronic meter reader units that are broadcasting out to our meter readers. That's about \$2.3 million. It's important to remember the context of that. This is part of an overall replacement of 120,000 units, half of which were done for free by the company. These things are failing on us. As a business decision, I think it's better to spend the \$2.3 million to go ahead and replace all 60,000 rather than wait for them to fail completely one by one and have to send a staff member out to do the replacement. I just think the cost per unit of having Utilities staff go out to pull the unit and replace it will wind up costing us more than the discounted rate per unit for the 60,000.

The third part is if we are going to lock in some protection if we determine in a future study that there is an even better technology. We are using about \$960,000 to lock in a lower price for replacement of those 60,000. Finally, there is a pilot usage study in some of the areas that have had the most complaints about their meters being read to make sure that we are testing our equipment correctly and getting our meters read correctly. Overall, while it's a \$6.4 million item, the components are more than just replacing 60,000 meters, and I move approval.

[ Motion was made by Councilmember Cooksey, seconded by Councilmember Barnes, and ]  
[ carried unanimously to approve the purchase and installation of water meter equipment from ]  
[ Badger Meter, Inc. by the sole source exception authorized by NC G.S. 143-129(e)(6) not to ]  
[ exceed \$6,200,000, and approve the purchase of new technology pilot testing from Badger ]  
[ Meter, Inc. by the sole source exception authorized by NC G.S. 143-129(e)(6) not to exceed ]  
[ \$225,000. ]

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#### **ITEM NO. 42-G: CONDEMNATION AT 5633 MURRAYHILL ROAD**

**Larry Brackett, 5633 Murrayhill Rd.**, said this is a drawing provided by the Engineering Department of proposed changes to the elevation of the right-of-way and to my lot for this sidewalk. At the present time, my lot and the right-of-way out to the curb is level. The proposed changes would cut a valley two feet deep, and it would extend ten feet beyond the ten-foot right-of-way into my lot, so you have two walls with a floor that is two feet below the curb. Again, my lot is level with the curb. So what they are proposing is cutting a ditch across the front of my property for a sidewalk, and the reason being the lot next to mine has issues. That lot grades back from the curb two feet – it drops two feet in this 20 foot area that will be involved with the sidewalks. So rather than bringing this property next to mine up to where it's level with the curb, they intend to cut my property down to match this property of lesser value. That devalues my property rather than upgrading his single lot that is involved with mine. I would not have bought this property had it had a ditch two feet deep with a sidewalk across it 20 years ago. I think it's for the City and the Engineering Department to upgrade this lot next to mine, which is the only one involved. The one beyond that is level with the curb and with the right-of-way, so the thing to do is address the issues on the lot next to mine; not devalue my property.

Mayor Foxx said thank you, sir. We are going to ask the staff maybe for a response.

**Jeff Reid, Real Estate**, said Mr. Brackett is correct. He raised the issue during negotiations about the cut and fill that would occur on his property. The appraisal, which was done by a certified MAI appraiser, made the determination that the modification and topography would have minimal effect on the value of his property. He asked the City during negotiations as well to promise in writing that any changes that we made would not affect the drainage on his property, and we provided that assurance in writing to him. I can't speak to the engineering elements of this, but I can tell you that the appraisal took into account the changes in the topography and the cut and fill, and we gave him the assurances that he requested. He felt the TCE was a little bit too big, and we even offered to fence off a part of the TCE in order to keep the workmen from using the entire thing, the entire area of the TCE to accommodate him, but we have just not been able to reach accommodation with him, and he is unhappy, and we have been unable to settle, so in order to meet our schedule, we are recommending condemnation. He will have an opportunity to plead his case in front of a judge and a jury and even a mediator – a court mandated mediator, and he will be treated fairly.

Councilmember Turner said thank you for those comments, and I do understand that as the process, but to me – why is it that we are not considering building up the topography to the lot that is next to his to make them even versus cutting his property down if we know, in fact, that it is going to do exactly what he just told us? Why would we waste that time going through mediation to come to that conclusion when we already know the answer?

Mr. Reid said unfortunately I can't speak to the design elements of that, so I'm sort of at a loss here.



Councilmember Turner said is there anybody that can speak to that?

**Jeb Blackwell, City Engineer**, said I regret to say that I don't know the answer to that question. What I would ask is that you defer this and let me get a chance to look at these plans myself. I did not look at this particular one myself. I didn't realize that this issue was on the table.

Councilmember Turner said I would grant that, and I would ask this Council to do the exact same thing – that we defer this matter.

[ Motion was made by Councilmember Dulin and seconded by Councilmember Turner to defer ]  
[ this matter. ]

Councilmember Dulin said, Mr. Brackett, I have been by your home multiple times. As a matter of fact, I was there today. I saw you from my car and parked and knocked on the side door and knocked on the front door and wasn't able to get you. You must have been getting your fine duds on to come to City Council meeting tonight. We'll get some answers to that because your site is a good site, and as many times as I have walked it, I hadn't picked up the variations of your lot and the next lot, but Mr. Turner is right to get that pulled. We are going to defer it and get you some answers.

Mayor Foxx said I'm sorry, sir. Unless you are asked a question, we have to –

Councilmember Turner said I'm sorry, Mayor. Did we decide – what is the timeframe?

Mayor Foxx said I think until Jeb comes back to us.

City Manager Walton said April 25<sup>th</sup>.

Councilmember Dulin said April 25<sup>th</sup> it will come back up, but between now and then, sir, we will be working on it.

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

Councilmember Dulin said I said defer 46-G. It's actually 42-G should have been the appropriate number.

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#### **ITEM NO. 9: PUBLIC COMMENT ON INDEPENDENCE BOULEVARD AREA PLAN**

Mayor Foxx said we move to a continuation of the public comment on the Independence Boulevard Area Plan. We started that at our last business meeting, and we have several speakers here on that item.

**Ed Garber, 1401 Tarrington Ave.**, said I just want to address the Independence Boulevard Land Use Plan. I have given this a lot more thought about why the staff is trying to move this land use plan forward after it has kind of been stagnant for a couple of years now. We just got the transitional setback removed where the road has been widened, and now we are about to implement yet another group of hurdles for people to develop Independence Boulevard, and I'm very concerned about that because we are basically saying we need answers on Independence Boulevard, but we really don't know what the road is going to look like in the future. So we have this land use plan that could fit into any possible model that would come up for a road use, but clearly I don't think that is the case. First of all, we don't know if there is going to be an HOV lane, bus rapid transit, light rail. We know the demographics are going to be different for light rail than they are for bus rapid transit. So, if we are talking about transit-oriented development, we know, first of all, that light rail, the ULI is saying we are not going to have the same development that we would on South Boulevard, but we are still going to have the transit-oriented development, so we are going to have the increased density of housing and we are going to have the increased subsidized housing, but we are not going to see the real estate development, so how are we going to have the same land use plan in every scenario doesn't make sense to me. But also we have the ULI, and we have this feedback from the ULI saying that there are too

many transit stations, but we are just going to go ahead and approve this plan without taking into consideration all of their points, and I was involved in every single COG meeting for the land use plan, and I went to the Urban Land Institute, and I'm just trying to figure out why the input isn't as important from the ULI never mind we don't even know when this road is going to be finished. It could be 20, 30 years before the road even gets finished. We can't put mass transit on Independence until they widen it because nobody is going to put mass transit on a road that is not already widened. We have to do the widening as part of that. So these people can't build on the road. Once again, if we pass this, unless it's what the City wants for 20, 30 years, but we don't even know when we are going to get rapid transit of any kind never mind if there are going to be HOV lanes or toll lanes. I just ask you to really consider at least waiting until the ULI plan is finished but also until we have a solid plan for what transit is going to look like in the future.

**David Reynolds, 2063 Eaton Rd.**, said just wanted to thank you all for extending public comment. I'm a land and business owner in Charlotte, fourth generation Mecklenburg County resident, and just want to thank the City and those who have facilitated the Citizens' Advisory meetings. I want to reiterate some of the points that were made in the PowerPoint that was posted on the Planning Web site from the Dana Rose Fellowship. The first point is to ensure that both the local and regional needs of the implementation of this plan are addressed so they are clearly communicated because I think there has been a disconnect between that. I applaud the Rose Fellowship for recommending both HOV and HOT lanes in this corridor as well as the streetcar loop that leverages Monroe Road, Sharon-Amity, Albemarle Road, and Central Avenue. I think that helps recreate some connectivity between the north and south sides of Independence Boulevard and it helps improve the accessibility of the old Eastland Mall property. As the plan is ultimately adopted, I want to encourage the Council to be flexible in their decisions. I know that is actually included in the agenda this evening that the plan does allow this flexibility for transit plans in the future to address local and regional needs, and I just want to leave on a little bit of history that Charlotte did have a great trolley network back in late 1800s and up until the late 1930s and just wanted the Council to stay open to ideas about streetcar improvement so that it will give our citizens an option to move around the city and be a catalyst for economic development.

**Jim Cavalaris, 214 Hempstead Pl.**, said I come before you tonight to request that the City Council delay the approval of the Independence Area Plan until the completion of the ULI Land Use Study of Independence, and I say this not to delay it but to come up with a better plan. The biggest concern I have, and I was fortunate enough, and I thank you, to participate in the study with ULI folks. I met with the mayor of Orlando, also she was lieutenant governor in Florida, a gentleman from Sacramento, a land use planner. They have recommended that there only be three transit nodes, not transit stations. And this is important because this whole plan that is being recommended for you to approve is based on six transit stations. These transit stations have been there for years when we thought we might have light rail. We are not sure whether we are going to have bus rapid transit. But to orient this plan around transit stations that we don't know when they are going to be built, if they will ever be built. Before we have said you can only have transit stations built when we complete the Independence Expressway to I-485. Well, that's not until after 2035. We need to do something now. The ULI Rose Fellowship panel recommended only three transit nodes at the major roads. This is a major change that could impact the area plan. According to them, the transit stations are too close. You don't need them this close. This is based on expert opinion. In fact, one fellow recalled their expert saying it's doomed to fail. That's serious language. Why don't you all meet with the ULI people and see are you all moving too fast, would they like to have some input. If they really think these six transit stations won't work and that three need to work, we need to come up with a plan that works. I'm not here to defeat this. Heck, one of them is in front of our property. We have suffered for years. I just want to know that something is going to be built. Don't show me a transit station that is never going to be built and then give me TOD zoning that is going to affect my property, and we own property across from Bojangle's Arena. We have no access except from Independence Boulevard. Anyway, it's important that the City Council try for the best area plan for Independence Boulevard that can be funded and implemented in the short term as well as the long term.

**Angela Ortega-Moore, 1154 Cedarwood Ln.**, said now I'm actually representing the Moore-Ortega household here speaking on behalf of the transit of the plan of Independence Boulevard. I'm not very verbal as far as knowledgeable of the plan, but one thing is I think we need to do

something. It needs to be happening, and it really needs to be taken into consideration the loss of businesses that we have had in that community. We have lost over 170 businesses in the Independence Boulevard area. That is a detriment to our community. It is terrible that some of us who like to support our community, like to shop in our community, have to drive miles and miles away to go buy a book someplace else or go buy dress or whatever. We need to go far away. There is a study that was just recently done for the Smith Reynolds Foundation on strategies to reduce the racial and gender wealth gaps in North Carolina, and one of the things they talked about is it talks about how a plan needs to be implemented with a business community in mind. You cannot just be placed in a silo saying we need a transit, we need a plan, but we need to maintain the whole community as a whole. So it really is a part of how we need to do something and respect the decisions that are being made without being violated by the staff or by the Council, so that is something that on behalf of my family and the residents that live in the east side I respectfully ask of the Council.

**John Autry, 4728 Amity Pl.**, said I am the vice president of the Coventry Woods Neighborhood Association on the east side. We are just off Sharon-Amity between Independence and Albemarle, so this Independence Area Plan is of great interest to us. The CWNA wishes to thank Council and staff and all the citizen volunteers for their time and expertise into the development of this plan and the CWNA supports this plan and would like to see it approved and implemented. We especially appreciate the daylighting of the streams going through the Independence Wood development behind the current location of Town and Country Ford. We feel a green space is the perfect use for that property. If I could ask for anything else, it would be to see more green space and more intermodal transportation infrastructure. You can read bicycles under that if you want to. We want the plan respected and not violated by Council or staff. We have experience of how staff by granting a myriad of variances can contravene such a plan. We are concerned about rezoning in our stretch of the corridor obviously, but we want to thank you and all those involved in this endeavor. Now, let's get it to working.

**Walter Fields** said I would like to pick up where I left off a couple of weeks ago where I talked about some of the fallacies of the plan primarily based on economic assumptions, which are no longer valid, and I suggested to you that it would create more uncertainty. Someone challenged me to give some specifics, so I would like to point out a couple of the examples of the things I'm talking about. You have heard from people that have concerns about this plan. I have worked with a number of property owners up and down Independence Boulevard for years and years and years. I want to ask you to help me understand how this is going to work. For example, there is conversation in this document about what should happen to certain pieces of property, which all plans do. But if I owned a piece of property where the plan says it has a future as a park, or if I owned a piece of property that the plan says is a future regional storm water pond, I'm inclined to think that the public probably has a lot of interest in acquiring that property. But it's not clear in the plan that there is anything that is actually set up to do that. I believe the planning of the EV Committee was told a couple of weeks ago that there had been a lot of conversation about some sort of a property purchase program, that estimates of the sorts of property values that would be involved are somewhere between \$5 and \$10 million. I don't know where those numbers come from, but according to the Minutes of the meeting, the staff member who made that presentation said but right now that program is just hypothetical. The plan is impacting these properties by saying something else is going to happen to it, and all of those things are public purpose type uses. The first example is that I have to deal with these owners and come back before you with development proposals is what do I tell an owner whose plan calls for something else to happen with their property that is public use? Secondly, I'm glad Mr. Autry just spoke. I'm familiar with Coventry Woods and have worked in that area for years, and I would be concerned, too, about having something in the plan that gives him the certainty to know what was going to happen because there are things in here that I think will bring traffic to his neighborhood, which aren't readily apparent on the surface. If I'm redeveloping a tract on Independence Boulevard, if I intensify the use or change the use, this plan directs me to either build a frontage road along Independence, which I'm not sure where it would go, or take that traffic back into the neighborhood. It's a small paragraph back in the back that may be overlooked, but I would suggest to you that is a pretty important consideration, and I need you to help me understand how I will tell a property owner how that works. Last, but not least in the three examples that I promised, the plan talks about coming back in the future and looking at reconnecting streets across Independence Boulevard, and it talks about Farmingdale, which, of course, goes into Coventry Woods, and I'm wondering why we are not dealing with that now

because if you are going to reconnect traffic and concentrate traffic on Farmingdale to go across Independence isn't that not something that is important to that neighborhood back there as well. I encourage you to give these and other thoughts as well, and we'll watch for your decisions.

**Chris Bakis** said the issues of widening Independence Boulevard and the transit mode, which has yet to be determined, cannot be separated from the area plan. In fact, the land use plan should be the last act authorized until the issues of what is going to happen with the widening of Independence Boulevard and the transit mode are selected. The land use plan is the last thing you want to enact – not the first. It doesn't make sense. We just got rid of the transitional setback about three weeks ago on the current section of Independence Boulevard we are talking about. Please do not force another series of restrictions on us just a few weeks after each other. We already got rid of one set of restrictions; don't impose another one. Let the property owners exercise true capitalism and true freedom to do business at least for a while – Republicans. Please respect the wishes of the citizens as opposed to City staff for once. Uncertainty is not why Independence Boulevard is failing. It is the poor planning of City staff since 1989. What was it – three weeks ago – I heard one person support this plan. Tonight I heard one second person. The one person three weeks ago supporting the plan was somebody I heard at the Economic Development Committee meeting referred to as Ms. Carter asked for special favors for her traffic through her neighborhood, and I heard Brian Horton respond in a favorable way. Tonight I'm hearing from John Autry, who Ms. Carter is grooming to take her place on the City Council. That looks to me like favoritism, favoritism, and those are the only two people you have heard who are strongly for this plan. Welcome to Charlotte. Please do not pass this plan, and please pass the public hearing pass beyond April 28<sup>th</sup> so we can get more facts and weigh things out.

Councilmember Peacock said a question for Alysia Osborne, our staff person on this. I was reading our write-up on page 6 here that you all had a series of meetings from June and July of '08 with over 500 people, 150 stakeholders. In October of 2008 you had 192 people in attendance, and then there were a series of meetings with Charlotte Planning Commission. Are we comments, are you hearing comments that are similar to the history of what staff has been hearing about this, and obviously the ULI study has entered into the picture, but they are raising some very good points about getting transit done first, land use second. What is staff's reaction to that?

**Alysia Osborne, Planning**, said that's pretty consistent with what we have been hearing. Before the ULI study, most of the comments were about the road project, the NCDOT road project that is currently underway within the corridor. We have heard a little bit about the transit decision, but actually the MTC adopted the 2030 Corridor System Plan in 2006, so there is a transit decision. What the area plan does is provide a cross-section for Independence that doesn't specify what that transit technology is, so it accommodates whether it's bus rapid transit or light rail transit. It doesn't specify, the area plan does not, but it does provide a cross-section that provides the space for whichever technology the MTC decides on when they revisit their decision. This year they are starting to begin to review that decision this year. But the area plan doesn't specify technology. It does recognize that there will be rapid transit, and the six proposed transit station areas within the corridor are identified under the plan. For that to change, the MTC would have to change their decision. So the area plan responds to all the transportation decisions that were made or are made for Independence Boulevard in terms of the transit decision and the highway project. The area plan doesn't reevaluate or revisit those decisions. What it does is try to move forward and provide a land use vision that responds to those decisions that have been made or else we would just be revisiting and revisiting and revisiting those decisions and never really provide any certainty in the corridor.

Councilmember Peacock said my question is about that certainty. How does this create more certainty for the business owners on this corridor? We are hearing a lot of concerns that it is going to create less certainty. The second part to that is have we shared this feedback or has this feedback been shared directly with ULI. I wasn't a part of that. Mr. Mayor, I think we had some pretty inclement weather that week, if I recall, when they came in town.

Ms. Osborne said the ULI study which started last October their charge was to take the Independence Boulevard Area Plan and to implement the recommendations within the plan. What their recommendations primarily say is that you are positive that you want transit, but you

are not positive about the technology, and they specified that we should choose one technology, be certain about that technology that will provide more certainty in terms of what the technology will be, and, therefore, would advance the land use vision. The land use vision in terms of the number of transit station areas proposed by ULI is a little bit different than what the MTC is proposing, but the regional stations within the area plan are what ULI came up with – they are consistent. So the visions are pretty similar. They are not as different as a lot of people would like to interpret them as, but they are pretty similar in terms of providing certainty and some type of vision for Independence.

Councilmember Peacock said under the ULI are they suggesting three nodes?

Ms. Osborne said three regional nodes, and those three nodes are captured within the area plan. Again, what the area plan does is respond to the MTC decision. For that to change, we would have to revisit the MTC decision and then revisit a land use decision for those particular transit station areas.

Councilmember Peacock said the MTC is for six stations; the ULI is for three.

Ms. Osborne said, right, three regional nodes. So to change that the MTC would have to revisit their plans.

Councilmember Peacock said I guess this bounces back really to committee chair or you all to having discussion on this. That sounds pretty big, Councilmember Mitchell. Six versus three and some of the comments I have been hearing. Again, I'm just starting to read intently on this and have heard from several of the owners. I don't know. You can maybe chair this committee discussion, and the other piece, Mr. Manager, could you talk to the write-up. Is there a specific action we have? Not tonight.

City Manager Walton said, no, sir, you have to decide whether to leave the hearing open, and if it closes, it goes back to the Economic Development Committee.

Councilmember Mitchell said, Councilmember Peacock, all of this was for feedback, and that's why last month under direction we said let's leave the public hearing open to get more input, but we clearly would like to take feedback from the citizens as well as the staff in the presentation six versus three. In the write-up, it does give some flexibility. Staff is mentioning here that the plan will allow after the ULI study is complete, allow some flexibility to be incorporated, so I think staff has done a great job of providing some flexibility as they are trying to provide a road map and some guidance principle for development of Independence corridor.

Councilmember Peacock said when is the ULI study going to be complete?

Ms. Osborne said they completed their land use visit in January, and the charge is back on the fellows to try to implement those recommendations. It concludes in October of this year. So their recommendations are the recommendations. It's up to us to decide how to implement those recommendations.

Councilmember Peacock said what would be the harm in waiting until October and having these two coordinate?

Ms. Osborne said to get the two to coordinate the MTC would have to change their decision. There is a lot of analysis and feasibility that would have to be done in terms of deciding what the transit technology would be and the impact to the surrounding land uses, so there is no quick and hard response to say when and how that would happen. We are not real sure about the time line.

Councilmember Peacock said, Mr. Howard, I will let you comment first.

Mayor Foxx said let me interject into this, too, that part of doing the study itself was to take stock of what was already going on relative to the study which was still in discussion mode at the time and is now in a draft form that informed the ULI participants when they came up with their recommendations. The idea is that with the Independence study that has been done by our staff over the last couple of years, which really describes kind of what, that we really when we review

these area plans we never really talk about how. We never talk about how you pay for it. We never talk about time schedules.

We are trying to talk about a way to address this issue of certainty, and part of the answer to that is a technology decision on the transit. Some of it has to do with coordinating among the NCDOT, the CDOT, and our Planning staff. Some of it has to do with finding resources, so all of those things – I think we have an opportunity over the next several months to present something that gives us a sense of when the plan can be implemented, how much it will cost, how it could be paid for that gives us and the market the kind of certainty that people want. So, there should be some coordination between the area plan and the ULI process that is going on. Whether we approve the area plan today or whether we approve it in October, there still should be that coordination.

Councilmember Howard said just a little bit about ULI. The first thing I let you know is ULI is an independent exercise from what we are doing. ULI came in and offered to lend their expertise, if you will, to the whole subject; and, from what I understand, the question was posed how do we do this quicker, how do we do this sooner. And, one of the things we should know is in the current way that funding is going in the MTC's schedule Independence is way out. So the whole point of engaging an independent body was to say how do we do this quicker, how do we do this sooner. So that's just the first thing. So that's how ULI plays into this.

In order for all that to be taken into consideration, my take on this – and help me if I'm wrong, Ms. Osborne – you have to go to MTC first. MTC would probably have to approve to even go in the direction that is recommended. Then you would have to – then CATS would have to be taken into consideration because you are now talking about going to Monroe Road and doing some different things. You have the long process of costing it out. Then you have to talk about how NCDOT, who is doing planning now, would have to be brought into it. Even once the fellows – and the fellows were local – Mr. Conti, Debra, and Jim and Dan. So once they come back with their recommendations after they have heard from the national folks, we could be talking about some time off into the future before all of the recommendations are vetted. This is about moving it quicker. So even if it took a couple of years to vet it out, what I'm saying is that it probably still would be quicker, but that is what that process was about.

What do we do in the meantime with Independence? Right now, we have established policy that says that you are supposed to reserve space in the middle for bus rapid transit and light rail. That is what this does. If for some reason, policy changes with MTC in the future, then we come back to this in the future and we adjust plans just like we do all the time. So that's just it.

Another thing that I heard something about a road – a potential road was going across Independence. I would point out that Hawthorne Road is one of those types of roads that we are talking about, and it actually brings the neighborhood back up. If you go across that bridge, you almost don't realize that you are going from neighborhood to neighborhood as opposed to the way it was when you had to dodge a light and traffic to get across. I don't see that as being a bad thing in pulling neighborhoods back together. Then remember also that what we are talking about Independence being a freeway, so this plan actually – That's what I went over to talk to Ms. Campbell about.

This plan actually takes a lot of that into consideration because what it is doing is saying that future development, even if you put bus rapid transit and light rail down the middle, it will still be orienting development back out to Monroe Road and to Central Avenue. You have access because you potentially have a bridge going across whatever in the middle – light rail or bus rapid transit – but there is not going to be vehicular access off of there. It will be about pedestrians moving around. The way you would get to development around these nodes would still be from Central Avenue and from Monroe Road. So, this plan actually takes into consideration – and I'm not sure how much more would change if we did this now, and if in the future we come back with something, we adopt the plan – I mean we'll adjust the plan or amend the plan, but that could be years. Not years – at least next year sometime before we even know what that is. It won't be October because we don't make that policy – they do.

Councilmember Peacock said I guess my comment is simply that I think everybody wants it to happen quickly, but we want to get it right, and we need to take into consideration that many

homeowners and many people along that corridor have suffered. Obviously Nancy knows this all too well and Councilmember Kinsey as well, too. I just hope we will be able to help. If we extend this public comment, which I don't believe we are going to hear anything necessarily new, I would just hope that we coordinate especially in the big question of six versus three. That gives us flexibility, Councilmember Mitchell. That is going to be critical to getting it right.

I think the other point I want to make as well, too, Mr. Mayor, is it's been very quiet on this discussion for some time, and then all of a sudden we had transitional setback, and now all of a sudden there is something coming up real quickly. So I think for citizens it has been off/on, off/on. I don't think we are doing a very good job communicating. I don't know what more we can do or if we can program on Channel 16 to help this, but I think they are just now all learning about it, or at least that's what I'm hearing from folks.

Councilmember Carter said once again I would like to say thank you to the staff who worked very hard, and to your point, Mr. Peacock. They have worked extremely hard and involved the citizens all along. We have two-plus pages of meetings here, and I agree there has been uneven development but it was because there were other plans coming up, and it's response to what the state has been proposing for Independence and how we interfaced with them. Thanks to the Mayor and the Governor those plans were coalesced, and we had improvements that did preserve the transit options on Independence where they would not have been preserved if we had not stopped, brought the staffs together, and extended the bridges over Independence. That's a very important point, and we really need to be grateful to the Mayor and the Governor for doing so.

The true point here is there are already portions of Independence that are established. The State has finished the development between uptown and Albemarle. That's how we closed that debate about transitional setback taking into account what the staff had been established as their recommendations for over a year and a half. We respected those, we respected the citizens' needs. The information is out; is it established, and as the NCDOT moves to finalize the plans and development of Independence, that transitional setback will be obliterated to the point where the staff recommends, and this is a very orderly process, and it respects what is going on with the citizens, with the needs of the traffic, with our staffs. It's a very important regulated procedure, which is proceeding as anybody would anticipate.

There is one thing in here that I think is absolutely crucial. The technology, the criteria for basing transit decisions may be changing at the federal level, so maintaining the flexibility of choice in this area of Independence is absolutely crucial to us so we can, as citizens have stated their desire for many years now, look at light rail most positively, to have the best shot at getting what they consider the best service. I think this plan does address this possibility and keeps that flexibility inculcated in our plans that we need in order to transition to light rail. It looks at solving current problems with current dollars, and that to me is absolutely crucial to look at Independence as dealing with traffic from beyond our city limits as well as those inherent in our own population.

I spoke with Secretary Conti about the possibility of having lanes feeding in to the express lanes from those three stops, and he said they would consider it, and what that means to me is we would have better local service. You could have buses originating from beyond that area of Independence feeding into the Independence Expressway and going in uptown or feeding back out at reverse travel. We are working very hard to see that citizens along the corridor are served. The plans have looked at parcel by parcel what could be appropriate use. We have identified three nodes where those plans continue to be valid. Those are well identified. They are well discussed by 127 advisory group members, by staff, by NCDOT. We looked at it in Council and committee here at the dais. We have looked and studied and listened and tried to learn together, and that to me is the most important thing.

One of the other points of flexibility I think is important as we look at those HOT lanes that are proposed sometimes we have those concrete barriers and sometimes there are no concrete barriers. I want to consider safety first of all for those who travel, but if there are no concrete barriers then to me it's easier to convert to light rail to whatever is needed and chosen in the future as we get federal and state funding, which is essential to develop that transit program. So there are lots of reasons I think we have studied very hard, we have worked as hard as we can to see the current situation along Independence and what would improve the neighborhood, transit

options, economic development, and see what we can do to help the east side and have it something very positive and something decided for this point but decided with flexibility inherent that can move us forward as we look to the future, and that to me is extraordinarily important.

I was going to say something about making decisions based on favoritism. The favoritism that is addressed is considered for concerned citizens, citizens who stand up, who learn the issues, who have opinions they are not frightened to express, who are engaged and then engage in implementation and that to me is the definition of a citizen who lives in the east side and pretty much all over Charlotte, but I think particularly in the east side, and I'm so proud of citizens who live there because they have been engaged and they have contributed to the development of the city and that side and they help the staff and Council consider issues that are very important. So I would like to recommend closure of the public hearing and the movement of this plan to the Economic Development Committee.

[ Motion was made by Councilmember Carter and seconded by Councilmember Mitchell to ]  
[ close the public hearing and send this plan to the Economic Development Committee. ]

Councilmember Cannon said, Ms. Osborne, we have heard some comments made relative to having this move expediently and then another one saying just kind of let's take our time and do it right through the process. The recommendations have already been made, as I understood you to say, back in January, I believe?

Ms. Osborne said for the ULI study, yes. The area plan began in June 2008.

Councilmember Cannon said would the City and ULI individuals or someone be working already to look at instituting these recommendations?

Ms. Osborne said the fellows are City staff and State staff. The ULI fellows are the Mayor, Ms. Campbell, Danny Pleasant, Jim Schumacher, and Sec. Conti, so the fellows working to implement their recommendations are local representatives.

Councilmember Cannon said that said is there a time line or table relative to when those recommendations will be complete or brought back?

Ms. Osborne said we are working as expeditiously as we can on the recommendations. We had a presentation to the MTC last month, so we have begun trying to implement those recommendations prior to the area plan actually being adopted, so we are working as quickly as we can.

Councilmember Cannon said where would you say you are thus far through the process of doing this?

Ms. Osborne said the conversation has begun with the MTC who makes the decision about the transit.

Councilmember Peacock said I was going to make a motion that we refer it back to the committee.

Mayor Foxx said that has been moved and seconded.

Councilmember Dulin said what does that motion do, though? If we close the hearing tonight, it goes back to Economic Development Committee, and we'll hear it again. If we leave it open like these gentlemen have asked us to do tonight, what does that do to our process?

Councilmember Mitchell said, Andy, my fear is we have got so much on our ED plate I would rather get it back to our committee so we can continue to have some discussion. I'm afraid if we leave it open that moves it back to April/May timeframe, and then Ron Kimble is not going to be happy with you and I on the ED Committee meeting, so I would like to bring closure and have it come back to the ED Committee so we can really start talking about it more.



Councilmember Dulin said if it goes back to our committee, which it apparently is getting ready to, but if it goes back to our committee then we still have opportunities to have input from citizens and tweak this thing and work with it and listen to them, and then it will come back to full Council again where we will have additional public input.

Councilmember Mitchell said exactly.

Councilmember Dulin said not if we close it though. I'm trying to make sure where we can get both sides happy. We can move it forward and give folks who have come down here with some good points tonight and other nights a victory as well.

Councilmember Mitchell said, Mayor, and I will look to the City Manager if I'm understanding our process. Andy, once it comes back to ED Committee and then we bring it back to Council it will be an agenda item, and citizens can sign up to speak then. It would not be a public hearing all over again, no, but it will be an agenda item and citizens can sign up to speak.

City Manager Walton said that's right, since this isn't a legal public hearing. If it were, it would not have speakers again. This is a voluntary comment period, so when it comes back on the agenda, people could speak to that item.

Councilmember Mitchell said just to follow up for citizen input we have used a process in the past that has helped that will allow citizens to attend our committee meeting, and we have cards so citizens can make comments, so this will not be the last time that you can share your input with the City Council or ED Committee, so I want to make that avenue available to you as well.

Councilmember Carter said there is another opportunity as well. There will be a District 5 meeting with this as the topic, "Independence Study, Area Plan Study, and the Locational Housing Policy" on April 28<sup>th</sup> from 6:30 to 8:30 at Charlotte East, the office center on Albemarle Road.

Mayor Foxx said I'm going to make one quick comment on this. All of us on this dais at one time or another have said something that I think is very supportive of trying to get momentum, positive momentum, going out on the east corridor, whether it be Independence or Central or wherever. I think in some ways we are meeting ourselves coming the other way on Independence Boulevard. I think all of our good will and good intentions around the mode of transit on the east side have actually been part of what has created the uncertainty from a land use perspective. Part of keeping our options open means that we don't make decisions on the mode of transit. When that is confusing to the market, it creates confusion in the market and makes it difficult for the land uses to settle.

One thing that this plan talks about that I think is critical is it basically says that the Independence corridor that had the Krispy Kreme and the other great neighborhood retail stores on it is not the Independence corridor of the future. It talks about the larger scale retail being on Independence Boulevard and the neighborhood retail being on Monroe and on Central. And, it suggests making our transit decisions based on that reality. Now, I have spent a lot of time talking to citizens in east Charlotte about transit, and I actually promised to go back and relook at light rail versus bus rapid transit, and part of having the Rose Fellowship go through this exercise was a way of doing that.

Now, these folks who came – just so you know a little about this panel – it wasn't transit people. It was economic developers, it was real estate professionals, planners, people who have gone through good deals and bad deals and have seen good ideas and bad ideas work and fail. Their conclusion was very, very clear. They felt very strongly that a bus rapid transit solution on Independence integrated with HOT lanes would serve that retail, that large scale retail purpose on Independence Boulevard and that a streetcar network on Central and on Monroe would help with the mobilizing of economic development along those corridors that would have more of a neighborhood feel. That was the solution they came to.

What they said was don't break this concept into pieces; it's a package deal. That was the phrase they used. Don't do bus rapid transit and not look at those corridors on Monroe and Central or don't do Monroe and Central and not figure out Independence. You have got to do all of that

together for it to work the way we have talked about it. So, I'm saying all that to say that I think in trying to please everybody on Independence Boulevard we have created a problem of uncertainty, and whether it is bus rapid transit or whether it is light rail, I think we have got to commit, and I think by committing we will be giving this market the best thing we can, which is certainty and building a system around what we decide.

So I know the conversations will continue, and I am really hoping that as the MTC starts taking this issue on I'm actually going to be asking the Council for your considered advice on this because I just think it's critical that we go ahead and make a call because for the first time we have got NCDOT and CDOT and the Planning Department at the table, and if we can come to some decisions we have got the people at the table and in the room who can help make our plans reality, and that's not a knock on anybody because I think everybody has been well intentioned, but I think sometimes it's what we get paid the big bucks to do is to make the tough calls, and I think we have a tough call to make on Independence Boulevard, but we need to do it for the good of our citizens and for the health of our east side. I'm not saying which call to make. I'm just telling you what the ULI folks said. With that, we'll go ahead and have a vote on the motion. It will go back to committee, and we will have more conversation, and it will come back a couple of times before we have a vote.

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

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**ITEM NO. NO. 11: FY2012 COUNCIL FOCUS AREA PLANS**

Mayor Foxx said we have five to approve. We have talked about these from the Retreat.

[ Motion was made by Councilmember Barnes and seconded by Councilmember Howard to ]  
[ approve the Council Committees' recommended FY2012 Strategic Focus Areas Plans for: ]  
[ A) Community Safety, B) Economic Development, C) Environment, D) Housing and ]  
[ Neighborhood Development, and E) Transportation. ]

Councilmember Cooksey said actually I want to move to divide these and have five separate votes because I have two amendments and one definite no vote.

Mayor Foxx said there is a request to break these up. Any objection to that?

Councilmember Barnes said I object to it.

Councilmember Mitchell said I object to it.

[ Motion was made by Councilmember Cooksey and seconded by Councilmember Carter to ]  
[ revote and divide the item into five parts. ]

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

**AYES:** Councilmembers Burgess, Carter, Cooksey, Kinsey, Peacock

Mayor Foxx said that's five. It does not pass.

Councilmember Cooksey said, Mr. Mayor, I would like to offer an amendment to the Community Safety Plan first.

Mayor Foxx said, City Attorney, we have already voted on these items.

Councilmember Cooksey said you are bringing the vote before I got recognized. How many nays were there?

**Terrie Hagler-Gray, Senior Assistant City Attorney**, said I thought he called it as unanimous, and then after the vote –

Councilmember Cooksey said because I was seeking to be recognized.

Mayor Foxx said I'll recognize you. We'll try to do this. It's untidy, but we'll try to do it.

Councilmember Cooksey said, Mr. Mayor, as chair, I'll simply ask, would you prefer that I offer an amendment or simply vote no on all five plans?

Mayor Foxx said why don't you offer your amendments together.

Councilmember Cooksey said the amendment is to – on the Community Safety Plan – change Section 1, Measure A FY12 target to read, “Have the lowest FBI uniformed crime rate per 100,000 population of the 25 largest cities in the United States.”

Mayor Foxx said you want to do the other one, too?

Councilmember Cooksey said the other amendment is to change Section 1 in the Environment Focus Area Plan. Change Section 1, Measure B, Target 1 to read, “Ninety-five percent of rezoning decisions consistent with adopted area plans and/or policies.”

Mayor Foxx said that's a motion. Is there a second to that?

Councilmember Carter said second.

[ Motion was made by Councilmember Cooksey and seconded by Councilmember Carter to ]  
[ amend the Community Safety Plan by changing Section 1, Measure A FY12 target to read, ]  
[ “Have the lowest FBI uniformed crime rate per 100,000 population of the 25 largest cities ]  
[ in the United States.” And for the Environment Focus Area Plan, Change Section 1, Measure ]  
[ B, Target 1 to read, “Ninety-five percent of rezoning decisions consistent with adopted plans ]  
[ and/or policies.” ]

Mayor Foxx said further discussion.

Councilmember Cooksey said on the community safety one for the past couple of years I have been voting no on the community safety plan because the stated goal of the plan is that Charlotte will be the safest city in the country, but our measurements don't take into account the way the rest of the country is performing. Our targeted measurements talk about a reduction in crime solely within ourselves. We can't claim to even be trying to be the safest largest city in America unless – the safety city in America – we changed it to that – unless we are measuring ourselves against the rest of the country. I offer as a substitute to the metric just look at the 25 largest cities. It would be kind of overwhelming to look at all of them even though the goal is to be the safest community in the United States, so I offer an amendment instead of saying a 6% reduction just within our own measurements to say had the lowest FBI uniform crime rate per 100,000 population of the 25 largest cities of the U.S.

The second amendment – currently the metric is proposed, and it's been around for a couple of years -- I didn't like it a couple of years ago either – is that for rezoning we target having 95% consistent with adopted plans and/or staff recommendations. The metric used to be adopted plans so that when folks basically accuse Council of routinely shredding area plans when adopted rezoning I could point to the metric that was being tracked and say, no, if you look at the data over the past ten years depending on the year – 92 to 95 to 96% of the rezoning decisions follow adopted land use plans.

By changing the metric to say adopted land use plans and/or staff recommendations, we wipe out that possibility because there are times when staff recommends to us adoption of rezoning cases that don't follow area plans. So I recommend the amendment of 95% of rezoning decisions consistent with adopted area plans and/or policies after a good discussion with our Planning Director because there are times, for example, when our general development policies support a rezoning petition not supported by the underlying plan, so by saying we are measuring ourselves against the plans and policies we adopt we have a better metric by which we can track how we perform on rezoning cases.

bvj

Mayor Foxx said you initially suggested breaking the question up. Why don't we just do two votes – one on the public safety and one on the environmental? Is that okay with the maker of the motion?

Councilmember Cooksey said, oh, yes.

Mayor Foxx said all in favor on the public safety amendment.

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

**AYES:** Councilmembers Carter, Cooksey, Kinsey, Peacock

Mayor Foxx said four. That does not pass. All in favor of the environmental provision, please raise your hand.

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

**AYES:** Carter, Cooksey, Kinsey, Peacock

Mayor Foxx said four. That does not pass. Sorry we got discombobulated, but we at least had the discussion.

Councilmember Cooksey said I need to be recorded as a “no” vote on the plans then.

Mayor Foxx said no objection.

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**ITEM NO. 12: BUSINESS INVESTMENT GRANT FOR BLUESTAR SILICONES**

[ Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and ]  
[ carried unanimously to approve contracts between the City of Charlotte, the NC Department ]  
[ of Commerce (NCDOC), and Bluestar Silicones for a \$340,000 One North Carolina Grant ]  
[ from the State to Bluestar Silicones; adopt Budget Ordinance No. 4634-X appropriating ]  
[ \$340,000 from a One North Carolina Grant to Bluestar Silicones; and, approve the City's ]  
[ share of a Business Investment Grant to Bluestar Silicones for a total estimated amount of ]  
[ \$120,264 over three years (Total City/County grant estimated at \$340,207). ]

The ordinance is recorded in Ordinance Book 57 at Page 41.

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**ITEM NO. 13: NOMINATIONS TO BOARDS AND COMMISSIONS**

**Bechtler Arts Foundation Board** – The following nominations were made for one appointment:

1. Lynn Good, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner

[ Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and ]  
[ carried unanimously to appoint Ms. Good. ]

Ms. Good was appointed.

**Business Advisory Committee** – The following nominations were made for four appointments:

1. Wesley Carter, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Turner

2. Linda Daniel, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner
3. Tunis Hunt, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Turner
4. Michael Orzech, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Turner
5. Calvin Aurand, Jr., nominated by Councilmember Peacock
6. Scott Jensen, nominated by Councilmember Peacock
7. William Maichle, nominated by Councilmember Peacock
8. Darrin Rankin, nominated by Councilmember Dulin

Councilmember Cooksey said I will move reappointment of the incumbents on the Business Advisory Committee.

[ Motion was made by Councilmember Cooksey and seconded by Councilmember Turner to ]  
[ reappoint the incumbents to the Business Advisory Committee. ]

Councilmember Barnes said did they each get six votes?

**Stephanie Kelly, City Clerk**, said three of them received nine nominations and one received 11 nominations.

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

Mr. Carter, Ms. Daniel, Mr. Hunt, and Mr. Orzech were reappointed.

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

Education Representative

1. Nadine Russell, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Turner
2. Jennifer Collins, nominated by Councilmember Peacock

Clerk Kelly said Nadine Russell, the incumbent, received nine nominations and Jennifer Collins received one.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and ]  
[ carried unanimously to reappoint Nadine Russell. ]

Ms. Russell was appointed.

Cultural/Ethnic Representative

1. Troy Pelshak, nominated by Councilmembers Dulin, Peacock
2. Adelheid Rundholz-Eubanks, nominated by Councilmembers Burgess, Carter, Cooksey, Kinsey
3. Bahiyyah Walker, nominated by Councilmembers Howard, Mitchell, Turner

Clerk Kelly said Troy Pelshak received two nominations, Adelheid Rundholz-Eubanks four nominations, and Bahiyyah Walker three.

Mayor Foxx said we'll have that vote next time.

**Charlotte Mecklenburg Coalition for Housing** – The following nominations were made for one representative:

Affordable Housing Representative

1. David Furman, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell
2. Calvin McDougal, nominated by Councilmembers Peacock, Turner

Clerk Kelly said David Furman received eight nominations, and Calvin McDougal received two.

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

Mr. Furman was appointed.

Financial Community Representative

1. Patrick Williams, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell
2. Abel Massalee, Jr., nominated by Councilmember Turner
3. Michael Clement, nominated by Councilmembers Dulin, Peacock

Clerk Kelly said Patrick Williams received eight nominations, Abel Massalee received one, and Michael Clement two.

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to reappoint Patrick Williams. ]

Mr. Williams was appointed.

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

1. Sophia Matthews, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner
2. Jay Rao, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner
3. Linda Webb, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner
4. Sonnie McRae, nominated by Councilmember Dulin

Clerk Kelly said the incumbent, Sophia Matthews, received ten nominations; Jay Rao received 11; Linda Webb received 10, and one nomination for Sonnie McRae

[ Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and ]  
[ carried unanimously to reappoint Jay Rao, Linda Webb, and Sophia Matthews. ]

Mr. Rao, Ms. Webb, and Ms. Matthews were reappointed.

**Charlotte Regional Visitors Authority** – The following nominations were made for one appointment:

Hotel/Convention Representative

1. Tom Manno, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner

Clerk Kelly said the incumbent, Tom Manno, received 11 nominations.

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Barnes, and ]  
[ carried unanimously to reappoint Tom Manno. ]

Mr. Manno was reappointed.

Town Representative

1. Paul Jamison, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner

Clerk Kelly said the incumbent, Paul Jamison, received 11 nominations.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and ]  
[ carried unanimously to reappoint Paul Jamison. ]

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Mr. Jamison was reappointed.

At-Large Representatives

1. Daryl Broome, nominated by Councilmember Dulin
2. Carlton Crump, nominated by Councilmembers Barnes, Burges, Cannon
3. Scott Jensen, nominated by Councilmember Peacock
4. T. Anthony Lindsey, nominated by Councilmembers Burgess, Carter, Cooksey, Howard, Mitchell
5. Gary Roelke, nominated by Councilmembers Carter, Cooksey
6. Lloyd Scher, nominated by Councilmembers Barnes, Kinsey
7. Rebecca Stoddard, nominated by Councilmember Kinsey
8. Marilyn Sutterlin, nominated by Councilmember Peacock
9. Jackie Ford, nominated by Councilmember Turner
10. Doris Asbury, nominated by Councilmembers Cannnon, Mitchell
11. Shelly Young, nominated by Councilmember Howard

Clerk Kelly said Darryl Broome received one; Carlton Crump, Scott Jensen, T. Anthony Lindsey, Gary Roelke received two; Lloyd Scher, Rebecca Stoddard, Marilyn Sutterlin; also have nominations for Jackie Ford and Doris Asbury as well as Shelly Young.

Mayor Foxx said we'll hold that one over for next time.

**Citizens' Transit Advisory Group** – The following nominations were made for two appointments:

Clerk Kelly said you have a speaker that wished to speak to this category.

**Kate Payerele** said I'm currently a lawyer at Robinson, Bradshaw & Hinson, and I have had the good fortune to speak to several of you, and I have left voicemails and emails for the rest, and I hope that none of you will confuse my eagerness to serve the city as a propensity for stalking, which I assure you I do not have. As apparently a write-in candidate in this particular nomination, I'm sure you understand that extreme measures were necessary, and I would very much like to serve on either the Citizens Transit Advisory group or the Privatization and Competition Advisory Committee. I grew up – I was going to say in Charlotte but really with Charlotte. I have been here for most of my life, and as a testament to perhaps my love for and dedication to the city, I, of my own volition with my husband, moved back to Charlotte after seven years in San Diego, California. So here we are back. I couldn't forego the azaleas. Now we live in Cotswold. I'm proud of the vision that you and your predecessors on City Council have developed for our city both currently and as I was growing up, and after settling back in here to the city of my childhood, I'm excited to, at the risk of sounding trite, become a part of that vision. Now, I'm asking that you vote when you have the opportunity to include me in the Citizen Transit Advisory group and the Privatization Competition Advisory Committee. Again, my name is Kate Payerele, and my application is in your inbox.

Councilmember Cannon said, Ms. Payerele, I want to thank you so much for coming down. We don't often get candidates for these committees coming down in this fashion. Some are able to; others are not, but obviously you have taken it a step above and sat through the proceedings tonight. We appreciate you doing so. But I have a question relative to your interests. Looking at your application, it appears obviously that you are qualified for something here, but you put in for Citizens Transit Advisory and Privatization/Competition. Does one readily outweigh the other relative to your interests, and, if so, which?

Ms. Payerele said I have a sort of background in economics. I have a Masters degree in what amounts to International Business. The degree is given only by this school, so it's hard to explain, but it's essentially international business and politics, and the relationship between private industry and government is an interest of mine. It's something that I have studied, so the Privatization Committee would be something that really imports more with my background and my experience. On the other hand, I have lived all over the world and traveled really all over the world, and I know that any great city has a great transit system, and that is something that I think is so important and something that I am very interested in learning more about as it relates to

Charlotte and something I would very much like to be a part of. So it's probably more of an interest to be part of the transit system.

Councilmember Cannon said more the interest is to be a part of the Citizens Transit Advisory group or Privatization/Competition?

Ms. Payerele said yes. I think that would be fair. Thank you for the question.

Mayor Foxx said thank you very much for coming.

1. Henry Antshel, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Kinsey, Mitchell, Turner
2. Lee Cochran, nominated by Councilmembers Howard, Peacock
3. Heather Myers, nominated by Councilmembers Carter, Dulin
4. Wilbert Russell, nominated by Councilmembers Barnes, Burgess
5. Bea Dewing, nominated by Councilmember Kinsey
6. Scott Merkle, nominated by Councilmember Cooksey
7. Katherine Payerele, nominated by Councilmember Peacock
8. Greg Austin, nominated by Councilmember Turner

Clerk Kelly said nominations for the incumbent, Henry Antshel, with eight nominations. Other nominations have been received for Lee Cochran, Heather Myers, Wilbert Russell, Bea Dewing, Scott Mickle, Kate Payerele, and Greg Austin.

[ Motion was made by Councilmember Cannon, seconded by Councilmember Barnes, and ]  
[ carried unanimously to reappoint Henry Antshel. ]

Mr. Antshel was reappointed.

Mayor Foxx said for the other seat we have nominations that will be held over until next time.

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

1. Ralph Barnes, nominated by Councilmember Kinsey
2. Veronica Jones, nominated by Councilmember Turner
3. John Lambert, nominated by Councilmember Peacock
4. Jason McGrath, nominated by Councilmembers Burgess, Cannon, Cooksey, Dulin, Howard
5. Thomas Mitchell, nominated by Councilmembers Barnes, Carter

Clerk Kelly said nominations have been received for Ralph Barnes, Veronica Jones, John Lambert, Jason McGrath, and Thomas Mitchell

Mayor Foxx said we'll take that up next time.

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

**Wastewater/Sewer Contractor**

Clerk Kelly said for the wastewater/sewer contractor the incumbent, Marco Varela, received ten nominations, and there was also a nomination of Greg Austin.

1. Marco Varela, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock
2. Greg Austin, nominated by Councilmember Turner

[ Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and ]  
[ carried unanimously to reappoint Marco Varela. ]

Mr. Varela was reappointed.



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

1. Audrey Madans, nominated by Councilmembers Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Turner
2. Toria Boldware, nominated by Councilmembers Barnes, Cannon, Howard
3. Chantay Cooper, nominated by Councilmember Turner
4. Sue Korenstein, nominated by Councilmembers Kinsey, Peacock
5. MaNeisha LaFate, nominated by Councilmember Dulin
6. Vernetta Mitchell, nominated by Councilmember Carter
7. Marty Puckett, nominated by Councilmember Cannon
8. Michael Tanck, nominated by Councilmembers Cooksey, Dulin, Peacock
9. Bahiyyah Walker, nominated by Councilmember Burgess

Clerk Kelly said the incumbent, Audrey Madans, received seven nominations. Nominations were also received for Toria Boldware, Chantay Cooper, Sue Korenstein, Maneisha LaFate, Vernetta Mitchell, Marty Puckett, Michael Tanck, Bahiyyah Walker.

Mayor Foxx said you said the incumbent received seven votes?

Clerk Kelly said seven nominations.

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

Ms. Madans was reappointed.

Mayor Foxx said those folks rotate over to next week.

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

1. Dominick Ristaino, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Peacock, Turner

Clerk Kelly said the incumbent, Dominick Ristaino, received ten nominations.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and ]  
[ carried unanimously to reappoint Dominick Ristaino. ]

Mr. Ristaino was reappointed.

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

1. Anthony Ashworth, nominated by Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock, Turner
2. Sara Downing, nominated by Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock, Turner
3. Richard Flanagan, nominated by Councilmembers Burgess, Carter, Cooksey, Peacock
4. Gregory Greer, nominated by Councilmembers Cooksey, Howard, Mitchell
5. Murray Hines, nominated by Councilmembers Barnes, Howard, Kinsey, Turner
6. Taurean Walker, nominated by Councilmembers Barnes, Burgess, Carter, Kinsey, Mitchell, Turner

Clerk Kelly said there were 11 nominations received for Anthony Ashworth, the incumbent, as well as Sara Downing, an incumbent. Nominations also received for Richard Flanagan, Gregory Greer, Murray Hines, Taurean Walker.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to reappoint Anthony Ashworth and Sara Downing. ]

Mr. Ashworth and Ms. Downing were reappointed.

bvj

Mayor Foxx said we'll carry the remaining ones over for next time.

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

**Business Representative**

1. Wofford, Boyd, III, nominated by Councilmember Dulin
2. Tami Burris, nominated by Councilmember Barnes
3. Kathleen Cornett, nominated by Councilmember Kinsey
4. Karen Labovitz, nominated by Councilmember Burgess
5. Jerome Miller, nominated by Councilmembers Cannon, Howard, Mitchell
6. Stephanie Stenglein, nominated by Councilmembers Cooksey, Peacock, Turner
7. Brigit Taylor, nominated by Councilmember Carter

Clerk Kelly said Wofford Boyd, III, Tami Burris, Kathleen Cornett, Karen Labovitz, Jerome Miller, Stephanie Stenglein, Brigit Taylor.

Mayor Foxx said we'll consider those next time.

**Neighborhood Matching Grants Fund Review Team**

**School System Employee as recommended by the Superintendent of CMS**

1. Samantha Evans, nominated by Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Peacock, Turner

Clerk Kelly said additionally there was a recommendation for the School System employee, M2. Samantha Evans received ten nominations.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to appoint Samantha Evans. ]

Ms. Evans was appointed.

**Planning Commission** – The following nominations were made for one appointment:

1. Emmanuel Choice, nominated by Councilmembers Cannon, Howard, Mitchell, Peacock
2. Rickey Hall, nominated by Councilmember Turner
3. Karen Labovitz, nominated by Councilmembers Burgess, Carter, Cooksey, Kinsey
4. Nancy Newton, nominated by Councilmember Barnes

Clerk Kelly said Emmanuel Choice, Rickey Hall, Karen Labovitz, and Nancy Newton.

Mayor Foxx said we'll consider those next time.

**Privatization/Competition Advisory Committee** – The following nominations were made for one appointment:

1. Robert Diamond, nominated by Councilmembers Cooksey, Turner
2. Randall Miller, nominated by Councilmember Mitchell
3. Adrian Woolcock, nominated by Councilmember Barnes
4. Julian Wright, Jr., nominated by Councilmembers Burgess, Kinsey
5. Katherine Payerele, nominated by Councilmembers Cannon, Carter, Peacock
6. Lisa Crawford, nominated by Councilmember Howard

Clerk Kelly said Robert Diamond, Randall Miller, Adrian Woolcock, Julian Wright, Jr., Kate Payerele, and Lisa Crawford.

**Public Art Commission** – The following nominations were made for one appointment:

1. Heather Rider, nominated by Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Peacock, Turner

Clerk Kelly said ten nominations received for Heather Rider.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to appoint Heather Rider. ]

Ms. Rider was appointed.

**Residential Rental Property Review Board** – The following nominations were made for one appointment:

Rental Industry Representative

Clerk Kelly said the incumbent, Delores Reid-Smith, received nine nominations and one nomination for Mary Strong.

1. Delores Reid-Smith, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock
2. Mary Strong, nominated by Councilmember Turner

[ Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and ]  
[ carried unanimously to reappoint Ms. Reid-Smith. ]

Ms. Reid-Smith was appointed.

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

Land Development Representative

1. James Baysinger II, nominated by Councilmembers Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell
2. Brandon Plunkett, nominated by Councilmember Dulin
3. William Royal, nominated by Councilmember Peacock
4. Susan Yates, nominated by Councilmember Turner

Clerk Kelly said James Baysinger II, the incumbent, received eight nominations. Nominations also received for Brandon Plunkett, William Royal, and Susan Yates.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to reappoint James Baysinger II. ]

Mr. Baysinger was reappointed.

\* \* \* \* \*

**ITEM NO. 14: MAYOR AND COUNCIL TOPICS**

Councilmember Cooksey said we had, as everyone recalls, a rather nasty bout of weather last Monday night that had tremendous impact on the city on Tuesday. I appreciate the Manager's Memo that talked about the impact on City services focusing on the Little Rock Road, Sugar Creek Road, and Plaza-Midwood areas. However, there was also a horrendous traffic backup in south Charlotte as the choke point around both 485 and 51, and just wanted to bring up as a matter of discussion from a citizen planning, a community planning perspective. I talked to the Manager about this. I won't put him on the spot on it, but really kind of where the choke point

bvj

landed was in the area of Pineville's jurisdiction although mostly Charlotte residents got affected by it. I think that points to issues of needing to make sure that we are always in communication with our neighboring municipalities, and when power lines go down and trees go down in their neck of the woods it can also have an impact on our citizens.

Councilmember Cannon said if I could add to Mr. Cooksey's comments, which I think are right on point, it almost led us to wonder about evacuation plans. There was no way to get out of certain parts of the city. I mean it was straight-up gridlock no matter where you went, and it just gave me some level of real concern about if something else happens where we are. So if we can just make sure we visit what we do in the wake of a potential evacuation how we actually make sure the right traffic flow is going in the right areas to make sure we are getting people where they need to get to safely. I wanted to raise that as a point of concern.

Councilmember Cooksey said, Mr. Cannon, I appreciate the point and was thinking about it, too. My hope would be, and actually, Curt, maybe could speak to it a bit. I think a great deal of the problem was based on people were trying to go to business as usual with a clogging incident. If there had been an evacuation, I got to tell this to several constituents over the weekend, if there were an evacuation, you wouldn't be heading west. We could get you going east. We could open up 485 both lanes going east. There are different ways of going around it, but if there is more to evacuation, Mr. Manager, that we might get either now or in a write-up, it would certainly help with the talking points.

**Curt Walton, City Manager**, said if I could I can do this in a minute, I think, because Mr. Cooksey was good enough to call me earlier in the day, so I got to find out the details since this did happen in Pineville. There are major power lines in front of Carolina Place Mall that were all snapped in half, so there was – whatever the weather event was, it snapped those in half in Pineville, which has its own electric system. When the power poles broke in half and fell, that pulled everything in that direction, and that's when the lines went across 485 just short on the Johnston Road side of 51. Then 51 the traffic signals were pulled down on the ground particularly at Park Road Extension, so NCDOT closed 51 from the mall to Johnston Road and 485 from 51 to Johnston, so Mayor Pro Tem Cannon is right. There were not many options unless Carmel Road could get you there, and most people had gone beyond the point that they could turn around, so there were there for three or four hours.

Partly it's a function of size. Pineville is a small town, but they got assistance from Duke and from the Town of Huntersville, who also has its own electric system. It was just an unfortunate sequence of events that led to it. I think Mr. Cooksey is right. Hopefully in an evacuation we all wouldn't be going in the same direction as we are in the morning rush hour, but there aren't as many options to cross 485 as there are going north south as there are in other parts of the town. Providence and Rea and Johnston are fairly far apart before you get to 51, so it may make the point of the future need for Community House, which has been on the State's plan for a long time, but crossing 485 with a bridge is expensive.

Councilmember Peacock said I wanted to recognize Ms. Carter for accepting my challenge for Liberty Day, which occurs on Wednesday, the 13<sup>th</sup>, which is the birth of Thomas Jefferson. Liberty Day was an organization that started almost 12 years ago to promote and teach the Declaration of Independence and the Constitution of the United States to elementary school kids for the primary reason that they are not in school when we celebrate that holiday, so this nonpartisan organization challenges elected officials across the United States to do just that. I responded to the challenge; Nancy, you responded to the challenge. On Wednesday, I will be speaking to my elementary school, which is Lansdowne Elementary, that I attended and then to my son's school, which is Eastover, and I just got word this morning that Eric Davis, the chair of the School Board, will be speaking at his child's elementary school, which is Selwyn, and for those of you who might have an interest in it, you can speak on James Madison's birthday, which follows in the month of April as well, too, or you could schedule it any time to teach it. I can assure you it is a very, very fun experience. Mr. Dulin, did you respond, or did I miss you?

Councilmember Dulin said second year in a row.

Councilmember Peacock said I wanted to give you a little special recognition.

Councilmember Dulin said, goodness sakes, Billingsville Elementary School.

Councilmember Carter said I would like to recommend for consideration those NCDOT traffic signs that warn you of situations on major interstates. We ran into one – well, we saw one going to Raleigh that same day for Smart Start in a bus and saw we could not continue on I-40 because it turned out there was a tractor trailer that overturned with pigs, and it delayed Mayor Bell's speaking to the Transportation Committee. It did not delay our mayor, who took the railroad to speak about high speed rail and was very effective there. Thank you for your speaking on our behalf, Mr. Mayor.

Councilmember Kinsey said back to the storm. My neighborhood in particular – well, a bunch of older neighborhoods lost a lot of trees, big trees. In fact, I had a neighbor two streets over who lost two trees in her yard. One fell and took down a tree in her neighbor's yard. My only point in saying that is that sometimes we hear about our loss of the tree canopy, and sometimes we get blamed for taking trees down. I just have to remind everybody that Mother Nature takes a bunch of them down, and she did last week. We lost some really big ones. The other thing is a reminder of the Neighborhood Symposium this Saturday starting at 8:00, and we will have a Continental breakfast and I think a light lunch, but we encourage everyone to come out. It's in the Overcash Building on the Central Piedmont Community College campus, and there will be an arts festival and environmental festival, for lack of a better word, there on the campus, so it's a full day of fun and of learning. I hope you will come out and join us.

Councilmember Cannon said today in the Government Affairs meeting, which Councilmember Carter chairs, and I, along with Councilmembers Turner and Dulin, are members of. We had Holland Knight on along with us as we talked about what's happening on the federal level as the committee continues to discuss what is going on relative to all that may be coming up legislative wise on the state and federal level. It was in there, Mr. Mayor, that we brought up a subject matter that I know is of concern to you and to the School System that has to deal with school resource officers. One of the things that came out of our discussion today was to ask Holland and Knight to move forward to see what might be available relative to grants at other school systems across the country who have taken advantage and securing for-school resource officers thus giving the School System another alternative rather than looking to the City taxpayers given we all are hurting a little bit here and there and the other place to consider for funding.

So, Dana Fenton, of course with the City, we have asked him to make sure that he speeds up that process and see what we can find out sooner rather than later by going to the Department of Justice to basically have a look and an ask about the potential of that occurring. Certainly we understand what the school system is. We also understand our own dilemma especially as it relates to the future and how we want to fund and need to fund a lot of different things for the City taxpayers here, so in trying to keep us germane or focused on our core, we thought maybe thinking outside of the box and doing what some other school systems have done we are asking this be done maybe for the School System, but they would be the ones that actually have to apply for the grant. We want to make sure we are just sort of shepherding it along the way. Wanted to make you aware of that.

Councilmember Dulin said I just wanted to congratulate you on your excellent use of the word tidy tonight when we were discussing the focus area plans, which are not tidy but correct. I was very impressed.

Mayor Foxx said I really appreciate that, Mr. Dulin, and I want to thank you for your secret shopping skills. I'm actually thinking about taking those on, going out to some malls.

Councilmember Dulin said like I said before I can move around because nobody knows who I am. It's a little more difficult for you.

Mayor Foxx said I just have a couple of things to say in closing tonight. A couple of things happened last week, and I wanted to apprise the Council of. One was the individual responsible for the tracking of Recovery Act dollars. Former Representative Bob Ethridge was in town last week, and I want to thank our staff, and in particular Ron Kimble and Kim McMillan and others showed – Carol Jennings was probably involved in that somewhere and Wilson Hooper. He was summarily impressed with how the City of Charlotte has managed those Recovery Act dollars,

how we have tracked them, and how we are getting results with them, so I wanted to thank the staff for that.

Secondly, a couple of us did go to Raleigh last week for various things. I was there on the high speed rail bill, and late last week we learned that the State General Assembly pulled the bill to turn the funds away from their docket on the Transportation Committee on the House side, which means that's effectively dead, which I think is good for this region because almost half of the money would be coming into the Charlotte region, and it was good to see elected officials on both sides of the political fence coming together to support keeping those dollars and ultimately the General Assembly, so I want to thank the leadership in Raleigh for seeing the light on that issue.

Finally, as we get into the next couple of weeks, I know we have got a budget retreat this week, so we will continue working our way through a very interesting budget process. We continue to be monitoring what is happening at the federal level, and I think we should ask for a report from Holland and Knight about this most recent budget package which affects the current budget year to see whether there are impacts to our budget that we will need to address immediately and we should continue tracking what is happening at the state level and federal level for the next year.

Finally, I spoke today to the chair of the CRVA about the article that was in the paper yesterday, and I understand they are doing some work this week to look into the issues that were raised. My request at this point is that we get information from the CRVA board basically identifying facts related to the issues raised in that story; secondly, an analysis of whether there were any policies that were violated as a result of that, and finally, some assessment from our board, which we appoint, about whether there is a practice that would be put in place to address issues like that in the future because it raised a lot of questions. I have gotten several calls about that situation, and I would like to find out more. If you all are in agreement with that, that is what I would like to ask for.

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## **ADJOURNMENT**

The meeting was adjourned at 9:12 p.m.

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Stephanie C. Kelly, CMC, City Clerk

Length of Meeting: 3 Hours, 42 Minutes  
Minutes Completed: June 23, 2011