

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, June 13, 2011, at 5:25 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Present were Councilmembers Michael Barnes, Jason Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, James Mitchell

**ABSENT UNTIL NOTED:** Councilmembers Edwin Peacock III, Warren Turner

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Mayor Foxx said we have a very, very full agenda. I want to say at the outset that there has been a request by Councilmember Carter to make some adjustments. She has got some family members that she is looking after out of town, and she has to leave the meeting early, so Ms. Carter, do you want to make that request. I'm fine with it.

Councilmember Carter said it was to expedite the addressing of the budget and the redistricting plan, Nos. 13 and 17 on our agenda. I would be very grateful.

Mayor Foxx said maybe we can put those as 11 and 12, and I would also like to add Item 16, the four-year terms, because we do have former Mayors Vinroot and Gantt, who will be waiting to present to us, and I don't want them having to stick around longer than necessary. If we can do those as 11, 12, and 13 that would be great; is that okay?

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

Councilmember Dulin said bad night for it, but I've got five. No. 25, this is the water meter copper tubing, and I'm wondering if there is something other than copper we can use because everybody steals the copper these days. No. 27, replacing trucks at the Airport, a 1991 Chevrolet with 89,000 miles on it. I guess it just rides around the Airport all the time just driving it 12 miles a day. We have to replace these, I guess, but if it's not broke, why fix it? They are saying there are some replacement parts on there. No. 28, Airport video technology. We have Airport maintenance team includes eight electricians, all of whom are licensed or hold journeymen certificates. I have never heard that term. I sort of wonder what a journeyman certificate it. Is that union? I don't know. Just a question mark. No. 31 is the City is going to fix a private lake and a dam improvement, and I'll be a no on 31. No. 49, we have got \$5 million we are giving back that we are not using. Now, we are wondering how we missed our estimate by \$5 million. I read the thing. Maybe I just missed it in the write-up.

Councilmember Barnes said, Mr. Manager, I want to pull 21, 22, 47, and 51 – 21 and 22 are for information downstairs – just a quick word to the community. No. 47 is an item for a railway intrusion detection system, and as I read the information, Mr. Manager, I had a question regarding whether at the point that this system kicks in it would already be within our property. In other words, seems like without the fence they go in there. They are already in by the time the alarm goes off. The other question was whether traditional physical barriers work better in this scenario than an electronic fence or electronic intrusion detection system. Regarding Item 51, could you have someone explain this \$296,000 refund to Office Depot. Also, Mr. Mayor, regarding the items that you all moved earlier with respect to the budget item, I wanted to ask for a deferral on part of that. Should I do that here or downstairs?

Mayor Foxx said do it here, if you wish.

Councilmember Barnes said might I do that now?

Mayor Foxx said sure.

Councilmember Dulin said I would feel more comfortable if all the budget stuff was downstairs.

bvj

Councilmember Barnes said even though you three minutes ago said you wanted the same.

Mayor Foxx said if he wants to ask for it, that's fine.

Councilmember Dulin said I'm going to second the thing.

Councilmember Carter said it's about pulling three items: No. 27, to suggest to Mr. Orr that he look at the Smith electrical vehicles. They are located in Kansas City. They have electrical trucks that have short distance capacity, but there are definite savings on fuel. No. 34, I am concerned about the clearing of grass, brush, and trees along the specific raw water mains because Mr. Darrell Hammock showed me the value of forestation on filtration of plants and trees along water sources. I'm just voicing concern there. No. 44, I do hope we can do this downstairs because if we and the State had listened to our citizens we wouldn't be spending \$400,000 to correct cross-over's on Albemarle Road, so that is an important message I think for our citizens.

**Councilmember Peacock arrived at 5:30 p.m.**

**Curt Walton, City Manager**, said at your place we have added Item 55, emergency repairs for Runnymede Lane. If it will be okay, I would like Barry Gullet to speak briefly to that one.

Mayor Foxx said fine.

**Barry Gullet, Charlotte-Mecklenburg Utilities**, said as I'm sure all of you know, we had a 24-inch water main that broke on Runnymede Lane last Tuesday, and we have been out there assessing and working on the project ever since. We have a Council action item for you tonight to approve an emergency contract to repair the road. We had contractors already under unit price contracts, and we are using those to make the water main repairs, but we didn't have anyone under contract who could do the road repair. That's what this item is about. We did this under emergency repair contracting provisions. We had three bids. The low bidder is Blythe Construction, so we are asking for approval of that tonight.

Councilmember Barnes said, Mr. Gullet, question for you. Is there any opportunity for, for lack of a better term, a price overrun? In other words, is this all they get, or are they going to come back to us in three days and say we need another \$150,000?

Mr. Gullet said this is a unit price contract, and we have tried to be very conservative in probably overestimating the number of units. There is a degree of uncertainty and unknown in a contract like this because what happened is when the water main broke it was gushing water, and the water went between the subsurface and the pavement, and it's buckled it. So until we get in there and start stripping the asphalt off, we don't really know how much damage was done to the subsurface, but we believe we have covered it with the quantities. So our hope and our expectation really is that this is a high amount that will actually come in a little bit lower, but we just don't know until we get in there and start opening it up.

Councilmember Barnes said I'm with you. I have some other issues with that, but let me ask. I understand this is obviously an emergency situation; no one expected it to happen, but are we prohibited from applying our SBE policy to this or is it just that we typically don't in an emergency scenario?

Mr. Gullet said I don't know that we are prohibited from doing it. I wouldn't think so, but it is an emergency repair, so it's not a requirement that we do that, but I don't believe Blythe is proposing to do any subcontracting on this. They were the low bidder.

Councilmember Barnes said one of the issues is this name pops up a lot in our contracts, and they typically are seemingly – except when they pick their sister entity – they are typically able to provide us with SBEs. In other words, they should already have a list of ten, 15 people who they typically use.

Mr. Gullet said we would be glad to work with them and try to encourage them to bring in SBEs where there are opportunities. We really got some of these bids after lunch today. That's how quickly this is moving. Chuck is saying we have 9.3% SBEs, so we do have some SBEs. I'm sorry.

Mayor Foxx said thank you for that, Mr. Manager. Why don't we go to our first topic?

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## **ITEM NO. 2: INCENTIVE BASED INCLUSIONARY HOUSING ACTION PLAN**

Mayor Foxx said our Housing and Neighborhood Development (HAND) Committee has been working very diligently on this. It's another piece of building a stronger housing policy. Ms. Kinsey, I would like to invite you if you have any comments.

Councilmember Kinsey said in the interest of time let's go right to the presentation.

**Debra Campbell, Planning**, said I will be giving a part of the presentation, and since Ms. Kinsey didn't reflect that the HAND Committee has been working on this, I will do that. We are essentially providing you with the recommendations of an action plan that the committee has been working on related to incentive based inclusionary housing initiatives. Myself and Pam Wideman will be providing this presentation. I'm going to give kind of the background and talk about the definition, the HAND Committee assignment, some of the initiatives giving you a background that this isn't something new that the City has been involved in, talk generally about inclusionary housing policies, and then talk about the recommendations. Again, I will provide the regular turn recommendations, and Pam will cover the financial recommendations. Then, Mayor, I will leave it up to you to determine when questions can be asked. She began a PowerPoint presentation entitled, "H&ND Committee Recommendations: Incentive Based Inclusionary Housing Policies: Action Plan," a copy of which is on file in the City Clerk's Office.

Councilmember Howard said that 12.5 is exactly what Davidson did. This is the way that theirs works?

Ms. Campbell said I'm assuming. Generally that's how they work in terms of bonuses. I'm not sure of their exact formula.

Councilmember Howard said I know it's 12.5.

Ms. Campbell said that's the minimum, I believe.

Councilmember Howard said yes.

Ms. Campbell continued with the bottom slide on page 7.

Councilmember Howard said everything makes sense to me on that list except the tree ordinance. What fee would you waive for the tree ordinance? Is that payment in lieu?

Ms. Campbell said I think it's the review process, and it could be the payment in lieu, but it is something we would have to develop.

Councilmember Howard said that's definitely a question I would have.

Councilmember Carter said I have a problem with that, too, because it violates our policy of asking for the cost – for 100% of the administrative costs to be covered by the users.

Councilmember Howard said I was wondering when you do it would you do an analysis of how much that would actually save. The fee is always a small part of it, and every penny helps, but it's still a small part in the scheme of how it all works. Is this deal just single family?

Ms. Campbell said yes. I take that back. Although again these have not been flushed out, we have recommended a public input process in order to do that. I think to waive the development fees would be for single family and multifamily. She continued with the bottom slide on page 8.

Mayor Foxx said, Ms. Campbell, do you have a sense of how quickly multifamily is permitted today?

Ms. Campbell said I don't. If it is the premier review, it can be permitted within two to three days is my understanding. Within the normal review process, I don't know that. She continued with the top slide on page 9.

Councilmember Dulin said one of the first lessons I learned about real estate was the interesting rule that you could put a duplex on any corner in the city of Charlotte. When I was just a little kid I learned that one. Why do we want to change that now? I realize you are going to R-8.

Ms. Campbell said I think the recommendation here is if we went to increase the opportunity for affordable housing maybe we should increase the opportunity where these types of affordable units can be located within a residential area. If you think about many of the older communities within Route 4 – a Dilworth or an Elizabeth – they have duplexes scattered throughout the community. They are not just restricted to corner lots, so I believe that is part of the recommendation. I also want to make clear that again the committee used the recommendations of a subcommittee that was made up of citizens and developers and organized our citizen advisory groups, and these are a lot of their recommendations that the committee is putting forth to you all.

You have a table in your agenda that lists all 21 of the recommendations. The ones that are highlighted in green are those that meet those that we are reviewing now. Also because they are not in numeric order, if you note in table that number eight refers to this specific recommendation. She continued with the bottom slide on page 9. This has already been referred to the HAND Committee for review, but more specifically the PCCO, Urban Street Design Guidelines, and the Tree Ordinance have been referred to the committee, and the committee is recommending to support that schedule of review, and that's number 19 in your table. With that, I'm going to transition to Pam to go over the financial recommendations, and then I'll come up and talk about the next steps.

Mayor Foxx said on the density bonus program what was the discussion or was there any on multifamily as it relates to the density bonus?

Councilmember Kinsey said we did not have any. It was pretty much on single family; is that correct, Ms. Campbell?

Ms. Campbell said that is correct. The subcommittee recommendation was specifically a voluntary program for single family. The multifamily discussion focused around if you recommend a multifamily density bonus then the density bonus has to be fairly significant to cover the cost of those units that you would not obviously get the same rent for. It would have to be a significant increase. Once you increase the density significantly, you may push the development into a different type of construction, which means that development becomes more expensive. That's what we kind of heard from the subcommittee, the developers, that said it just doesn't make a whole lot of sense for us in Charlotte to do the density bonus on multifamily, but certainly, Mayor, if this is a concern, obviously and I'm sure the committee chair will agree that is something we can pursue further through the discussion with the citizens group.

**Councilmember Turner arrived at 5:57 p.m.**

Mayor Foxx said I personally would like to at least have that on the table and see what folks say.

Councilmember Carter said number seven recommendation about extending accessory dwelling units might increase that density when you look at a single family dwelling, and I think that is a resolution to a problem that we are going to be facing with our baby boomers, and that is a 20 year period we would be addressing older adults that need to live in something like associated housing rather than assisted living. Then after that 20 years you get into the baby baby boomer

generation, and you would have that need again, so I was concerned initially about thinking that this is going to create a problem for us having that accessory unit, but if you follow by another generation right after it, I think that problem goes on 40 years, which is probably the life of that unit.

Ms. Campbell said the committee did not recommend the ADU as a strategy. I'm not certain if you are saying maybe we should look at it or not look at it.

Councilmember Carter said I think looking at it is a very valuable thing to consider.

Councilmember Kinsey said the chair agrees with you, but the majority of the committee does not.

Councilmember Howard said what is ADU?

Ms. Campbell said accessory dwelling units.

Mayor Foxx said thank you, and, by the way, there is a lot of work rolled up into this, and I want to thank the staff as well because this is great stuff, and the community that put the Housing Charlotte 2007 in the first place a lot of times those studies stay on the shelf. It's good for them to come out and see the light of day, and thank you all for helping with that.

**Pam Wideman, Neighborhood and Business Services**, said I will frame the financial recommendations as more of a refresher to remind you all of the things we are already doing around financials and pretty much the committee suggested that we continue doing what we are doing. I will share this as information for you. She continued with the top slide on page 10.

Councilmember Howard said knowing that subject pretty well. The state still likes to fund stuff in rural areas. The whole idea of how they approach funding stuff not only in urban areas but on the transit line, their rules just don't line up with ours, so a heavier hand in that one would be smart for the City of Charlotte if we hope to get some stuff in urban areas because they like stuff out in greenfields right now.

Ms. Wideman continued with the bottom slide on page 11. The committee had very robust discussion with how could we work with CMS to get some of their properties for affordable housing and Dennis and I have talked about this at length, and as I understand it they do not plan to divest any of the school sites they most recently closed, but they can make properties available to the City or the County for affordable housing. We were really unclear going into this if we needed enabling legislation

We were told that they do not need enabling legislation if they can prove that it is a public benefit, so they are still working through this. An example might be, and they have not done much of this, but an example could be that if they were going to make some available property near a school site available for a multifamily development that they could work to see if they could set aside a portion of the units, if you will, for the teachers or the custodians who might work at that school, but, again, this would be a new practice for them. They have not done that, but they are willing to have those discussions with us. She continued with the top slide on page 12.

Ms. Campbell said there are 11 recommendations, and from this discussion, I believe there are probably two more that we may consider adding a density bonus for multifamily and then accessory growing units. She continued with the top slide on page 13.

Councilmember Howard said this is just for the chair of the committee and you, Debra. Enforcement of density bonuses gets to be interesting especially when you do one here and one there and especially making sure they are serving the people that they are supposed to serve. This could turn into an enforcement nightmare if we are not careful – not that I'm against it by any means. We just need to figure that part out while we are talking about it. How do we actually reinforce without having a required code enforcers to go out and look at a unit here and a unit there? That's the only way you can enforce that to make sure people are serving who we want them to serve.

Ms. Campbell said we totally agree with you, Mr. Howard. We are deliberating over the actual text amendment changes. We always consider how do you enforce it, so the program administration is going to be key for us, not only five years from now even understanding how many units did we yield by this strategy. We totally agree with you.

Mayor Foxx said very quickly. What is the theory behind the August through the January? I know you are going to reach out to citizens, but can you give a feel for what that looks like?

Ms. Campbell said some of the detail steps will be in August we will have a community forum. We will ask people to sign up to be a part of a citizens' advisory group. By September probably, we will have our first meeting to talk about text amendment changes for I'm hearing some interest in accessory dwelling units for nonrelated individuals. We already have it for related individuals; to look at density bonuses for single family and multifamily, so each one of those text amendment changes will be needed. That process in terms of deliberating how much of a bonus increase, how do you, as Mr. Howard said, administer and make sure we keep account of units that are being produced. All that has to be done. We would come back in January 2012, report out to the committee. The committee would make a recommendation in February, and then we have to file the actual text amendment changes to the zoning ordinance, and that usually takes about four months, the same process as a rezoning. That is why the April 2012.

Mayor Foxx said with no objection we'll proceed with things as the committee has suggested.

City Manager Walton said this will be on the 27<sup>th</sup> agenda for formal adoption.

Mayor Foxx said thank you for clarifying.

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### **ITEM NO. 3: TREE CANOPY COVERAGE GOAL**

**Curt Walton, City Manager**, said the next item is a recommendation coming out of the Environment Committee that will be on your June 27<sup>th</sup> agenda as well. Mr. Peacock, if you would like to say anything about this one before we launch.

Councilmember Peacock said I want to thank the committee, those who have spent time on this - Councilmember Dulin, Councilmember Burgess, Councilmember Howard, and Councilmember Carter, our vice chair, and, of course, thank staff, which would include Gina Shell and Tom Johnson and especially Julie Burch for her help. If you all will recall, we passed the tree ordinance revisions this year, and this was part two to that. This was going back to what I call the offensive part of the discussion, which is now that we know what our tree canopy is and what we want to preserve particularly as it relates to commercial development, how do we get back to the discussion of how do we preserve and maintain our tree canopy going forward.

I bring to your attention to page 2 in your write-up here a few important bullets. First, Gina is going to outline here she got feedback from some interested citizens in four public meetings that they held. They used the eco-analysis we had done from American Forest, and we looked at it in the committee, and a part of it I think is incredibly newsworthy and this Council should be very proud of, and I mentioned to several of you individually is that from the research we did regarding ourselves versus other cities we found that our tree canopy puts us in the enviable position of being number one – number one in tree canopy in top 20 cities – number one city with a tree canopy. That is very impressive, and that is numbers we did not know earlier, but I think it does set a benchmark for where Gina is going to go today, which is to begin to outline to us the new goal of setting a 50% tree canopy in 2050. With that, Mr. Mayor, I will turn it over to Gina.

**Gina Shell, Engineering and Property Management**, said we, too, would like to thank the committee for the work on this. We worked on this through four meetings with the committee, and they provided us excellent guidance as staff as we continued to research and zero in on the recommendations. What I will be presenting is the committee's recommendation. She began a

PowerPoint presentation entitled “Environment Committee Recommendation: Tree Canopy Coverage Goal,” a copy of which is on file in the City Clerk’s Office.

Councilmember Dulin said can you go back one, please. Obviously that is an aerial picture of the tree canopy in our community and our county, but the roadmap is way behind, so when was that picture taken. The third runway is not there. In ’08, we would have been under construction with the runway already. More of the outer belt would have been finished – that sort of thing. Is that a dated picture or a fresh picture with data roadway overlay?

Ms. Shell said it’s a fresh picture with dated roadway. I’m looking at Tom Johnson to confirm because I believe what happened is they wanted to make the city boundaries and so forth as consistent with the 2002 study as they could, so what you are seeing here in the background in terms of the roads and the buildings 2002, but the tree canopy itself is 2008.

Councilmember Dulin said, I’m sorry, sir, but this is important. Why use 2002 roadway then and 2008 aerial?

Ms. Shell said, again, I think that was the American Forest practice so they could be sure they were comparing apples to apples in terms of the shift from a 48% to a 46%.

**Tom Johnson, Engineering and Property Management**, said I think the roads are there (inaudible – not near a microphone).

Councilmember Dulin said then let’s reference good information.

Ms. Shell continued with the top slide on page 6. The goal is what we will be asking for adoption of on the 27<sup>th</sup>. The rest of the slides I have for you describe some supportive tactics and tools and strategies that we have developed. She continued with the top slide on page 9.

Councilmember Barnes said you may have covered this while I was away, and I’m sorry if you did. You mentioned a number of cities have set goals in a million trees being planted or 5,000 trees per year. With respect to those cities, to your knowledge, and also with respect to the goals we are setting, what types of trees are they planting and what types of trees are you suggesting we plant? Is it hardwood trees or just Bradford Pear trees?

Ms. Shell said we definitely a diversity of species for Charlotte is important. In terms of planting along the right-of-way, clearly we have to think about the width of planting strips. In a four- to six-foot, we can plant a small tree, anything wider than a six-foot we can plant a larger tree. We would recommend there be a diversity of species and clearly in terms of public planting we would continue to look for that kind of diversity.

Councilmember Barnes said any particular percentages though or it’s hard to say?

Ms. Shell said I think we really talked about percentage – right tree, right location.

**Don McQueen, City Arborist**, said the professional recommendation from the International Society of Arbor Culture is that you not have more than 10% of any particular species of tree like Willow Oak, for example. We are at about 16%, so we are trying to diversity that by planting other oaks and other large hardwood trees. We always put the preference towards planting large hardwood trees in any situation that can tolerate that in order to take advantage of the large canopy, the tree tunnels that people comment about, and also being able to shade the asphalt and reduce the heat element.

Councilmember Howard said actually during the committee meeting I asked somewhat the same question for the purpose of talking about the Duke Power lines and how we have to cut the trees down because they grow. The response I got from others as well as what other folks reported that they try to make sure they use the context the way that each tree were in context where it matters most. Where you have the four-foot strips, you don’t want the trees that the roots get under the street and cause problems. They put a lot of thought into what the context is of where they are putting it. I was worried about the trees that got so high in the power lines that we had to cut it and chop off a third or half of the canopy we are talking about, and they said they are

very sensitive to that moving forward. We know in a lot of places in our community we didn't do that real well.

Councilmember Barnes said that is what Duke Energy is doing.

Councilmember Howard said somebody planted the trees knowing there were power lines there, though.

Councilmember Barnes said I think in many instances the power lines came after the trees because there is a section on Harris Boulevard where it looks like they just ripped – it looks horrible.

Councilmember Kinsey said I live in an older area, and I think many of us are concerned about the old trees that seem to topple particularly now that we are having more weather events. How can we work – I mean I have one that would totally crush my house and probably kill me if it falls. It's right at my bedroom. How do we work with people who do have that fear? They have these wonderful old oak trees and clearly it would be damaging to the tree canopy if a lot of us decided that they needed to be cut down. How do we work with our citizens on something like that?

Ms. Shell said I can ask Don to come up for specifics because we do want to increase our education outreach.

Mr. McSween said we use the educational aspects of our program all the time being on radio talk shows, trying to encourage articles in the newspaper, try to get information out encouraging people to have their trees checked by a good, certified arborist. People call our office all the time wanting to know how do I take care of my trees. We have mailing information we can send to them, and we also have brochures available.

Ms. Shell said we realize we can make better use of our Web site and the Government Channel land perhaps do some framing type videos and short informational videos that could be there as folks need to get them.

Mr. McSween said we speak at garden clubs and special interest organizations all the time.

Councilmember Cooksey said part of the presentation acknowledged the challenge to the 50 by '50 goal or even maintaining the tree canopy is that we want to continue to be a growing city and see more growth and development. Was there discussion at the committee level about the risk that if we as the core city of this metropolitan statistical area focus so great an effort on maintaining an above average tree canopy we risk reducing the canopy of the region as a whole by forcing more development outward instead of permitting it to happen here in the central core of the region and preserving what exists in nature around us.

Councilmember Peacock said we didn't have any specific dialogue to that that I recall, and I will let other committee members comment to that, but I think what Gina showed you on that matrix that you show on the centers, wedges, and corridors where she had the percentage goals what we have had dialogue on, Councilmember Cooksey, and I think it's very relevant is to be able to take a now revised ordinance on the tree ordinance itself, combine it with the tree canopy goal, break it down to data that we can actually use on the district level to be able to tell us if your districts in the center, corridor, or wedge how are we doing in those areas on a periodic basis and where should that goal be from a tree planting standpoint.

Then a couple of other points that I didn't make from the outset was just how are we using the trees to actually shape, strengthen, and to transform neighborhoods into a positive way, so the unintended consequence you are mentioning to that we did not have a dialogue on that. I will let Gina comment to that.

Councilmember Howard said if you remember during the committee meeting I did ask about the centers, corridors, and wedges aspects of this. If you think about it, the goal is only going up 1% over that period of time. What we are saying is that by doing smart growth and pushing the growth where we are talking about it going – to quarters and centers – what we will do is over



that time average out with the development that we know would be coming still maintaining where we are and increase a small amount. So, yes, the growth strategy has a lot to do with how we develop over time and where that development goes and how we stay the same while we still take in more people.

Councilmember Cannon said, Ms. Shell, anything further?

Ms. Shell said, no. I think that covers it. We did try to align the goals and the action matrix with the land use goals already stated.

Councilmember Cannon said, Mr. Chairman, in closing?

Councilmember Peacock said the only thing in closing I just wanted to thank the Mayor because we were in such a rush last time. Mayor Riley, if you all heard him and looked closely at some of his photos, many of the cornerstones of a lot of the transformations on his street blocks that he was boasting of, trees were a big part of it. We asked in the committee that you be as strategic as you can and work closely with Neighborhood Business Services, and when we look at our challenged neighborhoods and our neighborhoods that are transitioning, looking at using the dollars that we are already spending on our tree program and being as strategic as we possibly can about not only how we are saving structures, hopefully from an historic standpoint, if they are worthy of saving, but also coupling it with a strong tree strategy to help take neighborhoods that may be marginal but give them an incredible look and feel because we don't have what Charleston has as far as an historic city that has been around forever.

What we do have is we have a new South city that if we are transforming neighborhoods and we use trees strategically – he talked about 50 and 70 years out. Everything that we boast of in this city and what we showcase on our Charlotte-Mecklenburg Web site is the tree canopy of something that was planted 60 years ago. So, if we think about it from that standpoint, that's where this policy itself will reside and what impact will have as far as transforming our city 60 years from now.

Councilmember Cannon said thank you, Mr. Peacock, and to the committee and also Gina Shell and Tom Johnson and Don McSween.

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#### **ITEM NO. 4: POST-CONSTRUCTION CONTROLS ORDINANCE REVISIONS**

Councilmember Cannon said quick synopsis – the post-construction control ordinance has been in effect since July 2008, and during the implementation staff identified several areas that should be revised to provide more flexibility to reflect recent changes in the tree ordinance and to address housekeeping issues. Found some significant areas for proposed changes. Also there are other less significant or housekeeping changes as well to be talked about.

**Curt Walton, City Manager**, said with your concurrence we would like to talk with stakeholders and with the Storm Water Advisory Board and come back later in the summer with some recommendations. I'll turn it over to Jeb.

**Jeb Blackwell, City Engineer**, said I believe your summary was very good. We have had the ordinance almost exactly three years. Overall it's worked well. There have been a few sites where we have had some difficulties. Two of those were areas that we wanted to look at making amendments to the ordinance to make it easier for folks to work with especially in these economic times. The thing that probably is the most notable about these changes, which are we think relatively minor, is we want to do them relatively quickly.

In two years, there will be a new MPDS permit with new requirements that are going to impact redevelopment sites in particular, so this isn't a long term thing, but we do believe that the one change here we had that is not housekeeping we think is a really good increase in flexibility for redevelopment that will be a valuable experience for us over the next two years as we look at ordinance we need to deal with then. It is a relatively quick change process, but we will be

changing the ordinance in two years because of that and we have some sites we need to deal with right now. Daryl Hammock is our Storm Water water quality manager, and he is going to talk to you about that right now.

**Daryl Hammock, Engineering and Property Management**, said last week we handed out copies. As Jeb said, the ordinance went into effect about three years ago, and in the past three years, we have had a good chance to take a look at this ordinance, and the recommendations we are making are based on what we have seen in the last three years – things like plan submittals and feedback and just staff observations. The proposed revisions will address three primary areas, and those would be the revised tree ordinance, which went into effect this January. We are going to make some changes in this ordinance that would reflect changes in that ordinance. We'll add some flexibility to Section 161 regarding redevelopment projects, and addressing housekeeping issues as Jeb mentioned.

There are four changes, and I can generally categorize them into two groups. First off, the improvements, again, related to the tree ordinance, and adding a mitigation option. I will talk a good bit of the time about the mitigation option for new development areas. A couple of housekeeping changes we will talk about, too.

First off, the tree ordinance requirements for the City of Charlotte are in the tree ordinance. During the stakeholder process for the post-construction ordinance, there was a lot of tree and natural area language put into that ordinance, but there has been a multi-year stakeholder process devoted to trees, and staff believes that all the requirements that are needed are in that ordinance. So we propose taking those out of the post-construction ordinance. That goal is to convey to the tree stakeholders process, and basically this is going to eliminate some duplication and some redundancy and some confusion. We think it's the right time to do that. That's the first significant change we are going to talk about.

The next significant change is addressing mitigation fees, and I want to show you this map. This is the current map that illustrates the areas of the city where a mitigation fee is allowed in the post-construction controls ordinance. In 2007 and 2008, the areas in yellow and pink represented the areas highest redevelopment priorities. This is where we wanted to focus our redevelopment, and this is where we added mitigation fee options and flexibility into the post-construction controls ordinance. As Jeb mentioned, a lot has changed since 2008 especially related to the economy.

What we are proposing is to allow all areas of the city a mitigation fee option for redevelopment projects. We have noticed over the last three years that redevelopment projects tend to be stronger and more prevalent in the areas that I just showed you in the previous map with these mitigation fee options. We do recognize that a lot of redevelopment sites have tough challenges. There is tight space, there is existing pavement, existing utilities, a lot of constraints, and that really inhibits a developer and a site designer from putting these water quality and water quantity measures on those sites. So we think flexibility is needed here, so we are proposing a change to Section 161, and you have that in your handout.

Councilmember Barnes said explain to us how paying the mitigation fees addresses what were the ultimate goals of the post-construction controls ordinance.

Mr. Hammock said let me show you this example, and after that I'm going to show you how we use that money; if that's okay. So, here's kind of an example of why we think some relief may be needed in the form of a mitigation fee. This is a site that wishes to do some redevelopment. As you can see, the whole area is paved. There is not much room left on the site. Most of it is rooftop and most of it is this trucking facility and this car dealer facility. The site designer wants to add a building inside the building in blue, but based on the ordinance he would have to put storm water controls on that site. As you can see, there is not a whole lot of room to do that. There are trucking facilities that maintain 24/7 operation, and in order to fit those on the site, it would create a substantial hardship and difficulty for the business and for the design team to accomplish that, and we think some flexibility here would be a good addition to the ordinance.

Councilmember Kinsey said is this a temporary fix? In the Council-Manager Memo, it said temporary. Is it permanent or temporary?

Mr. Hammock said we would try it out for two years. The reason we think this may work well is it could help provide a catalyst for more redevelopment, which is what we want. It could help provide some resolution to some difficult situations and some hardships, and we think this is appropriate. The reason this change continues to provide environmental benefits is that these paved sites currently don't have any controls on them that are impacting flooding downstream. They are impacting water quality downstream, and until those sites turn over and either get controls on the site or either pay a fee that the City can then use for environmental benefit, we aren't getting any environmental gain overall.

What we do with the fee is we take it and implement a regional water quality solution whether that be a stream restoration project, a regional wet pond, a regional wetland, things like that. We are able to treat the run-off, capture the run-off, and release it slowly, and often that is a more economically preferred solution than what the developer has on his site. I do want to point out that downstream flooding problems, if there is a flooding issue downstream from a site, we will not allow a mitigation fee to be paid to address flooding downstream at that site. That flooding problem has to be addressed on the site with on-site controls.

Here's an example of a site that came in recently and is currently being redeveloped. This is the Wal-Mart on Independence Boulevard, and they have paid a fee. What staff is looking to do is somewhere in the same watershed we are looking for opportunities to perform stream restoration, build a regional wetland or a wet pond, and we think we may have found a good opportunity just downstream at the Doral Cavalier Apartments. You may remember that Mecklenburg County has purchased a lot of the land here, torn down a lot of flood-prone buildings, and we think through a partnership with them this would be an appropriate spot to invest this mitigation fee for the betterment of water quality.

Councilmember Dulin said that particular area still floods horribly, but that is not a small fix. You can't get a couple of Wal-Marts to pay a mitigation fee and go fix that creek. By the way, it's not out creek; it's the County's creek. I don't mind spending that money, but I want to spend it on water that we are in control of.

Mr. Hammock said what we may do in this situation is we would probably want to capture run-off from that entire Edwards Branch Tributary, and we are responsible ultimately for the water quality in all the streams inside the city limits. We want to filter through many, many redevelopment projects and many, many fees, and ultimately we would make some gain on those bigger water quality and bigger flooding problems. It would take a lot of these.

Councilmember Barnes said what is the fee that Wal-Mart would pay at that site?

Mr. Hammock said Wal-Mart paid \$60,000 per impervious acre.

Councilmember Barnes said how many impervious acres are there?

Mr. Hammock said I think it was about 12 acres, somewhere in there, so somewhere in the neighborhood of \$700,000. Some more details in the mitigation fee. We would recommend that we expand this temporarily to the remainder of the city. It gives owners a choice to pay a fee to meet some of their requirements. An example of that may be they may pay a fee to address pollutants, and the City would reinvest that fee elsewhere, but they may install basins on that site to address flooding that may be happening very localized to their site. Their flooding problems must be addressed on the site, and we think this is just going to give some more options. We think it's adding flexibility and more cost predictability for redevelopment. It is a trial. We'll reassess it in two years. If it's used a lot, we will know we made the right change.

Councilmember Turner said from an environmental standpoint we had this conversation when we were changing our water controls and qualities. Can you tell us based on what Wal-Mart is proposing and that is one of the things that we tried to push then, but we were always told it was too costly. Since they are willing to do that, can you tell the Council what is the environment impact, the quality of water that will come from a covered culvert versus open?

Mr. Hammock said that comes from –

bvj

Councilmember Turner said the water that would be contained in there – catch basin. Since it's covered, there was always some concern of the quality of water that was being released back into the stream. Can you tell us the differential and how they control that and make sure it is quality water?

Mr. Hammock said the Wal-Mart site is a site that is already under construction, and they have already paid the fee, and that impervious surface delivers a lot of pollutants to the stream. It delivers a lot of water very fast, contributes to flooding problems that Mr. Dulin just mentioned. So what we can do is somewhere nearby we can capture that water, filter it, detain it, release it slowly, and help reduce some of those impacts. On a large site with a lot of traffic and a lot of parking, you can get a lot of pollutants off that. It's bad for creeks and lakes, and ultimately we are trying to restore those.

We do have ways to quantify the pounds of pollutants at each of these sites, and they are all different. It really depends on the amount of impervious, the type of land use, and we can estimate the amount of pollutants that come off of these sites. I hope that helps.

Councilmember Turner said not really because the question again – I have no problem with it because that was one of the things I thought we should push again, but we were always told the developers kind of shied away from that because of the cost to do that. I thought it made sense since it was --

Mr. Hammock said you thought it made sense to pay a fee, right?

Councilmember Turner said to pay the fee and cover it – to have a cover and utilize the land versus having a big hole there catching water. What I really wanted to hear is whether or not we have any other sites where we are monitoring such operations that can tell us what is the quality of the water sitting there being covered with no sunlight. Is it there more mold, bacteria, or what?

Mr. Hammock said we sample all of our creeks frequently, and we collect a lot of data on that, and we have seen and shown that cumulatively all of these sites put together on a regional basis have impaired all of our creeks. We have heavy metals in creeks, nutrients, temperature problems, sediment problems, and cumulatively all of these projects are contributing to those issues. There isn't a creek in Charlotte that is not impaired and not on the State's list of failing creeks.

Councilmember Dulin said except for the ones that we have fixed already, I hope.

Mr. Hammock said the final housekeeping couple of changes I want to mention is that during the development of the ordinance in 2007 and 2008 we inadvertently omitted some information or some language that would require us to meet the state minimum buffer requirements. It was an oversight, and we need to add that back in in order to get us compliant with our permit and minimum state law. So we need to address that issue, and finally there is reference to a number of watersheds that are not inside the city limits. They are in Mint Hill or in Cornelius. We are proposing to take those out. As far as the public process, we are planning on attending both storm water advisory meetings this month to get their read on these changes and their support for them, and we propose to come back to Council for a public hearing on the 25<sup>th</sup> and possible adoption then.

Mayor Foxx said I don't know if there is any way to do this, but I would like to at least see your thoughts, and I may have missed it because of other stuff going on. Some analysis of how you think this is going to ultimately going to impact the problem that the PCCO is attempting to solve. Are we going to be better off, worse off, the same with this approach, and if you have – you don't have to answer the question now, but if you have a way of showing that to us, I think that would be helpful.

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**ITEM NO. 5: DECORATIVE SIGNS ORDINANCE REVISIONS**

**Curt Walton, City Manager**, said, Mayor, I would suggest we move the decorative sign ordinance to the 27<sup>th</sup> and do that as an agenda item and go ahead and do consent items.

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**ITEM NO. 6: ANSWERS TO MAYOR AND COUNCIL CONSENT ITEM QUESTIONS**

**Eric Campbell, Assistant City Manager**, said I will quickly go through the questions of the pulled items for consent. On Item 25, water meter copper tubing, Councilmember Dulin asked the question is there any other material other than copper that can be used. Copper is the industry standard for this. The copper is actually buried in use with high pressurized water, so that is the standard that we have right now.

On Item 27, we actually had two questions – one from Councilmember Dulin – if the trucks are working, why do we need to replace them, and also from Councilmember Carter, could we use electric trucks to do this work? The trucks don't have a lot of mileage on it, but they are ten to 20 years old, and they are used off-road, so there is a lot of high maintenance to the trucks because they are used off-road and because of the heavy duty high maintenance, staff feels like the electric vehicles in this capacity wouldn't be appropriate.

On Item 28, Airport video technology, Councilmember Dulin asked a question what is a journeyman's certificate. A journeyman's certificate is a license issued by Building Standards, and it's a certificate that allows an individual to work under a licensed electrician.

Councilmember Dulin said an assistant.

Mr. Campbell said basically yes or an apprentice assistant, something along those lines. On Item 34, the water main easement clearing, Councilmember Carter, I hope I capture the question – had concerns about tree removal and brush in regards to the lines. These are extremely large water mains, and it's extremely important to prevent trees and large brush from damaging the water mains, so it's an industry practice to remove these. The brush is usually cleared, but the grass does remain, so the issue is mainly access and preventing the lines from being damaged.

On Item 47, rail intrusion detection system, Councilmember Barnes asked is someone in the area when the alarm goes off, and are there physical barriers in place? Due to the rail lines, it's impossible to use physical barriers at these locations. There is a monitoring system that once it's activated notifies law enforcement that the perimeters have been breached on the lines. So the issue is that they can't put the physical barriers. That's why they use this type technology.

Councilmember Barnes said but wouldn't they go off when the train went through?

Mr. Campbell said I don't believe so. I will look to the CATS people to see is that's different.

**Unidentified Speaker** said the rail intrusion detection system has analytics in it that helps to differentiate between a large vehicle versus an animal versus a person that would enter into that area. These are security areas that we want to prevent people from getting into or at least be alerted whenever something does enter into that area.

Councilmember Barnes said just trying to envision where you would need something like that where you couldn't put a fence up because no one – you can't really protect the railroad lines themselves anyway, so what are you trying to do?

Unidentified Speaker said there are areas such as the South Boulevard Light Rail Facility that is very open – trains going in and out of it – that it would be impossible to actually put a fence across the line because you have the active line that runs beside of it also, and also as another example the Convention Center passage through there where you couldn't put a gate across it because you have got trains running through there, but yet we need to know if someone is inside that area.

Mr. Campbell said on Item 49, bus purchases budget ordinance, Councilmember Dulin asked why was there a miss of the estimate of \$5 million so large. Councilmember Dulin, my understanding is due to multiple contracts and the favorable bidding the bids came in lower than expected, so they were able to use our federal funding to complete the last two projects, and the balance will be reprogrammed for future projects down the line.

Councilmember Dulin said that was a red flag. I just wanted to ask.

Mr. Campbell said on Item 51, refund of property and business privilege license tax, I'm going to ask Dan Pliszka to come forward to explain this. Councilmember Barnes, you wanted an explanation on why do we have to give the refund back to Office Depot.

**Dan Pliszka, Risk Management**, said the explanation on this is that this is a refund for three fiscal years where the tax department had been taxing Office Depot for items that were not taxable, so we are returning three years' worth of taxes. Just for a little bit of information, over the last nine years, Office Depot has paid an average of \$458,000 a year in taxes to both City and County. Last year they paid \$736,570 to the City and County.

Councilmember Barnes said this is a business personal property tax?

Mr. Pliszka said this is business personal property. They had taxed them on software and some labor to modify the software that should not have been taxed.

Councilmember Barnes said one of the nuttiest taxes I have ever seen in my life, but we'll talk about that later.

Mr. Campbell said, Mayor, that concludes the questions.

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The meeting was recessed at 7:01 p.m. for the Council to move to the Council Meeting Chamber.

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### **BUSINESS MEETING**

The Council reconvened for the regularly scheduled Business Meeting at 7:14 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding.

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### **INVOCATION AND PLEDGE**

Councilmember Howard gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

\* \* \* \* \*

Mayor Foxx said I want to acknowledge some prominent folks who are in the audience with us today including former Mayors Harvey Gantt and Richard Vinroot. Welcome to the Chambers. We also have students of the Masters of Public Administration in Urban Politics class from UNC-Charlotte. Professor Leland, who, by the way, is one of the national experts on the subject of City/County consolidation will be staying for the budget vote and for the meeting, so welcome to them as well.

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**AWARDS AND RECOGNITIONS**

**CHERRY GARDEN SENIOR APARTMENTS, LEED AWARD**

Mayor Foxx recognized the Affordable Housing Group of North Carolina and StoneHunt Development for the Cherry Garden Senior Apartments, and Councilmember Kinsey asked the group to discuss the certificate that was presented to the City of Charlotte. Cherry Garden has been awarded the first LEED Gold Certificate for multifamily housing in the State of North Carolina.

**USO 70<sup>TH</sup> ANNIVERSARY**

Mayor Foxx recognized John Faulkenbury, president, USO of North Carolina, and Councilmember Dulin presented a proclamation to the USO of North Carolina, Charlotte Center, in recognition of the 70<sup>th</sup> anniversary of the USO (United Service Organization).

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**CONSENT AGENDA**

[ Motion was made by Councilmember Cannon, seconded by Councilmember Carter, and ]  
[ carried unanimously to approve the Consent Agenda as presented with the exception of Item ]  
[ Nos. 21, 22, and 31, which were pulled for discussion and speakers, and Item Nos. 53-B, ]  
[ 53-C, and 53-E, which were pulled for speakers and for discussion. ]

Mayor Foxx said that includes Item 55, which was added at the Dinner Meeting.

The following items were approved:

- 20. Low bid contract to Bullseye Construction for \$379,324 for construction of the Lawton Road Storm Drainage System repairs.

**Summary of Bids**

Bullseye Construction	\$379,324.00
Blythe Development Company	\$477,840.00
Showalter Construction Company	\$507,086.80
Monroe Roadways	\$627,255.87

- 23. Low bid contract to Burney & Burney Construction Co., Inc. for the sidewalks and accessible ramps FY2012 project.

**Summary of Bids**

Burney & Burney Construction Co., Inc.	\$443,434.80
Bullseye Construction, Inc.	\$463,890.00
W.M. Warr & Son, Inc.	\$478,997.30
ECON International Corp.	\$497,985.60
Red Clay Industries	\$550,576.30
OnSite Development, LLC	\$603,318.00
Blythe Development Company	\$617,719.20
Carolina Cajun Concrete	\$623,280.00

- 24. Low bid contract to Blythe Development for sanitary sewer repairs at the intersection of Mint and First Streets.

**Summary of Bids**

Blythe Development Co.	\$99,521.40
State Utility	\$101,896.30
Sanders Utility	\$109,969.20
B.R.S.	\$110,229.90

25. Low bid contract with Murray Supply LLC for the purchase of copper tubing in the estimated amount of \$275,520 for the term of one year.

**Summary of Bids**

Murray Supply Co.	\$275,518.80
Baker Mitchell Co.	\$293,596.00
Mechanical Supply Co.	\$308,952.00
Ferguson Water Works	\$309,438.00

26. Low bid unit price contract to Carolina Cajun Concrete, Inc. in the amount of \$495,684 for repair of concrete and asphalt throughout Mecklenburg County.

**Summary of Bids**

Carolina Cajun Concrete	\$495,684.00
Barry's Concrete	\$571,751.26
W.M. Warr & Son	\$597,145.50

27. Low bid contract of \$59,894.10 to Tindol Ford for the purchase of three extended cab pickup trucks.

**Summary of Bids**

Tindol Ford	\$59,894.10
Young Ford	\$59,919.00
Capital Ford of Wilmington	\$60,645.00

28. Low bid contract of \$1,352,700 to The Bowers Group, LLC for replacing video displays throughout the terminal.

**Summary of Bids**

The Bowers Group, LLC	\$1,352,700.00
Johnson Controls, Inc.	\$1,420,295.26
GC&E System Group	\$1,427,835.67
SPL Integrated Solutions	\$1,429,454.67
Charlotte Sound & Visual Systems, Inc.	\$1,624,500.00

29. Contract with AT&T in the amount of \$137,935.94 for maintenance of the Airport's telecommunications system.

30. Change Order #2 in the amount of \$2,939,920 with Hi-Way Paving, Inc. for additional scope items for the reconstruction of Runway 18C/36C; Change Order #3 in the amount of \$2,905,667 with Hi-Way Paving, Inc. for acceleration of the construction schedule for the reconstruction of Runway 18C/36C, and adopt Budget Ordinance No. 4667-X in the amount of \$5,845,587 from the Airport Discretionary Fund.

The ordinance is recorded in Ordinance Book 57 at Page 135.

32. Resolution authorizing interlocal agreements with the Towns of Cornelius, Davidson, Huntersville, Matthews, Mint Hill, and Pineville for the provision of animal control services.

The resolution is recorded in Resolution Book 42 at Page 976.

33. Five-year contract with the Humane Society of Charlotte to provide spay-neuter services to the City of Charlotte in an amount not to exceed \$180,000 per year, five-year lease of a spay-neuter facility at 8315 Byrum Drive to the Humane Society for \$1 per year, and five-year lease of facilities at 2646 and 2700 Toomey Avenue to the Humane Society for \$1 per year.

34. Service contracts to the following companies to provide water main easement clearing located throughout Mecklenburg County in the combined estimated amount of \$75,000



for an initial term of one year: Single Oak Farm Grading and Landscaping, \$40,000 and North American Lawn & Landscapes, \$35,000; and authorize the City Manager to renew the contracts for two additional one-year terms with price adjustments as stipulated in the contract.

35. Three-year contact with Solutionary for managed technology security services, and authorize the City Manager to approve one, one-year renewal term. The four-year cost of the contract is estimated at \$850,000.
36. Authorize the City Manager to approve agreements with Mecklenburg County for temporary use of Mecklenburg County Information Technology (IT) Services employees to work on City of Charlotte technology projects for an initial term of one year and not to exceed \$150,000, and authorize the City Manager to renew the Mecklenburg County IT staff resource agreements on an annual basis for two additional years.
37. Purchase of digital radio consoles as authorized by the sole source exception of G.S. 143-129(e)(6), contract with Motorola for the purchase of digital radio consoles in an estimated amount of \$3,000,000, and authorize the City Manager to expend an estimated additional \$1,000,000 for ancillary hardware, software, and services including but not limited to audio recording logger, video switch, and data cabling for the implementation and configuration of the back-up 911 center as necessary with various vendors to complete the project.
38. Utility relocation agreement with AT&T Corporation in an amount not to exceed \$212,500.
39. Contract renewal with Armstrong Glen, P.C. in the amount of \$600,000 for storm water engineering services.
40. Contract with Aegis ITS, Inc. in the amount of \$1,849,200 for the provision of a traffic signal system and related implementation and maintenance services for an initial term of five years, and authorize the City Manager to approve up to two, one-year renewal terms at a cost of \$45,000 per year for maintenance services.
41. Purchase of Tassimco LED blank-out signs as authorized by the sole source exception of G.S. 143-129(e)(6), one-year unit price contract for the purchase of LED blank-out signs and related commodities to RAI Products in the estimated annual amount of \$60,000, and authorize the City Manager to extend the contract for two additional, one-year terms.
42. Resolution to authorize the Key Business Executive of Transportation to execute a Municipal Agreement between the City of Charlotte and the North Carolina Department of Transportation (NCDOT) for the South Crigler Street/CSX Railroad Crossing Closure.  
  
The resolution is recorded in Resolution Book 42 at Page 977.
43. Resolution authorizing the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) and the Norfolk Southern Railroad for the West Charlotte Area Corridor Study.  
  
The resolution is recorded in Resolution Book 42 at Page 978.
44. Resolution authorizing the Key Business Executive for Transportation to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for the Albemarle Road (NC 27) connectivity mitigation project.  
  
The resolution is recorded in Resolution Book 42 at Page 979.
45. Contract with NWN Corporation for a three-year term in an amount up to \$250,000 for the purchase of Ethernet Switches and related parts, and authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.

46. Budget Ordinance No. 4668-X appropriating \$83,000 in private developer funds for traffic signal improvements and repairs.

The ordinance is recorded in Ordinance Book 57 at Page 136.

47. Purchase of an Intrusion Detection system as authorized by the state contract exception of G.S. 143-129 (e)(9a), and purchase of an Intrusion Detection System for the LYNX Blue Line from Simplex Grinnell (Under GSA Contract #GS-07F-0396M) in an amount up to \$326,693.

48. Budget Ordinance # 4669-X appropriating \$13,196,680 for the Charlotte Gateway Station (CGS) from federal, state, and local fund sources.

The ordinance is recorded in Ordinance Book 57 at Page 137.

49. Budget Ordinance No. 4670-X transferring \$5,000,000 from the Davidson Street Bus Facility project account to CATS' Bus Purchase account due to lower than anticipated project awards and funding transfer authorization from the Federal Transit Administration (FTA).

The ordinance is recorded in Ordinance Book 57 at Page 138.

50. Payment of \$200,000 in full and final settlement of a bodily injury claim for Mark E. Payne from a Solid Waste Services truck accident.

51. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$330,049.85, and resolution authorizing the refund of business privilege license payments made in the amount of \$5,662.75.

The resolution for refund of property taxes is recorded in Resolution Book 43 at Pages 980-981.

The resolution for refund of business privilege license payments is recorded in Resolution Book 43 at Pages 982-983.

52. Resolution of intent to abandon residual portions of Smithfield Church Road, and set a public hearing for July 25, 2011.

The resolution is recorded in Resolution Book 43 at Page 984.

- 53-A. Ordinance No. 4671-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1009 Allen Street (Neighborhood Statistical Area 51 – Belmont Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 139.

- 53-D. Ordinance No. 4674-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2812 Tuckaseegee Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 142.

- 53-F. Ordinance No. 4676-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3630 Trull Street (Neighborhood Statistical Area 121 – Sunset Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 144.

- 53-G. Ordinance No. 4677-X authorizing the use of In Rem Remedy to demolish and remove the structure at 4228 Dinglewood Avenue (Neighborhood Statistical Area 44 – North Charlotte Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 145.

- 53-H. Ordinance No. 4678-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2831 New Pineola Road (Neighborhood Statistical Area 100 – Eagle Lake Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 146.

- 53-I. Ordinance No. 4679-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3933 Plainview Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 147.

- 53-J. Ordinance No. 4680-X authorizing the use of In Rem Remedy to demolish and remove the structure at 10216 Providence Road, W. (Neighborhood Statistical Area 186 – Ballantyne East Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 148.

- 53-K. Ordinance No. 4681-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1807 Vinton Street (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 149.

- 54-A. Acquisition of 22,426 square feet in fee simple plus 14,255 square feet in existing right-of-way plus 74 square feet in utility easement plus 5,955 square feet in temporary construction easement at 7601 Browne Road from James W. Brown and wife, Ann Boyles Brown, for \$27,000 for Browne Road/Hucks Road Improvements, Parcel #1, #3, and #4.

- 54-B. Acquisition of 12,781 square feet in fee simple plus 5,920 square feet in existing right-of-way plus 5,947 square feet in temporary construction easement at 4300 Hucks Road from Helen L. Allen for \$15,500 for Browne Road/Hucks Road Improvements, Parcel #5.

- 54-C. Acquisition of 4,472 square feet in fee simple plus 4,001 square feet in temporary construction easement at 10010 Community House Road from Tiffany M. Copen and spouse, Mark B. Copen, for \$15,450 for Community House Road, Parcel #33.

- 54-D. Acquisition of 36,756 square feet in sanitary sewer easement on Carowinds Boulevard from Anna B. Holbrook and Anna B. Holbrook and Marsha F. Holbrook, Co-Trustees of the William M. Holbrook Family Trust for \$30,000 for Steele Creek Pump Station Replacement, Parcel #4.

- 54-E. Resolution of condemnation of 5,059 square feet in fee simple plus 4,671 square feet in existing right-of-way plus 205 square feet in sidewalk and utility easement plus 1,990 square feet in temporary construction easement at 7836 Browne Road from Amber Leigh, LLC and any other parties of interest for \$5,625 for Browne Road/Hucks Road Improvements, Parcel #7.

The ordinance is recorded in Ordinance Book 57 at Page 985.

- 54-F. Resolution of condemnation of 655 square feet in fee simple plus 1,998 square feet in sidewalk and utility easement plus 150 square feet in utility easement plus 9,996 square feet in temporary construction easement on Browne Road and Amber Leigh Way Drive from Amber Leigh, LLC and any other parties of interest for \$22,600 for Browne Road/Hucks Road Improvements, Parcel #10, #2, and #13.

The resolution is recorded in Resolution Book 43 at Page 986.

- 54-G. Resolution of condemnation of 5,970 square feet in fee simple plus 5,342 square feet in temporary construction easement on Community House road from Claudia T. Ross and Robert D. Ross and any other parties of interest for \$19,400 for Community House Road, Parcel #3.

The resolution is recorded in Resolution Book 43 at Page 987.

- 54-H. Resolution of condemnation of 170 square feet in sidewalk and utility easement plus 190 square feet in temporary construction easement at 9414 Community House Road from Claudia T. Ross and Robert D. Ross and any other parties of interest for \$250 for Community House Road, Parcel #15.

The resolution is recorded in Resolution Book 43 at Page 988.

- 54-I. Resolution of condemnation of 1,181 square feet in sidewalk and utility easement plus 1,122 square feet in temporary construction easement at 9424 Community House Road from Robert D. Ross and any other parties of interest for \$2,575 for Community House Road, Parcel #16.

The resolution is recorded in Resolution Book 43 at Page 989.

- 54-J. Resolution of condemnation of 24,251 square feet in sanitary sewer easement plus 26,549 square feet in temporary construction easement at 5123 Timbertop Lane from Turtle Rock Homeowners' Association a/k/a Turtle Rock Owners Association, Inc. a/k/a Turtle Rock Owner's Association, Inc. and any other parties of interest for \$7,300 for McKee Creek Outfall – Mecklenburg County, Parcel #20 and #21.

The resolution is recorded in Resolution Book 43 at Page 990

- 54-K. Resolution of condemnation of 659 square feet in sanitary sewer easement plus 976 square feet in temporary construction easement at 9204 Tiger Lily Lane from Andre M. Simmons and Meredith T. Smith and any other parties of interest for \$650 for McKee Creek Outfall – Mecklenburg County, Parcel #22.

The resolution is recorded in Resolution Book 43 at Page 991.

- 54-L. Resolution of condemnation of 7,119 square feet in sanitary sewer easement plus 6,506 square feet in temporary construction easement at 7806 Denbur Drive from Palladian Homes, Inc. and any other parties of interest for \$625 for McKee Creek Outfall – Mecklenburg County, Parcel #30.

The resolution is recorded in Resolution Book 43 at Page 992.

- 54-M. Resolution of condemnation of 281 square feet in fee simple plus 998 square feet in temporary construction easement plus 998 square feet in temporary construction easement at 4809 Statesville Road from Benjamin Chapman for \$18,050 for Statesville Road Widening (I-85 to Sunset Road), Parcel #31.

The resolution is recorded in Resolution Book 43 at Page 993.

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**ITEM NO. 21: BROWNE ROAD/HUCKS ROAD IMPROVEMENTS**

**Roxanne Watson, 7808 Browne Rd.**, said I live at the corner of Browne and Hucks Roads, the site of the road widening project that will begin later this summer. Although we realize there have to be changes at this intersection to make it a safer environment for all who live and travel on these roads, we don't agree with the manner in which this was handled by the Charlotte City engineers and CDOT. We all agree this is not a safe intersection and there are some things that

need to be done to change that. First of all, there are several things about the plan that we are thankful for. We thank Mr. Michael Barnes for working to get the speed limit consistent through the whole length of Browne Road from WT Harris Boulevard to Eastfield Road. It was changed from 45 mph to 40, and we are also glad that there will be a traffic light at that intersection. There are several things we are not happy about. The main issue is that the City engineers and CDOT have not listened to the residents of the community. They have been unwilling to change anything about their perfect design. Unless they have been at this intersection during rush hour traffic, they have no idea what is going on there. One of the biggest issues is the creation of traffic problems at Browne and Hucks Road is that vehicles cannot make a left turn onto Eastfield Road from Highway 115 between the hours of 7:00 and 9:00 a.m. and 4:00 and 6:00 p.m., so instead they turn onto Hucks so they can later turn onto Browne, which takes them to Eastfield. This just takes the problem from one area and redistributes it to another, and believe me, this intersection cannot handle this much traffic even when this project is completed. The main point of contention is the fact that this project will not include elimination. There will be a sidewalk on Browne Road that goes from the edge of my property to Amberleigh subdivision without elimination, and this makes it extremely dangerous. It will encourage crime and may even cause accidents between pedestrians and people on bicycles or other vehicles. For me personally, it will make getting out of my driveway hazardous. Not only do I have to navigate more lanes of traffic, but I also have to be sure there is no one on the sidewalk as I exit or enter my driveway. With no elimination, this will pose significant problems after dark. We want to make sure we have an open dialogue with the project manager of the construction company who will be awarded this project. We also want to be present at all meetings regarding this project and want to be made aware of these meetings. Basically we want to have the open lines of communication because of the impact this project will have on our community.

Mayor Foxx said who pulled this item?

Councilmember Barnes said I did, Mr. Mayor.

Mayor Foxx said would you like to speak to it?

Councilmember Barnes said, yes, sir. I would say the reason I pulled it is to announce to the community that improvements are going to be made to the intersection of Browne and Hucks Roads. Also with regard to the issues that Ms. Watson and her husband might raise and others have raised, there have been several meetings with the community on this project. I don't think Allen Morrison is here, but he has been a part of it. A lot of folks from Jeb Blackwell's team have been a part of the meetings, and unfortunately, I don't think there is a perfect fix to all of the issues that present themselves at that intersection. I do believe that our staff has done as much as they can do within reason to make the project as palatable as possible to the neighbors in that area. I would move to approve it, Mr. Mayor.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Dulin, and ]  
[ carried unanimously to award the low bid contract of \$695,830.75 to Ferebee Corporation ]  
[ for the construction of the Browne Road/Hucks Road improvements. ]

Mayor Foxx said we are going to have to vote on this again, folks. I called both names. I did not see you.

**Donnie Watson, 7808 Browne Rd.**, said that's fine. I want to say, first of all, thanks for being so attentive at our last meeting. You guys were asking some wonderful questions and some good debate on the interchange. What I'm passing out here is a note from Amberleigh basically that they have contributed as well as some other ongoing issues that are at the interchange. I realize you guys have a really tough job, and obviously tonight – a big crowd tonight. I first want to say thanks to the Real Estate folks for helping to navigate some of the issues we had here, but part of this is we feel like the process involved here is a bit flawed, and we hope you can look at this at some point because the community, the folks who are still there still feel there are ongoing issues daily that are unaddressed, and the process we had was subpar. It is really rather stacked against property owners and businesses. I have a small business about a mile from there. We desperately need sidewalks, we want sidewalks, so it's not about the sidewalk issue itself. It's just the use of those dollars that could have been put other places for better uses. We had a

budget. We were wanting to cooperate and work with CDOT, but they did not actually attempt to hear our concerns, and we hope at some point you guys can address some of those.

Mayor Foxx said just because I think we should have heard from both speakers first, let's go ahead and do another vote on that.

Councilmember Barnes said I would continue to maintain my motion to approve, but also I have asked and would continue to ask Mr. Blackwell's staff and others to continue to try to find ways to mitigate the harm that many of the people are concerned as being caused. I think ultimately it's a good project, but it won't be perfect, so I would move to approve.

Councilmember Cannon said I would maintain my second.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and ]  
[ carried unanimously to award the low bid contract of \$695,830.75 to Ferebee Corporation ]  
[ for the construction of the Browne Road/Hucks Road improvements. ]

**Summary of Bids**

Ferebee Corporation	\$695,830.75
Blythe Development Company	\$711,900.00
United Construction Company	\$766,318.09
Sealand Contractors	\$778,748.57
Carolina Cajun Concrete	\$810,287.10
Blythe Construction, Inc.	\$835,067.63
Granite Contracting	\$846,845.74
Rea Contracting LLC	\$992,358.15

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**ITEM NO. 22: SALOME CHURCH ROAD AT MALLARD CREEK**

Councilmember Barnes said this is a \$453,000 contract to make improvements at the intersection of Salome Church Road and Mallard Creek Road, so it's a much needed infrastructure improvement in that area, and I wanted people to be aware of it.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and ]  
[ carried unanimously to award the low bid contract of \$453,396.49 to Red Clay Industries ]  
[ for the Salome Church Road at Mallard Creek Road project. ]

**Summary of Bids**

Red Clay Industries	\$453,396.49
Blythe Development Company	\$461,842.50
Sealand Contractors	\$524,515.95
Blythe Construction, Inc.	\$548,454.38
Rea Contracting LLC	\$643,127.63

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**ITEM NO. 31: LAKE POINT POND IMPROVEMENT PROJECT**

Councilmember Dulin said this is staying consistent with voting against the City funding the work on private lakes, ponds, and dams. I won't stop it from being approved, but I'm going to vote no.

[ Motion was made by Councilmember Barnes and seconded by Councilmember Howard to ]  
[ award a contract to United Construction, Inc. in the amount of \$575,875 for the Lake Point ]  
[ Pond Improvement Project. ]

**Summary of Bids**

Eagle Wood, Inc.	\$472,221.25
United Construction Company	\$575,875.00
Blythe Development Company	\$579,750.00
Blythe Construction, Inc.	\$713,400.00
Paul Howard Construction	\$719,321.25
Showalter Construction Company	\$726,812.50

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**ITEM NO. 53-B: IN REM REMEDY AT 1328 W. ROCKY RIVER ROAD**

[ There being no speakers either for or against, motion was made by Councilmember Barnes, ]  
[ seconded by Councilmember Howard, and carried unanimously to adopt Ordinance No. ]  
[ 4672-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1328 ]  
[ W. Rocky River Road (Neighborhood Statistical Area 139 – Newell South Neighborhood). ]

The ordinance is recorded in Ordinance Book 57 at Page 140.

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**ITEM NO. 53-C: IN REM REMEDY AT 7705 TREYFORD LANE**

**Charlie Allison, 7706 Treyford Ln.**, said I live at 7706 Treyford Lane in the Prescott Pond 1 neighborhood of Beverly Crest. I'm a former member of the board and now serve on the architectural landscape committee of our homeowners association. My home is directly across the cul-de-sac from 7705 Treyford Lane. Speaking on behalf of our neighborhood, and we have several here, including our president, in attendance, thank you for considering staff's recommendation to demolish 7705 Treyford Lane. As you know 7705 was gutted by fire the night of September 5, 2010. All that remains of the structure are essentially the four walls. Since the fire, the owners have taken no action to improve the site. The structure remains boarded up, and the front door locked. First cited by the City inspector on October 19, 2010, the owners have not responded to any of the City's numerous written requests to improve the site. All of us fully recognize the tragic nature of the fire and other events that took place after the fire. Our HOA and the City have worked in good faith with the owners within the required process and have not imposed our will or rush to judgment at the expense of any of the parties involved. However, now nearly ten months after the fire, the site continues to be a safety hazard and a blight on the neighborhood. We believe the time has come for the site to be cleared and hopefully a new owner found who is prepared to rebuild. Thank you very much for your time. Our HOA board unanimously recommends that you vote in favor of staff's recommendation.

[ Motion was made by Councilmember Cannon, seconded by Councilmember Barnes, and ]  
[ carried unanimously to adopt Ordinance No. 4673-X authorizing the use of In Rem Remedy ]  
[ to demolish and remove the structure at 7705 Treyford Lane (Neighborhood Statistical Area ]  
[ 168 – Oxford Hunt Neighborhood). ]

The ordinance is recorded in Ordinance Book 57 at Page 141.

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**ITEM NO. 53-E: IN REM REMEDY AT 816-1 PRINCE STREET**

**Jay Jenkins, 4890 Bentrige Dr., NW, Concord, NC**, said I'm here because I have an opportunity to invest in Charlotte. I'm a small investor. I have a number of properties in Concord and Kannapolis and a few in Charlotte, and I currently hold a contract to purchase the property at 816 and 800 Prince Street. We close on the 27<sup>th</sup>, I believe. There is one unit that has been neglected by its previous owner. It was then foreclosed on and has been held by the bank for a couple of years, and it's been neglected by the bank, and the property has numerous code

violations. It's a hazard as it stands, and it is slated for demolition, and I would like the opportunity to repair the house and bring it back to the standard. I have a list of all the code violations, and I would follow every recommendation that they made and I have the funds to do it and the desire to do it, and I would like to be able to bring this back and invest in Charlotte, invest in local contractors, and provide some affordable housing.

Councilmember Mitchell said my good friend, Walter, can you give me staff's position on this, sir, if you don't mind?

**Walter Abernethy, Neighborhood and Business Services**, said I spoke to Mr. Jenkins earlier today. It is the first contact I had with Mr. Jenkins and haven't dealt with him before as a property owner or contractor here in Charlotte. I told him I wasn't going to pull it from the agenda. It was just too late in the game, the day of the In Rem. I would point out to you on these particular units. You may recognize those addresses. Those units have been before you before. I believe, and again, since I just talked to him a few hours ago, I also believe that some of those units in that complex are in a floodplain, and we have had regular problems with flooding at the units. The estimated repair costs, I believe, are 86%, so we are approaching the repair costing more or the same amount as the properties are worth.

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Howard, and ]  
[ carried unanimously to adopt Ordinance No. 4675-X authorizing the use of In Rem Remedy ]  
[ to demolish and remove the structure at 816-1 Prince Street (Neighborhood Statistical Area ]  
[ 22 – Oakview Terrace Neighborhood). ]

The ordinance is recorded in Ordinance Book 57 at Page 143.

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Mayor Foxx said, Council, I'm going to make a recommendation that we change even what we changed at the dinner meeting. We said we would move up the four-year terms and the budget and the redistricting discussions to happen before the Manager's Report. I would suggest we do that even before the Transportation Action Plan discussion because we have got some people waiting. Why don't we start with the four-year term item?

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#### **ITEM NO. 16: FOUR-YEAR TERMS FOR MAYOR AND CITY COUNCIL**

**Former Mayor Richard Vinroot** said I'm joined by Mayor Harvey Gantt, Dr. Gloria Rembert, and Betty Ann Hayes. There may be other members of our committee, but I don't see them, so I will assume they are not here. I want to thank you for asking us to serve on what I call the "2 x 4 Committee". We got along well, we liked each other, we had two-hour meetings. We spent the first meeting hearing from Councilmembers Cooksey and Mitchell about their views on the subject. We had excellent materials, terrific staff, great analysis of the two's and the four's and the in-between's all over the state, and, in fact, all over the country.

During our first meeting after hearing from the Council members, we discussed some of the issues in the book and decided we would come back the second meeting and have our own further discussion, and, if necessary, have three meetings. It turned out two was sufficient. We spent the second meeting, as I said, in a round-robin discussion where we went over the pros and cons, and at the end of that meeting, we voted 6:4 in favor of maintaining the two-year current system. We also voted unanimously to say to you that obviously you have the choice to do whatever you wish, but if you should choose to want to change the system or consider that we recommended unanimously that you do so through a referendum.

In our second meeting when we went over the various views and talked about our views, I wrote down a sort of quick checklist of pros and cons. I will share them with you without going into detail. For two years, I think the pros that were mentioned were accountability -- that is the frequency of considering the Council members, the Mayor -- the consistency with the current



system and the fact that we have two-year terms. If the other two elected bodies in our city and county, and we rotate so that each year we have a high profile election in one or the other with a little bit of diffusion in the School Board because they are, as you know, overlapping in ways and don't have a full board up every time.

There was a statement you have heard a lot, "If it's not broke, don't fix it." We thought well of the way you do your jobs and what great people you are, and I don't mean to say that to condescend. I really mean that, and we admire the way you operate and the way you do business. There was also the notion that incumbents typically when they do good jobs are reelected frequently, so the idea of having to run for reelection after two years was not as big a burden as it might seem.

The cons, I think, were that some thought you might always be in campaign mode when you are every 24 months back before the public. There may be some timidity or diversion -- Smudgy, I think, mentioned that -- closer to election time that maybe takes the eye off the ball as you get within six or seven months of the next election, and that hurts in terms of making some of the big decisions that require thought and planning and so forth.

With the four-year terms, I think that the pros were that it's probably better for the people who serve not to have to so frequently be in campaign mode. There is stability of the sort that you have in the U.S. Senate that perhaps you don't have in the U.S. House for comparison, and it's easier to plan and make big decisions, and there was some discussion of some of the bigger decisions you have had to make almost on the fly because of the two-year terms. The cons were much the same in the reverse of the other term that in North Carolina bigger cities we have stayed at two-year terms, but in many of the other cities in the state, in fact, probably two-thirds, there are four-year terms, and a good many with overlapping terms. Another con was that there really has been no public outcry at this time for a change from the current system, and finally there were votes in '85 and '92 in this county pretty overwhelmingly in the County side turning down the idea of going to four-year terms.

At the end of the day, there were six votes: Mayor Gantt, Natalie English, Dr. Gingrich, Betty Ann Hayes, Gideon Moore, and myself in favor of maintaining the two-year term. There were four: Kimberly Owen, Dr. John Jang, Pam Gordon, and Dr. Gloria Rembert in favor of the four-year terms. I think Harvey may want to add a note or two to fill in from what I have said, and then I know that Gloria would like to speak for the minority, but we appreciate the opportunity. We learned a lot. We got along great with each other, liked each other, and we are glad we are done with our meeting and we can report to you on the completion of our job.

**Former Mayor Harvey Gantt** said I really don't have anything to add. This is going to be a rare occasion where I think Mayor Vinroot totally summarized the position of the majority, and I feel as if I was privileged to work with a group of citizens who represented the diversity across the city, and what I really admired about the process was the level of civility we had to discuss these issues very thoroughly, to get the insights of the two Council members who appeared before us, and I think the decision we feel firmly about that, but we also because of the spirit of this committee wanted to have the opportunity to have Dr. Rembert come and give the view from the other side. So at this time, I will ask her to come forward.

**Dr. Gloria Rembert**, said I would like to say that I have been honored to serve on this citizens' advisory committee to consider this issue. Thank you also for this opportunity to present the minority opinion regarding the question of whether there should be four-year terms for the Mayor and the City Council. As the City of Charlotte continues to grow and expand, the magnitude of the issues, concerns, problems representative of that growth will also increase.

The demographics of the city have changed tremendously. We have individual and community needs that are different than they were ten years ago. This growth, we believe, will necessitate looking differently at how we look at issues and how we do problem-solving. Issues brought to the Council will need to be addressed with sound information gathering, quality forward thinking, and creativity. The process of information gathering can be time consuming, but if quality decisions are to be made, you will need the time. We believe that a four-year term is better for stability and consistency in leadership.

When new members come to the board and fall in step with how things are done, group think often prevails, and group think by definition can imply faulty decision making. We maintain that Council members do not develop and project their individual personalities until perhaps after a second or third term in office. We believe that it takes time for you to develop your Council legs and to feel comfortable at being an integral member of the team truly lending your expertise to the decision making process.

In addition, and perhaps quicker than you would like, you are faced with getting back on the campaign to ensure you are reelected for the next term. With your immediate focus on getting reelected, we cannot help but wonder about the quality of the decisions you make during this time and about whether or not you consider the difficult and potentially controversial issues at all. How much of your two-year term is actually spent genuinely focused and working on the issues of the people and of communities. Each decision that you make is an opportunity to educate the public not only about the issue but about the environment in which the decision is made.

Anyone watching as the Council grapples with issues and facts and figures should also be learning something about how to make decisions. The public should come to appreciate that effective decision making is about process – not just about an event when the vote is taken. As a reminder, there are would-be future Council hopefuls who are also watching what you do and how you do it. Your work on Council should provide for them a platform for learning about the issues as well as for learning about how to be a public servant. We also maintain that time can make the difference between performance and knowing about and advocating for the issues.

Knowing the issues involves taking the time to gather information, consider the facts, discuss alternatives, and establish and advocate for positions all for the purpose of making well-informed, people-focused, community-based decisions. We often see you perform for the purpose of getting reelected. Does your desire for reelection take front seat to the people, the issues, and the communities you represent? We are advocating for a longer term that would allow you to become a better contributing Council member before you have to begin to think about reelection.

When citizens vote you into public office, their expectation is that you will embrace your responsibility on Council with professionalism. Their hope is that you will look at the issues that come to you with focus and with the intent to render quality decisions that engender the public trust and that teach about our city and the issues with which it is confronted on a daily basis. Decisions are about people and about communities. They are dynamic, and they should not be made in a vacuum.

We believe that a four-year term for the Mayor and for City Council members can improve the workings of this Council and how it makes decisions for all of the citizens of Charlotte. We see this as an opportunity; not an indictment. We ask that you consider the following: Number one, the current two-year term is not in concrete. Step out of the box and consider a four-year term. Number two, a four-year term would put Council in step with other governing bodies or organizations such as the School Board. Number three, your areas of responsibility are vast and diverse. We maintain that it is difficult as a new Council member to embrace the depth and the breadth of your responsibilities in a two-year term.

Number four, we ask that you not focus on what might be lost by moving away from this current structure but that you focus instead upon the gains that could come from Council members who are advocates rather than performers, who can focus on the issues because they have the time. Number five, we ask that you consider four years staggered terms for Council members and that the citizens be given an opportunity to voice their opinions. Number six, we ask that you consider the positive fall-out from well thought out decisions by Council members who gain confidence in their decision making skills as a part of the process. Number seven, four-year terms would provide cost savings to the Board of Elections and local governments, which must staff those elections; and, finally, number eight, we ask that you not forget that you are all teachers and that your decision making process and the quality of your decisions may well be the curriculum for those who will someday take your places. Thank you.

Mayor Foxx said what an impressive taskforce and thanks to all of you who were part of it.

Councilmember Burgess said I want to say as the Council member who certainly has not gotten his Council legs up and going yet and as the member who also brought this up, I wanted to thank you all for your time. I really appreciate it. It means a lot to me, it means a lot to us that you would take time out of your busy schedules. I don't know if this is the end of this conversation or not, but we really appreciate your efforts.

Councilmember Mitchell said to the two mayors and Gloria and every member of the committee thank you so much and to this Council for embracing having citizens input. We had a tremendous discussion around the table should we engage our citizens, and this has worked with committee citizens who say we weigh in, we can do it in a timely fashion, and to the two mayors. Thank you for coming out of retirement. Last, but not least, to Eric Campbell. Eric and your staff, thank you for in a very quick timeframe you were able to put together notebooks and lead this discussion, so thank you.

Mayor Foxx said all we are doing is receiving the report tonight.

Councilmember Peacock said I wanted to congratulate Councilmember Mitchell. I express reluctance that almost a midnight decision to send this to committee. I felt as though with the combination of exhaustion during that time along with just my general reluctance towards forming another committee to form another committee. I want to thank you for what you did. It was good work. I read a lot of the Minutes that were provided to us. It looks like the mayors were very efficient in what they have done. I hope you can pull them back in for some other special assignment work.

Mayor Foxx said we are receiving this information. Is there any other stuff you want to do with the report at this point? Hearing no suggestions, we will await y'all's deliberation on that.

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#### **ITEM NO. 17: REDISTRICTING PLAN**

Mayor Foxx said we are not just moving this stuff around just to move it around. Ms. Carter has someone who is ill in her family, and she is driving back to Asheville tonight to be with them, so we are praying for your family and trying to make sure you get to these items before you leave.

Councilmember Carter said thank you, Mayor. I do appreciate the deliberations of Council. Do want to say thank you to the at-large members of Council who were part of this committee and to thank the district representatives who gave deliberation, who gave up precincts, and who received precincts. It was a very good process. The recommendations are in the booklet, and we do move their approval. It was a unanimous adoption by the committee.

Councilmember Mitchell said two things. I thought you did an excellent job of appointing Nancy Carter as one of her legacy as she leaves and enjoys life outside of Council. Thank you for your leadership. For those in Precinct 81, it was a pleasure serving you, but you are in good hands now in District 3, and my colleague, Warren Turner. So those are the citizens that vote at Allenbrook Elementary, you will be moving to District 3.

Councilmember Howard said actually I just wanted to thank Ms. Carter, too. She led us through this along with staff, and I wanted to acknowledge that.

Councilmember Carter said may I add the Planning staff was outstanding in bringing their statistics to us and our senior attorney, Bob Hagemann, did a really wonderful job guiding us through this.

Councilmember Dulin said in this process there have been some precincts that have had to move from one Council member district to another district, and that's because of State law and the percentages of people so that one district doesn't get out of whack population wise from another district. Those citizens that have been moved – a precinct moved here or moved there – will be

contacted with a postcard from the City and the County here pretty soon, so if you have been affected by this moving around, you will be contacted. If you don't get a card from us in the next month or so, then everything is the way it should be.

Councilmember Carter said Mr. Mitchell suggested that I read the precincts out that moved. This moves Precinct 56 from District 4 to District 1. It moves Precinct 8 from District 6 to District 1. It moves Precinct 36 from District 5 to District 6. It moves Precinct 93 from District 7 to District 6.

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Howard, and ]  
[ carried unanimously to accept the Redistricting Planning Committee's Proposed Redistricting ]  
[ Plan. ]

The resolution is recorded in Resolution Book 42 at Pages 994-995.

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**ITEM NO. 13: FY2012 AND FY2013 OPERATING BUDGET AND FY2012-FY2016 CAPITAL INVESTMENT PLAN**

Councilmember Barnes said, if I might, I would like to move to defer Section M, which is the CRVA contract, to our June 27<sup>th</sup> meeting. I and others have some interest in hearing a response from the board regarding the report that was released last week, and I believe they are working to communicate with us some of the issues that were behind the memo itself.

Councilmember Carter said I would like to move recusal of Councilmember Howard from Section N dealing with the Housing Partnership.

Councilmember Howard said could we deal with everything and keep that one separate so I can vote on the rest of it?

[ Motion was made by Councilmember Carter, seconded by Councilmember Cannon, and ]  
[ carried unanimously to recuse Councilmember Howard from Section N related to the ]  
[ Charlotte-Mecklenburg Housing Partnership Contract. ]

Mayor Foxx said we'll recuse you from Item N and have a separate vote on that.

Councilmember Peacock said if we are going to take a motion to approve Items A through N I know Councilmember Barnes has mentioned removing Item M. I would like to vote no on Item D when we get to the vote itself, so if you could pull that out.

Mayor Foxx said we can entertain a motion to approve Items A through C and E through L and then have separate votes on D, M, and N.

Councilmember Cannon said I would like to ask that we extract the item relative to water rates on the recommendation for the new rate structure, which actually falls under A. It's embodied in A, which is the FY2012 Appropriations and Tax Levy Ordinance that Mr. Hall would represent. I would ask that we vote on that separately.

Mayor Foxx said you want to vote on A separately?

Councilmember Cannon said I want to vote on specifically the new rate structure.

Mayor Foxx said, Mr. McCarley, can you think of a way to do that?

**DeWitt McCarley, City Attorney**, said I had a short conversation with Budget Director Ruffin Hall, and he says it's relatively hard to pull out that water rate. You might want to ask Mr. Hall if there is a way to do that tonight or if you need to defer it.

**Ruffin Hall, Budget Director**, said the action in Item A is the budget ordinance that covers a variety of funds including the utility budget for operating and capital. The feedback that I was giving to the City Attorney is if you wanted to change something in that particular Action A you would need to give us some direction about how you would want to modify it, but we couldn't do that calculation tonight as it relates to the water and sewer rates. You would have to make a motion to direct us to do something, go away and do a calculation, and bring that part back. There are multiple funds within Item A related to utilities. You could give us that feedback, and then we could go and do a calculation.

Councilmember Cannon said I'm not looking to make an ask to remodify anything per se. You can present your current structure as you have it presented. I would like to have an opportunity not to be in support of that particular item, so that's where I need some direction on how to proceed with that.

Mr. McCarley said that's the simple request. You just pull that out and vote on A separately.

Mayor Foxx said I think the option tonight is to vote on A separately.

Mr. McCarley said, yes, sir.

Mayor Foxx said we can't drill down any further than that.

Mr. McCarley said correct.

Mayor Foxx said if you want to drill down further on it you have got to defer it.

Councilmember Cannon said I make a motion to defer it.

[ Motion was made by Councilmember Cannon and seconded by Councilmember Turner to ]  
[ defer Item A. ]

Mayor Foxx said can you put some parameters around that?

Councilmember Cannon said that we would defer this item based on determining the new rate structure in terms of whether we want to move forward with what has been presented.

Mayor Foxx said you want to bring it back by June 27<sup>th</sup>?

Councilmember Cannon said if at all possible.

Mayor Foxx said there has been a motion and a second, and we are just voting on A in this motion to defer at this point.

**Curt Walton, City Manager**, said if you don't approve A there is not much you can approve because everything tumbles from A.

Councilmember Cannon said which is why I wanted to be able to extract it.

Mayor Foxx said you have the option of voting for or against A or we defer the whole budget, is that what you are saying?

Mr. Hall said if I could just express some concern about June 27<sup>th</sup>. This is a \$1.6 billion budget. That only gives us three days before the beginning of the fiscal year to get this budget – to make it go live. That is certainly your prerogative, and we will make that happen, but that will be a very difficult three days.

Mayor Foxx said I think we hear you. I think the question – we have a Council member who wants to pull out a certain piece of it, and I don't think that's possible.

Councilmember Cannon said sounds like I am hand- and hog-tied on this, and that's unfortunate. There are things actually within A that I do support, but I will just go ahead and make it plain to

bvj

say for the record that I am not for wanting to increase the rate structure that is currently on the table for us to consider largely in part – while I understand the purpose for the ask of the increase, I have some concern about getting my arms around those who use the least amount of water to have to pay more and those that actually utilize the most in the way of their usage having to pay less. I’m having a hard time getting my arms around that, so I just wanted to express why I wanted that extracted.

Councilmember Cooksey said I don’t want to drag this out, but I want us to be cautious about the way we present this because in speaking with people I have been surprised at a misunderstanding. When we talk about the way the new rate methodology that this Council approved months ago applies, people who use more water are paying much higher bills than people who use less water. I want to be very clear about that. I had people come up to me and say, “Why are people who use a low amount have to pay more than people who use a high amount, and that’s just not true. The rate structure once you get into your 1700 cf of water you are paying five times the rate of each of the first four.

The better way to phrase this that under the rate methodology this Council has approved people who use less water will see an increase in their bills. People who use more water because we are not going to charge them – they are not using any more – will see something of a decrease, but in terms of the actual billing amounts, let’s be very clear. A high water user is paying up to five times as much per unit of water than a low water user.

Mayor Foxx said there is actually a motion pending to defer Item A. Is that motion still on the table, Mr. Cannon?

Councilmember Cannon said will you get Mr. McCarley before I respond to this?

Mr. McCarley said I have also heard Mr. Cannon talk about it in terms of just voting on it separately so he could register his concern.

Councilmember Cannon said if that’s an option, Mr. Mayor, I would love to be able to pursue that.

Mayor Foxx said we’ll have a separate vote on A.

Councilmember Howard said, Mayor, a motion to approve B, C, E, F, G, H, I, J, K, L.

[ Motion was made by Councilmember Howard and seconded by Councilmember Carter to ]  
[ approve FY2012 Appropriations and Tax Levy Ordinance, the FY2013 Operating Resolution, ]  
[ the Capital Investment Plan Resolution for Fiscal Years 2012-2016, the FY2012 Pay and ]  
[ Benefits Resolution and associated Human Resources contracts, and other items related ]  
[ to the Annual Ordinance adoption.: B) The FY2013 Operating Plan Resolution; C) The ]  
[ FY2012-2016 Capital Investment Plan Resolution; E) Outside Agencies Contracts; F) ]  
[ Municipal Service Districts Contracts; G) Job Training Contracts; H) After-School Enrich- ]  
[ ment Contracts; I) Housing Development and Support Contracts; J) Storm Water Interlocal ]  
[ Agreement compliance; K) Other Budget Items; and L) Accept and appropriate an estimated ]  
[ \$50 million for the Federal Security Grant in support of the 2012 Democratic National ]  
[ Convention. ]

Mayor Foxx said I think we need to do A first?

Councilmember Cooksey said you just said it. Based on what the Manager said, you can’t do after other than A.

Mayor Foxx said I think we need to do A first. This is the FY2012 Appropriations and Tax Levy Ordinance.

Councilmember Cannon said I guess what I’m asking that would be inside of A, and if I vote against that I vote against everything within there; is that not correct?

Mr. McCarley said that’s correct.

bvj

Councilmember Turner said so defer it.

Councilmember Cannon said I'm hearing the concern relative to what the Manager put on the table about the deferral, Councilmember Turner, and that's a little concern to me.

Councilmember Barnes said I wanted to briefly, one, move to approve Item A, but also thank the members of the Budget Committee – Vice Chair Dulin, Members Carter, Peacock, and Howard for their service. Also I want to thank Ruffin Hall and the folks in the Budget Office, who do quite a bit of work for us, and they do it quietly. I want to thank a previous budget director, who is now the City Manager – Mr. Walton – for his advice and counsel throughout the budget process. All in all I think this is a very healthy budget. You all may have noticed that other governmental entities have seen substantial decreases in their budgets over the last couple of fiscal years, and ours has actually remained fairly healthy. We peaked out at about \$1.8 billion a few years ago. We now have been at \$1.6 billion or so for the last couple of budget cycles, so this is a good budget in my opinion, and I would move to approve Item A.

[ Motion was made by Councilmember Barnes and seconded by Councilmember Dulin to ]  
[ approve Item A. ]

Mayor Foxx said it's been moved and seconded.

Councilmember Cooksey said the question I had about a is because I have been trying to match our list here because the way we have operated this is our strategic operating plan – the full document. Question to the Manager is A is written as the appropriations and tax levy ordinance. I have tried to look through here. The way it is presented here is again different from how we have been dealing with it through the course of this effort. Does A include the allocations of revenue as presented in the Strategic Operating Plan, or is that more under B?

City Manager Walton said it's the allocations, but then contracts of a certain size are listed below, so it would allocate things to, example, CRVA, but you have held that up, so it is available but not appropriated.

Councilmember Cooksey said so the two issues by Council about school resource officer spending and the capital plan – well, actually the capital plan is a different section. But are the school resource decisions in A or in B?

City Manager Walton said in A.

Councilmember Cooksey said okay then I have to vote against A.

Mayor Foxx said let's have another vote on A.

**The vote was taken on Item A and recorded as follows:**

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

**NAYS:** Councilmembers Cooksey, Turner

Mayor Foxx said there are two nays.

Councilmember Barnes said I make a motion to approve B and C.

Mayor Foxx said can you add E through L?

[ Motion was made by Councilmember Barnes and seconded by Councilmember Howard to ]  
[ approve B, C, E, F, G, H, I, J, K, and L. ]

City Manager Walton said sorry to keep interjecting, but just for Mr. Cooksey's benefit the future years for school resource officers are in B as well.

bvj

Councilmember Cooksey said there is also a C issue I have, so thank you.

Councilmember Peacock said did we exclude D from this vote right now?

Councilmember Barnes said because of your request, yes, sir.

Councilmember Cannon said only one highlight, and it's L because the general public don't really what we are voting on going through these letters. L is actually to accept and appropriate an estimated \$50 million for the Federal Security Grant in support of the 2012 Democratic National Convention. Just want to make sure the people understand the security measures we are taking and will be taking to help out in the regard of making sure this community is as safe as it needs to be when that convention does come.

Councilmember Turner said, Mr. Manager, based on what you have just indicated is J also part of A?

City Manager Walton said, yes, sir, every part is part of Part A unless you specifically exclude it and vote on it separately.

Mayor Foxx said there is a motion on the floor.

**The vote was taken on Items B through C and E through L and recorded as follows:**

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

**NAYS:** Councilmember Cooksey

Mayor Foxx said now Item D, the FY 2012 Pay and Benefits Plan Resolution and associated Human Resources contracts.

[ Motion was made by Councilmember Mitchell and seconded by Councilmember Barnes to ]  
[ approve Item D. ]

**The vote was taken on Item D and recorded as follows:**

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

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

Mayor Foxx said Item M.

Councilmember Barnes said that motion was to defer that item to June 27<sup>th</sup>. It's a \$10 million contract with CRVA.

[ Motion was made by Councilmember Barnes and seconded by Councilmember Howard to ]  
[ defer Item M to the June 27, 2011, meeting. ]

**The vote was taken on Item M and recorded as follows:**

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

**NAYS:** Councilmembers Cannon, Cooksey, Peacock, Turner

Mayor Foxx said that's 7 to 4.

Mayor Foxx said Item N.

[ Motion was made by Councilmember Mitchell and seconded by Councilmember Carter to ]  
[ approve Item N. ]

bvj



**The vote was taken on Item N and recorded as follows:**

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

**NAYS:** Councilmember Cooksey

Mayor Foxx said let me just say a couple of things at the conclusion of this. We have just approved our budget, but for the citizens of Charlotte who are watching both in this room and at home, this budget is generally very good news for you on a couple of fronts. First of them is that this is a revenue neutral meaning that we have taken into account the revaluation, and we are actually reducing the City's property tax rate, and it is a show of strength that the city is able to do that.

Secondly, the City has zealously guarded its AAA bond rating over many years, and we expect to be able to claim that again under this budget, but there are issues that are lurking around the corner that we are very well aware of including the need to answer the question in future years about our capital planning. I have suggested to Council, and I would like to reiterate that suggestion that over the next several months we convene a group of citizens to work with us on our capital planning to help us look at our capital budget allocation, which typically includes transportation, neighborhood improvements, and affordable housing to help us not only make recommendations on future capital planning from a budgetary standpoint but also from the standpoint of operationally what is included in transportation, what is included in neighborhood improvements, what is included in affordable housing because I think there may be some ways to consolidate some of our capital planning through that process.

In addition to that, at a time when many cities across the country are literally laying off law enforcement officers, our city not only has a strong police force and has not had to do that but part of this budget is quite candidly moving us into a position to be able to fully support those that we brought on as part of the Recovery Act. Overall the City is still strong, and we are still working to improve quality of life, and we have the ability to do that under this budget, so this is the product of a lot of work that happens over the course of a year. I do want to thank our Budget staff, I do want to thank the Budget Committee for helping us move through this process, and for a recession we have actually been able to get through this process relatively unscathed, and that's a real blessing for our city and our citizens. With that, why don't we move to some of our other items?

Ordinance No. 4682-X to adopt the FY2012 Appropriations and Tax Levy is recorded in Ordinance Book 57 at Pages 150-162.

The resolution to adopt the FY2013 Operating Plan is recorded in Resolution Book 42 at Page 996.

The resolution to adopt the FY2012-2016 Capital Investment Plan (CIP) is recorded in Resolution Book 42 at Page 997.

The resolution to adopt the FY2012 Employee Pay and Benefits Plan and associated Human Resources contracts is recorded in Resolution Book 42 at Page 998.

Ordinance No. 4683-X to accept and appropriate an estimated \$50 million for the Federal Security Grant in support of the 2012 Democratic National Convention is recorded in Ordinance Book 57 at pages 163-164.

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**ITEM NO. 10: PUBLIC COMMENT ON TRANSPORTATION ACTION PLAN**

Councilmember Howard said I would like to thank the community for their participation in this update. Back in '06, the City voted to adopt the 25-year comprehensive transportation plan called the TAP, and we also voted every five years we would come together to address and update it to keep it a dynamic document. Since fall of last year, the staff has actually been working with the TAP Committee, the Transportation and Planning Committee to update this plan. They have been out to the community with an outreach effort to bring the public input in,

and we have gotten some great input. I would also like to thank the committee that has helped out with this: Vice Chair Barnes, Councilmembers Carter, Kinsey, and Cooksey.

Tonight what we are doing is actually getting input from the public, and we have a number of people signed up to basically two documents – a policy document as well as a technical document policy that outlines all the work that needs to be done. With that, Mayor, I don't know, Dan, if you have anything you want to add before we go into hearing from the public on it.

**Dan Gallagher, Transportation and Planning Manager, CDOT**, said we have a short presentation on the TAP update. As Councilmember Howard said, we have been meeting over the last six months with the committee to work through the TAP update. As you all know, a little background on the TAP, in 2006, City Council adopted the TAP. It was the City's first long-range, 25-year, comprehensive transportation plan. The TAP defines all of our policies, projects, and programs in one place where it can be easily accessed by our residents as we look to the future.

And, as we update this plan, we have a great model to work with. The TAP has been recognized as a model plan in 2007 by the Institute of Transportation Engineers and in 2008 by the Federal Highway Administration. The TAP is organized around five TAP goals. The first goal is centers, corridors, and wedges growth strategy, and we have often said our best transportation strategy is the right land use strategy, and we are pretty consistent on that. Goal two is about how we design our streets and making sure we design great streets when we implement and invest in our transportation system.

Goal three is all about collaborating with our local and regional partners. We all know that our transportation system doesn't end at our city boundary -- that people rely on our roads throughout the region, and goal three focuses on that. Goal four is all about communicating with our residents and making sure that people have all the information they need and know about the future of transportation in our community. Goal five finally is about funding and the transportation needs that our community has over the next 25 years.

Why are we doing an update now? Well, in 2006, City Council recognized that the TAP would not be an effective tool if it wasn't a dynamic plan, so you had a built-in mechanism that every five years we would take a fresh look at the plan and update that information, and that is what we have been doing with the Transportation and Planning Committee over the last six months or so.. There is a lot of good news as we embarked on the update. There is a lot of good news in terms of City Council, since 2006 when the TAP was adopted, increased funding for transportation significantly. Over the last six years, you have programmed about \$390 million in transportation investments, and this map tries to convey the intersection and road improvements that have either been implemented or are programmed to be implemented with that funding, and that is a very significant funding level that we have a lot to be proud of in our community. He used a map to illustrate his comments.

A quick summary of some of the projects we have done in the last five to six years: Rozzells Ferry Road, Charlottetown Avenue, Cindy Lane, East Boulevard, Hickory Grove Road, Old Pineville, Prosperity Church Road, Stonewall Avenue, Morris Field Drive – intersections like West Trade and Rozzells Ferry, the intersection at Woodlawn and South Boulevard, the intersection at John Kirk and 49, and two of the biggest projects that the City has ever undertaken the Fred D. Alexander project and the interchange-weave area at 29 and 49. These were all substantial projects that make a difference in our residents' lives each and every day.

Other key achievements since the TAP was adopted is our city has become recognized as a national leader in complete streets, and we have sort of led the way, and now NCDOT is working closely to advance complete streets on their projects, so that ultimately is going to make a big difference in our community.

We also have a lot to be proud of in terms of we are becoming a bicycle friendly city. We had virtually no bicycle facilities six, seven years ago. We now have over 100 miles of bikeways in our community. When you overlay that on top of the greenway system, we are quickly becoming a bicycle friendly city, and the TAP will continue to help us get there. Also over the

last six years we have implemented over 100 miles of new sidewalks and working to strive to make our city more walkable each and every day.

You can't get too far in the TAP before you ultimately have to talk a little bit about funding, and we have, again, a lot to be proud of. This is a chart that shows transportation bond funding since 1962, and you can see progressively the City has increased transportation funding over the years to a high point in the 2008-2009 time period where over \$82 million a year was being spent on transportation investments, and that is a trend we are hoping to continue with the update of the TAP.

As we worked on the TAP update, we did a lot of public involvement. We had two public kick-off workshops in February. We worked on a TAP kick-off video that a number of you were a part of as we did that. We had an internet survey. We had a final workshop in April, and finally we also posted both the TAP policy documents on line. We received comments, we responded to those comments, and I think you received that in your packages earlier this week.

On the Internet survey, there was lots of great information we received, but a couple that I just want to draw your attention to, and we asked residents what do you think about or are you concerned about Charlotte's transportation conditions today. About 74% of them said they were either very concerned or concerned, and as we asked them to look to the future on their level of concern, about 84% of them were either concerned or very concerned. So, the TAP, I believe, helps to shape answers to those questions and concerns because it clearly lays out the 25-year framework or guidelines on how we will address our transportation issues.

In the TAP policy document, ultimately that will be the document that you will be asked to readopt. We have updated the TAP based off public and committee input. We have updated all the project costs with the latest information. We have eliminated some of the projects that were already completed, and we have gone through and refined policies, added a few new policies, and landed on a transportation action plan at \$100 million a year funding level, and we'll talk a little about that in just a second.

With regards to \$100 million a year funding level for transportation over the next 25 years, what that does and what that will ultimately implement in our community is we currently, for example, bridges – we currently maintain 93 bridges in our community. This allows us to inspect them every two years, make repairs, and replace them as needed. That's a pretty core component of what we do. Also this plan will allow us at \$100 million a year to do 50 thoroughfare projects. That's two major thoroughfare projects every year throughout our community the next 25 years.

Jumping down, it allows us to do 50 major intersection improvements. We currently maintain 750 signalized intersections, so one out of every 15 intersections would undergo a major transformation with this plan. I know we are all interested in street resurfacing and making sure we maintain our streets correctly. This plan will allow us to maintain at a 12-14 year resurfacing cycle, which is the optimum goal for maintaining your streets. Just jumping down at a couple more – 150 miles of new sidewalks and to repair our sidewalks as they break down, and finally in 2008 you adopted the Bicycle Master Plan. This plan would allow us to implement that plan and stay on schedule with that plan.

In terms of next steps, we are obviously at the public hearing tonight. We plan on bringing this back to the Transportation and Planning Committee in July for their final recommendation and ultimately back to you for a final decision in August.

Mayor Foxx said we have 11 speakers who signed up on this, and although everyone has three minutes, I will share with you that efficiency would be greatly appreciated because we have another series of items with lots of other speakers as well.

**Greg Boulanger, 5405 Flower Dogwood Ln.**, said I'm here tonight to speak in support of the TAP update. I'm both a citizen and a transportation professional engineer in Charlotte. As a transportation professional, I'm confident that this plan update will continue to benefit elected officials and City staff to make day-to-day and long-term transportation and land use decisions. As history has shown, even in these tough economic times residents of Charlotte still find it

important to invest in our transportation infrastructure. I encourage City Council to do what is in their power to follow this plan and support future transportation and bond referendums. By adopting this plan, you will show citizens that you will continue to address concerns, needs of the transportation users not by reacting to problems but by being proactive and improving our quality of life. I would like to commend the City of Charlotte for all their hard work in developing the goals, policies, and objectives that will continue to energize and serve the community.

**Dan Faris, 6000 Rose Valley Dr.**, said I'm the chairman of the Bicycle Advocacy group here in Charlotte, and once again I stand here in support of passing a Transportation Action Plan update. We thought it was a very good plan before. We think it's a better plan now. We think staff has worked very hard through surveys, public hearings, and other ways of contacting citizens to find out their concerns, the questions, and their desires. We think staff has answered those questions. We think this plan is good, not just for bicyclists, but for all of our citizens. It is a way to pave Charlotte for the future of all transportation. We think it is something that has been considered carefully, addressed well, and even in these economic times we feel like the City of Charlotte is strong and looking forward and moving ahead and will adopt this plan. We hope you support that. We hope you are going to pass this new TAP update and continued to make Charlotte a leader in transportation.

**Dick Winters, 4716 Montclair Ave.**, said I will simply read to you a letter of support that was put together at the May 24<sup>th</sup> meeting of the Bicycle Advisory Committee, which I chair. "Dear Mayor Foxx and the Charlotte City Council. The Bicycle Advisory Committee would like to extend its endorsement and recommends continued funding of the five-year update to the TAP. The committee has closely followed the development and content of the TAP and is of the opinion that it addresses the City's transportation needs. The bicycle committee is particularly pleased with the provisions that relate to bicycle travel. Many believe the TAP will provide the needed guidance for directing the future development of bicycle facilities and programs in a timely and cost effective manner. We believe the TAP helps further the needs and safety of bicyclists and helps to create a more bicycle friendly city through the following: recognition of the bicycle as a transportation option, provision of bicycle facilities through street projects and maintenance, the recognition of the need for bicycle parking, coordination of off-street facilities with sign routes and on-street bicycle facilities to create a consolidated and well connected network of bicycle facilities, improved connectivity of low volume streets to provide bicyclists with safer options and limited exposure on major traffic arterials, and finally improved intersection designs to reduce risks to bicyclists. The Bicycle Advisory Committee is pleased to offer its favorable recommendation for the adoption of the updated TAP by Charlotte City Council." Signed by me, Chair. I will leave the original and copies of these for Council with the City Clerk.

**Laura Park-Leach, 529 Stanhope Ln.**, said I am the VP of the Personal Adjustment and Rehabilitation Department of the Metrolina Association for the Blind. I represent more than 8,000 people in the greater Charlotte area that are blind and visually impaired. Many of these people are dependent on public transportation as a means to remain active, independent members of the community. Charlotte's Transportation Action Plan designed to create a walkable city that has parks, schools, greenways, retail stores, and employment near residential areas provides the type of environment that is critical to our clients. It means that they may walk from their home to the grocery store, doctor, or YMCA. It means they have the opportunity to independently complete housekeeping tasks but also have a chance to attend church, volunteer, or travel to work. TAP includes 150 miles of sidewalks for our citizens. For people who are blind, that not only provides a safe place to walk away from traffic; it represents a defined path for orientation that is smooth and reliable with each swing of the cane. The directionality sidewalks provide is one of the methods used to set up an accurate street crossing when you cannot see. TAP also includes upgrades of 375 intersections to include accessible pedestrian signals or APS. APS is a device that communicates information about pedestrian timing in a non-visual format such as audible tones, verbal messages, and/or vibrating surface. The locator tone can be heard as they approach the corners so they know where the pedestrian button is situated. That is important because to activate the button alerts the system that a pedestrian is waiting at the corner to cross the street. The alert could potentially increase the available time to cross. It also has an audible and vibratactile alert that the walk signal is on to cross. Research indicates that a person who is blind is faster at stepping off the curb to begin the crossing when APS information is available to

them. The result is that the pedestrian initiates the crossing before the first car begins to turn across their path thus decreasing the potential for a pedestrian-vehicular incident. There is a long waiting list for requests for more intersections to be outfitted with APS. Each request represents a citizen who is blind, who is attempting to safely cross the intersection. Thank you for giving me the time to express my complete support for the TAP.

**Shannon Binns, 1413 Briar Creek Rd.**, said I direct a nonprofit called Sustain Charlotte. We support this update to the TAP because it is a long term plan that recognizes the important relationship between transportation, land use, public health, and our economy. In fact, in the plan's introduction, we are reminded of the goal that the Transportation and Planning Committee established last year to become "the premiere city in the country for integrating land use and transportation choices". This is the kind of visionary goal we need, and this action plan details what we must do to make this vision a reality. What would this reality look like? Let me paint a brief picture for you. Imagine most residents being able to quickly and easily get to work and back home, spending less time sitting in traffic and more time with their loved ones, an extra hour a day to help their children with homework or an extra hour to simply go for a walk. Imagine employees who are more productive at work because they spent less time commuting and more time at home. Imagine, if you will, more children riding the school bus, walking, or biking to school than are driven in cars. In short, imagine a transportation network that keeps pace with our region's growth. Through the public involvement process, we worked with staff to refine some of the policies in this plan to make a stronger connection between land use, transportation choices, and vehicle miles traveled or VMTs. Why? Because the nearly 20 miles the average resident of the Charlotte region drives each day is costing us heavily. First, congestion costs us \$535 million per year in wasted fuel and lost time. It has also led to us becoming one of the largest emitters in the nation of greenhouse gases, the gases that are causing climate change. In fact, transportation is the largest source of carbon emissions in Charlotte contributing 34% of our total emissions, and, third, it's costing us our health. Nationally between 1977 and 1995, the average amount we walked fell 42% while our auto use increased at three times population growth. The link between public health and walkable neighborhoods is so strong the CDC is now recommending investments in pedestrian and biking facilities to help counter our obesity epidemic. All of these costs are not inevitable however. While it is true that the more we spread out the more we must drive, the opposite is also true. By increasing our focus on creating walkable communities rather than communities designed to simply move around cars, we can dramatically reduce how much we need to drive and how much money we need to spend getting where we want to go. I hope you will pass this plan in August and then increase transportation funding to realize not only the goals in this plan but also the economic, environmental, and societal benefits that doing so would bring to our city.

**Meredith Ledford, 4334 Park South Station Blvd.**, said I am the coordinator of the Healthy Way Healthy Child Initiative, a community program focused on addressing child obesity in the community. We recently released an action – the Blueprint for a Healthier Generation 2020 – which includes numerous policy and program interventions to promote active living and healthy eating among youth and family. A key policy intervention of this plan is to work with the CDOT on policies and programs that promote or provide opportunities for active living. In this vein, by invitation from CDOT staff, I submitted comments to the draft TAP advocating for the inclusion of language that promotes active living and recognizes the connection between transportation, public health, and child well-being. We know that children who live where they can safely walk and bike to school and play are generally happier and healthier. These comments were accepted and included in the final plan. CDOT recognizes that living in a growing and sprawling community can limit the opportunities to incorporate physical activity into daily life if action is not taken. Communities that are spread out run the risk of limited connectivity to other communities and services and often have no walking, biking, or public transit that allows people to home, school, work, or play safely. Research demonstrates that how we build our transportation system, how and what modality we use them, and how we get people from one place to another affects community health and limits opportunity for daily physical activity. Auto-oriented communities and those plans that focus on these efforts therefore directly link to lower rates of physical activity. In turn, lack of physical activity can lead to higher rates of obesity in our community. According to the most recent data available from the State Youth Risk Behavior survey, one in four public high school students in Mecklenburg County are overweight or obese with higher rates among students of color and students in low-income households. Additionally, more than half, roughly 56%, are not physically active on five days

or more during a given week. Charlotte needs a comprehensive commitment to build transportation networks to serve our current needs and future generation needs to get from one place to another in a way that enhances our health while optimizing the trade-offs from our transportation and development needs. Luckily for our community, CDOT recognizes the intersection between transportation, public health, active living, and childhood obesity, which is made evident in the comprehensive TAP.

**John Autry, 4728 Amity Pl.**, said I just wanted to let you know that most household daily trips in this country are less than three miles, and I want to be able to do as many of those trips as possible on my bicycle. As a resident of Coventry Woods near the intersection of Sharon-Amity and Independence, supplementing my transportation needs with a bicycle takes some determination and some planning. TAP would help me and my bicycle to better connect with other neighborhoods and local businesses without the expense and environmental impact of always having to resort to a car. TAP will improve our quality of life and assist economic growth. TAP benefits all transportation users, not just automobiles. TAP means Charlotte's future will be more environmentally sustainable, and the adoption of TAP will contribute to an even brighter future for our city.

**Haley Beaupre, 1510 Scott Ave.**, said I am here in support of the TAP update. Three hundred and sixty four days ago I arrived in Charlotte in a U-Haul on a journey that began in my hometown of Minneapolis, Minnesota, and when I moved here, I was very well aware of the fact that I was leaving behind one of the most bicycle friendly communities in the nation, but what I was not prepared for was how great the momentum here in Charlotte is in the community, with individuals and groups, surrounding issues such as transportation initiatives and bicycle friendly commuting and living. I currently live in the Dilworth community and commute to work in uptown by either bus or bike, and what I am hoping for with this TAP update is that this momentum that I have seen in the past year and have been inspired by different individuals would be able to be moved into an implementable plan, which is seen in the TAP update – something that would be both funded and then finally executed in what I believe would result in a more livable community not just for those who consider themselves cyclists or already environmentally friendly, but I believe that it would provide all citizens of the community of Charlotte a more livable place to be.

**Martin Zimmerman, 1616 Bonnie Ln.**, said I am the executive director of the Charlotte Area Bicycle Alliance. As I'm sure you know from the past two or three weeks ago when I spoke here, I fully support the TAP. Just a quick personal reminiscence, if you will. I moved here in 1992. I moved to University City, at which time there really wasn't very much out there, but it reflected a long-range thinking that the executive director of the City Planning Commission at that time with City support was able to get development moving north instead of south and showed definitely a far-sighted conception for the direction of growth for this community. The TAP shows the same kind of far-sighted vision for the future for this community, and as other people have said, it integrates different modes of traffic. These are all things I'm sure you know. I just hope you will support this TAP and most emphatically that you will support the funding. A plan is a plan, but without support of the funding in the City budget, without support of the bond issues I spoke to you a few weeks ago about, \$100 million may be the right investment at the right time as we have done in the past for bond issues in the last ten or 12 years.

**June Blotnick, 1930 Mecklenburg Ave.**, said I'm the executive director of Clean Air Carolina here in Charlotte, and I'm here to express Clean Air Carolina's support for the proposed five-year update of the TAP. We are especially appreciative of the City staff's acknowledgement that reducing vehicle miles traveled per capita is critical to improving the region's air quality and that the City will continue to coordinate with regional partners to develop and implement strategies to reduce per capita vmt, and Clean Air Carolina would like to be one of those partners. As most of you know, the American Lung Association in April designated Charlotte the tenth smoggiest city for the second year in a row, and we know that most of the nitrogen oxide in Mecklenburg County and in our region that contributes to ozone comes from tailpipes, so reducing the vmt is very important. Even though cars have been getting cleaner and fuel economy has inched its way up, our growing population and sprawling development patterns have resulted in residents traveling more miles just to get to work and their jobs, to schools and other venues. Our mass transit system, while it's getting better, has not really been able to keep pace with the growing population. The TAP prioritizes the integration of land use and transportation choices, which

lays the foundation for creating a strong multi-modal transportation system. It is an ambitious plan, but it's a necessary investment if we are to encourage people to park their cars and reduce vehicle miles traveled, which contributes to cleaner air quality. Atlanta is a good example. We were able to bring the director of Atlanta's clean air campaign here to Charlotte last year, and the business community there supports a number of really strong programs to create a multimodal transportation system down there. Just one program called the Commuter Rewards Program has over 70,000 people participating in it. Commuters there can earn \$3 a day for each day they use a clean commute like carpool, like walk, use public transit, or telecommute, and they can earn \$100 over a 90 day period. I just wanted to close by showing you this newspaper picture, which most of you probably saw last week, which is a picture of our smoggy city – not a pretty picture for our front page. I have lived here for 26 years. I have never seen that kind of picture on the front page. We have over 53,000 children in our region that have asthma. School has just let out. That's a lot of kids that have to stay indoors, and I know all of you care a lot about air quality and you want to do something about it. The TAP is an important step in that direction.

**Andrew Israel, 5937 Quail Hollow Rd.**, said I live in the SouthPark area. I also work for Bank of America. I moved here in 2006, and I have to say that as an avid cyclist I have cycled in a lot of places in the United States, and I think my commute from SouthPark to downtown is terrific. I want to thank the members of the City Council who supported the adoption of previous bike lanes, and I want to just continue to encourage you to support things like TAP. As an example, average car in the United States it's estimated 137 to 160 horsepower. It's almost like having 137 horses in your garage. We don't really need that much horsepower just to get from your home to your job. The thinking behind owning a very big, powerful car is sort of an acronymism if you think about the amount of pollution as this woman who was just up here demonstrated. The decisions we are making on an individual basis in aggregate are starting to create a negative situation, so if we don't start thinking about air and taking care of the environment, I'm afraid that soon it will be too late. I have a daughter who is very healthy, but she suffers from asthma, and she was absent from school 20 days. As we all know, high octane gasoline contains a lot of particulate, and the other thing about gasoline is once we spend all that money on gas, that money is gone. We have gone through a period where gasoline has gone up almost 20% over a year last year. People who are paying for gasoline are paying more for gasoline than they are for food, and that also affects our economy because if you don't have money to buy groceries that's less money that is coming into the coffers of local shopkeepers, less money for taxes. What I think would be a really by-product is if we adopt a TAP plan just from a differentiation standpoint our city will be able to market itself as a green city, and, therefore, attract new residents who may not have otherwise considered the city, which will also help our tax base.

Mayor Foxx said that concludes the speakers, and thanks to all of those who have come to share with us tonight. The TAP is clearly a very important document as we talked about before with the budget. One of the lurking questions for us in future years is programming in the kind of funding to be able to continue building out the action plan.

Councilmember Turner said I want to make a few comments because I think it would be reluctant of us if we fail to acknowledge very seldom do we get to sit here and hear that many people – 11 actually – that signed up that supports something and found the good in it. I know for the last seven years I was vice chair on Transportation, and before even then, it's a vision, and I have to give credit to our staff and to our past city manager, our current city manager, and this Council and the past Councils. We didn't get here overnight.

We are not going to get there in a short period of time what we should be, but without a doubt, listening to the comments tonight and just seeing the improvements, and I was just sitting here as I went through the list and when staff was presenting their presentation, and I thought about the improvements I have seen just in a very short time. Today we have lanes and improvement and landscaping up and down Nations Ford, Arrowood, South Tryon, Highway 160 and Old Steele Creek where we will be doing a ribbon-cutting this month, Fred Alexander Boulevard, Clanton Road, South Mint Street, Morehead, Freedom, Tuckaseegee Road, Freedom Drive, Wilkinson Boulevard, Tyvola, and Archdale. And, I just named a few of those streets because being a native I realize that those streets used to be just for cars.

Today we have sidewalks, planting strips in the medians to offset those things, to help take away the impact of the emissions that we deal with on a day-to-day basis for those things that people

have brought to our attention. It was not an easy process. It was something we all wrestled with with the funding aspect of it and just the change in the way we do business and thinking outside of the box looking towards our future. I just wanted to take a moment to commend this government – the past and current – for their vision and hopefully that the future Council and those that come as our future employees, our City employees, will continue to go down this road with TAP to make sure that we do have a place where we all can continue to live and I truly won't have to worry about those things as the gentleman just indicated and the lady about asthma. I know that from firsthand because my daughter was diagnosed with it after we left and came back to Charlotte. We was on vacation and returned, and she took ill, and they diagnosed her with having asthma. We know it has its worst outbreaks when we are at home, so I hope we will continue down this road and continue to do what's right. It's just not building sidewalks and planting strips, but it's also saving our trees and replanting trees, and we have done a great job in doing that.

Councilmember Howard said in closing two things. One thing I wanted to do is thank the environmental community. You guys actually proposed some language on how to deal with lowering our carbon emissions, and Dan and his staff actually put that in, so thank you for that collaborative of sharing information and Dan for you guys taking that in and putting that information in. Another thing I wanted to do is see if I could indulge Council to refer to the Transportation and Planning Committee the recommendations from the Committee of 21. On that committee, which I was a part of, met a couple of years ago and made some recommendations on how to fund future road projects. A huge part of this document, the technical document, talks about how we get at that. Just to start that conversation, I would like to go back to the committee recommendations and start from there. So if the Council will indulge me on that so we can get it back on that agenda that would be great.

[ Motion was made by Councilmember Howard, seconded by Councilmember Mitchell, and ]  
[ carried unanimously to refer to the Transportation and Planning Committee the recommen- ]  
[ dations from the Committee of 21. ]

\* \* \* \* \*

#### **ITEM NO. 11: CITY MANAGER'S REPORT**

**Curt Walton, City Manager**, said in anticipation of the next item I asked Mr. McCarley to address along with several of his staff members several legal issues relative to the Airport taxi agreement situation. First, as you know, there is legal action against the City by King Cab. King was one of the originally recommended three companies. It was subsequently replaced by City Cab, so we wanted to update you on that. Second, you received some communication last week by one of the companies making allegations against Crown Cab. We wanted to address that situation. Finally, there is legal action challenging the validity of our RFP process, so wanted to update you on all three of those as we head into the next item, so I will turn it over to Ted Kaplan to talk about the King Cab issue.

**Ted Kaplan, Assistant City Attorney, Airport**, said earlier in May Kashmary Enterprises doing business as King Cab, one of the proposers under the Airport taxi RFP and one of the selection committee's original recommendations, filed a lawsuit against the City and the Aviation director arguing in essence that the RFP selection process was violated when the City Manager recommended that City Cab replace King Cab after learning of the criminal history of several of the Kashmary Enterprises' owners – owners' criminal history, excuse me.

As part of this lawsuit, Kashmary Enterprises filed a motion for a preliminary injunction to essentially freeze the RFP pending the full litigation. This motion was heard this past month on June 6<sup>th</sup>, and the judge ultimately denying the motion on the grounds that Kashmary Enterprises did not have a property interest in a recommendation alone, and the City was not contractually bound under the RFP given the language in the RFP document that any decisions made by the selection committee were subject to City Council's consideration.

**Leila Lahbabi, Assistant City Attorney**, said recent allegations that Crown Cab is being investigated by the FBI actually appear to be misleading. We talked to an attorney from the



Mecklenburg County Department of Social Services, to Crown Cab, and to Crown Cab's long-time attorney, and based on the information that we have been able to gather City staff does not believe that there is any real cause for concern. The FBI, we also reached out to them, but obviously they cannot discuss their investigations, and anyone assisting the FBI is also unable to discuss their investigations because that could jeopardize their efforts. However, Crown Cab's attorney is able to tell us that he is confident that Crown Cab and its staff are not the subjects – that the FBI is not interested in Crown Cab or its staff except as sources of information.

In fact, long before the FBI ever made contact with Crown Cab, Crown Cab was proactively trying to ferret out some of the relatively few instances of driver related fraud in the administration of their contract, and Crown Cab was fixing those issues with the Department of Social Services. So the recent rumors actually stemmed from a contract Crown Cab held to provide taxi service to DSS clients. These clients needed transportation to various medical appointments. The drivers were supposed to confirm to Crown Cab that they had actually taken the scheduled trips, and based on that confirmation from their drivers, Crown Cab billed DSS and awaited reimbursement from them.

In the relatively few instances when Crown Cab was able to determine that their drivers claimed they had taken trips that they had not in fact taken, Crown Cab immediately notified DSS, corrected the billing, and made any refunds that were required. DSS confirmed this information. DSS told us that, yes, on more than one occasion Crown Cab had reached out to them and said they had discovered some irregularity and what their drivers had told them. Crown, therefore, corrected the billing and made any refunds that were required.

Any implications stemming from news stories or from competitors that indicates that Crown Cab has done anything wrong do not appear to be substantiated at all. In contrast, Crown Cab's description of working to proactively identify driver fraud and ensure they have correctly billed DSS have been substantiated. In fact, DSS went on to applaud Crown Cab for being one of the few, if not the only company they worked with, who took steps to purchase and install a GPS tracking system so Crown could figure out exactly where their drivers were and thereby cut down on any abuse. We wanted to provide you with this update, and Mr. McCarley will update you on our other lawsuit.

Councilmember Cannon said, Leila, before you leave, one, I believe, as I understand it, this by the FBI is an across-the-board probe per se.

Ms. Lahbabi said, yes, sir, that is our understanding as well.

Councilmember Cannon said it also would involve maybe other transportation companies, other entities out there per se.

Ms. Lahbabi said, yes, the information we have received is that the FBI may be looking into contracts with government authorities and various taxi companies, yes.

Councilmember Cannon said you made mention of Crown going ahead and rectifying the billing. I'm glad to hear that. What you did not make mention of though was what happened with the drivers per se? Are those drivers still with the company? Have they been dismissed? Were they suspended? What was the action there?

Ms. Lahbabi said my understanding both from Crown Cab and their attorney is none of those drivers remain with Crown Cab. I believe you received or there may have been a news story stating that the drivers had been suspended rather than terminated. I did ask Crown's attorney about that, and what he explained was that any driver that Crown caught cheating, and, by the way, Crown says this was a very small percentage of drivers that were doing this. But any driver they found cheating they suspended, but they gave such stringent conditions for a probationary return that none of the drivers actually returned.

Councilmember Cannon said I only asked that question specifically because I don't think we should maintain any level of any tolerance for drivers that are going out here trying to defraud people accordingly, so I will end with that.

**DeWitt McCarley, City Attorney**, said let me take one last shot at putting this in perspective for you. We have been sued several times now over the RFP process and several other threats of lawsuits. Here's the context though. There is no state or federal law that requires the City to run any kind of RFP process to make this decision at all. Nobody who is complaining to you has any right to any process at all. What has happened so far is that you have gotten a recommendation from a selection committee that was appointed by the Aviation director.

That recommendation was modified by your City Manager, a very normal thing that happens with a lot of things you do and consider. You sent that back to one of your committees – the Community Safety Committee – to look at the issue, again, a very normal thing you do and something you have complete and total discretion to do. The bottom line for us as your lawyers on the lawsuits that have been filed and threatened is that you have an absolute right to make this decision tonight and to make it on whatever basis you choose. There is nothing illegal about what you have done to this point, and it is on your table for a decision if you choose to do so. It is a policy decision – not a legal decision, and we would encourage you to make the decision you feel most comfortable with and we will defend it.

Mayor Foxx said we have several speakers who have been lined up to discuss this item.

Councilmember Peacock said I want to make a motion because this will be the second time we have heard from this audience, maybe the third or fourth time, to reduce time to two minutes per speaker just for clarity purposes because the time in which we have all been here today.

[ Motion was made by Councilmember Peacock and seconded by Councilmember Barnes to ]  
[ allow each speaker two minutes to speak. ]

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

**AYES:** Councilmembers Barnes, Carter, Howard, Kinsey, Mitchell

**NAYS:** Councilmembers Burgess, Cannon, Cooksey, Dulin, Howard, Turner

Mayor Foxx said we will go with three minutes. Efficiency is helpful.

**Moe Moustafa, 2917 Rozzells Ferry Rd.**, said my father is the owner of Universal Taxicab Company. I hope you take in consideration what this vote will do. A lot of men and women will be without jobs, which includes 450 drivers, 45 dispatchers, and nine mechanics. Universal Cab is the reason I have food, clothes, and shelter today for the past 15 years of my life, and 50% of this income comes from the Airport. Universal has been in business for over 20 years and serving Charlotte-Douglas International for about 14 years. Universal Cab has the newest fleet and highest technology in business including state-of-the-art digital radios, which is used by Charlotte-Mecklenburg Police Department. All of the fleet is owned by Universal Cab, which makes it easier to manage, maintain, service, and fix any problems. Universal Cab has been rated number one taxicab company for the past four years. Everyone in Charlotte, including you ladies and gentlemen, know that Universal is the best to serve and accomplish the tasks for Charlotte-Douglas International Airport. Due to discrimination and problems towards my father, they have skipped over Universal Cab and chosen a company, City Cab, which has no background in serving the Airport. The RFP at the Airport requires having two years of tax returns, but the company has not been in business for a year. Also in the rules of the Airport RFP, no one can submit a proposal who has filed for bankruptcy. Taxi USA filed for bankruptcy in Ft. Lauderdale, Florida, where they brought their own cars to the City of Charlotte. So, ladies and gentlemen, please take this information in mind that I have provided today. Vote no, and do not pass the selection. Mr. Anthony Foxx, you promised the drivers that no one would lose their job and veto this. Today is the day to fulfill your promise.

**Chad Moustafa, 2917 Rozzells Ferry Rd.**, said I am the son of the owner of Universal Cab Company. Our company was one of five finalists selected through the RFP process to make presentations to the selection committee. I strongly believe that Universal Cab is the best in the City of Charlotte and the largest owned fleet. A review of the proposal clearly shows that we should receive an operating agreement. Universal Cab has almost 20 years of business and over 1,000 years of experience compared to the less than one year for City Cab. Universal Cab owns

a 5,400 square foot maintenance facility with ASE certified technicians, and there are only new genuine replacement parts. Some of the other proposals did not even address how they could or would be able to maintain their vehicles. The new City Cab has no cars and has never filed taxes and also has never paid employment taxes. City Cab received their federal tax ID number after March 28, 2011, therefore, choosing company will show a lot of flaws. City Cab has not been chosen because they have the best proposal. They have been chosen because they had the best connections with some of the City Council members. Universal Cab has one of the largest fleets, and we have purchased 35 new R-35 Mercedes Benz to serve the Airport. Compare that to City Cab, who has not enough vehicles to even serve this round in cities. Universal Cab has the latest technology from front seat GPS and back seat swipe credit card devices. We have front seat automobile data, terminal GPS and navigation. In the back seat, we have hypercalm, swipe, and touch screen payment terminal. This is the latest cutting edge technology. Ladies and gentlemen, Universal Cab was snubbed because of the RFP selection process, was hijacked by the HTA. An HTA board member on the selection committee had a personal ax to grind against me. This process has failed, and we urge you to vote against the agenda item tonight.

**Gregory Hunt, 1018 East Blvd.**, said I represent Universal Cab. I was here on March 28<sup>th</sup> at the same time discussing how the RFP process is flawed. I'm back here tonight to reiterate what we talked about then. On policy grounds, this should be rejected by this board. First, as the recommendations went forward, you selected one company without knowing. All of a sudden, it turns out that they are owned by felons. As we go back, we come here on March 28<sup>th</sup>, and for some good reason, the vote was delayed. We learn now that another company is being investigated by the FBI. The Airport wants you to believe that it's okay when look at what they want you to rely on, and that is self-reporting by the company's attorney – not the FBI. Now they want you to approve an RFP to have that company at the Airport with those same kinds of drivers. It says something about their decision making and how they are hiring, and they want the board to rely on it. Finally, the RFP process is flawed because it will ruin this recovering economy. These workers are going to be unemployed. When you call the companies who are selected, at least one of them a dispatcher will pick it up in Utah, and that money is also going to support an economy in Massachusetts – not the economy of Charlotte. This process is flawed. It needs to be stopped. Now you have the power to do that, and we are asking that you do that. Another thing that I find as a policy that this process is flawed is that under the pretext of lifting consumer benefits – that it is going to benefit all the consumers that are coming out at the Airport --- you are going to shrink and narrow competition. I have never read that in any economics textbooks that I have ever read – not one – that you limit competition and you are going to increase customer satisfaction. That is absolutely wrong. Thomas Jefferson, one of the founders of this country, stated, “many small firms”. That's what it's about – many small firms, and this RFP is doing the exact opposite. It is limiting competition, and the government is taking its hand to prop up those that are selected. That is not what this country is about. That is not what is going to make Charlotte a better place for myself, my kids, your kids, and all these people that are here. That's not what it's about, and we are asking you to stop, to stop, to stop and reject this plan. It's not good for the city, it's not good for the DNC that is coming here, and it's not good for Universal Cab.

**Jeff Davis, 101 W. Friendly Ave., Ste. 500**, said I'm an attorney, and I represent Universal Cab. I will be referring to my letter to you in my remarks. My letter has already been circulated to Council. I regret to report to the Council that the RFP and selection has failed, but there is one piece of good news for you, and we'll get to that in a minute. Let's start with the review of where we have been first. The RFP and selection process was doomed when a member of the board of directors of the Hospitality Tourism Alliance was placed on the selection committee. This allowed the HTA to hijack the RFP and selection process by initiating a pay-to-play scheme. It went to cab company owners and demanded money in order to get access to the Airport. We have learned just recently that some of these companies before you tonight have paid as much as \$20,000 in the last three years for access to the Airport. The result we had was to have an HTA board member advocating for HTA corporate sponsors during the selection process. You don't need a law degree to know this is a glaring conflict of interest. Furthermore, the race to the bottom began in earnest when the selection committee made its recommendations to you. First, we had King Cab. We now know that it was owned by convicted felons. Then we have City Cab. It's a fledgling company, operational for less than a year with an owner who has been banned from the Airport by the Aviation director. Also in the Airport's own letter, we know that it has zero cabs that meet the new standard of year requirement. Finally, we have

Crown Cab. According to media reports, despite what you heard tonight, the media has confirmed that it is under investigation by the FBI, it has sued the Mecklenburg County Department of Social Services, and it has lost a lawsuit where it has been adjudged liable by a jury of its peers for mischaracterizing its employees as independent contractors for insurance purposes. We know that about Crown Cab. Those are the facts. Let me stop there. How can you in good conscience execute the duties of your office by voting for a company that you know is under investigation by the FBI for a big money contract with the City. Politically that's a no-brainer to me. You can't do that. Ladies and gentlemen, this has been a comedy of errors, but now the good news. You can stop the madness. Vote no on this agenda item tonight. Leave well enough alone, save these people's jobs, and stop the madness.

**David Cordes, 4521 Sharon Rd., Ste. 320**, said I represent Speedy and Diamond Cab. Y'all just have a mess here, I would say. I'm here on behalf of Speedy and Diamond Cab because they are true small businesses. As a result of your decision tonight, they very well result in the loss of income or jobs for 20 to 30 Charlotte families. Now, it's been represented that this is a win-loss situation where you are going to pick winners and you are going to pick losers, and it's just a tough decision that has to be made, but the truth of the matter is that is not the case. It does not have to be a win-loss decision. Companies that have been currently serving Charlotte, as my clients have, Speedy and Diamond, have done an excellent job. Speedy and Diamond have been recognized as being one of the best cab companies practically every week over the last four years since that award has been given by the Airport. They are well known, no complaints to my client or the company. They have been in business for 15 years, and this is going to cause them tremendous harm. They are truly a small business. The drivers that work for them are happy to work for them. There are no issues with regard to their relationship with the drivers. You will hear later or you have heard before from representatives of the drivers, and that's an important component of this decision -- companies having good relationships with the drivers and drivers of the companies. I would reiterate also that the decision that has been made and somewhat by the City Attorney pointed to in that this has a perception of companies with influence, with power, and with connections are the companies that have been awarded these contracts. That's the perception. I found it very constructive that you heard from two former mayors and particularly the minority report, which talked about how important it is that when you make decisions you make decisions that engender public trust, and I don't think there is anyone here looking at this process who would conclude you have been able to achieve that here. It is possible to make decisions which may not please everybody, but, nonetheless, engender public trust, and I think you need to recognize clearly in this situation that public trust is lacking in the process of the decisions that have been made. The fact that my clients, as some of you well know through deposition testimony, were in the bad stack, the short stack. We were told they are just too small. They may be the best, most excellent small business in Charlotte, but because they aren't big, because they don't have connections, they were put in a small stack. I don't know if that is true or not. I served on the PCAC Committee here. I have an immense amount of respect for the City staff here, but please listen to what was said before. Do not be spoon-fed. Be independent in your thinking.

**Frank Hinson, 4009 Hargrove Ave.**, said anyone who suggests the Airport taxi selection process has been genuine and above board is either naïve or lying. Two of the selections – Taxi USA and Crown Cab – were preordained to remain at the Airport because of the undue influence and vigorous lobbying efforts of Mohammad Jenetian of HTA and of Tim Newman, who shepherded their selections through the process. Mr. Jenetian has told me many times, as well as other people in this room, that if we want to remain at the Airport we would have to be a member of HTA. Has Charlotte's government become so corrupt? If you have received benefits from the largess of Mr. Jenetian, it is your duty to recuse yourself from this vote. If there is a perception of a conflict of interest, you should likewise remove yourself. Allow me to read from Charlotte Resolution Book 19, Page 18, Paragraph 7, "Any member who has an interest in any act or action coming before the board, agency, committee, or commission of which he is a member shall publicly disclose his or her interest and shall completely withdraw from any consideration of said act or action. For purposes of this resolution, interest means direct or indirect, pecuniary, or material benefit accruing to the member as a result of any contract, agreement, or transaction which may be the subject of any official act or action by or before the board, agency, committee, or commission. Furthermore, a member shall be deemed to have an interest in the affairs of A) any person in his immediate household, B) any business entity in which the member is an officer or a director, or C) any business entity in which the stock of or

legal or beneficial ownership of in excess of 5% of the total stock or total legal or beneficial ownership is controlled or owned directly or indirectly by the member.” I sent all of you guys emails over the weekend outlining the positive attributes of my company, Charlotte Checker Cab, and illustrating the many missteps taken by participants in this process. I hope you had time to read the email. People’s livelihoods are at stake. I might add that this process is flawed to the extent this RFP did not have to be handled this way, that is, the wholesale ejection of many of the companies and only retaining a few. Mr. Orr knows as well as anyone that he could have gotten all the standards raised that he wanted and eliminated either drivers or companies by attrition for those who were not able to rise to the standards.

**William Dobbins, 7910 Waterford Ridge Dr.**, said we know the process has been very extensive. I would like to take a moment and introduce the people that are represented here. I just want to state that their presence here is directly related to their ability to sustain their jobs and be present when this whole process is done. We know the selection process is difficult. We understand that. We know you guys have been through a lot to do that, but we also know you are making a decision tonight about that, and we respect that. We know that in a fight normally there is a battle before the victory is totally won. We consider this a battle at this point. We consider the whole fight to not be totally over at this point but only time will tell that. There are about 144 drivers at the Airport that are independent owners of small businesses here in the City, and what we are trying to indicate here is that these gentlemen appear to be in a position where they are going to lose quite a bit of their jobs. That’s not fair to these guys that are putting in ten, 15 years of their life. Now where they go from there probably would be to out on the street, which is not a good place for them because they are not familiar with the surroundings and the process. There isn’t an easy answer to this; we know that, but that is not fair to them. These gentlemen have been in this city for ten years or more doing business at the Airport, other places, and they have done a good job of that, so them being denied that opportunity of continuing their livelihood is definitely a detriment to them personally. We have heard there have been complaints about the drivers from basically the Airport indicating that the drivers did not perform their jobs adequately or there were questions about the situation, but we never had any proof to show that was actually really a case. We know also there has been a big push to have this whole process complete because the DNC is coming to town. Well, obviously that is a tremendously big occasion. We understand that, but we don’t understand why we have to have this process complete before going through the process of at least considering the fact that we have to complete the process for having the information back from the PVH Association. That is going to be done probably two months or one month in advance of this total decision. It seems like you are doing things in reverse in that particular situation. We are just trying to set those things clear. We know there has been some cases where the RFP obviously has some flaws. There are some problems with it. We, as drivers, know that shouldn’t be a process that causes us to still allow this process to continue.

**James Galvin, 301 S. McDowell St.**, said I am an attorney for the Independent Owners/Operators Association. I am of counsel, local counsel for the lawsuit that was filed in October raising issues regarding the RFP as written and now as it is unfolding as it has been applied. As written, the question that we are asking the courts to answer is can the RFP supplant the rules and regulations that have been promulgated by this Council. At the back of the RFP, I don’t know if you noticed, but there are a bunch of rules and regulations that are going to be implemented along with these contracts. Let me quote this. It says, “In the event,” and this is in the RFP, “In the event there is a direct conflict between Chapter 22 of the Code and these rules, these rules shall control.” That’s problematic. That takes power that belongs to you all and says, no, we are going to rewrite the rules of the industry. That can’t happen. You guys write the rules of the industry. You write it through the PVH code that is up for amendment in a couple of months. As applied, we know the screening process of the RFP was flawed. You heard about the results, but why it was flawed is because an inappropriate inquiry was made. The inquiry, as we did depositions two weeks ago of the selection committee members, they wanted to know cash. They wanted to know financial statements; they wanted to know the bottom lines of these companies. They did not inquire as to how these companies became cash rich. They did not inquire into how or if Crown Cab became cash rich off the DSS contracts. They didn’t inquire as to how or if Yellow Cab became cash rich because they charge their drivers \$2,000 a month for the permit they buy from the City for \$100 a month or \$105 a month. They didn’t ask those questions. They didn’t ask when King Cab was picked, well, did you guys do anything untoward in developing your business, but we are finding these things out now. There was no inquiry into

the character of these companies that are going to be representing our city. When it was found out that the felonies with King Cab, City Cab was replaced, and you heard they are being run – one of their founding members was dismissed permanently from the Airport by Mr. Orr himself in 2001. There has been a lot about the complaints. There has not been an adequate inquiry into what are really the complaints. I subpoenaed the complaints. I said, Airport, give me all the complaints you have had. I received last week 170 written complaints. You know how many written complaints there were from customers complaining about service they got from the taxicab industry – six out of 170. Mr. Orr said we have been hearing things in the hospitality industry, so I subpoenaed CRVA. I said what kind of complaints have you been getting? Tim Newman, under oath, said we are getting 12 to 15 a year, and that's just over all industries. Well, what about the taxi ones? Give me your written complaints. Well, we don't have any. We pass them all on to the PVH Board. I called the PVH Board. What ones have you received? Zero.

**Abdi Duale, 6818 Chiestain Dr.**, said I really don't have to say a lot. Everything I was going to say has been said. I am an owner/operator, and I also serve on the PVH. I have been living in Charlotte for almost 20 years. I live near NorthLake Mall, and I do feel like the reason I'm here is not I'm not a company owner. I know if the RFP does this tonight within a month I'll be out of work. I have a mortgage. I have got family to support. As a result, I hate coming here because I have to come here to protect my livelihood. As you have already heard tonight, the RFP process was flawed in many ways. There was concern the independent taxicab owners were unfairly excluded. The Airport is a major source of fares in the city. If this decision (inaudible) many of our members will probably go out of business. I want you to know that you have options. The RFP is not the only option. Everything basically in the RFP when it comes to improving the customer service is coming out in the City ordinance, and the City ordinance is coming to you in probably about a month. In fact, you have one scheduled hearing on Thursday, I believe. If you stop this RFP, things at the Airport will be implemented regardless. In fact, you will not have anybody coming here complaining about it. The reason being is either you do what the Airport wants or the ordinance wants as a whole or you go out of business. Almost 13 years I have been in this business and I have never had any complaints, yet I'm going out of business – not because I'm unable to do the job; just because I was overlooked. That's the fact. So, please before you make a decision take a look at them. They are kind lost in the system, and we are asking just to know that you have other options and consider those options, please. We are willing to generate more revenue for the City. Actually, in fact, I have spoken to all the members. If it's about money, we are willing to pay \$1.1 million a year to the Airport and to the City, and at the same time, we will provide all the things that the guides to the Airport is asking for. We are willing to work with the cab company owners. There can be a solution better than the RFP. Just think about that, please, before you make a decision.

**Mark Goodman, 301 S. McDowell St.**, said I'm a lawyer from St. Louis. I'm a visitor in your city. I was consulted several months ago because I had some experience and success dealing with airports and airport taxi companies, arriving at solutions to the problems that you folks are having here. The thrust of what I have done is to hone in on problems and come up with solutions, so I came here back in the fall in the spirit of peace and collaboration. I was consulted by these gentlemen in the white T-shirts because they were concerned that the RFP that was on the table in September would have adversely affected them and their ability to work at the Airport, and indeed it does. I have got to tell you I hadn't been to Charlotte before this fall. I have been here maybe six or seven times now including tonight. Charlotte is an incredibly progressive city with a wonderful airport -- it makes our airport look sick in St. Louis – with an airport director, Mr. Jerry Orr, who is a gem and a gentleman. I saw the problems with the RFP from a lawyer's point of view – I admit it – and I came here trying to help, not to hurt. I came here in a spirit of collaboration and peace. I wanted to sit down and speak to Mr. Orr and the staff, but I was rebuffed. I didn't come down here to file a lawsuit, but the rebuff made it necessary for us to do that. Unfortunately the first time I ever got to speak to Mr. Orr was two weeks ago when I took his deposition. That wasn't the right way to do it. My colleague, Mr. Galvin, and the other lawyers have very ably pointed out the flaws with the RFP. I'm not going to stand up here and make a legal argument to that. That's not the purpose of this. The purpose of this is to say to you, and I believe this, I really do as an outsider, and I respect you and hope you will respect my experience. This RFP has not resulted in any solution to your problem. You have a perfect vehicle – your PVH ordinance. This is where your work should be directed -- not here with this RFP that is so flawed it's ridiculous. You have plenty of time to come up with a

viable and workable solution by the time of the DNC. Let me just say this to you. These folks here are citizens of your city, too. They are hard working, and they want what everybody wants. They want an environment where they can earn a decent living and not be indentured servants to the companies and pay these ridiculous fees they have been paying all these years for nothing. They deliver a very valuable and vital service to the traveling public. Just give us a chance.

**Abebow Adal, 307 Hunslet Cir.**, said I'm a full-time taxi driver and one of the founding members of City Cab, LLC. We started City Cab, LLC on the basis of getting equal benefits under one umbrella providing the best customer service. Currently we have 35 vehicles and (inaudible) PVH appointment to (inaudible). This number of vehicles does not include the new Airport fleet, which we provided upon your approval. Our management team is composed of professional drivers with years of experience under different taxi companies. As a company, we have three main objectives. One is to create efficient and harmonious relationship between the Airport, PVH office, and drivers. Two, create (inaudible) environment for any driver who works under City Cab, LLC because we believe the driver is the main engine of this taxi business. Three, as we all know, the City of Charlotte or the drivers are not getting what they deserve from taxi business. It is our standard, the lion share of this business has to go to the City and to the drivers, and we plan to strive doing that. Mr. Mayor, we want the City to be pleased and the drivers to make a good living because we know from experience that drivers need job security and the least weekly franchise fee one can give from a company so that he or she will focus on serving the customer without any stress. We believe our company, City Cab, LLC, is in the front seat to provide the (inaudible) drivers need. Under City Cab, each driver is an investment capital with teamwork and honesty as a guiding principle. It's our main goal to achieve excellent customer service with drivers who are financially and mentally strong and ready at any time to provide whatever is required by City of Charlotte. Therefore, on behalf of City Cab, LLC, it is my honor to assure you that you can depend on us as a company and as drivers to serve on the service at Charlotte-Douglas Airport.

**Estifanose Gebreegziabher, 7621 Waterford Ridge Dr.**, said I'm a cab driver in one of the City Cab, a member of LLC. I'm here today to testify what City, the company, means to me and what me, the member, means to City Cab. I'm proud to be a member of this company, and this is the most important decision I have ever made since I started driving taxi six years ago. (Inaudible) of the company are comes off proper engagement, professional operation, and integrity of its members. This proves that my voice has been always heard, my voice has been always counted, and all my values have been respected. We created this company out of a desire to produce professional, productive, and effective customer and driver friendly service in City of Charlotte. Some of the company's objectives say provision of high standards of service to the City resident and enhancing (inaudible) of each member through his or her effort within the company. The growth and expansion of City Cab in Charlotte and the surrounding area will create a wide local opportunity, community services, and a partnership with other companies and local authorities. I'm confident to say that my company, City Cab, LLC, a small business entity is well prepared to provide excellent taxi service by professional drivers at Charlotte-Douglas International Airport.

**Nancy Norelli, Attorney at Law, 1340 Harding Pl.**, said I am a Charlotte attorney, and I represent City Cab. Mr. Orr, our distinguished director, realized that there needed to be changes made at the airport and taxi service. Our company was one that was selected. I want to tell you briefly about the structure of the company, what their commitment is, our research on that company, and finally just the eagerness they are to begin performing this contract. They are a member-owned LLC. There are 29 members. They elect five directors. They elect three managers. They also have elected a special manager committee that will deal with this Airport contract and making sure that they fully comply with it. They are ready and eager to comply with the contract. They will buy new taxicabs. They will install the required credit card processors. They will do all the uniforms they need, all the cleanliness. They are fully prepared to meet the standards of the proposal and also the ongoing regulations of the PVH. They have no connection whatsoever with HTA or any money to it or anything like that. We wanted to be knowledgeable with things that have swirled around of what any criminal records might be. We have reviewed their criminal records. We have gone over to the Police Department and looked at what they might have found. We found no infractions that would be a disqualifying event for any of the current members of the LLC. Yes, there was one member who ten years ago was banned from the Airport. He has now been removed as a member of City Cab, and that is an

example of the action they will take. Their standards will probably be higher than any of the standards put together by the governing regulations. We found nothing that would disqualify any of the current members. All members, and I will ask those gentlemen to stand up in the blue shirts, please. This is a representative group from City Cab. They are ready to provide the best in customer service. They also exemplify the American dream is alive and well in Charlotte. They formed their own company, and they are ready to serve the City of Charlotte with distinction.

**Solomon Bekele, 8051 Shorewood Dr.** said I was before you last week, and this time I have only questions. All you have heard from the Airport, all the documents that have come out, we have learned have no research behind them. You cannot claim a single thing that is a foundation of the RFP. For instance, the first place when Jerry Orr, the Airport director, said he wanted to change the situation at the Airport and improve, he wanted to reduce the number of drivers. For what reason? To raise the income of the rest. That is the most absurd way of doing it, but the fact is we never complained about our income. Whatever we made was taken away by the companies. It was exorbitant. I have talked to Mayor Pro Tem Patrick Cannon, I have talked to the Mayor. You have all expressed that it was outrageous, and now amazingly enough if you approve the RFP the drivers who remain at the Airport will pay twice as much as the ones I'll trade you in the first place. So, do you believe it was based only on research? If it was research, we are not part of it. We have never been asked. We have some of the papers that came out of the City Manager's Office. It refers about 91 drivers being interviewed. None of us were included. We have never heard of this interview of any sort, so if it's not based on any research, if any of the things that you have heard was just pulled out of a hat, are you going to ruin the lives of all of us on whimsical feelings? Is it possible that this could happen? You have done so many things in the city all based on research. Shouldn't this be based on research, too? How can we be told that we don't make money when we do and we pay up to \$28,000 a year. That's a lot of money. Now, the drivers who are going to be accepted are going to pay close to \$20,000. Some of us were paying ten, and that was too much.

**Nasif Majeed** said tonight we are coming to a conclusion of a questionable process that is not in the best interest of the taxi industry nor the City of Charlotte. Because of ethical and process questions, it is too cloudy at this time for Council to approve the recommendations of the Community Safety Committee. I know they worked hard on this seemingly for so long, but the dark clouds associated with the RFP process needs clearing up. This process needs to be rebid, and the playing field needs to be leveled. All of us have heard the analogy of the chicken and the pig at the breakfast table, and the pig had this livelihood involved in the process, but there was no problem with the chicken sparing an egg. These hard-working members of the Independent Taxicab Owners and Operators Association their livelihoods are on the line, and they deserve better. Their livelihoods are on the line, and they need to have a place on the table for the financial security of their families. They have been excluded, but all they want is an opportunity to be included in the bid process. Additionally, there are changes that must be made in our taxi structure, namely, the permitting system that will aide in quality and quantity control. It is sad to say, but it is not even on the back burner at this time. We need you to champion this process. This kind of politics of not listening to the hard-working men and women of the taxi industry does a disservice to the public and a disservice to the City of Charlotte. Members of Charlotte City Council, we are depending on you for justice. The buck stops here. This is a serious issue. Think. Include these business people in this bid process and rebid, rebid; don't approve this particular process, don't go with this flow. You can do that. It's too cloudy. You can do this right here tonight, and let's jump in and let's get to the bottom of it and let's make this process fair.

**John Snyder, 600 Fairview Rd., Ste. 1200**, said I represent this extremely diverse group of people. They have divergent backgrounds, divergent opinions, as you have heard tonight, and I know through conversations with you all, you have gotten some perspective of their views. I'm here to propose that we vote down the RFP tonight, but I think there is a better way to do better government. The goal in government is to maximize opportunity. This RFP doesn't do that for these members. My idea would be to create more of a medallion system where each driver pays a certain fee. That fee would generate enough money to create an administration and additional resources for the City to use. I heard things tonight about the water rates, transportation issues. We could turn this into a revenue raising opportunity as opposed to awarding bids and contracts. I know this has been very difficult for all of you. I know that just in speaking with you all you



have had contact from so many different people it's hard to understand the issues. The litigation is a whole separate thing. That's a cost that the City is incurring. You vote this RFP down that litigation goes away, so there is an immediate savings to the City just in a simple vote tonight, and as a result of that I would ask that you vote no, consider some other options, some very good options that could be decided on quickly, and keep these guys driving their taxis for as long as they can.

Mayor Foxx said I want to thank all the speakers who have come out today on this topic. It has been a subject that we have spent a lot of time on over several years actually, not just months, and I dare say that but for the intervention of some of you who are out there in the audience tonight this process probably would have moved a lot faster and resulted in some of the things that you all have warned about. We do have at this point some time for discussion at the Council dais on this topic, and we'll see where we land. Anyone have responses, reactions, questions, thoughts?

Councilmember Cannon said I would first like to read what is before us for the sake of the general public, the viewing audience, those that are represented here this evening and also to acknowledge members of the Community Safety Committee. I chair the committee. There is Councilmember Patsy Kinsey, who serves as vice chair; Councilmembers Andy Dulin, Edwin Peacock, along Michael Barnes, who also serves on the committee. The action item this day is to approve the Community Safety Committee recommendation to execute agreements with Taxi USA, LLC d/b/a Yellow Cab, Crown Cab, Inc., and City Cab, LLC for Airport taxi service effective July 18, 2011.

A little bit of background, and I won't belabor the point because we have sort of been here and done that, so on March 28<sup>th</sup> we came with background, but it was also at that meeting that the City Council referred a review of the Airport taxi service request for proposal process to the Community Safety Committee to review and provide a recommendation at the June 13<sup>th</sup> meeting, of course, that meeting being this day. Staff provided the Community Safety Committee with copies of all nine of the RFPs that I have here reflected. Initially we only got three. Councilmember Turner made a request, along with myself and others, to have – actually Mr. Turner made one request, and I think I followed back up later to find out why we didn't have the remainder. We only had gotten three.

We had an opportunity to review the proposals and to make some level of determination about if indeed if we were comfortable as a committee to move this forward and bring it back to the Council for recommendation. The Aviation direction discussed questions at the meeting regarding the taxicab service request for proposal, which included several items. I'll give you a few of them. Was there any outside influences that may have led to the decision? Are drivers going to be put out of work per se? Why select three companies instead of 12 per se? It went on until after the discussion. The committee went ahead and voted – those that were represented – unanimously to recommend the Airport taxi operating agreements to Taxi USA, Crown Cab, and City Cab consistent with the City Manager's recommendation.

Now, you heard the Mayor talk a little a moment ago in terms of the time that this has been on the table. Going back to 2008, November actually, staff presented at a Dinner Meeting a briefing explaining the need to improve the quality of taxi service for Airport customers, so we started going back and start talking about why this is before us right now. It's to improve the level of quality service at the Airport regarding taxicabs, but then even beyond that it's to also address the demand or lack thereof in the way of having the customers to be provided services whereby you don't have too many taxicabs at the Airport. Jerry Orr can speak to that further, the Aviation director is represented here tonight, if he cares to do so. I'm sure there will be some questions for him coming down the pike.

Also those findings would have included that you had 12 companies that held agreements for taxi service at the Airport leading to inconsistent service. Staff went ahead and gathered input from the taxi industry. We have had meetings after meetings after meetings. We have had phone calls up to the point where there happened to be a lawsuit filed. At some point, we had to cut that level of discussion off with some of you but still continue having conversations with others who had an interest in this item. So, it's with that said that the committee has gone ahead.

It has reviewed the RFPs and has come back with a recommendation based upon reviewing those RFPs with what is before you tonight, Mayor and Council.

With that said, I certainly want to thank also Jerry Orr for being forthcoming and bringing all the information he could along with his staff; certainly Eric Campbell, assistant city manager; along with Mujeeb Shah-Khan, who is represented right here at the main office, and all the attorneys at the Airport. Mr. Mayor, I will say this. At the end of the day, I don't know if any entity would have been happy with the outcome of the RFP if their company wasn't included. Somebody at the end of the day would still say "Start the process over. We need another opportunity." We have looked at this, I think, inside and out. We have tried to be fair and extend an opportunity to gain more information about it, and, again, at the end of the day, we are not going to be able to please everybody. So, at this point, it is up to the members of this body to determine if indeed they want to move forward or if they want to go another course of action. With that said, Mayor, I conclude my comments and would step back for any other comments.

Mayor Foxx said is there a motion on this item?

Councilmember Cannon said there is no motion as of yet.

[ Motion was made by Councilmember Barnes and seconded by Councilmember Howard to ]  
[ approve the Community Safety Committee recommendation to execute agreements with ]  
[ Taxi USA, LLC d/b/a Yellow Cab, Crown Cab, Inc., and City Cab, LLC for Airport Taxi ]  
[ Service effective July 18, 2011. ]

Councilmember Turner said I've read a lot of information, heard a lot of comments – some true and some not true. This is a very difficult issue for me because I still feel there is probably something else we could have probably done. Is this the best we can do? I personally advocated, and I think they need to know this and anybody that is listening. I advocated some years ago to Mr. Orr and this Council that we needed to improve the cab situation at the Airport. I was not advocating to eliminate folks that we felt were doing the job but to simply improve the quality of the cab, the drivers' demeanor, cleanliness of the cabs, and those things came from complaints that I used to have and some experience. That was also the director's goal.

But I'm not comfortable where we are ending up at, and I can't vote on something and support something when I have some doubt. I have some doubt whether or not this is the best we can do. It's amazing what I have seen this Council do and previous Councils when we really put our mind to it, and I'm not for sure this is the best, and I think this city deserves the best. If there is someone in staff that can assure me without a doubt this is the best we can do, then I will be a little more comfortable, but I haven't received that, and there are too many answers still that I have not received, and there are still too many questions about certain things.

I know a lot of us have chosen not to have conversation with them for other reasons and your own personal reasons, but my personal position on this tonight is that I can't support because I don't think it's the best solution. I think it was a move in the right direction, but to me we did not come up with the final solution that was best, and you have this many people that are disgruntled about a process, you are right, Councilmember Cannon, you are going to have some winners; you are going to have some losers, so that makes me wonder was that the best solution.

Could we not come up with another process that would have been a little more fair in regards to leaving the pool a little bigger because I have heard people say we have too many at the Airport. That may be the case. I don't spend my days hanging out at the Airport, so I have to take that advice and look at it from my perspective, but there are just too many questions about this process for me, and there are too many rumors, and there are some facts, and there are some different opinions of facts, and unfortunately it looks like the court is going to have to resolve some of this even after whatever this decision of this Council is tonight. It's obvious that's where it's headed for some folks, so my position is tonight that I won't support the RFP.

Councilmember Dulin said I would like to make a secondary motion to approve the taxi operating agreements with Taxi USA, Crown Cab, and Universal Cab companies. I am not comfortable with Crown Cab, who has only been in business since March of 2011. Pardon me – City Cab. Thank you. City Cab has been in business since March 2011. Quite frankly, they say

they can ramp it up, but there is no evidence that they could ramp that up. Universal Cab is ramped up and ready to go, and I would like to make that secondary motion.

Mayor Foxx said is there a second on that substitute? There is no second.

Councilmember Howard said this is exactly the reason why we should trust the process or not trust the process. To sit here tonight and try to pick among the 12 who should be the three has kind of been my issue from the beginning. I said this a couple of months ago. I got to trust the process or not, and this is where I'm trusting Jerry and I'm trusting the folks involved in the process, and I said that a couple of months ago.

I also suggested that there were some people that we needed to care about that may be displaced and made some suggestions, and even tonight I will make some additional suggestions, but they probably won't appease anybody in the audience because --- not everybody in the audience because that is kind of the point, Mr. Dulin. There are going to be winners and losers in this. I don't care how we do it. I would like to know if there is a representative from Yellow Cab in the building at all – Taxi USA. What about Crown Cab? As well as City Cab.

What I'm actually asking you guys to do tonight – I mean I'm definitely going to vote for the recommendation, but I am asking if you guys – from what I understand, each one of you have 12 spots right now, and you are going to gain an additional 24 more.

Councilmember Cannon said no.

Councilmember Howard said I know that Yellow has multiple out there now.

Councilmember Cannon said 45, 45, 15.

Councilmember Howard said whatever the additional number is you are going to gain. Then I would ask you guys to get together and figure out how to come together and offer those spots to people that are operating at the Airport now as opposed to just filling those spots with people who have not been at the Airport. I'm not going to put you on the spot and ask you to stand up here and say yes or no about it, but I will tell you that I would like to see you try to do that, that you try to reach out to the guys who know the Airport and have been there and actually give them opportunities for the new slots. That's all I can do is implore you to do that publicly, and if you want to nod at me with your head, that would be nice.

Mayor Foxx said there is a motion to approve that is on the table. I will only say this and my feeling about this is that we have not sequenced this the right way. I think that if the goal is to improve the level of taxi service then the response to that is to try to do that citywide and not just at the Airport. There's a difference of opinion as to how you get there because as you can tell it's a painful exercise for us, it's a painful exercise for the community to go through this exercise, but I think the theory of action at this point has been to go with the more incremental change and take a larger look at the PVH ordinance. As I understand, the PVH ordinance is up for discussion in two weeks.

Councilmember Cannon said this week actually.

Mayor Foxx said at the full Council level on June 27<sup>th</sup>. I wish that we could have done that part of it first because I think it would have been a better answer to the overall questions and filled in a lot of gaps that are unknown right now. But, at any rate, let's go ahead and vote on the motion as it stands.

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

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

**NAYS:** Councilmembers Cooksey, Turner

Councilmember Cannon said I want to clarify something. I think that relative to the PVH ordinance overall and this RFP there weren't really any things make one overrule the other had we even gone ahead and approved the PVH ordinance first. I would like to ask Mr. Campbell if he would just come forward, please. I want you to draw the distinction between the differences of what the – what are the things that the PVH ordinance and the RFP have in common? That will shorten it up because what I don't want to do is to give the wrong impression or the idea that somehow one would have trumped the other per se and would have allowed for a different outcome.

**Eric Campbell, Assistant City Manager**, said the Chapter 22, PVH ordinance, is the guiding ordinance citywide that guides the cab and passenger vehicle for hire industry – not just the taxicabs but limos and any other vehicle as well. The actual RFP has got an operating agreement where the rules are set by the Aviation director and the staff at the Airport. The Passenger Vehicle for Hire supersedes anything that would happen at the Airport, and they are required to measure up to the overall PVH ordinance, which is Chapter 22. There is nothing that we are doing in Chapter 22 that would have affected the operating agreements as they stand today.

Councilmember Cannon said I will say this. Mayor Foxx is absolutely right. If we don't work to tighten up the belt with what we currently have in place, we have a transportation system both in the black car industry and the taxicab industry that would not be the kind of transportation system we would want for a city of our size and for what the city even expects with what will be forthcoming relative to the DNC and/or any other related convention to this community. The Mayor has actually presented several things to the Community Safety Committee that we are undertaking right now that will help strengthen what we currently have, so, Mayor, thank you for that, your leadership with regard to it, and we look forward to bringing something back toward the end of the month if we are so lucky to get that out of committee for your approval.

Mayor Foxx said I do appreciate the work that the Public Safety Committee is doing because it is important. I would only point out that some of what we have been talking about with the RFP while it may technically not have anything to do with the PVH ordinance. Some of what I have heard the drivers talk about it is the fact that they feel they are essentially being placed in a position where they are having to barter their way into driving the cars they drive because of the relationship with the cab companies. That relationship is or could be managed through our PVH ordinance differently. So the theory is if we had a change in the PVH ordinance that gave the drivers more leverage you might have seen the drivers take a different position in the RFP process, so that's the connection. Anyway, we'll keep working through the larger issues. The vote has happened, so there it is.

Councilmember Howard said I asked that question of Mac, Mayor, and, Mac, if you could. I asked the question about what happens if there was a system that if we changed the system, for instance, with some type of medallion situation, and your response to me was?

Mr. McCarley said that totally changes your role in the taxi system and would put you in charge of how many permits there are, who has them, and would shift from a company system, which is what your present regulations have, to a driver-based system.

Councilmember Howard said in that situation what he told me that would still mean that all of this would change, and we would be back here trying to deal with that in the future. Just so we are clear that if something changes this still can change.

\* \* \* \* \*

**ITEM NO. 14: SIDEWALK RETROFIT POLICY UPDATE**

[ Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and ]  
[ carried unanimously to approve the Transportation and Planning Committee recommendation ]  
[ to adopt the Sidewalk Retrofit Policy revisions. ]

\* \* \* \* \*

**ITEM NO. 15: HISTORIC LANDMARKS COMMISSION PROCESS**

[ Motion was made by Councilmember Mitchell and seconded by Councilmember Barnes to ]  
[ approve the Economic Development Committee recommendation that City Council consider ]  
[ a resolution calling for a future public hearing on each property being considered for historic ]  
[ designation by the Charlotte-Mecklenburg Historic Landmarks Commission (HLC) including ]  
[ a report on the historic characteristics of that property with the following outcomes: If the ]  
[ resolution is approved, the property proceeds to public hearing. If the resolution is not ]  
[ approved, then the HLC would either provide more information to achieve future support ]  
[ for the resolution or not proceed forward with the historic designation. ]

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

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

**NAYS:** Councilmember Kinsey

\* \* \* \* \*

**ITEM NO. 18: APPOINTMENTS TO BOARDS AND COMMISSIONS**

Councilmember Barnes said, Mayor, on Item No. 18, might I move to defer decision there until the June 27<sup>th</sup> meeting? I understand that I and a number of other folks have talked to some good candidates and people are trying to get into the pool, so with Council's consideration, I would like to defer that item to June 27<sup>th</sup>.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and ]  
[ carried unanimously to defer Item No. 18, Appointments to Boards and Commissions, to the ]  
[ June 27, 2011, meeting. ]

Councilmember Barnes said that was to be inclusive of opening the nominations.

Mayor Foxx said you want to reopen the nominations, and then we can do the nominations at the next meeting?

Councilmember Barnes said yes. The Manager just reminded me –

Mayor Foxx said do we have to do the nominations and then vote next time?

**Curt Walton, City Manager**, said you would have to specify that nominations could be submitted to the Clerk in between now and the 27<sup>th</sup> or now and when the agenda goes out, otherwise, you'll just have the same list.

Mayor Foxx said is there any objection to that?

Councilmember Barnes said there have been some attractive candidates who have added to it since then.

Mayor Foxx said the motion is to delay the vote on the nominations until June 27<sup>th</sup> but to allow folks to submit applications between now and the next meeting; is that correct?

City Manager Walton said I'm not even supposed to be playing in this game, but I guess it depends do you want Council members to be able to submit nominations or just the public?

Councilmember Barnes said the public.

Councilmember Cooksey said I want to be clear. So we are postponing our appointment votes to the 27<sup>th</sup>. What is the new deadline for nomination forms to be in?

bvj

Councilmember Barnes said it would be the Friday before the meeting so the 24<sup>th</sup>.

Mayor Foxx said do you have a suggestion?

Councilmember Cooksey said part of the Wednesday agenda packet before the meeting would be the latest I think we could act on any of them. If you get a slew of nomination forms on a Friday evening for a vote on a Monday night –

Mayor Foxx said to the 22<sup>nd</sup>.

Councilmember Barnes said I would be open to the 22<sup>nd</sup>, Mr. Mayor.

Councilmember Cooksey said may I suggest as a substitute that we postpone the appointment votes to June 27<sup>th</sup>, reopen nominations, and all applications must be turned in – I'll word it this way – in time to be part of the Council packet on the Wednesday before the 27<sup>th</sup>.

Councilmember Barnes said I think I just said I would be willing to leave it at the 22<sup>nd</sup>.

Mayor Foxx said 22<sup>nd</sup>, friendly amendment.

Councilmember Howard said I'm wondering why we wouldn't just let it be Council. That way we don't have the deadlines and all those things that go with public announcements. Why not just make –

Councilmember Barnes said however you all want to do it.

Councilmember Howard said let it just be Council. That simplifies it, wouldn't it, Mac?

Mayor Foxx said would they still have to be in by the 22<sup>nd</sup>?

Councilmember Howard said we would nominate, so it's whenever we want to prior to that vote on that day, I guess.

Councilmember Cooksey said my question is how much time – we have postponed this vote several times now. Now we are reopening it up to a last minute – how last minute are we going to get on who we are going to appoint to these two very important positions. Again, I'm okay with the postponement. I understand that completely. I'm okay with reopening nominations. I understand that completely, but how late? Does a name drop in at 5:00 p.m. Monday, the 27<sup>th</sup>, that we suddenly have to scramble and be supportive of? I'm trying to find out a cut-off point for when the pool closes again.

Councilmember Cannon said if I'm not mistaken I think, and the Clerk can help me out on this, but even if a member of the body decides that they want to let's say add someone to the list if they aren't pleased in terms of the pool that is already out there you still get another ten days or whatever that number is even after that that they can submit their application. In other words, I might submit your name. I'll say Warren Cooksey. You weren't on the docket, but then there is still another ten days after that that you could still put that in, so I'm trying to understand what would be the issue if we go Mr. Howard's route or Warren's.

Councilmember Cooksey said ordinarily I understand that, but what we are talking about is a vote on the 27<sup>th</sup>, so we are 14 days out from that. Under our ordinary process when we have our nominations two weeks ahead – nominations from the Council are two weeks ahead of the actual vote to a point. Yeah, we do that all the time with, okay, this person didn't have an application in. I'm nominating them. Put them on the list for two weeks from now for voting, but we are talking about reopening and voting on the 27<sup>th</sup>, so that's why I'm trying to get some clarity. I'm looking to avoid having a name surface at 8:00 Monday morning.

Mayor Foxx said let me try to make sure. Ms. Kelly, let me make sure I'm clear on this. Today if we had a vote on a nomination today and someone had a name they wanted to submit, could the Council not by a majority vote decide to put that name in nomination?

**Stephanie Kelly, City Clerk**, said Council would have to have taken action to reopen the nomination process in order for that name to be accepted tonight.

Mayor Foxx said could that not have been done single vote and then –

Ms. Kelly said it could.

Mayor Foxx said we will maintain that prerogative anyway. So could we not just agree to let the public submit by the 22<sup>nd</sup>, whatever that is it is, and if individuals want to use the other process, they would have to use the other process that we would normally have available to us on the day of; if that okay?

Councilmember Barnes said that's fair.

Mayor Foxx said let's have a vote on Mr. Barnes' motion to keep the nominations open until the 22<sup>nd</sup> and have a vote on the nominations on the 27<sup>th</sup> of June.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell , and ]  
[ carried unanimously to keep the nominations open until June 22, 2011, and take a vote on ]  
[ the nominations on June 27, 2011. ]

\* \* \* \* \*

#### **ITEM NO. 19: MAYOR AND COUNCIL TOPICS**

Councilmember Barnes said I just briefly wanted to thank Kim Pearson-Brown and members of the Charlotte Fire Department and the Charlotte Police Department and CABA, the Charlotte Area Bike Alliance, for their assistance at our June 4<sup>th</sup> community shred and safety event. We shredded about 11 and a half tons of paper, so it was a great event and well received. People love it and appreciate it, and I appreciate Kim and everybody for their help, so thank you.

Councilmember Howard said I meant to do this about a month ago and that is publicly congratulate Curt on his 25<sup>th</sup> anniversary with the City.

**Curt Walton, City Manager**, said it only requires you to be old.

Councilmember Howard said I just wanted to publicly say that since it came and went. That was a milestone, so thank you for your hard work.

Councilmember Burgess said I just wanted to – probably just the diehards are still watching. We have some staff still around, but today marks the anniversary when you guys voted me to replace my mom, and she passed away two days later, but I think it helped her a lot be a peace, and I want to say thank you all for all your support and all of the support of her friends and her supporters around Charlotte. It's been an interesting year, and I know I'll never forget it, but thank you very much.

Councilmember Dulin said I'm sorry she's already gone, but tonight was the last Council meeting that Mary Newsome was going to cover for *The Observer*. I wanted to embarrass her at dinner, and I forgot, but she is retiring and moving on, and this is the last time she is going to be around, and I wanted to say goodbye.

Councilmember Cannon said I just want to point out that over the weekend we had something very special to happen. Flight 1549 docked in the City of Charlotte at the Aviation Museum, and we had our wonderful mayor there to make comments with regard to what it means for Charlotte, thanking all the people that were involved in the process. Captain Sulley was there, many members of the Council were represented. Without calling names, a lot of folks here were there.

The great news about it is that we have got a lot of people who are really eyeballing Charlotte. We continue to let on about visitors coming to the City of Charlotte and having an opportunity to

see us. If you literally watched what was happening on television, you had people on one side of the bridge watching that plane come down the highway, and then when it went under the bridge, they all just ran over to the other side, and that kind of support and that kind of a situation where people are just so excited about what is here is grand. It's just another something to help us in the way of trying to attract more business to our city, which, in turn, hopefully helps our bottom line in the economy, so that is something I hope we will all support. Please encourage the people in the districts and the city at large to go out and be supportive of what is over there at the Aviation Museum. There are a lot of great things over there, and I think the Mayor and everyone else here can testify to that.

Mayor Foxx said we did hold open our Closed Session from before. Raise your hand if you want to keep going. Six. Let's continue our Closed Session.

**DeWitt McCarley, City Attorney**, said just to be sure so you don't get in trouble you need a motion to go into Closed Session to consider the qualifications, competence, performance, character, fitness, conditions of employment, or conditions of initial employment of an individual, public officer, or employee, or prospective public officer or employee.

[ Motion was made by Councilmember Cannon, seconded by Councilmember Howard, and ]  
[ carried unanimously to go into Closed Session to consider the qualifications, competence, ]  
[ performance, character, fitness, conditions of employment, or conditions of initial ]  
[ employment of an individual, public officer, or employee, or prospective public officer ]  
[ or employee. ]

The meeting was recessed at 10:31 p.m. for Council to go into Closed Session.

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## **ADJOURNMENT**

The meeting was reconvened after the Closed Session and adjourned at 10:45 p.m.

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Ashleigh Martin, Deputy City Clerk

Length of Meeting: 5 Hours, 7 Minutes  
Minutes Completed: August 30, 2011