

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, June 27, 2011 at 4:30 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were Michael Barnes, Jason Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, James Mitchell, Edwin Peacock and Warren Turner.

**ITEM NO. 1: CLOSED SESSION**

The Council immediately went into closed session pursuant to A.GS 143-318.11(a)(6) to consider the qualifications, competence, performance, character, fitness, conditions of initial employment of an individual public officer or employee or prospective public officer or employee.

The Council reconvened at 5:17 p.m. for the Dinner Briefing.

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**ANNOUNCEMENT OF NEW CITY ATTORNEY**

Mayor Foxx said the City Council has already been hard at work as they made a decision today on the selection of a City Attorney and we need to have a motion to make that decision public, to select Robert Hagemann as the new City Attorney, to be paid an annual salary of \$178,864, and to be effective January 1, 2012, at the conclusion of employment of our current City Attorney, Mac McCarley.

[ Motion was made by Councilmember Mitchell, second by Councilmember Howard, and ]  
[ carried unanimously, to select Robert Hagemann as the new City Attorney, effective January ]  
[ 1, 2012, with an annual salary of \$178,864. ]

Mayor Foxx said for those of you who don't know Mr. Hagemann, we actually had a great field of candidates. Mr. Hagemann is an exceptional lawyer, high level of integrity, high acclaim for solving problems and we are really excited to have him as our City Attorney.

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**ITEM NO. 2: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS**

Councilmember Dulin said No. 22, the Motorcycle contract. I have brought this up in the past and this Council has made a habit of funding the CMPD. I just need to let you all know, these are dirt bikes at \$5,947 per bike, per year, which is \$499 per month lease, times ten for dirt bikes. They give officers more mobility than a regular motorcycle street bike, but those are real dollars and that number just bothers me. It has bothered me before and I'm going to vote no on that one. No. 35, Sweden Road Maintenance Facility, I thought since that is in the TOD that we were at one point going to sell that site, Mr. Manager.

City Manager, Curt Walton, said we were planning to and then the market fell through. We don't have a buyer and don't foresee a buyer right now. I think long-term, maybe ten years we would see that moving into some sort of transit oriented development, but not right now.

Mr. Dulin said it is not all that much money, but we are still able to put that on the market and sell it when the market turns?

Mr. Walton said yes sir.

Mr. Dulin said do we know if it is a clean site or is it because of us, we have been using it for ever.

Mr. Walton said we would have to remediate it.

Mr. Dulin said No. 47, the Center City Partners Board. I just want to know if anyone else was planning on pulling that for discussion. That is something Council needs to talk about another  
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time. No. 49 is the Street Car. I would like to pull that and have some words publicly out front as I plan to vote no on the Street Car funding.

Councilmember Carter said I have six, No. 26 the Sandlewood Apartments. If we could define rehabilitation so we will know what will happen to the apartments, what type of support is offered the residence who will be receiving subsistence. No. 28 – if we could define the areas. They are named as US 74, I-85, US 29 and I-85. If we could get some sort of a map to define that for us. No. 35 – Are there brownfields under the old storage tanks. I'm concerned about what we have done to that site with our previous actions.

Mr. Walton said I'm sure the land will have to be remediated when we are through with it.

Ms. Carter said No. 36, I would like to make a comment about that because I think there is some very pertinent information on Page 33 about the effected damns in our City. No. 37, there is a really crucial area that is hidden back in the additional information and the statement is that these mitigation efforts are not always built in Mecklenburg County and that truly sets me on edge because that is where the damage is done and it should be remediated in Mecklenburg County. No. 46, the Gold Rush, if we could do a comparison of past contributions and service versus what is proposed, both in contributions and service so that we can understand percentages and who is contributing what and in what amount, and how much services mileage passenger wise, what is being contributed to our citizens.

Councilmember Barnes said I'm going to pull Nos. 30, 31 and 38 just for the purpose of making people aware of it downstairs as a fairly brief item.

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### **ITEM NO. 3: CATAWBA RIVER DISTRICT**

**City Manager, Curt Walton,** said you have received a letter from Edna Chirico, Catawba River District and we wanted to present to you what the concept is for that and how we move forward.

**Edna Chirico, Catawba River District,** said I know we only have ten minutes and we scheduled this way out so I have taken a 20 minute presentation and geared it down to ten minutes for you. I want to share a very positive initiative that is going on in Northwest Charlotte and Northwest Mecklenburg. Ms. Chirico introduced members of the Executive Board. Northwest Charlotte/Mecklenburg is essentially the last frontier for Charlotte. The Catawba River District was formed in 2007 when nearly 5,000 homes were slated to be built in this area. As you know the world has changed and those 5,000 homes have gone away, but the Catawba River District has not gone away and it has focused on a lot of initiatives that are setting the stage for very quality development when the market comes back. One of the first things accomplished by the Catawba River District also back in 2007, was a voluntary certification program that you can find on our website, that takes the national standards of leaves and healthy built homes and adds a water quality component. We are hoping that that becomes a very voluntary dynamic component of the development that will eventually happen out there. In the meantime, we have been working to add education programs in this area and to develop a mission that focuses on collaborative partnerships between the environmental community and the development community to determine that this area is going to evolve into one of the major assets that will beautify a strategy for long-term environmental and economic sustainability. Since new construction is on hold, we have spent the last three years focusing on education. We've worked on education classes for native landscaping techniques and home energy. This past year we focused on two major initiatives and I will briefly describe those initiatives for you this evening and ask for your endorsement, not for money, but your endorsement of our concepts and our support as we move forward. Our first project is a K-20 Learning World and the next one is the Friends of the Catawba River District. The first focuses on STEM education and the second on water awareness and consciousness. This geographic area surrounding the US National Whitewater Center is rich in natural resources and environmentally protected land, however, it is low to moderate income, has an aging housing stock and schools with challenges in meeting their end of grade of goal. This community will not ultimately develop truly

sustainable until we figure out how to achieve a balance known as triple bottom line, a balance of our social, which is our housing and our livability, our environmental and our economic needs.

You could also call this live, work and play. To start the needle moving in the right direction for sustainability, we must start with education. The Catawba River District has established a regional alliance with Gaston County Schools, Belmont and Mount Holly. This is a list of nine schools that have our attention. You may have noticed that over 50% of the students in these schools are economically disadvantaged and we have an idea on how to change that number dramatically. Research has shown us that hands on learning is most effective means for learning for all students, but especially for students achieving below grade level. Let me give you a fast example. Currently, this is how we do science. Option 1, find a puddle, photograph it, show the photograph to a 7-year old child how to read about puddles. Later ask her to talk about the puddle. Here is the hands on learning version. Find the puddle, add one 7-year old child, mix thoroughly, stomp, splash and swish, float leaves in it, drop pebbles into it and count the ripples, measure the depth, width and length of it, test the PH, look at a drop under a microscope, measure 250 milliliters of puddle water and boil it until the water is gone. Examine what is left in the container, examine how long it will take for the 250 milliliters of puddle water to evaporate, time it, chart it. Now ask the child to talk about it in class. These youths in these nine schools are in most instances economically challenged in their homes. This population does not visit our regional and state parks, our national parks, our museums or our libraries because they are comfortable with their neighborhood and opportunities close by them. We need to take the science, the museums and the parks learning experiences to them. We have formed a K-20 learning team and in case you missed the significance of K-20, it is kindergarten through PHD research integrated learning and we've identified learning categories that focus on STEM education. STEM – science, technology, engineering and math. These are the skills needed for current and future jobs in our global market place. These models support North Carolina Public Instruction, but they also take learning beyond the classroom and into the community. Learning becomes an interactive theme park experience. From these circles of models have come a series of learning laboratories strategically located. We've found an 11,000 square foot building whose use has been donated to us to use as a learning laboratory. We have laboratories at three of our schools sites along our Catawba thread trail in the greenway system and some remote observations via video and robotics so you can observe things like the nesting Ospreys along the Catawba River. Beyond our school systems, and we've incorporated science teachers, we also have helping us three department at UNCC and Discovery Place. We are in the planning and design stage and seeking funding, we are not seeking funding from you. Our funding strategies include working on a regional STEM grant that is recently offered through the US Department of Education. We are working on corporate sponsorships and the second program which we are calling the Friends of the Catawba River District, will be contributing factor.

We estimate that only 20% of our community realizes they get their water from the Catawba River. We want to change that awareness and are partnering with our utility companies, Charlotte-Mecklenburg, Belmont and Mount Holly to raise awareness of not only where our water comes from, but how to minimize our water usage and water pollution. We want everyone in our region to become a friend of the Catawba River. Through mirroring websites, social media and public service announcements and positioning messages within utility bills we hope to reach over 500,000 rate payers with a simple message focused on water awareness, usage and pollution reduction. We are even including a volunteer pledge that you can post on your refrigerator and your children can remind you of it. Proceeds from this friends program will go toward our K-20 learning world efforts. Here is what we want of City Council. We are asking you to endorse our K-20 Learning World Initiative and our Friends of the Catawba River District Project. We would ask that you authorize a letter of support for these initiatives so we can use as we continue to apply for grants and foundation funding and to allow and encourage staff time to further exploration of the regional long-term vision of the Catawba River District. That vision directly supports at least two of your economic development goals and three of your environmental goals for this year.

Mayor Foxx said Mr. City Manager, as you look at that list, are there any reservations you have about the Council supporting this?

**City Manager, Curt Walton,** said so sir, I think on number 3, we will integrate that with our other responsibilities so we will have to calibrate how much time we spend, but we are certainly open to working on it.

[ Motion was made by Councilmember Howard, seconded by Councilmember Carter, that the ]  
[ City Council support this effort by doing these three things. ]

Councilmember Dulin said what is the cost associated with those three other than staff time in No. 3?

Ms. Cherico said we are not asking for any money, just staff time for creative thinking.

Councilmember Kinsey said would the Council be informed of the grant requests before we sign off on them. I'm not comfortable because I don't have anything except what I have in front of me. I'm not comfortable just giving carte blanche.

Mr. Walton said we will be glad to do that. If it requires any kind of City participation you would have to approve that anyway, but we will let you know whether we are in it or not.

Ms. Kinsey said if a vote is taken tonight, does that mean that we endorse the K-20 Learning World? I don't have anything here to know much about it.

Mayor Foxx said we can refer it or we can seek more information if you want to do that.

Ms. Kinsey said have we gotten anything and I just haven't gotten through it?

The Mayor said some part of the presentation was dedicated to that.

Ms. Cherico said if you want more information we can do that. There is not anything that is time sensitive here. We were on your agenda three months ago and got real busy.

Ms. Kinsey said I personally would like a little more information.

Mayor Foxx said we will set it up for a vote on July 25<sup>th</sup>.

Ms. Kinsey said that would be great, thank you.

Councilmember Howard said why are we deferring it?

Mayor Foxx said because we have a Councilmember who wants more information on it.

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#### **ITEM 4: FIRE DEPARTMENT SERVICES FOR MECKLENBURG COUNTY**

**City Manager, Curt Walton,** said as we have discussed a few times the Newell and Mallard Creek Volunteer Fire Departments are going out of business after Thursday and Mecklenburg County has asked us to serve those areas through the Charlotte Fire Department. The agreement to do that is on your agenda later tonight. We wanted Chief Hannon to give you an overview of how we are approaching that and some of the issues associated with it.

**Fire Chief Hannon,** said the Newell and Mallard Creek Volunteer Fire Departments both notified Mecklenburg County recently that they are going to close and cease to exist June 30<sup>th</sup> of this year. The County looked around at their alternatives and the best thing was to request the City to contract to cover those areas. We wanted to come up with a fair method of charging for that and funding that so we took the entire Fire Department budget, everything involved in our budget, and we took what one cent on a hundred in the City raises and we divided the number by that and we came up with a rate of 12.24 cents per hundred is what a citizen in Charlotte is paying the Fire Department for fire protection. We gave that number to the county and that is enough money to cover all fire protection services. We will do fire suppression, fire prevention, which is fire inspection, education, arson investigation, every service we provide will be done

just like it is done in the City when it comes to fire protection. The numbers came out to \$610,062 for the two districts. We've already built the appropriate stations to cover them for the build out for the annexation of that area so we don't need stations for this. Chief Hannon referred to the map in the attachment, which shows Mallard Creek serves the area from Eastfield Road essentially down to about US 29 and then Newell covers from there to about Plaza Road Extension. We are only taking over what is in our sphere of influence. About 20% of Mallard Creek's district is above Eastfield Road and in Huntersville sphere of influence and they will take that over. He pointed out a map of City and County, just to put it in perspective.

Councilmember Dulin said these stations that are along the county line, do we have any agreement with Cabarrus County to help them if they need it, or vice versa?

Chief Hannon said we have mutual aid agreements where if they have a major fire and need help we will respond. We do not sign automatic aid agreements because the Fire Departments that surround us do not equip and staff at the same level and it would provide a huge advantage to them in insurance ratings for which we would get nothing back.

Mr. Dulin said thank you, we want to be good neighbors.

Councilmember Carter said I would like to express the Council's appreciation for the volunteers and the service they have offered these folks, but I'm just delighted that we have our professional fire fighters in that area now. I'm wondering about water pressures. Some of those are private water companies that we've acquired in the annexation process, but I'm concerned that we have adequate water pressure out there.

Chief Hannon said that comes into our hydrant maintenance program. We will blow them and if we have a flow capacity issue we will identify that to CMUD and their response at dealing with something like that.

Councilmember Barnes said I recently had a conversation with some of your folks about coverage issues in primarily my District and part of Councilmember Mitchell's District regarding coverage when one station is out and who covers. At some point I would like to have a conversation with you about that. Secondly, just as a lighthearted point, a few weeks ago one of your crews went to my son's preschool and showed them the fire truck and how to use the equipment. The kids were very excited and the firemen did a very good job and I appreciate it and wanted you to know that they represent the Department well.

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#### **ITEM NO. 5: PASSENGER VEHICLE FOR HIRE ORDINANCE**

**City Manager, Curt Walton,** said this is a different theme on the same song. This has been in Community Safety and the Committee has done a very good job working hard on this for the last several months. This will be on your agenda for action in July. We wanted to give you an overview as this is the larger citywide taxi ordinance as opposed to the Airport issue that we have been focused on. Eric and Mujeeb will give you an overview of the Committee's recommendation.

**Assistant City Manager Eric Campbell,** said tonight we are going to present to you the work of the Community Safety Committee over the last 10 months in regards to the Passenger Vehicle For Hire Ordinance, which is also called Chapter 22 of the City Code. I am going to quickly walk through the process that we used in reviewing the Ordinance and Mr. Shan-Khan is going to walk through some of the amendments and legal technicalities behind some of the changes. Just to quickly refresh, last June Council was being asked questions or concerns were being given to Council by taxi cab drivers regarding the industry and their work environment and issues they had regarding paying franchise fees within the taxi cab industry. The Passenger Vehicle For Hire Ordinance also includes black cars and other vehicles that are for hire throughout the city in general. The Council referred the review of the Ordinance into the Community Safety Committee and over the last ten months or so we've been reviewing and talking specifically about how to better make this part of the code more effective. Mr. Campbell used PowerPoint, which is on file in the City Clerk's Office, for his presentation to City Council.

**Assistant City Manager, Mujeeb Shah-Khan**, said you have received a memorandum from our office that details a few quick hits in terms of what the big issues are in the ordinance revision. We have also provided you a longer memo that details all of the changes in the ordinance as well as a full copy of the changes in the ordinance. One of the things that was emphasized by everybody involved in this process was the need to improve and change the criminal record check system. The new version of the ordinance will require annual criminal records checks for applicants and applications can be denied for any felony conviction. This will mean annual checks, not only for drivers but also company owners and vehicles owners. Age limit change, something the committee had raised and had agreed to put forward, is a new age requirement of six years. The current age requirement is ten years. When you originally enacted the ordinance back in 2000, it was going to be a 7-year age limit. The ideal will be starting July 1, 2012, no vehicle can be older than 6 years. Smoking – drivers cannot smoke in the vehicles. Right now it says that drivers can smoke if passengers are not in the vehicle. We suggested, and the committee agreed, that drivers should not be able to smoke in the vehicles at any time. We have also put out there a preference for alternative fuel vehicles. It creates an incentive for companies to purchase hybrid or electric powered cars. One hybrid would equal three cabs which is similar to the way you look at accessible vehicles for the disabled community.

Councilmember Barnes said could you briefly address an issue for me. We talked during the committee discussion about passengers smoking in vehicles and we had some dialogue about how to address that. I believe you and Mr. Campbell have an update. Are you prepared to discuss that briefly?

Mr. Shah-Khan said yes we are, and what I can tell is that the reason we did not recommend in the ordinance that passengers be ban from smoking is that North Carolina law doesn't let you do that. The General Assembly, when they made recent changes, said we can regulate some areas of smoking, but in private vehicles. The questions was raised by the Committee regarding decals and having no smoking decals in the cars that drivers could put in so that passengers would be encouraged to not smoke. Mr. Campbell will talk about where we are on that process.

Mr. Campbell said I mentioned to Mr. Barnes earlier tonight, one of the things in reviewing whether or not we could require that was that the Committee talked about establishing some sort of refund or incentive to allow companies to decide whether or not they wanted to be a smoke free vehicle. In talking with Budget and Evaluation they strongly recommended that we evaluate that on the fee side of it rather than a refund side of it. Looking back at our timeline, the City Council has already adopted its budget, which included the fee schedule for this year. In addition permits are currently being reissued and renewed for the companies. What we are suggesting is to allow us administratively take a look at it so that next year when we do the new fee schedule we can then incorporate a non-smoking fee that will be a little lower for fee renewals and we will put that across the board, not just for taxi cabs, but for any passenger vehicle for hire unit. If they agree to be a non-smoking company, then they will get a reduced fee in their renewal.

Mr. Shah-Khan said with respect to driver's license, right now the ordinance just requires a driver's license. At the request of some in the industry, and also discussions internally, the new requirement will be that you have a North Carolina or South Carolina driver's license before being able to drive a passenger vehicle for hire. On the technology side, one of the things that came out of the Airport process was the idea to start using back-seat credit card machines for payment as well as having GPS navigation in all taxicabs. One of the things the ordinance revision will do is require back-seat credit devices and GPS navigation for all cabs. The final major change is on Airport tax service. Right now the ordinance says that the Airport has to have annual agreements with these companies they contract with. At the request of the Airport, and with the committee's approval, we drafted a revision that says the Airport cannot enter into contracts with these taxi companies for up to five years. Those are the major changes in the ordinance and we will be happy to discuss any questions you may have.

Councilmember Cannon said I don't know if they would want to be acknowledged, but certainly the members of the Public Safety Committee and that of Vice Chair Kinsey and members Dulin, Peacock and Barnes, worked extremely hard on this item and they are to be commended for the very hard work they put in drilling down on this to hopefully bring something back that would be a very good ordinance and a measure going forward. In addition I want to thank the Mayor for

his level of input relative to having us consider some things, particularly as we talk about the environment and having alternative fuel vehicles to be a part of that. There was one item that I would like to ask staff about as it relates to the black car industry. There seems to be a level of concern about black cars that may pick up passengers from other states that they might originate from and then come here, but not necessarily have a license to operate right here. As I understand it, there is a federal law that allows that to take place where they originate in South Carolina, Florida or Tennessee or wherever it might be, they can pick those passengers up and bring them here, but they cannot come to the City of Charlotte and make this as a part of the origination for picking up passengers. Is that correct?

Mr. Shan-Khan said that is correct. The federal ride act says that if someone picks up a passenger in Fort Mill and drives to Charlotte and goes to a game, either at Time Warner Cable Arena or Bank of America Stadium, we can't regulate that trip, but they can't come from Fort Mill, pick up somebody in Ballentyne and take them to the very same game. The federal law does prohibit us from regulating the pickup in Fort Mill that comes into the City.

Mr. Cannon said the only issue with that relative to them being able to pick someone up here, if they did come from Fort Mill or wherever, is that there is no real way to enforce that. Is that correct?

Mr. Shan-Khan said that is correct to the extent that if a Fort Mill company picks somebody up in Charlotte and takes them somewhere else, the way it was currently being enforced is that if the passenger vehicle for hire manager or inspectors found someone was operating without a permit, they could cite them. That would be an enforcement issue and I would defer to CMPD on their ability to enforce.

Mr. Cannon said I wanted to lay that out, Mayor and Council, so you would understand. If you get some questions from the black car industry about that, they need to understand what the parameters are concerning it from the federal government down, and then understanding what level of enforcement can potentially occur if they are caught. Do you know right now what is applied in the way of enforcement if you are able to catch anyone that is operating in a gypsy form, where they are actually picking up here locally if they are from another state per se? What are the consequences for that?

**Major Doug Gallant** said that is something we would run into more in an investigation where that cab driver was from another region, for a traffic stop or something and we started investigating where he is from, where he is picking up. That is how that would occur.

Mr. Cannon said that is something we want to keep an eye out for. If it does occur, alert the appropriate people.

Councilmember Carter said if we are doing annual criminal records check and extending those, are we incorporating the cost that would be associated with those searches in the fees?

Mr. Shan-Khan said that would be the plan. That is currently what is done and would be part of the user fee review system that you approve every year. Budget and Evaluation and CMPD would work on what the appropriate fees are to charge.

Ms. Carter said there is a really good definition of where passenger vehicles for hire cannot park. Where can they park?

Mr. Shan-Khan said they actually have about 19 or 20 taxi stands here in Charlotte that they are allowed to use and they have the ability to park in other spaces, but CDOT made a request that we put in something that prevents them from using metered spaces or those governed by the pay station. They can park in private lots, and they are actually allowed to park in those metered spots as long as they are off duty. While they are on duty, no, but they have a taxi stand while they are on duty.

Mayor Foxx said on the relationship between the drivers and the cab companies, over the last two years we've heard a lot from the drivers about them feeling like they are in a situation where they are basically being taxed multiple times. They pay to be a driver through PVH process and

then the companies charge them for the right to drive a cab. I know there was conversation about strengthening the regulatory piece to manage that relationship. I'm just curious why we opted out of going more stringently in that direction.

Mr. Shan-Khan said the issue was raised before the Committee and the Committee declined to ask us to pursue that issue, but we would defer to the Committee on that.

Mr. Cannon said Mayor is your question about the medallion piece? One of the things we found out, relative to going in that direction, you are almost asking the City to become a cab industry in itself, something I don't think we are trying to do in the way of growing government. I think we are either trying to maintain or shrink it to some extent. It would cause us to have to go to another form of doing business where we felt the better way for that to occur was to privatize or outsource rather than for us to do it in house. The piece relative to the regulation of company franchise fees, the committee felt it was important that the market be the driver of that, rather than us trying to regulate what those fees should be in house. That really was the bottom line in terms of how we felt that and the same thing with the limousine rates.

Mayor Foxx said this would get approved in July and within the next year you start to see changes occur in the actual stock of vehicles that are out there, based on these new rules. Is that correct?

Mr. Shan-Khan said yes sir.

The Mayor said is there a point in time when we look back at this to see how it is working. Is that built into this regulation. Sometimes we approve something and say within two years will take another look to see how it is going.

Mr. Cannon said off line we've talked about may a six month to a year gauge. There was nothing incorporated within this, but we can still drill down on that and put a year time limit. A year obviously gives us more time to evaluate where we are.

The Mayor said I think we ought to consider doing something like 18 months, giving a year where we actually see the changes and maybe a few months after that. This was a lot of hard work and I know a lot of people have put their time into this and I want to thank everybody for their good work on it.

Mr. Cannon said relative to staff bringing it back, unless there is some opposition to the 18 to 24 months comeback, and if not, I would say make that a part of the item we approve when it comes before us.

Mr. Shan-Khan said we will be happy to do that.

Councilmember Barnes said I want to thank the Chair for his leadership because this took quite a bit of work and you were very patient, Mr. Cannon, probably more patient than many would have been in that process. Also I know that Mr. Shan-Khan and Mr. Campbell did a heck of a job on helping us get this done.

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#### **ITEM NO. 6: BLACK TAR HEROIN**

Mayor Foxx said we are about to turn to a public safety issue that was brought to my attention probably within a week of taking office, a very dangerous situation with this black tar heroin. I hope that not only of those in this room take this presentation to heart, but I hope that our friends in the media will spend some time making people more aware of this epidemic that is taking the lives of a lot of young people in our community.

**City Manager, Curt Walton,** introduced Major Neimeyer, CMPD who is going to lead this and I think we have others here from different groups that may be part of this presentation.



**Major Glen Neimeyer, CMPD** said I realized we are pressed for time so I will go through this relatively quickly and it is just kind of a background. I am glad we had an opportunity to come talk about because it is a big issue for us right now and what we are dealing with. Basically, if you are not familiar with it, black tar heroin, or BTH as more commonly referred to, is the most rudimentary form of heroin. Other heroin is refined down the road, this is what most it starts out as, made in Western Mexico, smuggled in the US, most potent form. We are going to talk about overdose and personal impact, what it does to the addict. That is one of the reasons people that are use to the other forms of heroin don't necessarily realize what they are getting themselves into. Least expensive, highly addictive, so you've got the most potent, least expensive and the most highly addictive drug all rolled into one little package. It is also the most widely distributed form in the US. Why Charlotte? The top five U.S. cities for black tar heroin, according to DA, not exactly something that we would put on a postcard. Unfortunately, it is based on a lot of factors that we don't have control over. We are blessed to have a reasonably affluent area, one of the things I will talk about when it comes to addicts for black tar heroin specifically is that is who it impacts. It is less of something that you see out on the street level or something like what we dealt with in the 80's with crack cocaine. Less competition than in larger cities, New York, L.A. Chicago, Detroit, crossroads of major interstates, just like other things, geographically we wind up as a southeast hub. We've got all the major interstates coming through here and other modes of transportation all convene right here real nice right in Charlotte, and a civilian infrastructure and place to support it. We already have that. We already have folks in Charlotte who are willing to work on the sales and delivery side and the marketing side for the cartels out of Mexico and obviously, that is one of the things we are going after on our end. Cartels out of Mexico controls the majority of the black tar, as with anything else, there is going to be other people involved in production, but primarily anything coming across the border is coming through their shop. Marketing and distribution plan at rival Fortune 500 Companies. These are not ad hoc organizations. They are very structured, their finances and business is run with the logistics of a United Parcel service, very impressive when you breakdown into it. Multi-layered organizations, difficult to penetrate and of course we are dealing with a trans-national issue here which you know how difficult that can be. We can chase them to the border or we can follow them from the border, but the interaction back and forth sometimes can be a little difficult. Extensive support network in Charlotte – as I mentioned they got their foot in the door and they have people who are sympathetic and willing to work for them here. Multi-million dollar industry, multi-billion dollar industry nationally.

Who is addicted, who do we see, and again as City Manager Walton mentioned, we have Dr. Paul Friday, Chair of the Charlotte-Mecklenburg Drug Free Coalition, Professor of Criminal Justice at University of North Carolina, and Andie Anselmi, she is the Coordinator of Charlotte Mecklenburg Drug Free Coalition. I believe these are the folks Mr. Mayor you had met at the other event. Who is addicted? This is tracked through the UNCC Adam Arresting Drug Abuse Monitoring, wherever your arrestee is questioned and a survey data supports predominantly white males and females, age 17 to 27. In 2011 year to date we had 23 overdoses, all Caucasian, five deaths, four confirmed as being from black tar heroin. The user profiles, according to the Detectives who are out there working this stuff on a daily basis have expanded and we are starting to see a lot Middle Eastern users also. In fact about a week ago we had a lethal overdose involving a Middle Eastern gentlemen. The majority of users first get addicted to prescription drugs. They get the stuff at home, they find mom and dad's or grandmom's and grandpa's oxycontin, oxycodone, hydrocodone. These are the drugs they are finding at home, they use them until they are gone and then they go after the same kind of high and unfortunately the closest thing they are going to find is heroin and if they are out on the streets in Charlotte digging for heroin they are going to find black tar. In many cases some juveniles have gotten addicted through smoking marijuana that contained heroin. We have seen that where people try to use those as a marketing campaign from Marlboros to black tar heroin. It is being sold in almost every area of Charlotte and Mecklenburg County, not all of Charlotte and Mecklenburg County, but we find distribution sales located all over. We take one off, we run them down, we find another one. Generally they won't come back to the same location for a certain period of time, but they have certain market areas that they prefer. They know where their clients are just like anything else. If you were going to open a legitimate business you would do your market research, you would figure out where am I going to have the most amount of customers and you try to find a building to lease and you set up shop. Again you could probably find it just about anywhere if you were connected with the organization and knew where to look. We do run into a lot of users from different areas. Over the last five years, that is nationally and not necessarily

here, we've seen comparable statistics, high rates of disease. Obviously, this is an injective drug, and you run into all the things with needles, HIV, sclerosis, mersa. Personal impact, obviously they lose their jobs, quit school, lose scholarships, engage in criminal activity. It is ironic that being it being the least expensive, most addictive drug, it is on a schedule as far as prosecution for possession, sale and delivery and trafficking. Heroin users usually commit crime on other family members. Those of us who have been around a little while, you think of the junky of the 70's, the guy who is stealing money from mom and dad and taking grandma's check and cashing it. It is the same kind of thing you are seeing here. You are seeing people who initially are not prone to crime so they prey on their family members and try to find the money to support their habit in semi-legitimate manner. When that is exhausted they are hooked and now they have to go out and commit crime so you are less likely to see these people committing robberies and acts of violence, they are going to go out and break into your car and take your laptop and sell it or they are going to break into your home and take merchandise. Unfortunately rehabilitation success rates are very low compared to that of any other narcotics, and of course I would not be the expert to speak to that, but our folks here would be.

Mayor Foxx said I want to jump in here because I had a former colleague who came to see me and he had a son who was early in college and there had been a death in the family and there was depression, etc. and the kid started using marijuana and unbeknownst to them he had bought some marijuana that was laced with this drug. The addition took place right away and the kid was gone before he knew it. Within less than a year he had gone through rehab unsuccessfully and he ended up shooting and killing himself. This is a horrible, horrible story, but it is something that in this community we sort of think these types of problems can't happen in certain parts of our city, but this kind of addiction can happen anywhere and it is most likely to happen in some of our more affluent parts of our city. I want to make sure we are leaning into that problem and trying to deal with it.

Major Neimeyer said stepping away from the family, looking at the community, we mentioned about the crime and property crime is what you are going to see the greatest increases in. We see that tracking to a certain extent in some of the neighborhoods that have had a lot of heroin sales. These folks lose their job and they rely heavily on city and county social services and support mechanisms in place for them and they attract other types of criminal activity to a given area. Solutions – parents, community and Charlotte Mecklenburg Drug Free Coalition, obviously that is the best resource we've got going for us right now in the city. We cannot arrest our way out of this. This is a demand reduction problem and we need to get folks off the drug. I'll mention briefly what we are doing, but the best way to hit this thing head on would be to get the folks to stop buying it. Parental involvement, like Mayor Foxx mentioned, this is something that you will see in the families that you associate with on a regular basis, people that for all intent and purposes appear to be functioning as a good cohesive family unit and one person steps out just for a second and comes back a totally different person so this is something that you can't move away from and you can't avoid no matter where you live. From our perspective, we are attacking this on every level of the organization. We have people here in Charlotte who are sitting in rooms listening to phones in Mexico. We have people here who are working it from the lowest level, the street, the person out there with 10 or 15 balloons distributing up through the financial aspects of it. Just last week we took up a house over in East Charlotte, 5 arrest, 3 weapons and the oddity of it was they were actually Hondurans that had been recruited by the Mexican cartels to distribute the drugs locally here. That was a little unusual, but we are hitting this at every level of the organization from the border all the way to the streets of Charlotte. Our liaison with the drug enforcement agency, we have an active task force, also with the award of the high intensity drug trafficking area grant last year and continuing through this year, we have officers detailed to that and the focus of this is the black tar heroin. That is the only thing they are dealing with right now. We are trying to work it from downtown Charlotte all the way to the other side of the border in Mexico.

Mr. Cannon said that second bullet that you had listed up there in the way of talking about prisons in the sense where we are trying to less concentrate users going there, I applaud the effort of continuing to try to redirect them to substance abuse treatment facilities, largely in part because one of the main concerns that we have right now is that our facility here, the jail, you find people with more mental illness and substance abuse type issues that are really clogging up the space over there for where real hard criminals need to go. We need to do a better job of making sure that we streamline taking those folks to those treatment facilities versus clogging up

the space where really we have people committing some real serious crimes and they need to be going there. I would hope that we would drive that home in terms of an effort. I know that is not so much in your shop as it might be in someone else's shop, but those treatment facilities are there for a purpose and I don't know that we are using them to the full extent that we need to be.

Mayor Neimeyer said I appreciate you bringing me back to that because I meant to speak specifically to that second bullet. One of the things, and I would like to take credit for it, but it actually came from the Drug Enforcement Agency side of the house, but what they will do, every time we take off one of those cells, they do a forensic download of all the phone numbers in their phone. In other words, if I'm the seller, they call everyone of those phones and make an appointment to meet that person as the new seller. For example, somebody would call and say they took over for whom ever and if you want to buy some meet me at the McDonald's at such and such location. When that person shows up, what they are met with rather than a new drug dealer, is they are met with folks from the Drug Enforcement Administration and our shop, they give them information on rehabilitation programs and kind of a real quick scared straight when they show up and they have four or five police officers there instead of the person they would be buying a balloon full of black tar heroin from. We keep doing that with the DA folks because we thought it was kind of a neat idea they had.

Mr. Cannon said do you have any idea relative to the number of cases in the way of arrest that have been attributed to BTH?

Mayor Neimeyer said in the last past year or so? I don't have any numbers as I was primarily looking at the impact overdoses and things. Some of the arrests are ancillary to, they may be somebody who is in the house and they might have a warrant on them, but the house is hit because of BTH. We could get those numbers.

Mr. Cannon said what about relatives to send them to treatment facilities per se, any numbers on that?

Mayor Neimeyer said no, they don't track it because they don't get the person's real information. When they show up they keep it anonymous and say here is pamphlets and here is what we thing and we've got your phone number so probably a time to divert.

Mr. Cannon said thank you for your work and all that you continue to do. It is a very important issue.

**Dr. Paul Friday, Professor of Criminal Justice, UNCC** said I do the research in the jail, the arrestee drug abuse monitoring and prior to two years ago we were getting less than 1/2 of 1% of those coming in who tested positive with their urine samples. That jumped from less than 1% to 2% to 5% to 7% and the last research we did was 12% of those coming into the jail through our monitoring system. They are mostly young, they are white, they are affluent, they are intelligent and many of them believe that they are too smart to get addicted, therefore part of the issue is prevention and awareness and that is why the Drug Free Coalition is trying to partner with the police in order to get the information out to the public.

Mr. Cannon said that is very important, thank you.

Ms. Carter said today on MPR there was a wonderful program with Mike Collins talking with Judge Theo Nixon who runs the drug court here. The figures that came out there were absolutely astonishing. The State Legislature has cut \$600,000 from the program, in other words taken out all of their funding for the drug court. The County has stepped up and filled in that gap so they are funding drug court. The stats there that they were quoting is that there is 70% success rate with drug court and only 18% success rate with rehab programs. I think we owe a vote of thanks to our County Commissioners for stepping up with this funding.

Councilmember Dulin said I'm not sure, are you finished sir?

Major Neimeyer said yes sir.

Mr. Dulin said you mentioned the overdose and we obviously track very carefully homicides, but we don't see overdose numbers. When do, if at all, overdoses bleed into a homicide? Obviously, whoever overdoses is buying that drug from somebody. Does that ever become a homicide instead of a simple overdose? Do we follow it back to the source?

Mayor Neimeyer said absolutely, anytime that is possible. One of the things we have done more so recently with Chief Monroe is that we have Vice Detectives who respond to all those homicides automatically just about 24/7. If we believe it was a drug related homicide or drug related suicide or an overdose, they start working that angle. Does it become a homicide charge on that angle, I'm not aware of one of those personally. It would be nice, but it just doesn't seem like it happens.

Councilmember Peacock said where have the majority of your arrests of either a user or a seller of black tar heroin occurred in the City?

Major Neimeyer said if I were to put it in four quadrants, would that be okay, just North, East, West, South.

Mr. Peacock said of the 23 people that have had overdoses, what ratio does that tell us as to how many people actually out there using it? An overdose is the people who have really gone over the edge, but it tells you that they are a whole lot of other people out there that are addicted to the substance. Is there a number that you all use compared to other substances like cocaine or heroin?

Major Neimeyer said I would almost defer to the Coalition because the only one we would have are the ones that Dr. Friday's group gets from folks who come through the intake center. As a populous in its entirety, that would have to be something voluntary that people were given up that didn't come from a subsequent arrest. Are you seeing a big increase there, Dr. Friday?

**Dr. Friday** said we are seeing a big increase, but that is a very good question. I don't know if we can extrapolate from that in terms of how many. I think the point is that even though the numbers might be actually small at this point in time, they are going to grow bigger unless we are able to tackle this a little bit more. The main thing here is that it is attacking some very great young, intelligent people and every life is affected by these drugs and it is the addictiveness of it that is of concern. We also have addiction with other heroin in the community that comes from a different source. If you combine the addiction between black tar heroin and the Afghan heroin that comes in then we as a community have a substantial heroin problem that we are not talking about.

Mr. Peacock said my point Mr. Mayor was wanting to echo your sentiments and I would like him to provide back the statistics. It is simply that it is a shock for me tonight as to how many people are affected from the affluent areas of this town and that is not what people are expecting to hear when they hear about it. They think this is happening somewhere else or in some other community. Could you give us the zip codes of those 23 people, where they live, where they are coming from, just give us a breakdown of where these people are coming from because I think it tells us where the problem lies and if it is in the South, I think that is news to Charlotte.

Major Neimeyer said you are talking about the overdoses?

Mr. Peacock said yes.

Councilmember Howard said I was wondering how we compare to other places in North Carolina. Is this just one of those things they have identified Charlotte and if they have identified the Metropolitan area, is there reasons why you guys have put your hands on why here and not other places in the Carolinas?

Major Neimeyer said it goes back to the slide I had. Most cities it is geographic, all the highways coming together here, the other transportation infrastructure with the Airport, even though most of this is coming by car and truck. Centrally located on the eastern seaboard, it is kind of like Atlanta, it is still the cocaine hub. That is just where people think to go and I don't want that distinction so I think a lot of it is just the fact that this is where the highways intersect,

we've got the population to support it and they are not going to run into what they will run into like in New York or L.A. as far as the amount of competition with other drug sales.

Mr. Howard said my concern would be going on further down the road and just the fact that if it starts in the south that is just the start and before long we know what happens. It happened with the last epidemic we had and it will be in east and west Charlotte real quick. I would hope we could do something. Are we seeing the points of distribution are in those areas?

Major Neimeyer said we are finding them pretty much in every place, but they tend to focus more where their customers are.

Mayor Foxx said we talk a lot about prevention and normally we are talking about that within some zip code and we really need a prevention strategy for this one that is different in like and manner than typical. As we talk about youth initiatives and youth programs, know that we are not talking about just one group of youth, we are talking about all of Charlotte. Thank you very much and we will take it up later.

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#### **ITEM NO. 7: ANSWERS TO MAYOR AND COUNCIL CONSENT ITEM QUESTIONS**

**Assistant City Manager, Julie Burch,** said quickly answers to your Consent Agenda questions. Councilmember Carter pulled Item No. 26, the Sandlewood Apartments. You asked for the definition of rehab in this case. The company plans to review exterior siding, roof replacement, interior and exterior painting, replacement of kitchen and bathroom cabinets and HVAC work.

Councilmember Carter said is that going to be green?

Ms. Burch said it is going to be green in terms of environmentally friendly, a representative of the company is here and we can get that answer before this evening.

Ms. Carter said if you will.

Ms. Burch said another question Ms. Carter raised was regarding support services at Sandlewood. These would be typical tenant services, after school, computer training, and monthly social events in addition to partnering with neighborhoods and churches in the area. Item No. 28, Councilmember Carter asked for the geography to define the areas. There is a map that is being distributed now to the Council to indicate what those targeted geographies are. I believe Items 30 and 31, Councilmember Barnes indicated that he was going to be making a comment about those items downstairs. Item No. 35, Sweden Road Maintenance Facility Expansion, in terms of brownfields work we do plan to do an environmental assessment of this site and as part of a future contract we will be removing the remaining underground storage tanks as well as doing some remediation. Those will be separate contracts forthcoming. Item No. 36, Councilmember Carter indicated she was going to be making a comment about that. Item No. 37, purchase of conservation easements and mitigation rights, this item will actually enable projects and those dollars to stay within Mecklenburg County. Item No. 38, I believe there was going to be a comment by Councilmember Barnes, Toby Creek Greenway. The Gold Rush Circulator Service, Councilmember Carter asked for past contributions and ridership. Yes, contributions have gone down. The contract in FY02 was for \$525,000 and in FY11 there was \$325,000 paid by CCCP and that is of course dependent on contributions that are made. Generally speaking, the contributions have gone down while costs have gone up so there have been services that have been adjusted, primarily frequency of service, but on the other hand services has also been added to J. C. Smith and CPCC and Presbyterian Hospital and Carolyn Flowers tells me that the ridership increase as a result of that in J. C. Smith and CPCC is actually 17% over last year. We can get you additional information. I don't have the actual number of passenger in front of me right this minute, but we can get that for you if you would like it. Finally, in terms of the Street Car I believe Councilmember Dulin indicated that he was going to make a comment, but I needed to point out to you that Item No. 49, and we sent a memo to you on this subject on Friday afternoon. We were awaiting DBE information for components of this contract. Staff is asking that you not take action on parts two and three of Item 49. We will be coming back to you at a later date with those contracts. For Items 1 and 4, as far as the DBE

information is concerned, Item 1 for THC Inc. they have met the DBE goal of 3%. For Item 4 with the Klauk Law Firm for \$100,000, they did not meet the DBE goal, but they did meet the good faith efforts. I believe that concludes all the questions that were raised earlier. Councilmember Dulin said for the purposes of my no vote on Item 49, tonight the motion will be for one and four only, then I'll get to take a whack at two and three another day.

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## **BUSINESS MEETING**

The Council reconvened at 6:45 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were Michael Barnes, Jason Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, James Mitchell, Edwin Peacock and Warren Turner.

Mayor Foxx congratulated Deputy City Attorney, Bob Hagemann on being announced today as our new City Attorney, effective January 1, 2012. He will be a great City Attorney and we look forward to that.

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## **INVOCATION AND PLEDGE**

Councilmember Kinsey gave the Invocation and Mayor Foxx led the Council in the Pledge of Allegiance to the flag.

## **CITIZENS' FORUM**

### **NEWELL SOUTH NEIGHBORHOOD IMPROVEMENT.**

**John Ricciardi, 7229 Rockland Drive,** said I live in Autumn Wood and just a little history on Autumn Wood, it was originally a small dirt road on which six families lived. My wife's family was one of the original owners and they bought and paved what is now called Rockland Drive. She has no recollection of anyone ever buying the road or the right-of-ways attached to this road. This road enabled Hobart Smith to build what is now called Autumn Wood. Beginning ten years ago the city came to us, had a meeting and asked if the people would like to have sidewalks. A very small group at the meeting said they would like to have sidewalks so the City Planning just went ahead with it. Newell and Autumn Wood is a very hilly area. The inclines in most of the area are about 20 to 30 degrees so what they are planning to do is come in and put in sidewalks on the hills. When they showed the plan to the people in 2007 it was not happily received, in fact the people took up a petition and the people were against it. They just went ahead and bulldozed through. Fast forward to 2008, they came in and showed an update as to what was going to be done. Again the people said they didn't like it. In 2011 the final plans were shown to us. Sidewalks and planting strips 10.5 feet wide with retaining walls anywhere from 6 to 8 feet. This is going to change Autumn Wood from a little country village into a downtown park such as Marshall Park. Most of the people in the area don't want this to happen to their neighborhood. They bought a country setting. That is why they moved here. The town Planning Board asked a group of 21 individuals in 2008 to pick out what they might like off a menu of things, so 21 people out of a village of 230 homes are deciding what is going to be done in Autumn Wood because the Planning Board is not going to listen to us.

**Pamela Harding,** I'm speaking for Mrs. Corkill this evening because her doctor would not allow her to come so I have a statement that she has written. Rockland Drive is a quiet, lightly traveled and unusually beautiful little road, having been faithfully used for years by all ages and manner of pedestrians, but the despite the popularity and wide use with no history of safety issues, greenway planners insist that it is unsafe and must be supplanted by a 16-foot walkway and planting strip. Picture a walkway as wide as the widest of uptown on a residential street often described as little country road, barely wide enough for two-lanes of cars. Ugly image isn't it? This is the proposed Rockland Drive Greenway Overland Connector, about 500 feet in length from Blue Rock Road, south to Autumn Wood Lane to be built and paid for by the City. The Overland Connector begins at the end of the second phase of Toby Creek Greenway, located on a floodplain on a steep hill from Rockland to the currently proposed start of the third phase,

which is yet unfunded and on which planning will not even begin for three to four years. Take into consideration that the greenway may not continue up Rockland or even be built and you have to ask why the connector. Greenway planners are still very vague about Phase 3, but insist the 16-foot wide Overland Connector must not be delayed, even though it has no purpose at present. Our foremost objection is the factually unsupported claim that vehicular traffic on Rockland Drive is so dangerous to pedestrians that the Connector is essential for the safety of future greenway users. My personal observations are very much the opposite. I live on Rockland and have seen the activity on it at all hours for 20 years. I see light traffic and moderate speeds, even during rush hour the vehicular traffic is moderate. Mid-mornings, afternoons and evenings it is very light and week-ends are virtually traffic free. Two speed bumps and a 25-hour per mile speed limit worked well. Seven days a week at all hours, joggers, power walkers, cyclist, young people all use Rockland Drive for exercise, even the seniors like me. If Rockland is now widely and safely used by the neighborhood, how does it become dangerous for the supposed future greenway users? Despite numerous requests, no hard data has been forthcoming to substantiate these assertions of danger and high speed. Why not give us the facts to support these claims? Rockland residents first petitioned against the connector in October, 2008 at the initial presentation. The petition was ignored and Planning continued unabated.

**Becky Corley, 6707 Kemp Street,** In October 2008, residents of Kemp Street and Gray Street received postcards announcing Autumn Neighborhood Improvement Plan meeting. Since I don't live in Autumn Wood subdivision, my neighbors and I assumed the meeting was not for us. As we understand it a vote which was taken showed minimal interest in sidewalks at that time. The residents on Kemp, Gray and some of Owen were never informed of the complete details that were involved in putting sidewalks in. Years later I received another postcard and now using the terms, Newell South Neighborhood Improvement Plan meeting. I attended this meeting to find out the reason for the sidewalks was to connect the greenway to North Tryon Street, not any neighborhood improvement. I also found out that homeowners on our street would have to give up to 23 feet for these sidewalks to go in. When we realized that 23 feet, give or take, would be used for this endeavor, we were outraged. We were told that even if we have 100% opposition that this plan would still take place. Who makes these rules? If everyone affected said no to sidewalks why would the City spend money on something not wanted or needed? Now with the Blue line on hold what reason is there to connect the greenway to North Tryon? If you wanted to connect the greenway to North Tryon why not just go down Rocky River Road and avoid Autumn Wood Subdivision, Gray, Owen and Kemp by connecting from Rocky River straight to North Tryon and you would save money. Did you know that you could also connect the Greenway to North Tryon via Owen Road and not even put sidewalks on Gray and Kemp, again save money. When Kerry Trescott and Mr. Jarrett came to me with my neighbors, we asked if we could at least have proper drainage put on our street such as piping where ditches are and proper storm drains. If this is truly a neighborhood improvement plan, we need these improvements if sidewalks are going to go in. If these drainage improvement are made can we have curb sidewalks which would take much less than 23 feet? The sidewalk plan states 8-foot planting strip, then the ditch, then a 5-foot sidewalk. That is a lot of our property. We have an extremely bad issue with mosquitoes because we have improper drainage. The City has already come out two times to treat for mosquitoes this year and the problem is not resolved. If the City is sincere about improvements, install sidewalks on all of Autumn Subdivision and all of Gray Drive, not just half of Gray Drive as proposed. Please use this money elsewhere. Schools, training, the unemployed, libraries, helping the homeless, you should have no trouble finding other issues to use our tax money in better ways.

**Bill Jett, 7041 Summer Place,** Following C-DOT policy we surveyed 75 homes on the affected streets in Autumn Wood. Only 15% showed full support, 20% support with modifications and the rest strongly opposed or have given up fighting City Hall. We find that City Officials have misspoken, misrepresented the facts and even lied to us. At a March Community Association meeting Greenway Planner Gwen Cook told about 40 people that no city money was to be used for the greenway, yet on June 7<sup>th</sup>, Cook was the staff contact on a \$262,000 City of Charlotte Area Plan Implementation Grant. She also planned the Greenway Overland Connector which is being built and paid for by City NIP bond money. Ask Cook what part of no city money does she put this all under. The same meeting, Carl Jarrett, City Engineering said the sidewalks are not a done deal and the city would not shove the sidewalks down our throats. Then in a May 5<sup>th</sup> association meeting with Mr. Barnes, Jarrett said he

misspoke. We have a documentation where Kerry ... backed up Jarrett, then reversed herself and then once again reversed herself with a final assertion that NFP does not have an appeal process. We have several other documented instances where ... has reversed herself and due to this we have gotten to the point where we mistrust what she says. In mid may she finally said if you oppose this project you may bring your case to City Council. So folks, here we are clearly stating that the majority of Newell South residents are opposed to the sidewalks. This is far from the first time we have voiced such an opinion. NIP bond money is like a credit card, if you spend it you will have to pay for it. This Council pays the bond debt with our taxes. The Council can't keep schools open, teachers hired or even libraries open. What kind of priorities does it suggest when sidewalks take precedents over our children's education? Yes, it is different money, but it still has to be paid out of our taxes. Since no record exists of Rockland Drive being purchased from the rightful owners, the city may be complicit and unlawfully taking this property. Prove that the city owns it as well as clearly identifying the right-of-way and how that right-of-way was obtained. Since NIP bond money is being used to develop the greenway, there may be an inappropriate use of public funds. Prove that this is not the case. Finally, do you want to tell the voters that you want to raise taxes so you can build sidewalks, but ignoring our children's education or provide less services. Ladies and gentlemen, the buck stops here. We implore the City Council to personally examine this projects development, answer our questions and finally stop the sidewalks.

**Gabriella Duran, 6518 Creekstone Place,** I currently live at 6518 Creekstone Place. My property is the second largest property that would be impacted by this change. I have no children and I stake no advance in either direction other than I think it would provide a way for people to walk safely in my area. I can appreciate what the gentlemen said about his area being changed, but many places have to change for the future. Newell South is no different and no more country than Central Park is to New York. The reality is that providing a sidewalk would not hurt anyone in my area that I can think of. Property will be lost, but I think for the good. In order to move toward the future, if we are going to a mass transit system, having a throughway going toward that transit system by sidewalks would be beneficial. Less people will be more likely to drive, hence reducing many environmental impacts.

**Okan Pala, 6521 Creekstone Place,** I live on Creekstone Place and I would like to thank you for the opportunity to speak here. I'm speaking on behalf of the neighbors who are in support of the sidewalks which I think is the majority in our neighborhood. I have been living in the Autumn Wood neighborhood for the last 7 years and I have been involved with the neighborhood association as well. I am current Captain of Creekstone Place and I started the first website for our community and the first e-mail list for our community. I am originally from Turkey and when I first moved here I wanted to have a community, a lot of neighbors that can get together and see each other on the street and socialize. My experience was that this was not happening and I think sidewalks are amendment to that. If we have the sidewalks that would happen more and more people would go out on the street, spend more time outside and meet each other. That is one big plus and also people go out and exercise, walk safely and safely is my number one concern because I have a 16-month old son. He is walking now and about to start running and I'm really worried about him being hit by a car because contrary to what some people said, people speed through our neighborhood all the time and there is heavy traffic. People text and drive at the same time. I'm scared to death for my son and according to the latest demographics there is 40% of our neighborhood with children of school age. They walk to the bus stop, back and forth everyday and having sidewalks would give them a safe way. Safety is my number one issue so I think this is a great thing. I love my neighborhood and I would love it more with sidewalks. I love it so much we bought my mother-in-law a house on Owen Boulevard to walk back and forth there every day and sidewalks is a great venue so I can do that and a lot of people can get out and walk. On top of that it would give us connection to the light rail. A lot of folks in our neighborhood are for it. I was a part of that committee who did the last survey and the results shows 62% supporting the sidewalks. That was the last number that I was involved with so whatever else is going on, I don't know. I would appreciate you allowing this project to move forward as soon as possible as it is the best thing that can happen for our neighborhood.

**Karla Cuidry, 1021 Owen Boulevard,** I am a proponent of the sidewalks in Autumn Wood neighborhood. I live on Owen Boulevard and I've lived there for the past ten years, one of the roads that is directly affected by the project. Owen Boulevard is a cut-through road. I used to



walk on Owen Boulevard quite a bit, but that came to a halt because of actually several close calls and actually having to step off the road because cars were not moving to the side, I stopped walking in the neighborhood altogether. It is dangerous and cars do move fast. I've seen them go through stop signs. Sidewalks would be a much safer way to enjoy our neighborhood. I stopped walking in the neighborhood and moved to Reedy Creek Park for walking and walking my dog. Another issue I have to bring up is my 86-year old mother lived with us until her death in 2009. She had an electric chair that we had to put in storage because she was not able to use it. Had there been sidewalks she could have enjoyed the neighborhood and could have gotten out and spoken to neighbors, but as it is now, we wouldn't have allowed her to get into the street. Right now it is neither safe for the elderly or the handicapped to walk in the street, or anyone for that matter. I hope you will consider moving forward with the sidewalk project in the Autumn Wood neighborhood.

\* \* \* \* \*

### **THE GLASS-STEAGALL ACT**

**Gregory Lance, 11103 Arthur Autan Road, Huntersville,** I appreciate the opportunity to speak here. I'm here as a concerned citizen that has been researching the bank bailouts for the last two or three years. I knew something was wrong when we had 1,000 to 1 that wrote Congress that didn't want the first tarp bailout and they still passed it. First they didn't pass it and then they got the Senate to pass it and then Polson, at the time, Secretary/Treasurer said we are going to have total economic collapse, we are going to have ATMs with no money getting out of there, and Representative Sherman from California went on the House floor and said we are actually going to be threatened with Marshall Law if it doesn't pass. Here we are now, two of three years later all this data I'm giving you is all main stream news. The Federal Reserve is handing out trillions of dollars to foreign governments and majority of the trillions of dollars from Bloomberg news finally suing them and they said they didn't have to tell Congress where the money is going. But they find out that the majority of the trillions of dollars is going to foreign governments and foreign banks. We have municipal bonds, pensions, 401K, social programs and fire, police, state and federal budgets all affected by these derivatives, the credit default, swap, slice and dice of mortgages around the world. Moody's and other rating agencies which are owned by the elite have said they were good and they weren't. We all know that they are not and now the banks sold then they bought credit and fault swaps against these financial dealings knowing that they were bad. Banks are still in bad shape and we are not counting the commercial foreclosures that are coming and the regular foreclosures that they don't have to show bad books right now until they get rid of it. I don't know who made that law. We have measures going all over Europe, riots in Greece, Portugal, Spain, Ireland, and Italy and it is basically because they are cutting everybody to the bone and raising taxes and don't think that is not coming here. The only reason it hasn't is because the Federal Reserve has been printing money and propping it up. We have high inflation, food is already going like crazy, food and fuel which is at a time based on the dollar is going like crazy. Most leading economist say we have \$700 trillion to \$1.5 quadrillion related depravities and no matter what issue you've got, unless you take care of this, and I'm asking for your support and a resolution.

\* \* \* \* \*

### **THE EPI-CENTER**

**Phillip Agnew, 1128 Kurt Court,** My name is Phillip Agnew and almost a month ago I was arrested and charged with trespassing at the Epi-Center for not complying with the ever changing selectively enforced discriminatory dress code. Now I know this may seem like an insignificant event among the many larger issues that many of you all confront every day, but if I may I would like to use my time today to let you know that my personal matter may seem small, but it actually underscores a serious more widespread issue in uptown Charlotte. This matter is not merely about dress codes and backwards hats, but it punctuates a pattern in discrimination, profiling and any quality that is perpetuated by many uptown venues, including, but not limited to Sweets, Whiskey River, Strike City, Black Fin, Butter, Wet Willy's and Cosmos, just to name a few. Now it may not be an issue to some of you, but it is an inconvenience hoop for many minorities that seek entrance and acceptance in the uptown venues. We are not welcome, our money is accepted and our presence is begrudgingly tolerated. African Americans, specifically black men

are vilified uptown. A group of men, college educated, taxpaying men become a gang if black or Hispanic. This fear manifest in everything from dress codes to their treatment of minority patrons at the door. If lucky enough to make it in, we are unfairly targeted and profiled and subjected to increase scrutiny from all levels, from bouncer to bar tender, server to security, we are not welcome. Our money is accepted and our presence is begrudgingly tolerated. This is a city matter. A problem like this causes many ripples. It impacts the quality of living of your residents, who work hard, pay taxes and desire social outlets and opportunities that at least rival that of other cities. It impacts your tourism and hospitality departments as uptown continues to cultivate a reputation among minorities that it is far from hospitable. Lastly it will affect our city where it matters most, the bottom line in dollars and cents as a movement to deny revenue to those who deny us respect and common decency grows by the day. A community dialogue must occur soon. A shift must happen to avoid further erosion of relations between paying customers and a business community that seeks to erase minority presence uptown altogether. I have filed a formal complaint with the City's Community Relations Committee. I have sent a letter outlining our grievances and our demands to Mr. Bob Morgan, as well as the CRVA, Tourism and Hospitality and Center City Partners, and a petition calling for an end to discrimination at uptown venues is signed by dozens daily. I stand before you today still a big fan of the Queen City. I present to you this evening a very real issue for many of your constituents. It is my hope that we can work together to bring resolution and viable solutions to this issue. If we cannot, our boycott will expand and grow stronger.

\* \* \* \* \*

#### **NEW WAY FOUNDATION, A NON-PROFIT FOR CHILDREN**

**Genesia Newsome, 8000 Andover Creek**, My name is Genesia Newsome and I'm replacing Julese Dortch because she was unable to come. I'm the founder of New Way Foundation and the reason for me coming today is I want the City of Charlotte to know what our organization is trying to do for our kids. We offer free tutoring services, mentoring services, exercise and music programs for kids K-12. We also starting partnering with CMS for suspension program because we do know that some of the centers have been closed. With our suspension program, the first week that a child is suspended, if it long-term they have to go through a boot camp to be admitted back to CMS. Our goal is to educate our kids, to put them on a higher path. If they are on their current grade level, we want them to surpass their grade level. If they are not on their grade level, we will get them there. All our services are free. We have a New Way Fitness Program which we know obesity is a major factor in our kid's lives so we try to show them the right way to go. We show them how to eat, what to eat and exercises to do, all for free. Alone with the other things that we offer, we have sports as well with our organization. For our sports the kids have to have a 2.0 GPA to play our sports. We have basketball and cheerleading which both are affiliated with AAU. With our cheerleading services, it is during the summer and also after school program. All our tutors go to training so that way we can actually go by the motto, no child left behind. Our mentoring program, any child that goes to our suspension program will automatically be paired with a mentor. All our mentors are either service members, including myself. The reason for it is we want to implement the military values to them such as service, honesty, want them to know the right path to go. Some of these kids are not given a chance by their parents or by their teachers. We want them to know that this is an organization here for them and we are here for these kids. It is non-profit organization. All the services we provide for these kids are free.

Mayor Foxx said we appreciate all the speakers tonight and we had a number of speakers on the Newell South Neighborhood Improvement Project.

Councilmember Cannon said I would like to know if we could get a report back from EPM with regard to where things are and how we can move this forward. I've had some level of discussion with the District Representative, but would like to get more information that could be shared with all members of Council along with the Mayor. The second piece, we had a Mr. Agnew to come down with regard to the Epi-Center. I would like to see if we can get a report from Mr. Ratchford with Community Relations Department, if they would be so kind as to share that with us, it would be good to have. I would like to get more background please.

Councilmember Barnes said I want to point out that I don't see Jeb Blackwell here or the Project Manager, but staff does have a collection of information regarding the bond history and how the Newell Project got to where it is and I'm sure it will be enlightening once we see it. We should have that shortly.

\* \* \* \* \*

## **AWARDS AND RECOGNITIONS**

Mayor Foxx said we have one award tonight and it is one of my favorite awards and recognitions that we do which is Do The Right Thing Award. The award is actually named after Dr. Andrew P. Sam Haywood and it is called The Haywood Award as well. It is given to a student in our community who displays exemplary attitudes and behaviors and shows bravery under certain extreme circumstances or has participated in outstanding volunteer opportunity. This year's recipient is a student by the name of Kate Speece. Kate if you will come down and you will be introduced by Charlotte Fire Department Battalion 7-B Chief Barbara Beam as well as our Police Chief, Rodney Monroe, our Fire Chief Jon Hannan and I think Superintendent Gorman is here as well.

**Battalion Chief, Barbara Beam** said I am Battalion Chief with the Charlotte Fire Department and I also have the opportunity to serve as President of Do The Right Thing. As you acknowledged, Do The Right Thing is a coalition of the Police, Fire and Schools. We are dedicated to recognizing and rewarding acts of integrity and courage. Tonight I'm excited to be here to honor and celebrate our annual Dr. Sam Andrew Haywood, Do The Right Thing Award recipient and I would like to present to you Kate Speece, a rising senior at East Mecklenburg High School. In addition, accompanying Kate are her parents, Mr. & Mrs. Robert Speece, as well as her Principal, Mr. Richard Parker. One evening this past November, Kate was headed to the Target Store in Matthews to enjoy some shopping and spending some of her hard earned money. As Kate entered the store, she was focusing on all the things she was planning on purchasing, however as she approached the doorway to the store she witnessed a gentlemen suddenly collapsed to the ground in front of the store. As another bystander pulled out their phone and called 911, Kate quickly knelt down and began checking the man's condition. Finding no pulse or respiration she recognized the immediate need for CPR. Having just completed her life guard recertification training her instincts kicked in and she began administering life saving chest compressions. Kate continued to provide this crucial patient care until the Paramedics arrived. Her quick and unselfish actions saved this man's life. She demonstrated incredible maturity and strength of character. Today we honor and celebrate her courage and commitment to doing the right thing.

Mayor Foxx said we are immensely proud of you. You found yourself in a situation that nobody wants to be in and your training came into play and you were able to save a life. A lot of times we complain about young people, but you give us a great reason to celebrate the quality of young people we have in this community and I want to say you are credit to your parents and to your community and we thank you.

\* \* \* \* \*

## **CONSENT AGENDA**

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to approve the Consent Agenda as presented with the exception of Item ]  
[ Nos. 22, 26, 28, 30, 31, 36, 37, 38, 46, and 49 which were pulled and Item Nos. 53-L, Q, R ]  
[ and T have been settled and therefore pulled from the agenda. ]

[ Motion was made by Councilmember Cannon, seconded by Councilmember Carter, and ]  
[ carried unanimously, to recuse Mayor Foxx from participating in Item No. 42. ]

The following items were approved:

21. Contract to the lowest bidder to provide light bars, sirens, and speakers for the term of five years in the estimated amount of \$450,000 for the first year and \$150,000 in each of

the subsequent years to Campbell-Brown, Inc. and Dana Safety Products; authorize the City Manager to approve up to two, one-year renewal options with possible price adjustments as authorized by the contract.

**Summary of Bids**

Campbell-Brown, Inc.	\$18,200.06
Dana Safety	\$18,516.38
Factory Motor Parts	\$31,108.70

23. Contract to the lowest bidder, General Parts Distribution LLC dba CarQuest for providing miscellaneous automotive parts and accessories for the term of three years in the estimated amount of \$600,000; authorize the City Manager to approve up to three, one-year renewal options with possible price adjustments as authorized by the contract.

**Summary of Bids**

Get summary of Bids

24. Contract to the lowest bidder, Dallas 1 Construction, LLC in the amount of \$1,747,451.50 for installation of water and sanitary sewer services throughout Mecklenburg County; authorize the City manager to renew the contract for two additional terms, with price adjustments based on the Construction Cost Index, according to the terms of the agreement.

**Summary of Bids**

Dallas 1 Construction	\$1,747,451.50
R. H. Price	\$1,838,946.50
B.R.S.	\$1,886,674.00
State Utility	\$1,903,635.50
Propst Construction	\$2,341,056.50

25. Resolution that makes findings necessary for the Local Government Commission's approval of the refunding of a portion of the 2001 Water Sewer Revenue Bonds.

The resolution is recorded in full in Resolution Book 43, at Page 1-3.

27. Resolution granting the Charlotte Housing Authority's request to issue Multi-family Housing Revenue bonds to finance the acquisition and construction of Barringer Gardens Senior Apartments.

The resolution is recorded in full in Resolution Book 43, at Page 6-7.

29. Reject the low bid with Templar, Inc. in the amount of \$195,163.80 for failure to meet the requirements of the small Business Opportunity Program; reject the second low bid with Whiting Construction Company, Inc. in the amount of \$202,506.09, for failure to meet the requirements of the Small Business Opportunity Program; award contract to Traffic Control Devices, Inc. in the amount of \$224,853.29 for construction of the Brookshire/Wilkinson Boulevard Intelligent Transportation Systems Connection Project.

**Summary of Bids**

Templar, Inc.	\$195,163.80
Whiting Construction Company, Inc.	\$202,506.09
Traffic Control Devices	\$224,853.29
Bryant Electric Company	\$316,532.10

32. Resolution supporting the North Carolina Department of Transportation's use of Small Construction Funds in the amount of \$250,000; Authorize the Transportation Key Business Executive to negotiate and enter into a municipal agreement with the North Carolina Department of Transportation for \$36,500.

The resolution is recorded in full in Resolution Book 43, at Page 12.

33. Contract with AECOM Technical Services of North Carolina, in the amount of \$200,000 for traffic calming engineering services.
34. Amendment to the contract with Intratek Computers, Inc. for Technology Service Desk Services to increase the total annual amount by \$425,880 for the remainder of the initial term and each of the two, two-year renewal options.
35. Contract with the FWA Group, P.A. in the amount of \$194,000 for the design of the expansion of the Sweden Road Maintenance Facility.
39. Contract renewal with the Isaacs Group, P.C. in the amount of \$500,000 for engineering services for Storm Drainage Improvement Project
40. Contracts to the following firms for unspecified geotechnical and environmental services on an as needed basis. Each contract will be in the amount of \$75,000:

ATC Associates of North Carolina,  
ESP Associates  
Hart & Hickman  
S & ME

Capstone Civil Group  
Gavel & Dorn Engineering  
Professional Services Industries, Inc.  
Terracon Consultants, Inc.

Authorize the City Manager to approve two renewal terms in the amount of \$75,000 for each firm.

41. Contract with NRP, Inc. for up to \$117,200 annually for the supply and maintenance of grease-reduction systems designed to diminish the accumulation of grease in the wastewater collection system; authorize the City Manager to renew the contract for two additional terms up to \$117,200 annually.
43. Contract with C Design, Inc. in the amount of \$283,000 for architectural design services for the West Terminal Expansion; contract with United Engineering Group, Inc. in the amount of \$112,900 for mechanical, electrical, plumbing, and fire protection engineering services for the West Terminal Expansion for the Airport.
44. Authorize the Chief of Police to enter into a five-year agreement with the UNCC Board of Trustees to extend the jurisdiction of the UNCC Campus Police.
45. Contract with PB Americas, Inc. for an estimated amount of \$370,000 to perform an internal risk assessment of the Blue Line Extension Project.
47. Appoint the Charlotte Center City Partners Board of Directors for FY2012 as nominated by the existing Center City Partners Board.
48. Declaration of Withdrawal for a portion of Bermuda Road; Resolution stating with the portion of Bermuda Road is not part of the adopted street plan.

The resolution is recorded in full in Resolution Book 43 at Page 15.

50. Resolution of intent to abandon a 10-foot alleyway between Spruce Street and West Park Avenue; set public hearing for July 25, 2011.

The resolution is recorded in full in Resolution Book 43, at Page 16.

51. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$807.40; resolution authorizing the refund of business privilege license payments made in the amount of \$33,122.11.

The resolutions are recorded in full in Resolution Book 43, at Pages 17-18 and 19-20.

52. Compromise of a workers' compensation lien in the amount of \$135,076.30 for Workers' Compensation claim for CMPD Officer Charles Cho.

- 53-A. Acquisition of 19 square feet of Storm Drainage Easement, plus 226 square feet in Sidewalk and Utility Easement, plus 68 square feet in Utility Easement, plus 2,702 square feet in Temporary Construction Easement, at 1801 Commonwealth Avenue from 1801 Commonwealth, LLC for \$57,350 for Commonwealth Streetscape, Parcel #1.
- 53-B. Acquisition of 719 square feet in Storm Drainage Easement, plus 180 square feet in Sidewalk and Utility Easement at 1912 Commonwealth Avenue from Richard Beauchemin, LLC for \$11,025, for Commonwealth Streetscape, Parcel #7.
- 53-C. Acquisition of 211 square feet in Storm Drainage Easement, plus 135 square feet in Sidewalk and Utility Easement, plus 660 square feet in Temporary Construction Easement at 1916 Commonwealth Avenue, from Richard Beauchemin, LLC for \$12,725. for Commonwealth Streetscape, Parcel #8.
- 53-D. Acquisition of 809 square feet in Sidewalk and Utility Easement plus 59 square feet in Temporary Construction Easement at 1917 Commonwealth Avenue from J and C Realty Company for \$24,300 for Commonwealth Streetscape, Parcel #9.
- 53-E. Acquisition of 404 square feet in Sidewalk and Utility Easement, plus 388 square feet in Temporary Construction Easement at 1921 Commonwealth Avenue from Ballentine Family Investments II, LLC for \$27,400 for Commonwealth Streetscape, Parcel #11.
- 53-F. Acquisition of 335 square feet in Sidewalk and Utility Easement, plus 1,006 square feet in Temporary Construction Easement at 2005 Commonwealth Avenue from Barwick and Associates, LLC for \$26,250 for Commonwealth Streetscape, Parcel #15.
- 53-G. Acquisition of 460 square feet in Sidewalk and Utility Easement, plus 926 square feet in Temporary Construction Easement at 1217 The Plaza from Henrietta Gutheim for \$21,100 for Commonwealth Streetscape, Parcel #22.
- 53-H. Acquisition of 13,626 square feet in Sanitary Sewer Easement, plus 29,414 square feet in Storm Drainage Easement, plus 44 square feet in Utility Easement, plus 7,772 square feet in Temporary Construction Easement at 1101 Partners, LLC from Hawthorne Mills Partners, LLC for \$96,000 for Louise Avenue Capital Improvement Project, Parcel #11
- 53-I. Acquisition of 4,873 square feet in Sanitary Sewer Easement, plus 10,652 square feet in Storm Drainage Easement, plus 4,484 square feet in Temporary Construction Easement at 1115, 1121, 1135, 1141 and 1145 Hawthorne Lane from The Doris Corporation for \$45,000 for Louise Avenue Capital Improvement Project, Parcel #15.
- 53-J. Acquisition of 2,561 square feet in Sanitary Sewer Easement, plus 5,481 square feet in Storm Drainage Easement, plus 2,648 square feet in Temporary Construction Easement at 1221 Hawthorne Lane from Salins Land Group, LLC for \$25,500 for Louise Avenue Capital Improvement Project, Parcel #17.
- 53-K. Acquisition of 59,468 square feet in Fee Simple at 9939 Leitner Drive from Miller Family Holdings, LLC; and William Brevard Miller and wife, Patricia Brainard Miller for \$199,229 for Steel Creek Pump station Replacement, Parcel #26 and #37.
- 53-M. Resolution of condemnation of 347 square feet in Storm Drainage Easement, plus 1,104 square feet in Sidewalk and Utility Easement, plus 1,979 square feet in Temporary Construction Easement at 1901 Commonwealth Avenue from Gerasimos Pistiolis and wife, Tula Pistiolis and any other parties of interest for \$81,100 for Commonwealth Streetscape, Parcel #3.

The resolution is recorded in full in Resolution Book 43, at Page 21.

- 53-N. Resolution of condemnation of 2,520 square feet in Storm Drainage Easement, plus 495 square feet in Sidewalk and Utility Easement, plus 1,216 square feet in Temporary Construction Easement from at 1401 East Independence Boulevard from Brodt Music Company, Inc. and any other parties of interest for \$65,900 for Commonwealth Streetscape, Parcel #4.

The resolution is recorded in full in Resolution Book 43, at Page 22.

- 53-O. Resolution of condemnation of 26 square feet in Storm Drainage Easement, plus 485 square feet in Sidewalk and Utility Easement, plus 1,981 square feet in Temporary Construction Easement at 1906 Commonwealth Avenue from Brodt Music Company, Inc. and any other parties of interest for \$29,800 for Commonwealth Streetscape, Parcel #5.

The resolution is recorded in full in Resolution Book 43, at Page 23.

- 53-P. Resolution of condemnation of 525 square feet in Sidewalk and Utility Easement, plus 2,462 square feet in Temporary Construction Easement at 2000 Commonwealth Avenue from Lazaro D. Siplon and Wife, Sherrilyn B. Tamayo Siplon for \$31,250 for Commonwealth Streetscape, Parcel #13.

The resolution is recorded in full in Resolution Book 43, at Page 24.

- 53-S. Resolution of condemnation of 151 square feet in Fee Simple, plus 1,034 square feet in Sidewalk and Utility Easement plus 16 square feet in Utility Easement, plus 4,673 square feet in Temporary Construction Easement at 4800 freedom Drive from Richard G. Armstrong and wife, Yulieta Armstrong for \$14,400 for Freedom Drive Widening, Parcel #295.

The resolution is recorded in full in Resolution Book 43, at Page 25.

- 53-U. Resolution of condemnation of 499 square feet in Temporary Construction Easement at 4510 Wildwood Avenue from Federal National Mortgage Association and any other parties of interest for \$50 for Thomasboro/Hoskins Neighborhood Improvement Project, Page 4, Parcel #7.

The resolution is recorded in full in Resolution Book 43, at Page 26.

- 53-V. Resolution of condemnation of 51 square feet in Utility Easement, plus 318 square feet in Temporary Construction Easement at 4604 Wildwood Avenue from Harvey W. Gouch and any other parties of interest for \$50 for Thomasboro/Hoskins Neighborhood Improvement Project, Phase 4, Parcel #13.

The resolution is recorded in full in Resolution Book 43, at Page 27.

- 53-W. Resolution of condemnation of 268 square feet in Temporary Construction Easement at 4611 Wildwood Avenue from Randy Banner and any other parties of interest for \$50 for Thomasboro/Hoskins Neighborhood Improvement Project, Phase 4, Parcel #17.

The resolution is recorded in full in Resolution Book 43, at Page 28.

- 53-X. Resolution of condemnation of 1,834 square feet in Storm drainage Easement, plus 312 square feet in Utility Easement, plus 302 square feet in Temporary Construction Easement at 128 Bradford Drive from The foreclosure Docs, LLC and any other parties of interest for \$1,925 for Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel #30.

The resolution is recorded in full in Resolution Book 43, at Page 29.

- 53-Y. Resolution of condemnation of 173 square feet in Temporary Construction Easement at 538 Williamson Street from Trena A. Wissa and Jerome Falls and any other parties of interest for \$25 for Thomasboro/Hoskins Neighborhood Improvement Project, Phase 4, Parcel #35.

The resolution is recorded in full in Resolution Book 43, at Page 30.

- 53-Z. Resolution of condemnation of 455 square feet in Temporary Construction Easement at 630 Pinoca Street, from Susan Sachs-Jacobs; Michael I. Jaffa and wife, Debra L. Foster; Wendy J. Rosen and Husband, Franklin R. Rosen; Dayle J. Fligel and husband, David M. Fligel; and Sheryl J. Bauer and Husband, Michael J. Bauer and any other parties of interest for \$75 for Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel #38.

The resolution is recorded in full in Resolution Book 43, at Page 31.

- 53-AA. Resolution of condemnation of 18 square feet in Fee Simple, plus 6 square feet in Existing Right-of-way, plus 770 square feet in Temporary Construction Easement at 4521 Willard Street from Josephine Hipp Lindsay, Billie Jean Hipp Bass and husband, Joseph B. Bass; Patsy Hipp Frazier and husband, Brooks H. Frazier, Jr. and any other parties of interest for \$125 for Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel #72.

The resolution is recorded in full in Resolution Book 43, at Page 32.

- 53-AB. Resolution of condemnation of 656 square feet in Storm Drainage Easement, plus 154 square feet in Temporary Construction Easement at 806 Marble Street from Edwina Black Kreiling; Kathryn Wilson Surlis; Judith Wilson Mill; Rachel D. Lamb; Henry White Dunn; Elizabeth D. Pilkington; Jo Dunn VanDyke; Mary D. Dehlin; Carolyn D. White; Peggy D. Thornton; James G. Bolton; and Catherine E. Bolton and any other parties of interest for \$625 for Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel #81.

The resolution is recorded in full in Resolution Book 43, at Page 33.

- 53-AC. Resolution of condemnation of 449 square feet in Temporary Construction Easement at 716 Maple Street from Sandra M. Thomas and Husband, Hugh M. Thomas; and Carolyn Jane Helms and any other parties of interest for \$50 for Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel 91.

The resolution is recorded in full in Resolution Book 43, at Page 34.

- 53-AD. Resolution of condemnation of 163 square feet in Temporary Construction Easement at 123 Bradford Drive from Kimberly H. Burns and Husband, Johnny Burns, Jr. and any other parties of interest for \$25 for Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel #129.

The resolution is recorded in full in Resolution Book 43, at Page 35.

- 53-AE. Resolution of condemnation of 585 square feet in Fee Simple at 1128 Montcalm Street from Howard Swartz and any other parties of interest for \$650 for Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel #162.

The resolution is recorded in full in Resolution Book 43, at Page 36.

54. Titles, motions and votes reflected in the Clerk's record as the minutes of March 21, 2011, March 23, 2011 Budget Retreat, March 28, 2011 and April 4, 2011.

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**ITEM NO, 22: ONE-YEAR LOW BID, UNIT PRICE CONTRACT TO INTERSTATE CYCLE FOR THE PURCHASE OF TEN SUZUKI DUAL SPORT MOTORCYCLES IN THE AMOUNT OF \$59,954.70 FOR POLICE DEPARTMENT.**

Councilmember Dulin said I pulled that, but I've gotten my question answered.

[ Motion made by Councilmember Dulin, seconded by Councilmember Barnes, and carried ]  
[ unanimously to approve the subject contract.

**Summary of Bids**

Interstate Cycle	\$59,954.70
McKenny Salinas	\$66,289.70

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**ITEM NO. 26: RESOLUTION GRANTING THE CHARLOTTE HOUSING AUTHORITY'S REQUEST TO ISSUE MULTI-FAMILY HOUSING REVENUE BONDS TO FINANCE THE ACQUISITION AND RENOVATION OF THE SANDLEWOOD APARTMENTS.**

Councilmember Carter said I pulled that and I have my answer about energy efficiency.

[ Motion was made by Councilmember Carter, seconded by Councilmember Kinsey and carried ]  
[ unanimously, to adopt the subject resolution. ]

The resolution is recorded in full in Resolution Book 43, at Page 4-5.

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**ITEM NO. 28: RESOLUTION ENDORSING SUSTAINABLE COMMUNITIES REGIONAL PLANNED GRANT APPLICATION TO BE SUBMITTED IN HUD ON BEHALF OF THE CHARLOTTE METRO REGION BY THE CENTRALINA COUNCIL OF GOVERNMENTS AND; AUTHORIZE THE CITY MANAGER TO APPROVE A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE CENTRALINA COUNCIL OF GOVERNMENTS FOR CONNECT CONSTRUCTION MEMBERSHIP IN SUPPORT OF THE SUSTAINABLE COMMUNITIES REGIONAL PLANNING PROGRAM.**

Councilmember Carter said I pulled that.

[ Motion was made by Councilmember Carter, seconded by Councilmember Kinsey, and ]  
[ carried unanimously, to adopt the subject resolution and authorization to the City Manager. ]

The resolution is recorded in full in Resolution Book 43, at Page 8-9.

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**ITEM NO. 30: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION, AND BUDGET ORDINANCE NO. 4689-X APPROPRIATING \$400,000 OF STATE GRANT FUNDING AND A \$50,000 FUNDING DONATION FROM UNCC FOR UNIVERSITY CITY BOULEVARD PEDESTRIAN AND BICYCLE PATH GRANT FUNDING.**

Councilmember Barnes said I pulled this item and this is a simple communication to the general public as a result of a partnership among the City, UNCC and the North Carolina Department of Transportation, there will be additional bike and pedestrian pathways created along University City Boulevard from Broadrick Road to Mallard Creek Church Road. This is just information to the general public.

[ Motion was made by Councilmember Barnes seconded by Councilmember Dulin, and carried ]

mpl

[ unanimously, to approve the subject resolution and adopt the subject budget ordinance. ]

The resolution is recorded in full in Resolution Book 43, at Page 10.  
The ordinance is recorded in full in Ordinance Book 57, at Page 168.

\* \* \* \* \*

**ITEM NO. 31: RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND APPROVE ACCEPTANCE OF THE GRANT, AND BUDGET ORDINANCE NO. 4690-X APPROPRIATING \$187,500 OF STATE GRANT FUNDING FOR GRAHAM STREET SIDEWALK GRANT FUNDING.**

Councilmember Barnes said I pulled that item as well. This is a partnership between the City and the North Carolina Department of Transportation for sidewalks across I-85 at Graham Street and I wanted to make the general public aware of our partnership and this is work is going to be done.

[ Motion was made by Councilmember Barnes seconded by Councilmember Dulin, and carried ]  
[ unanimously to adopt the subject resolution and adopt the subject budget ordinance. ]

The resolution is recorded in full in Resolution Book 43, at Page 11.  
The ordinance is recorded in full in Ordinance Book 57, at Page 169.

\* \* \* \* \*

**ITEM NO. 36: GRANT APPLICATION IN AN AMOUNT UP TO \$200,000 FROM THE NORTH CAROLINA WATER RESOURCES DEVELOPMENT PROJECT GRANT PROGRAM FOR CONSTRUCTION OF THE BETTY COLEMAN POND WATER QUALITY ENHANCEMENT PROJECT; RESOLUTION REQUESTING THE GRANT, AND TO PROVIDE ASSURANCE TO THE STATE THAT THE CITY WILL COMPLY WITH THE GRANT TERMS SET FOR BY THE STATE; AUTHORIZE THE CITY TO ACCEPT THE GRANT IF AWARDED AND ADOPT BUDGET ORDINANCE NO. 4691-X APPROPRIATING UP TO \$200,000 IN GRANT FUND TO PROVIDE APPROXIMATELY 34% OF THE TOTAL ESTIMATED FUNDING (\$587,000) REQUIRED TO CONSTRUCT THIS PROJECT.**

Councilmember Carter said I pulled this and I would like to read a sentence to our Council because sometimes we have discussions about working on private damns. I had a tour of some storm water projects with Mr. Daryl Hammock of Storm Water Services and he did a very effective job of impressing me with the efficiency of our damns. "Improving existing ponds is an extremely cost effective means of improving water quality averaging only 1/5 the cost of creating new water quality measures to provide equivalent environmental benefit. Enhancing the existing pond on private property provides public benefits by removing pollutants and reducing stream bank erosion".

[ Motion was made by Councilmember Carter, seconded by Councilmember Howard, to ]  
[ approve the subject grant application, adopt the subject resolution authorize the City Manager ]  
[ to accept the grant if awarded, and adopt the subject budget ordinance. The vote was recorded ]  
[ as follows: ]

YEAS: Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock and Turner.

NAYS: Councilmember Dulin

The resolution is recorded in full in Resolution Book 43, at Page 13-14.  
The ordinance is recorded in full in Ordinance Book 57, at Page 170.

\* \* \* \* \*

**ITEM NO. 37: AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PURCHASE AGREEMENT FOR CONSERVATION EASEMENTS AND MITIGATION RIGHTS WITH EBX-EM, LLC IN AN AMOUNT UP TO \$3,230,000; AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A PURCHASE AGREEMENT FOR CONSERVATION EASEMENTS AND MITIGATION RIGHTS WITH CARDNO USA, INC. IN AN AMOUNT UP TO \$2,300,000.**

Councilmember Carter said this is effectively moving the potential for mitigation of conservation easements into our county.

[ Motion was made by Councilmember Carter, seconded by Councilmember Howard, and ]  
[ carried unanimously, to approve the subject authorizations. ]

\* \* \* \* \*

**ITEM NO. 38: AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT TO CONTRIBUTE FUNDS TO MECKLENBURG COUNTY FOR THE DESIGN AND CONSTRUCTION OF TOBY CREEK GREENWAY, PHASE 2, IN AN AMOUNT UP TO \$262,000.**

Councilmember Barnes said I pulled this item as I wanted to make the general public aware that Phase 2 of the Toby Creek Greenway would be funded and will be underway.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell and ]  
[ carried unanimously, to approve the subject authorization. ]

\* \* \* \* \*

**ITEM NO. 42: PURCHASE OF THREE 2009, 33-PASSENGER HYBRID FUELED BUSES, AS AUTHORIZED BY THE SOLE SOURCE PURCHASING EXCEPTION OF G.S. 143-129(E)(6) AND CONTRACT WITH DESIGNLINE CORPORATION OF THE PURCHASE OF THREE USED 2009 HYBRID BUELED BUSES IN THE AMOUNT OF \$1,350,000.**

[ Motion was may be Councilmember Turner, seconded by Councilmember Carter, and carried ]  
[ unanimously, to approve the purchase of the subject buses for the Airport. ]

\* \* \* \* \*

**ITEM NO. 46: AGREEMENT WITH CHARLOTTE CENTER PARTNERS (CCCP) FOR CONTRIBUTION TOWARDS THE GOLD RUSH UPTOWN CIRCULATOR SERVICE'S ANNUAL OPERATING COSTS, FOR A MINIMUM AMOUNT OF \$325,000, AND AUTHORIZE THE CITY MANAGER TO NEGOTIATE FOUR ANNUAL RENEWALS AND ADJUST CCCP'S CONTRIBUTION AMOUNT BASED UPON ACTUAL SERVICE COSTS AND CONTRIBUTIONS CCCP RECEIVES FROM UPTOWN EMPLOYERS.**

Councilmember Carter said I pulled this item. I would like to note that according to the City Manager our revenue for supporting this service to our citizens is down. We have supporters in the center city area, but more people are using this service so we have to consider our cost effectiveness as we move into this project and realize that the future might not be as bright as we would like. I hope that our good citizens uptown and partnership being reached on Elizabeth Avenue and on Beatties Ford Road will hear our call for help.

[ Motion was made by Councilmember Carter, seconded by Councilmember Mitchell, and ]  
[ carried unanimously, to approve the subject agreement and authorization. ]

\* \* \* \* \*

**ITEM NO. 49: AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE THE FOLLOWING REAL ESTATE SERVICES CONTRACTS FOR THE STREETCAR STARTER PROJECT IN AN AMOUNT NOT TO EXCEED \$480,000: (1) CONTRACT WITH THC, INC. FOR \$125,000 IN REAL ESTATE ACQUISITION SERVICES, (2) CONTRACT WITH T. B. HARRIS, JR. & ASSOCIATES FOR \$150,000 IN REAL ESTATE APPRAISAL SERVICES, (3) CONTRACT WITH RAY E. CRAWFORD & COMPANY, INC. FOR \$50,000 IN REAL ESTATE REVIEW APPRAISER LEGAL SERVICE, (4) CONTRACT WITH THE KLAUK LAW FIRM FOR \$100,000 IN REAL ESTATE LEGAL SERVICES.**

Councilmember Dulin said I pulled this item and this is the beginning of the real estate purchase process for the Streetcar Project that I proudly voted against seven times. Two of these four items are not up tonight but number one, approve a contract with THC, Inc. for \$125,000 in real estate acquisitions services and number four, approve a contract with The Klauk Law firm for \$100,000 in real estate legal services. That is \$225,000 I plan to vote against so I'll let somebody else make the motion.

Councilmember Cooksey said I too have lost every attempt to stop this and I'm not going to stop it so I'll vote to fund the thing.

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Kinsey, to ]  
[ approve numbers one and four only. The vote was recorded as follows: ]

YEAS: Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock and Turner.

NAYS: Councilmember Dulin.

\* \* \* \* \*

Councilmember Mitchell said with regards to Item No. 29, if you look at the write-up staff rejected two bids on that particular project largely because of the SBE participation, so thank you staff for allowing our SBE to get more participation and thank you for this particular item. The goal was 8% and we actually achieved 24.75% so great job staff.

Councilmember Turner said which item was that?

Mr. Mitchell said Item No. 29, Brookshire and Wilkinson Boulevard.

\* \* \* \* \*

**ITEM NO. 10: ORDINANCE NO. 4686-Z BY FOR A CHANGE IN ZONING FROM R-17MF, MULTIFAMILY RESIDENTIAL TO NS, NEIGHBORHOOD SERVICES AND MUDD-O MIXED USE DEVELOPMENT DISTRICT, OPTIONAL FOR APPROXIMATELY 20 ACRES LOCATED ON THE EAST SIDE OF MONROE ROAD BETWEEN IDLEWILD ROAD AND CONFERENCE DRIVE FOR GOODE DEVELOPMENT CORPORATION AND GOODE PROPERTIES.**

[ Motion was made by Councilmember Carter, seconded by Councilmember Mitchell to approve ]  
[ the Statement of Consistency and Petition No. 2011-017 for the above zoning petition, with ]  
[ modifications. The vote was recorded as follows. ]

YEAS: Council members Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Mitchell, Peacock and Turner.

NAYS: Councilmember Kinsey.

**The Modifications are:**

1. Land Use
  - a. Reduced the maximum number of drive-through service windows allowed from six to four.
  - b. Deleted statement under Blocks 2, 3, and 6 that the limit on the number of accessory drive-through service windows will not be applicable to businesses in multi-tenant buildings.

- c. Amended Notes under Blocks 3, 4, 5, and 6 to replace “associated” uses with “accessory” uses in references to multifamily.
  - d. Limited automotive service station and/or convenience store to Block 1.
  - e. This request was removed by staff: Limit drive through service windows as accessory to a financial institution, dry cleaner or bank in Block 5 and Block 6.
  - f. Amended the Development Data Table to delete reference to nonresidential uses.
  - g. This request was removed by staff: Add a note clarifying whether the 4,000 square foot multi-tenant building allowed in Block 2 or 6 is included in the 15,000 square foot maximum for additional non-residential.
  - h. Deleted duplicate reference to limit on accessory drive-through service windows in Block 5.
  - i. Eliminated the term “restaurant types uses” used in Block 1 notes.
  - j. Maximum nonresidential square footage is listed as 54,000 square feet.
2. Community Design
- a. Added note that buildings will have direct frontage and useable entrances along Monroe Road.
  - b. Added note that accessory drive-through windows shall not be located on the side of the building that directly fronts Monroe Road or any public or private street that intersects with Monroe Road.
  - c. Indicated that the parking/driveways will be located on no more than two sides of any open space.
  - d. Relabeled “Typical Common Open Space” detail as “Block Park”.
  - e. Provided a minimum landscaping width in front of the knee wall.
  - f. Deleted Notes B and C under Architectural Standards.
  - g. Deleted Note G under Architectural Standards.
  - h. Amended Note J under Architectural Standards to delete “to the greatest extent practicable”.
  - i. Amended Note A under Architectural Standards to remove inclusion of a member of the Planning Staff in the Architectural Control Committee. Staff originally requested the addition of this note; however, the staff review required by the conditional plan for NS zoning and staff review required by the ordinance for MUDD are sufficient.
  - j. Amended Note J under Architectural Standards as follows: “Individual site layouts and building elevations for the NS portion of the site will be reviewed and approved by the Planning Department for compliance with the provisions of this plan as part of the normal site plan/building permit review process and in accordance with the review schedules of that process.
  - k. Deleted “At least 50% of” from the beginning of Note H under Architectural Standards.
  - l. Amended Note J to add Conference Drive.
  - m. Provided specific building envelopes for the blocks proposed to rezoned to NS.
  - n. Provided a note indicating that no parking or vehicular circulation will be allowed between buildings and public right-of-way for Block 2.
  - o. Provided a note requiring a minimum of 65 percent building frontage along Monroe Road for Blocks 2, 3, 4 and 6, a minimum 65 percent along Conference Drive in Block 5, and a minimum percent along Conference Drive along Block 6.
  - p. Amended Note under Architectural Standards to delete the reference to the City of Charlotte property.
  - q. Modified note under Parks, Greenways and Open Space to state that block park areas may be expanded to provide for on-site open space so long as the minimum dimension of the expanded Block Park extends at least 15 feet behind the edge of the sidewalk. Additional plantings consistent with the standards of the Tree Ordinance will be installed as part of any expanded Block Park.
3. Mobility
- a. Provided commitment to provide 6-foot sidewalk and 8-foot planting strip along Monroe Road.
  - b. Added optional request to allow maneuvering between the building and Conference Drive in Block 6.
  - c. CATS comments:
    - 1) The request was removed by CATS: Add note that existing CATS bus stops, waiting pads, and shelters will be preserved along Monroe Road or will be restored by the petitioner if impacted by the proposed construction.

d. CDOT comments:

- 1) This request was removed by CDOT: Monroe Road should be widened and designed as an "Avenue Street" per the Charlotte Land Development Standards Manual. This entails that the roadway be designed with lower target speeds to better service pedestrians, bicyclists, and vehicles. The redesigned street should also include street trees, strategically spaced raised medians to restrict vehicle access where necessary, and pedestrian refuge area, and should not include a continuous two-way left turn lane. Fifty feet of right-of-way from the centerline will be required.
- 2) This requested was removed by CDOT: Convey right-of-way in fee simple title for Conference Drive and Idlewild Road.
- 3) Added the following note: "The Petitioner will be responsible for the implementation costs for a possible future traffic signal to be installed at the intersection of Monroe Road and Knickerbocker Drive, including signal design costs, r/w and/or easements on the west side of Monroe Road near Knickerbocker Drive, accessible ramps and crosswalks on all four corners, and interconnect conduct/cable or other acceptable technology between Idlewild Road and Conference Drive. CDOT will provide the petitioner 90 days notice if and when the traffic signal funds are needed to commence the signal design. Should CDOT not receive funding for this improvement holds will be placed on building permits and certificate of occupancy. The installation date for this possible traffic signal will be determined by CDOT and NCDOT."
- 4) Added the following note: "The exact design of the improvements to Monroe Road will be determined through a cooperative process that will involve the Petitioner, CDOT, and NCDOT that will occur after the petition is approved.:"

4. General

- a. Amended optional provision to clarify that parking is allowed between the building and the setback of the future street parallel to Monroe Road.
  - b. Corrected spelling of Knickerbocker Drive in Block 3 section.
  - c. Added Phasing requirements that tie new development to the demolition of existing multifamily housing.
  - d. Showed possible location of dumpster and recycling areas.
  - e. Labeled possible location of storm water detention areas.
- f.
- g. Councilmember Carter said we have received a letter from the President the Brighton Woods Neighborhood Association and he indicates that he enthusiastically supports this project as do his constituents in the neighborhood. It is a move to provide areas for businesses that might be threatened by the improvements on Independence Boulevard, it is neighborhood service node and new apartments for people who need them. I am very much in favor of this.

The ordinance is recorded in full in Ordinance Book 57, at Page 160-161.

\* \* \* \* \*

## CITY MANAGER'S REPORT

**City Manager, Curt Walton,** said the 4<sup>th</sup> of July is a week from today so we wanted to give you an overview from the Police Department on the planning and preparation that they are undergoing to get ready for that. Deputy Chief Medlock will be doing that and Chief Monroe and Deputy Chief Grower are also here so I will turn it over to Deputy Chief Medlock.

**Deputy Chief Medlock,** said I want to share with you some of our plans for the 4<sup>th</sup> of July coming next Monday night and CMPD's plans to provide a safe, secure and enjoyable fireworks event in the Center City as well as providing plenty of security across Mecklenburg County for the holiday. As you know CMPD has a history of developing a comprehensive operations plan for events such as this and again this year for the 4<sup>th</sup> of July we are doing so. Our plans includes facilitating vehicular and pedestrian traffic, managing crowds and responding to any incidents that may take place in the Center City or across the county. Our operations plan includes both the fireworks event and any crowds that may gather after the sponsor event has concluded both in the Center City and throughout our jurisdiction. The CMPD will focus on maintaining order, facilitating movement, identifying any trouble spots and identifying any criminal behavior as early as possible and dealing with them directly. Our plan relies heavily on officers in key locations to manage crowds as well as mobile teams to respond to trouble spots as they occur.

The plan includes involving members from our Patrol Division, our Civil Emergency Unit, Gang Unit Officers, Intelligence Officers, Juvenile Detectives and others from across our Department. Our Officers will be on foot, on bicycle, in patrol cars, on motorcycle. They will be both in uniform and in plain clothes. Monday is of course an 11:00 curfew night and we will begin to enforce the curfew, as always, at 11:00 p.m. on Monday night. Our Juvenile Detectives will be in place to handle any juveniles who are arrested for criminal violations as well as any custody issues involving our curfew ordinance. Parents will be held responsible for their youth in violation of the curfew ordinance. Our CMPD camera system, our sky watch towers, mobile lighting platforms, pedestrian barricades, our mobile command center will be utilized for the event. We will also staff our Command Center in our Police Headquarters to monitor events across the county. We've worked hard this year with CATS to include them and to improve our plans involving the Transit System. The Transit Center will be fully staffed with Allied Barton Company Police and augmented by a full complement of CMPD Officers, both in the Transit Center and on the adjoining platforms. Those Officers will be in uniform and in plain clothes. Our School Resource Officers will be utilized to enhance CMPD's ability to identify any individuals and to remove the anonymity afforded by large crowds. We believe that a lot of our School Resource Officers know a lot of our youth and will be able to identify and also communicate with those youth if problems become evident in the Center City or across the county. Finally, I want to assure you that CMPD operations across the city and across the county will not be affected. All Divisions are adequately staffed and once again this year CMPD will celebrate the 4<sup>th</sup> of July by not allowing any of our officers any time off.

Mayor Foxx said this is one of those areas that is incredibly important for us and I'm glad that we are communicating early about what our plans are going into the 4<sup>th</sup> of July. I know the Chief and I will be doing an advisory later this week to reinforce the message you have already given. Thank you and the Police Department for being so vigilant on this.

\* \* \* \* \*

**ITEM NO. 12: AMENDED FY2012 CHARLOTTE REGIONAL VISITORS AUTHORITY CONTRACT FOR TOURISM MARKETING, CONVENTION CENTER PROMOTION AND BUSINESS DEVELOPMENT ACTIVITIES IN THE AMOUNT OF \$10,056,507.**

Mayor Foxx said this is an item that we had deferred from the June 13<sup>th</sup> meeting.

[ Motion was made by Councilmember Barnes, consistent with their June 24<sup>th</sup> memo, sent to ]  
[ Council and CRVA Board Members, to approve a \$1.7 million disbursement to CRVA for ]  
[ business development purposes and to also approve an \$800,000 payment to the CRVA for ]  
[ operations. With respect to the \$1.7 million it will be disbursed at the discretion of the City ]  
[ Manager or his designee on an as needed basis. The motion was seconded by Council ]  
[ member Howard. ]

Councilmember Barnes said this measure will allow the CRVA to operate through the end of July 2011, at which time we will have an opportunity to revisit the funding issues with respect to the CRVA.

Councilmember Cooksey said I'm curious to know whether this can be incorporated in the motion or not. What are we expecting that will change between now and the next vote in July?

Mr. Barnes said what we anticipate Mr. Cooksey, is that the CRVA Board will provide the Council with concrete steps on how it will improve operation effectiveness, explaining and clarifying financial controls, clarifying and answering any questions regarding personnel issues and Board engagement and accountability. They are on board with the memo as indicated to us and understand what we want and I believe they are committed to providing information to us within the next month.

Mr. Cooksey said this is the first opportunity that Council has really voted to be specific about what it is expecting. Just to reference one item mentioned, what questions about personnel issues are we asking?

Mr. Barnes said I believe there are a number of issues regarding management of the CRVA regarding internal HR issues, for example, as I understand it there is no succession plan within the CRVA and I think they want to address that. They know that a majority of us would like for them to address that and I believe they are going to do that within the next month.

Mr. Cooksey said so we are not going to vote on fully disbursing hospitality taxes to fund visitor and convention promotion affects because we are concerned an organization that is a financial partner doesn't have a succession plan? Is that the level of management we are getting into here?

Mr. Barnes said I gave that example to you Mr. Cooksey just to answer your question and be responsive to your question. There are a plethora of issues regarding personnel that I'm sure we could address. That is just one that I'm aware of that concerns many of them as well. Because we are dealing with a publicly financed entity, the hotel/motel tax and the food and beverage tax it is, I believe, incumbent upon us to ask questions regarding governance and transparency in personnel and management issues and in this case the Board has indicated and demonstrated that they are very much interested in working with us to resolve some of the challenges that we've raised and challenges that they have raised as well, so is there a perfect way to do this, probably not, but because we've gotten buy in from the Board and buy in from the majority of this Council I think we are working in tandem to resolve many of these questions.

Mr. Cooksey said my concern about this is that we are delving as a body into the management of another entity without being very specific about what it is that concerns us as a group. To leave these matters open ended as they are allows each one of us to carry our own particular issue, whether or not it is agreed with by everybody else, to individual members of the Board and that is no way to run a railroad. My concern is if we are going to postpone this funding as a group, shouldn't we be very clear as a group what our expectations are? Otherwise we risk continuing to go down the road that we are already on of basically postponing action with the CRVA, saying answer our questions. The CRVA provides some answers and response by individual Council members, well that is not good enough. For example the letter that was sent included the expectation that the CRVA Board would provide us with specific information concern how it will work to improve CRVA operations, financial controls, personnel issues and Board engagement and accountability. Today we receive three documents from the CRVA and I see Chairman Hallow in the audience and if I may Mayor, I would like to ask a variation on the yes or no question to Chairman Hallow.

Mayor Foxx said this is still technically a budget matter and it is unusual for us to allow something like this at this point in time, but if it is very quick.

Mr. Cooksey said it is a short question, I promise. I would like to do it with a yes or not, but I'm going to do it with the choices. Does the documentation that Council received today constitute the totality of the CRVA Board's response to the request by a majority of Council by letter on Friday, or do you anticipate telling us more?

**Chairman Joe Hallow**, well, I would say yes, but it is a fluid process and if there are questions that still come up we want to cooperate and work with Council and Mayor to answer the questions and do what we can to improve the CRVA and keep doing what we do to help the industry in the community.

Mr. Cooksey said that reinforces my concern. What questions do we as a Council have? We are not asking those, we are making vague statements in a motion and then leaving it open to what exactly concerns us to individual conversations that may or may not ever reach the public eye. Part of our concern about this whole process with the CRVA has been transparency, well where is our transparency. Where are we being very clear about what our expectations are? That is my concern with the motion. I would like to offer a substitute motion for the original request for Council Action and see if that goes anywhere.

[ Substitute motion was made by Councilmember Cooksey, seconded by Councilmember ]  
[ Peacock, to approve the FY2012 Charlotte Regional Visitors Authority Contract for tourism ]  
[ marketing, convention center promotion and business development activities in the amount of ]  
[ \$10,056,507. ]



Councilmember Turner said I want to thank my colleague, Mr. Cooksey for taking the time and sending our your letter. I thought it was very appropriate and on point. I also agree with your questions here tonight. I think we have to be willing to do just that. To me we basically have continued to muddy the water. I presented the question to my colleagues and to anyone else that is part of this process. If there is some other information that is out there that we are not aware of. It seems to be a very precise movement to make sure that we hold this process up for some personal reason. I've asked direct questions, if there is something else I need to know, tell me and I have yet to read anything that justifies what we are doing. If we want something else, then I think they've hired an organization, they have given us their report and we are not satisfied with the report so my question is, did they intentionally avoid any questions that we requested or any information that we requested of them. If they did not, then I'm simply saying I think they've done their job, but if we want something else, then we need to say well, after we received this report we are not satisfied with it because we didn't receive the total information that we were looking for or something that we think we might know that the rest of us don't. If that be the case then I think we all deserve the right to know exactly what that question is. I think you are going to get the same results and I think that is what you are saying to us tonight. Until we give them some specific direction beyond what we have already received, I don't see the reason for us to continue the episode.

Councilmember Dulin said I'm confident that the Board leadership at CRVA can get me personally comfortable enough to where we can move forward. I'm not there yet, and until then Mr. Cooksey, I get one vote on this Council and I'm going to use it to hold it up until I get comfortable.

Councilmember Kinsey said I haven't even seen the report. It was sent today and don't even send me anything on the day of a meeting because I'm never home to get it. I can vote for the original motion, but until I see the report, and I understand it was coming, but I have no idea where it is. I don't know if was sent electronically or if it was hand delivered. If it was hand delivered it wasn't hand delivered before I left to come here. I would ask everybody to never try to contact me on Monday afternoon about an issue that is going to be on the agenda Monday night because I just don't get the information.

Councilmember Carter said I thoroughly concur with that statement Ms. Kinsey. I was at a funeral today in South Carolina. I did make the Environmental Committee meeting, but I didn't have time to pull this down from e-mail. I'm sorry, I want to be a responsible Council member, study, consider the issues and then vote in an informed way. I apologize to any of my colleagues who thinks that is delaying tactics, but I think an informed vote is a better one than an uninformed one.

Councilmember Cannon said you know it would be nice when we can get back to the issues of public safety and transportation, the environment and creating jobs and things of that nature, and not have to spend time on Romper Room issues. I want to draw some clarity if I might, but before I do that, Mr. Cooksey had made a motion, but I don't know that the general public, that is the viewing audience and those who are here in the audience know what it is in it. Of course we have talked about the \$10 million, but the action is to approve that amount of money for tourism marketing, convention center promotion and business development activities. That said, I don't need to ask the question what the money is to be used for. There is a very fine line and a clear distinction between the audit that was conducted by Price Waterhouse/Coopers and this budget allocation. One has nothing to do with the other. If it is answers that we are still looking for, which by the way I am also, it doesn't come by way of hurting the citizens here in the City of Charlotte relative to lobbying and/or spending money that this money would be used for to bring in visitors and support conventions that increase our bottom line. Why would we work in an effort to lessen the ability to support conventions and bring visitors to the very establishments that some have cried the blues about in terms of attendance of people being low. That makes no business sense, it makes no common sense to me, and maybe I'm on that boat by myself and that is okay, but I want to draw the distinction that there is a sheer difference between the audit that has been conducted over the CRVA by Price Waterehouse/Coopers and the budgetary amount of \$10 million that is to be used for tourism marketing, convention center promotion and business development activities. In the end small businesses hurt, in the end the community's bottom line gets hurt and I just can't find myself to be in a position to want to deplete the funding down to \$1.7 million and \$800,000. What does \$1.7 million get us in the way of marketing, in the way of

promotions, and in the way of business development activities? Can anyone answer that question for me?

Mr. Barnes said Mr. Cannon, the \$1.7 million is roughly \$57,000 per day for business development purposes. According to the CRVA it is efficient to allow them to do the work they need to do in the month of July and perhaps beyond so again much of what you and others have questioned has to do with issues that they have indicated they are prepared to deal with. There is no effort on my part or anybody's part to damage the work that the CRVA does. They have indicated that they want a solid partnership with us and we've indicated that we want to work with them. For those of you who read the memo that came out on Friday, you will notice that it very much references the team effort that we are trying to be responsible and they are trying to be responsible, but ultimately this is a \$48 million entity funded by a public tax. It is an entity that has lost some of the public's confidence and they are working to restore that confidence. We are working to help them restore it and the very conservative measures that I proposed in that motion are aimed at specifically helping them to do what they say it is they want to do.

Mr. Cannon said you said July and perhaps beyond. Define perhaps beyond for \$1.7 million. I recognize July for one month, but I don't understand perhaps beyond. That is number one. Two, restoring the confidence is exactly what we should be doing. You are right about that, but should we be doing that with the marketing dollars that we are supposed to be utilizing to bring visitors here to the City of Charlotte and to also promote conventions and support business development that this city needs. In the way of restoring the confidence, and you did hear me say earlier that I too am concerned about the things that are going on relative to the organization, finding out more about management, finding out more about structure, but in order to do that, based upon what I read today, because I did take time to read that 17 page document that came out, it clearly said that PWC had certain parameters that they were guided to basically conduct their audit from. In order for us to get any level of recommendations we have to essentially, or someone else would have to hire PWC or someone else to look at this further to find out what level of recommendations might they have regarding management, structure and organization. So if it is management, structure and organization that this Council wants to make some changes in, or would like to see, then we need to give clear direction about that through asking for an audit to be conducted. Once you do that then you get exactly what it is you are looking for, but holding up the budget for marketing for something that is going to help our community and not hurt it, I have to simply question.

Councilmember Peacock said I appreciate the debate and the responses from Mr. Barnes. What I've been concerned about from the very beginning about this entire dialogue around this and particularly about this action, and I don't fault anyone on this body and I don't fault the body itself for what has occurred as we've moved through this process. I don't think it has been perfect and as Chair Hallow just mentioned, its fluid, but the key question I keep asking is what are we trying to accomplish as a body. I think in order to answer that we have to answer two critical questions, first is what do we control in this process. What do we as the Charlotte City Council control with a financial partner? That was first addressed by Chairman Barnes and the Budget Committee. He gave a very thorough examination of all of the financial partners which included the Charlotte Regional Visitors Authority. Mr. Barnes asked two critical questions, tell us about your operations and tell us what the economic impact is and what I heard loud and clear in that committee was we were impressed with the CRVA. We saw an organization that was growing, we saw an organization that has new facilities, particularly one, the NASCAR Hall of Fame that has just gotten through its first year and is struggling to meet the high expectations which were falsely set, I don't argue by one individual but by us all. I wasn't on Council at that time, but I think we've got to realize on this body here that we have a City owned facility that we are in charge of, we are now in charge of running it and making it a success and being a part of it. Part of the Council action to make the NASCAR Hall of Fame a success was to appoint members from Council to be on that Board and I'm proudly on that Board and we are working very hard, as well as Mayor ProTem Cannon. Second question is what do they control. What does the CRVA control. I know what they control. They control their own operations, they are an independent body and that is the way they have been established by statute and that is the way they have operated historically in this community and I think it needs to continue that way. By operating in themselves, they also determine who they are going to hire and their Board knows the charges for them to make the decisions on hiring there. I think what we saw today in the Price Waterhouse report, and I did read it, we didn't learn anything significantly new that we did

not know before. I think what we saw is that we saw a Board who took a very careful and appropriate step to say can you check our work on how we've operated and I think we got that answer. I don't think it was well communicated on what expectations were, I don't think this Board fully understood what was coming after that, but I believe there was a good effort there on the CRVA Board to do that. I want to come back to the second part that we do control and that is on our agenda tonight. This is not something they control, which is who do we appoint to these boards. Tonight we will be making a decision to add two new members and it is the Mayor and Council who is in charge of this and these are the people that we hope represents the public's interest and they would represent the interest of what the Council's action before us tonight is and I'm very happy that Mr. Cannon reiterated this because I don't believe anybody on this body is at all concerned about his recommendation to us which is to spend the dollars on tourism, marketing, convention center promotion and business development. That is exactly what we have charged them to do and we've learned in the Budget Committee that they've done very, very well. What has been lost through this entire process is that the lens of scrutiny have completely gone away from the performance of the exact organization is and its focus exclusively on a report and what do we believe is the performance of their chief executive. I think that misses the entire point of what this action is before us and I think we've lost the sense of who we are as a body as to what we control and what they control. I think what we control tonight and by the actions and especially the tone that the Budget Chair has set is that we are watching, we are very concerned because we know that ultimately we are very accountable to these taxpayer dollars and I think the Chairman has done a good job in looking at all of our financial partners and done just that. I feel we have accomplished what we want in sending the signal to the CRVA and I think they know that we want them to make the careful and thoughtful decisions and that is why they hired Price Waterhouse and I think they are going to make the right decision when it comes time to their leadership team. I also want to warn this body as well also that if we are talking about leadership change as being our goal and our objective, we need to understand that what we control as it relates to that are the Board appointments. Those are some options that we can choose as it relates to that and I think that is what we need to focus our discussions on so for tonight I wholeheartedly endorse what the Mayor Pro Tem is taking about, why we are piecemealing the decisions on the very thing that we are charged to do which is to make these City owned facilities sing, make them successful, market them. Don't send a signal to them that we are not confident in them as an operation. If we are doing that we are sending a mixed signal. We told them in the Budget Committee that we were pleased with their operation, now we are doing a complete 180 on that. I just don't understand that. I feel like that is sending the wrong signal to a team that has been growing, that is trying to get things right for all of our facilities so Mr. Mayor I want to support the original motion on Item 12. I do not want to support the substitute motion, although I do recognize that there has been good work done and communication. I think another acknowledgement here and I want to recognize this to the maker of the motion, is that where was there some dialogue between their Board and our Board. I think what I'm hearing from their Board is that we want to work with you. Councilmember Barnes, if that is the action you are going to recommend or the Council is going to recommend, we want to work with you and I think we are hearing that from them. What I don't think we are hearing is that by doing such it sends the right signal to the public, I just don't think it does. I think it erodes the confidence in what we feel about the CRVA so I want to support the original motion.

Councilmember Howard pointed out to Mr. Peacock that the substitute motion was to approve the entire \$10 million.

Mr. Peacock said the substitute is Mr. Cooksey's motion, okay, sorry.

Mr. Barnes said with respect to the work of the Budget Committee, it was to determine whether or not the relationships between the Council, the City and those financial partners was as we would expect and I would remind us that there were things that developed after the Committee's work that have not become the subject of this effort. With regards to the question Mr. Cannon asked about beyond July, what I simply meant by that was that if in fact they made the request for funds that is authorized by the City Manager or his designee, that that money may take them into some marketing activity that goes beyond July. That is all that was about. I call the question.

Mayor Foxx said there is a substitute motion on the table to approve the entire \$10,056,507. We will have a vote on that and depending on how that goes I will have comments.

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

YEAS: Council members Cannon, Cooksey, Peacock and Turner.

NAYS: Council members Barnes, Burgess, Carter, Dulin, Howard, Kinsey, and Mitchell.

Mr. Howard said I'm sitting here asking whether I should talk at all, but I feel like I need to help out a little bit. Up to this point everybody has recognized the fact Councilmember Barnes has taken this one and has been carrying it since we go back to the Budget Committee. There have been concerns from the beginning and that is why there has been some approved votes to carry this process, not just through the Budget Committee, but through four departments and now this budget conversation because there are concerns. I agree with Mr. Dulin in the fact that I do think it can get there, but I've heard a lot of people around this dais talk about the debt vote and a lot of times that is what it comes down to. That is kind of where I am on this. I just cannot find myself ready to move forward yet because I still have questions but some of those questions I'm not going to know until I hear the responses from some of the questions that are out there. I do plan to take this report that I got this afternoon around 1:30 and read it to see if I can get there, but right now it is a debt vote for me and that is what I'm trying to get beyond. I thank Mr. Barnes because you have been identified greatly and I wanted to go out there with you to say I still have some concerns as well, so thank you for your work so far.

Mr. Cooksey said I want to reiterate a thing here. This motion lacks any specific requests by the CRVA, which means that individual Council members will have individual conversations about whatever the individual Council members need to get them to the comfort level as described around this dais. I hope that in every conversation that takes place, members of the media are invited to be part of it in the name of transparency because we sitting here in public doing the public's business are giving no direction as a Council about what our expectations are. We are leaving that to individual conversations. Please, if you have those conversations, let the media attend so the public knows exactly what it is that each one of us is expecting from the CRVA.

Mr. Cannon said Mr. Barnes has come back suggesting that for any additional monies that might be needed beyond and Mr. Barnes, I wanted to ask, relative to your motion, that considering the amount of money is so low that is being recommended if you would consider at least, because it sounds like what you are talking about is on an as needed basis, monies would be given, correct?

Mr. Barnes said from the \$1.7 million.

Mr. Cannon said then the question becomes what if the need is beyond that number for the purpose of being able to market, promote and be about business development, and we see that is a real need? Would we then be in a position to come back and to appropriate more of the dollars that may be needed by CRVA in order to do what needs to be done for the taxpayers here in the City of Charlotte?

Mr. Barnes said the answer to that question Mr. Cannon is yes we would at our July Business Meeting, but the issue is, and I don't know if you all are hearing me, they have indicated that the \$1.7 is sufficient for their business development needs for the month of July, and the \$800,000 is sufficient for their operational needs for the month of July. This is not a number that I or anyone else has forced upon them.

Mr. Cannon said I understand that. Anything can be sufficient if you are back is thrown against a wall. They are being made to do something right now based upon some other ideas and agendas, if I can call them that. All I'm saying is, if we find there is a situation where they need monies beyond that, we shouldn't hamstring them to nothing.

Mr. Barnes said I don't how clearer I can make this Mr. Cannon. It is not my intention or anybody's intention on this body, as far as I know, to hamper or cripple the CRVA.

Mr. Cannon said that is what this does.

Mr. Barnes said they want the body to function more effective, we want it to work more effectively. I'm only speaking for the idea that you've heard me talk about. I'm not speaking for anybody else's idea about the CRVA. I think we are trying, or at least the majority of us are  
mpl

trying to move forward in a way that allows them to operate effectively to do the good work that they have been doing, but also help us with respect to the public confidence and Council confidence.

Mr. Cannon said I'm trying to find a way to be supportive of your motion and I was trying to find out how much leniency would be in there in order not to again hamstring them to a certain number because if they need additional funding for whatever it might be, granted they are going to go along with it for whatever their reason might be, but I'm trying to find a way to see if there is any level of leniency in there where if additional monies are needed that they be appropriated. I'm only asking this question from a business perspective in that marketing dollars, as all of us know, gets spent quickly, and the amount of money we are talking about, even the \$10 million in itself is peanuts for a City the size of Charlotte and for the things that we are trying to attract and bring to this community.

Mr. Turner said I understand what you are asking for Mr. Barnes, but the problem here is you can't on the one hand say they are doing a wonderful job and on the other hand we undermine the entire Board and the CEO of this organization. It is an Authority, an Authority that we are in a relationship with, an Authority that the State of North Carolina has a relationship with and I don't recall in my 8 years on this Council, I don't recall any organization, and there has been a lot that have stood before us that we give taxpayer dollars to every year, but we've never held up their budget because we questioned their process or how they spent their money, allocate their money, it is sufficient, based on what we want. We have always presented what we expect and wait for a report to come back and allow them to continue on that road and look for ways to improve that. It just bothers me that we can't say they are doing a great job and send that message to the general public, but you are willing to hold up their budget. Either they are not doing a good job to our satisfaction or they are. If they are then it is obviously something else. I just want us to be transparent and I don't think you are getting it tonight and I don't know if you are going to get it tomorrow, but what I do know is you can't have it both ways. You can't tell me they are doing a great job or you're not willing to support their current operation based on the way they are doing their business. Mr. McCarley is the City Attorney and your comments were during the first report and our investigation, there was nothing we found that is criminal or anything illegal that had taken place from an expenditure standpoint or receiving funding. Is that correct Sir?

**City Attorney, Mac McCarley,** said I was asked a very limited and specific question which was whether or not payments to one employee for work done on the CIAA violated their policy. The answer to that was no, it did not.

Mr. Turner said do you have any other knowledge, because we asked only that particular question and that is far as you went. Is that just what you indicated to us?

Mr. McCarley said I answered the question I was asked, yes sir.

Mr. Turner said Mr. Manager, do you have any knowledge beyond that that would make us hold up their budget and believe that this organization is not operating accordingly?

**City Manager, Curt Walton,** said no sir.

Mr. Dulin said Council members, we all raised our hands and took an oath to protect this City, protect its money and protect its people. I take that pretty seriously and we all do and we have differences of opinions but it is not our money and it is not the CRVA's money, it is the taxpayer's money. It is the people who rent a car at the Airport, it's the people who bring their families here and rent a hotel room. It is their money and I made a pledge to be a good steward of that money and in the end I believe they are going to get their money and continue, but this is a good plan and we, as Mr. Barnes said, didn't make up this number. We ask them for this number and they gave it to us. July 1 is Friday of this week. They are going to come back and we are going to look at this thing again July 25<sup>th</sup> and this is a plan to get us through July, to get more answers. Mr. Cooksey, if you want me to take the whole media tour when I have conversations with them I don't mind doing that one bit. I can say to everybody that I don't know what you all do on your week-ends, but I go to the NASCAR Hall of Fame and have for the second year in a row bought a season pass for my family. If I'm going to talk the talk I'm

going to walk the walk and if you want to lead you've got to be out front and I'm out front on this thing and I'm spending my money where my mouth is, at the NASCAR Hall of Fame and in our tourism. This is tax dollars we are talking about, it is not our money and if you want to lead, lead from the front.

Mr. Cooksey said I agree, it is the taxpayer's dollars. The tax levied on hotels and motels and tax levied on prepared food. The taxpayer's dollars paid in for a purpose and the specific purpose earmarked for these funds is promotion of Charlotte as a convention and visitors destination. That is why the taxes are collected. That should be the expectation when people pay those taxes because those taxes goes to an organization that does that job. What we've heard from the industry that does that job, Charlotte Area Hotel Association letter last week, the local chapter of the Restaurant Association, everyone in the industry who is relying on the CRVA to that job with the tax that was levied for that purpose is telling us the CRVA is doing a fantastic job and should get their allocation to do that job continually. Part of what animates me on this so much is that as a former member of the Convention and Visitors Bureau Board of Directors from 1998 to 2004, I spent more than my share of time, but it was what I signed up for, being frankly beaten up, by members of the industry who asserted that the Charlotte Convention and Visitors Bureau at the time was not spending those taxpayer dollars appropriately. I especially remember after the brief travel recession after 911, they were on the door constantly saying the CCVB needed to do more, that it wasn't doing enough. Why wasn't the CCVB more active, where was the sales and marketing? I've been through that and the canary in the coalmine here, the dog that isn't barking or whatever metaphor you choose to use is that throughout all of this controversy that we've been carrying along with the CRVA, no-one in the industry relying on the CRVA to do its job has told us they are doing a bad job, and you ought to look at it. In fact they have said the complete opposite. The collectors of the taxes, levied and paid by taxpayers for a specific purpose have all said that purpose is being fulfilled by the CRVA and having been beaten up before on that subject, the fact that I'm not been beaten up, tells me that this action, continuing to drag it out is not the appropriate use of the taxpayer's money.

Mayor Foxx said we have a motion on the table and I think everyone who has wanted to speak has had an opportunity to speak so I'm going to say what I have to say and then let's vote. Frankly, I think the discussion around the dais has been good, but I really don't think we are at odds around this dais. I think we really want to see the CRVA be a very successful organization. I think there is disagreement about how successful it is. I think there is disagreement about whether certain of its management missteps are our business or are not our business and I hear that loud and clear from people around the dais. I think the purpose of this motion isn't too choke the CRVA to death, which is one I'm paraphrasing, but one version that I've heard is actually to provide it with sufficient operating capability to make it through to our July meeting where the hope is we have a more full discussion of its plan going forward. In fact at the time the letter was written there was not the Price Waterhouse report on paper nor was there this operational improvement plan, which is in effect a plan to have a plan. I think to clarify where I am with this, and this is just one person talking, I would like to see as much as possible the actual plan, not the plan to have a plan in six months, but by the time we get together in July, to actually know exactly what the CRVA is going to do in the context of this operational improvement plan to the greatest extent that they can. If there is some things that can't be figured out between now and then, to tell us why they can't be figured out. That to me in a minimum is what we need to do because it does get into some of the issues that are in that letter about physical controls accountability, board engagement, etc. I don't think anyone on this dais is under the illusion that we have the ability to manage the CRVA. It is an authority and operates independently of us. They have to make their decision, but it is our business to know what they are going to do and we've had enough experience with problems to have a number of us concerned enough to take the approach we are taking. So whether you like it or not or disagree with it or not, I understand the points of view, but the public does have an interest in this organization, having a better grip on its management and if you look at this Price Waterhouse report, which I had an opportunity to scan this afternoon, implicit in it are some areas where there may not be adequate financial controls in place, or ones that are industry standard. There may have been problems in the past with sufficient vigor in making projections on projects that we have supported and those are things that legitimately create concern in my mind for the next project and the next project, even if you assume that we don't have management responsibility for this agency. I think all of this falls under the category of accountability and I think it is appropriate for us to take a little more time and give them a little more time to digest their operational plan going forward and to give

us some specifics, not on just what they plan to do, but exactly what they are going to do or what they've done preferably by the time we get together in July.

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

YEAS: Council members Barnes, Burgess, Cannon, Carter, Dulin, Howard, Kinsey and Mitchell.  
NAYS: Council members Cooksey, Peacock and Turner.

Mayor Foxx said we will take this back up on July 25<sup>th</sup> and see where we land at that time.

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**ITEM NO. 13: THE AMENDED HOUSING & NEIGHBORHOOD DEVELOPMENT COMMITTEE'S RECOMMENDED INCENTIVE-BASED INCLUSIONARY HOUSING POLICIES ACTION PLAN.**

Councilmember Kinsey said you have before you the information you need and also two weeks ago we did review this for you at a Dinner Meeting. We all know there is a significant unmet need of affordable housing and incentive based, including our housing policy design to be used is tools by the private sector to encourage and yield the development of additional affordable housing units. This is something that the Committee is going to be studying. We will be meeting and will have citizens action groups so there will be plenty of input. All we are asking tonight is the approval of the Housing Policy Action Plan.

[ Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes to approve ]  
[ the Housing & Neighborhood Development Committee's recommended Incentive-based ]  
[ Inclusionary Housing Policies Action Plan. ]

Councilmember Carter said is there a way that we could accept one statement in here that is not being studied. It is number 7, Expand Accessory Dwelling Units, because I think there is an issue with our elderly that may not be being addressed.

Ms. Kinsey said we've had that discussion and I agree and I think we probably will look at that again as we go forward.

Ms. Carter said that is high on my priority list.

Councilmember Peacock said on Page 8 of the write-up I have one question and maybe Ms. Kinsey you can answer it. It says that Councilmember Carter stated an interest in adding consideration for accessory dwelling units for non-related individuals. What is that? Then it said Council agreed to consider action on the proposed plan at the June 27<sup>th</sup> meeting, which is where we are right now. I was kind of confused by that last statement. What it is and why are considering something so late about non-related individuals. Was that thoroughly flushed out in Committee or what?

**City Manager, Curt Walton,** said to Mr. Peacock's point, on the 13<sup>th</sup> when it was presented, Mayor Foxx had suggested that we add the density bonus for multifamily housing and Council member Carter suggested adding it for accessory dwelling units. The Committee had already made its recommendation so what stands now in front of you is the Committee recommendation. If you would like to include multifamily housing and accessory dwelling, you would need to amend the Committee's recommendation. I don't know the degree to which that was debated in Committee, but it is an important point that if you want those two things, they need to be added here as they are not in the Committee recommendation.

Ms. Kinsey said I will amend my motion to include those two items.

Councilmember Barnes said I had some stated reasons for not supporting both of those items, particularly the accessory dwelling units for non-related individuals so I'm not going to be able to vote for the amended action.

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

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YEAS: Council members Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell and Turner.

NAYS: Council members Barnes and Peacock.

Mayor Foxx said thanks for the hard work and I understand you position on that Mr. Barnes.

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**ITEM NO. 14: ENVIRONMENT COMMITTEE RECOMMENDATION TO ADOPT THE TREE CANOPY COVERAGE GOAL OF 50% IN 2050.**

Councilmember Peacock, Chair of the Environmental Committee said before us we have the Environmental Committee recommendation to approve an aspirational goal that was brought to us by Gina Shell, Tom Johnson, Don McSween, our City Arborist and I want to thank the City Staff members, Julie Burch and others who worked on this. This is second part to a discussion and dialogue we begun almost three years ago about our important tree canopy that we very much cherish in the City of Charlotte and the aspirational goal is to keep 50% in 2050. The proposed goal reflects some extensive work that staff has done. First of all they have researched other cities on the tree canopy, the coverage, their goals and their strategies and there are many big cities that we've marked ourselves against. I think what Council and what most of the public is not aware of is that as we studied our tree canopy goal, what we found out was some very positive news for a city that is east of the Mississippi and more importantly a city that is compared to the other top 20 and that is that we have the best tree canopy in America. That is not something that we heard a whole lot about when we were debating the Tree Ordinance as it relates to updating it but it is one that needs to be amplified here and it also needs to be a reflection of excellent work by the Manager's Office and by this City and the value that we place on trees. The second component is that the goal expresses again just aspirational goals and I can't emphasize that enough. We realize that 2050 is a long way off, but we want to stay focused on what I call the offence of trees which is planting more of them, using them strategically, using them to develop neighborhoods that are transitioning or have been unstable. Trees have a powerful affect on that and I think our Committee's discussions revolved that and I think the dialogue on how we want to use and develop our tree canopy will be done as such. If we are monitoring this goal on an aspirational level and we are monitoring it with the use of the American Forest Report, we are going to get that result.

[ Motion was made by Councilmember Peacock, seconded by Councilmember Barnes, to ]  
[ approve the Environment Committee recommendation. The vote was recorded as follows; ]

YEAS: Council members Barnes, Burgess, Cannon, Carter, Dulin, Howard, Kinsey, Mitchell, Peacock and Turner.

NAYS: Councilmember Cooksey.

Councilmember Cooksey said I have to state my reasons on the no. The same as I mentioned at the Dinner Meeting, but it is the vote now. I appreciate the aspirational aspect of the goal, my concern is from a development perspective, if we are talking about working toward a higher tree canopy in Charlotte when we already have a very high one for a city, what impact could that have regionally for development. Some of the reading I have been doing about City development suggests that the more you try to concentrate green space in an area that is supposed to be urban, the more you push development out into greenfields to begin with. Some of us went on the Chamber trip to Seattle last week and I found it fascinating that Seattle, the Emerald City known for also its tree canopy, actually the tree canopy is 23%, but it's got a region that is replete with trees. That is the nature of my concern about this objective, there was no study done about the potential impact if we try to maintain this kind of tree canopy in our City limits, what is it going to do to the region, particularly given that we have some potentially contradictory policies. While our centers, corridors and wedge policies suggest that perhaps we can accomplish this by maintaining lower development in the wedges, we also have a housing locational policy and are going to pursue some inclusionary housing policies that will increase if they are successful with density in the wedges. Increased density means fewer trees, so I'm not sure how these things interact. That is the reason for my no vote.

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**ITEM NO. 15: ORDINANCE NO. 4687 AMENDING THE DECORATIVE SIGN ORDINANCE, EFFECTIVE UPON ADOPTION.**

[ Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and ]  
[ carried unanimously, to approve the subject ordinance. ]

The ordinance is recorded in full in Ordinance Book 57, at Page 162-166.

\* \* \* \* \*

**ITEM NO. 16: AUTHORIZE THE CITY MANAGER TO EXECUTE A ONE-YEAR CONTRACT WITH MECKLENBURG COUNTY FOR \$610,062 TO PROVIDE ALL FIRE PROTECTION SERVICES IN THE AREAS NOW SERVICED BY NEWELL AND MALLARD CREEK VOLUNTEER FIRE DEPARTMENTS, BUDGET ORDINANCE NO. 4688-X IN THE AMOUNT OF \$610,026 FROM MECKLENBURG COUNTY.**

[ Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and ]  
[ carried unanimously to approve the subject authorization and adopt the subject ordinance. ]

The ordinance is recorded in full in Ordinance Book 57, at Page 167.

\* \* \* \* \*

**ITEM NO. 17: CONTRACT WITH MECKLENBURG COUNTY IN THE AMOUNT OF \$851,977 FOR GANG OF ONE'S GANG REENTRY AND INTERVENTION TEAMS, CONTRACT WITH MECKLENBURG COUNTY IN THE AMOUNT OF \$339,765 FOR GANG OF ONE'S CULINARY ARTS PROGRAM.**

[ Motion was may be Councilmember Barnes, seconded by Councilmember Carter, to approve ]  
[ the subject contracts. ]

Councilmember Cannon said this is to approve a contract with the County in the amount of \$851,977 for Gang of One's Gant Reentry and Intervention Team, or that is a portion of it anyway. Can you give us a little bit about any success as it relates the whole issue surrounding gang reentry from those really not going back into a lifestyle of gang activity?

**Fran Cook, CMPD.** Yes, sir. I'm happy to respond to that question. Currently we have 36 active criminal involved, gang involved clients served by our Gang Reentry and Intervention Team. Nineteen are reentry clients, 17 are intervention and we have 5 pending clients. We currently have two full-time case managers working one on one with these individuals. As of May 2011, 83% of our clients have not re-offended, 83% are enrolled in education programs, 11% have completed their GED and 6% are pending enrollment in a GED Program. Also 53% of our youth who are eligible for employment are employed and 15% are enrolled in a job training program.

Mr. Cannon said thank you very much. I wanted to make sure before I voted on it that it is something that is very successful and it sounds like it is. It is my hope that somebody might pick up this televised meeting and know that if they know someone in a gang that there is life after gang activity and there are people who will help you through that process if you are out there engaged in this type of activity and you want a way out, there is someone there to help you with that.

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

YEAS: Council members Barnes, Burgess, Cannon, Carter, Dulin, Howard, Kinsey, Mitchell, Peacock and Turner.

NAYS: Councilmember Cooksey.

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

- A. A-1 Airport Advisory Committee, Westside resident** – One appointment for a three-year term for the Westside resident beginning August 1, 2011.

- B.**  
**C. City Clerk, Stephanie Kelly,** said the incumbent, Russell McMillan received 11 nominations.

[ Motion was made by Councilmember Cooksey, seconded by Councilmember Barnes, and ]  
[ carried unanimously, to appoint Mr. McMillan by acclamation. ]

- A-2. Airport Advisory Committee At-Large Representative** – One appointment for a three-year term beginning August 1, 2011.

The following nominations were made:

Robert Diamond, nominated by Councilmember Cooksey  
Willis Harney, nominated by Council members Burgess, Dulin and Kinsey  
Kory Jeter, nominated by Council members Barnes, Cannon and Mitchell  
Daniel Payerle, nominated by Councilmember Carter  
William Taylor, Jr., nominated by Councilmember Turner  
Pam Bennett, nominated by Councilmember Howard  
Jon W. Brady, nominated by Councilmember Peacock

- B. Charlotte Regional Visitors Authority** – Two appointments for at-large representative for three year terms beginning July 1, 2011.

The following nominations were made:

Kenneth Lay, nominated by Councilmember Carter  
Charles Owens, nominated by Councilmember Dulin  
Anthony Perez, nominated by Councilmember Mitchell  
Wilhemina Rembert, nominated by Council members, Burgess and Cannon  
Russell Sizemore, nominated by Council members Barnes, Burgess, Cannon, Cooksey, Dulin, Kinsey, Mitchell and Peacock.  
Curt Walton, nominated by Council members Barnes and Kinsey  
Chuck Allen, nominated by Councilmember Cooksey  
Shelly Young, nominated by Councilmember Howard

[ Motion was made by Councilmember Howard, seconded by Councilmember Barnes, and ]  
[ carried unanimously, to close the nominations. ]

- C. Community Relations Committee-** One appointment for an unexpired term beginning immediately and ending Jun 30, 2013.

The following nominations were made:

Toria Boldware, nominated by Council member Barnes and Howard  
Sue Korenstein, nominated by Councilmember Kinsey  
April Morton, nominated by Council members Peacock and Turner  
Heather Myers, nominated by Councilmember Carter  
Kathleen Odom, nominated by Councilmember Cooksey  
Aaron Orr, Sr., nominated by Councilmember Mitchell  
Marty Puckett, nominated by Councilmember Cannon  
Marilyn Sutterlin, nominated by Council members Burgess and Dulin

- D. Domestic Violence Advisory Board** – One appointment for a three year term beginning September 22, 2011.

The following nominations were made:

Beatrice Cole, nominated by Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, and Mitchell  
Emily Netzel, nominated by Council members Peacock and Turner.

- E. Historic District Commission** - One appointment for a resident of Wesley Heights for an unexpired term that begins immediately and ends June 30, 2013.

The following nominations were made:  
Collette Forrest, nominated by Council members Cannon, Howard and Mitchell  
Fred Warren, nominated by Councilmember Turner

- F1. Historic Landmarks Commission** – Two appointments for three year terms beginning July 17, 2011.

The following nominations were made:  
Frank Bragg, nominated by Council members, Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell Peacock and Turner.  
Lynn Weis, nominated by Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock and Turner.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and ]  
[ carried unanimously, to appoint Mr. Bragg and Mr. Weis by acclamation. ]

- F2. Historic Landmarks Commission** – One appointment for an unexpired term beginning immediately and ending July 16, 2011.

The following nomination was made:  
Joseph Elliott, nominated by Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell, Peacock and Turner.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Carter, and ]  
[ carried unanimously, to appoint Mr. Elliott by acclamation. ]

- G. Public Art Commission** – One appointment for a three year term beginning immediately and ending June 30, 2014.

The following nomination was made:  
Charles Barger, nominated by Council members Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock and Turner.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and ]  
[ carried unanimously, to appoint Mr. Barger by acclamation. ]

- H. Transit Services Advisory Committee** – One appointment for a neighborhood organization leader for an unexpired term beginning immediately and ending January 31, 2012.

The following nominations were made:  
Kimberly Lawson, nominated by Council members Cannon and Turner  
Erik Owens, nominated by Councilmember Cooksey  
Michael Warner, nominated by Council members Burgess, Carter, Kinsey, Mitchell, and Peacock

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**ITEM NO. 19: APPOINTMENTS TO BOARDS AND COMMISSIONS**

- A. Charlotte Regional Visitors Authority** – Two appointments for at-large representatives for three-year terms beginning July 1, 2011.

**City Clerk, Stephanie Kelly,** said we have prepared the list of all those nominated earlier and those nominated this evening. Each Councilmember can vote for two.

The following nominees were considered:  
Doris Asbury, nominated by Council members Cannon and Mitchell

Darryl Broome, nominated by Councilmember Dulin  
Carlton Crump, nominated by Council members Barnes, Burgess and Cannon  
Jackie Ford, nominated by Councilmember Turner  
Scott Jensen, nominated by Councilmember Peacock  
T. Anthony Lindsey, nominated by Council members Burgess, Carter, Cooksey, Howard and Mitchell.  
Gary Roelke, nominated by Council members Carter and Cooksey  
Lloyd Scher, nominated by Council members Barnes and Kinsey  
Rebecca Stoddard, nominated by Councilmember Kinsey  
Marilyn Sutterlin, nominated by Councilmember Peacock  
Shelley Young, nominated by Councilmember Howard  
Kenneth Lay, nominated by Councilmember Carter  
Charles Owens, nominated by Councilmember Dulin  
Anthony Perez, nominated by Councilmember Mitchell  
Wilhemina Rembert, nominated by Council members, Burgess and Cannon  
Russell Sizemore, nominated by Council members Barnes, Burgess, Cannon, Cooksey, Dulin, Kinsey, Mitchell and Peacock  
Curt Walton, nominated by Council member Barnes and Kinsey  
Chuck Allen, nominated by Councilmember Cooksey

Results of the first ballot were recorded as follows:

Chuck Allen, 3 votes, Council Members Cooksey, Dulin and Peacock  
Doris Asbury, 1 vote, Council Member Mitchell  
Darryl Broome, 1 vote, Council Member Dulin  
Carlton Crump, 0 votes  
Scott Jensen, 0 votes  
Kenneth Lay, 0 votes  
Anthony Lindsey, 3 votes, Council Members Howard, Mitchell and Turner  
Charles Owens, 0 votes  
Anthony Perez, 0 votes  
Wilhemina Rembert, 2 votes, Council Members Burgess and Cannon  
Gary Roelke, 0 votes  
Lloyd Scher, 0 votes  
Russell Sizemore, 6 votes, Council Members Barnes, Burgess, Carter, Cooksey, Kinsey and Peacock.  
Rebecca Stoddard, 0 votes  
Marilyn Sutterlin, 0 votes  
Curt Walton, 3 votes, Council Members Barnes, Carter and Kinsey  
Shelly Young, 0 votes

Mayor Foxx said Russell Sizemore obtained the 6 votes necessary to be appointed so if we can make that decision. There were several candidates that received 3 votes, Chuck Allen, Anthony Lindsey and Curt Walton. Curt, do you want to do this?

**City Manager, Curt Walton,** said I will be happy to do it if you believe it is the right thing to do. I'm here to help.

Councilmember Barnes said if I might speak to Mr. Walton's nomination, I supported his nomination and voted for him because I believe that his presence on the CRVA Board will help us work toward restoring public confidence in that body. He obviously oversees the \$1.6 billion budget for the City. He oversees 6,000 plus City employees and has a great deal of budget experience as a former Budget Director for the City of Charlotte and according to us has done an outstanding job as our City Manager. He is aware of the time commitments for the Board meetings and has indicated that he is prepared to serve in this capacity in order to help us, as I have described, to stabilize things. I wholeheartedly support Mr. Walton because he is willing to participate in this effort and would urge my colleague to support him as well.

Councilmember Carter said I did support for our City Manager to participate in this Board, but I need to ask our City Attorney if there would be a conflict as he is our Manager, considering the operations of assets that we own, such as Oven, Bo Jangles, etc.

**City Attorney, Mac McCarley,** said I don't believe there is a conflict.

Councilmember Turner said I saw that and I respect my colleagues comments with regards to reasons why he believes he should be on there. The concern that I would have is, being it is an Authority, we are the Board that hires the City Manager and he reports directly to us. I personally believe that putting him in that position, of all the things that we are dealing with now we can't get past the little things and all the supposedly negative comments that people are saying you are hearing from the business world, but what happens when it gets no better. Then the response becomes, well you have your City Manager who runs a big City budget and oversees these folks, but they fail. I think you have to entrust in the Board and the process which was put in place. I don't think he is not capable. He runs the City, but should I add any more to his plate that we really don't have any power over other than simply approving a budget. I would rather see him as a liaison person that can inform us and can inform them and have some say so, but not a voting member and the decisions from day to day operations of that. He has a lot on his plate already and we have a lot that is coming forth, so you are going to put him on every board that we think is not accomplishing what we want them to do.

Councilmember Dulin said I supported Chuck Allen primarily because of his business. He has got something to do with bringing 34 million visitors to the Airport every year because of the hub. Without that hub this City is not what we are and he is our connection to Phoenix and I plan to support Chuck on this.

Councilmember Cooksey said I too am supporting Chuck Allen and I appreciate the idea of putting the City Manager on this Board, but I think it puts him into a conflict because an Authority Board Member is supposed to first and foremost have the interest of the Authority at heart, and our Manager is supposed to have the City's interest at heart. Sometimes, as we've seen they can conflict and I wouldn't want to put him in the position of having to either take the City's interest above the Authority's, even though he is an Authority Board Member, or take an Authority interest over ours, so I'm sticking with Chuck Allen.

Councilmember Howard said I think earlier our vote said that we have some concerns and I would hate for us to all of our concerns of the CRVA on the one incumbent that is up just because he is the one that is up. I've told him I would stay committed to him and we will see how this vote goes, but I would like to make sure we give the incumbent who has been sitting at the table for the last term due consideration as well.

A vote was taken on the three that received 3 votes and was recorded as follows:

Chuck Allen, 3 votes, Council Members Cooksey, Dulin and Peacock  
Anthony Lindsey, 3 votes, Council Members, Howard, Mitchell and Turner  
Curt Walton, 4 votes, Council Members Barnes, Burgess, Cooksey and Kinsey

Councilmember Cannon said as it relates to Mr. Walton, Curt, you know I look at you like a brother and I would like to be able to support you, but my issue of concern happens to be that if we put you on the Board I can foresee already within your performance review, if the CRVA isn't performing like it should, somebody is going to try to hold you hostage and it won't be me. Do understand that there is all love and respect for you and has nothing to do with anything else other than that position that I have. I'm really concerned about that and I think we all should be.

Mayor Foxx said my sense is that Curt didn't go looking for this, so let's be very clear that this isn't something that I think you went looking for. We are going to have to get off the dime so why don't we do a runoff to see who will compete against Curt for the final vote.

The vote was taken on the two candidates that received three votes to see who competes against Mr. Walton for the seat.

Chuck Allen, 4 votes, Council Members Cooksey, Dulin, Kinsey and Peacock  
Anthony Lindsey, 4 votes, Council Members Burgess, Howard, Mitchell and Turner

Mayor Foxx said I'm going to do this one more time and if we get a tie I'm going to break it.

Chuck Allen, 6 votes, Council Members Cannon, Carter, Cooksey, Dulin, Kinsey and Peacock.  
Anthony Lindsey – Did not take a vote.

A vote was taken between Chuck Allen and Curt Walton and was recorded as follows:

Chuck Allen, 8 votes, Council Members Cannon, Cooksey, Dulin, Howard, Kinsey, Mitchell,  
Peacock and Turner.

Curt Walton, did not take a vote

Mr. Walton said I believe if this had been a talent competition I would have taken it.

Mayor Foxx said I'm going to announce tonight that I have made an appointment to the CRVA as well. There is one of the Mayor's appointments that is rotating off and I have appointed Will Miller who has been instrumental in bringing the Democratic National Convention to Charlotte. He will be a strong member of that Board and the newly constituted Board will have a lot of this to work with.

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## **ITEM NO. 20: MAYOR AND COUNCIL TOPICS**

### **NASCAR Hall of Fame**

Councilmember Dulin said my sons and I went to NASCAR Hall of Fame Saturday afternoon, had lunch at Wind Wings, the place was almost shoulder to shoulder. I was really pleased to see this and we stood in line for the driver's experience with people from Georgia and Alabama, and Mississippi, just all over. I encourage you to do go down there and spend some money.

\* \* \* \* \*

### **National League of Cities Board of Directors Summer Meeting**

Councilmember Mitchell said you have the list of activities for the National League of Cities Board of Directors summer meeting. I need to thank Terry Bradley and Kimberly Pearson who have done an excellent job as well as Ron Kimble and David Howard has helped me tremendously with corporate sponsorship. This is an invitation to all Council members, so please participate yourself and your family especially Thursday night. I know Council members Dulin and Peacock will be on vacation and I totally understand that, but those you can, Thursday night is the Welcome Reception and Dinner hosted by the City of Charlotte at the Harvey Gantt Museum. If you want a big laugh, Thursday morning you will see Mayor Foxx, Mayor Pro Tem Cannon and I went out and acquired two free agents to be part of the NLC Basketball Dream Team and we are going to play the Police All Stars at 9:00 at the Greenville Community Center with donations going to the Police Activity League. Friday will be at NASCAR Hall of Fame and then Saturday will be at Strike City. To all the citizens out there, it will be a great opportunity for about 100 elected officials throughout this country to come and visit our great city. For all Council members you can show your support and I appreciate it. We will have a tour and thanks to Council members Carter and Kinsey, they are going to help me take one tour to SouthPark Mall and another tour to the Cultural Facilities and we'll take one group to Ballentyne to play golf. Thanks and hope you can participate.

Councilmember Cannon said Mr. Mitchell, as President of the National League of Cities, thank you so much for your level leadership to bring this Board meeting to the City of Charlotte and it will mean something good in the way of our bottom line, so thank you for your leadership and all you do in that capacity.

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### **New Farmer's Market at Eastway and Shamrock**

Councilmember Kinsey said I just want to let everybody know that there will be a new Farmer's Market opening this coming Saturday at 8:00 at the corner of Shamrock Drive and Eastway Drive on a service station property. Farmer Gene is going to be there with his produce, much of

which he has grown himself. This is being sponsored by the Shamrock Drive Development Association. This is an area that needs fresh food, so come out if you can.

\* \* \* \* \*

#### **Multifamily Rezoning in District 4**

Councilmember Barnes said I wanted to ask Council's consent on an issue. I've had a chance to speak with some of you about it. I had a conversation with Debra Campbell regarding multifamily rezoning in District 4 and information that I was provided indicated that there are about 12,200 apartments on the ground in that area and rezoning for multifamily of about 4,300 additional units. The request I would make of staff is that they analyze those outstanding rezoning to determine whether or not there are any recommendations that they would make particularly where higher density rezonings exist in wedge areas. As I understand it the Northeast District Plan has not been reviewed in quite some time and she and I agreed that it may be timely to review those rezonings in light of development in that part of the city and future plans for light rail, etc.

Councilmember Cannon said on this point from Mr. Barnes, you want some level of direction on whether or not to pursue the issues raised.

Mr. Barnes said yes, I was asking Council's consent for that.

Mr. Cannon said I don't think there are any other District Reps that have that same level of interest. Hearing none, if there are no objections we will go ahead and move that forward for staff to go into that direction, Manager Walton.

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#### **Can We Talk About Living Together in Divided Community**

Councilmember Cooksey said particularly in light of the speaker we had earlier expressing some concerns about community relations, I do want to remind everyone that this Thursday, June 30<sup>th</sup>, the Community Building Initiative and our Community Relations Committee and Mecklenburg Ministers are hosting a discussion on Can We talk About Living Together in Divided Community. The Mayor and the Chair of the County Commission will be kind of the head liner of panelist. It is 7:00 p.m. on Thursday at Pritchard Memorial Baptist Church, to have the kind of discussion that a previous speaker suggested we need to have. The fact that I'm on the panel also has nothing to do with it.

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#### **Rental Property Review Board**

Councilmember Peacock said this is for Manager Walton, and Council may not have seen this with everybody being away, but we've got a Rental Property Review Board letter and they haven't seen anyone in this process so far so we didn't receive a report through the Clerk's Office. I was wondering if it was possible after we've gotten through the years, and I remember receiving the report from then Deputy Chief Ken Miller on who we were hiring, where the revenue was coming from. Could we receive a financial report or has that already been provided?

City Manager, Curt Walton, said we had one in the cue when the General Assembly introduced the Legislation that would have stripped our ordinance and we made it through the session without that happening, so we are ready to bring our review forward, including that information as soon as we can.

Mr. Peacock said is that coming forth this summer or the fall?

Mr. Walton said hopefully this summer if we can find time.

June 27, 2011  
Business Meeting  
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**ADJOURNMENT**

[ Motion was made by Councilmember Carter, seconded by Councilmember Dulin and carried ]  
[ unanimously, to adjourn the meeting at 8:55 p.m. ]

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Stephanie C. Kelly, City Clerk

Length of Meeting; 4 Hours, 25 Minutes  
Minutes Completed: September 27, 2011