

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, July 25, 2011 at 5:19 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council Members present were Michael Barnes, Patrick Cannon, Nancy carter, Warren Cooksey, Andy Dulin, Patsy Kinsey, Edwin Peacock, and Warren Turner.

ABSENT UNTIL NOTED: Council Members Jason Burgess, David Howard and James Mitchell.

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Council Member Dulin said No. 23 is the Police Steele Creek Division Station and I would like an update from CMPD about how the Providence Division Station is coming along on Wendover. It looks great and it is moving forward. If we could get a report on how that is going I would like that very much.

City Manager, Curt Walton, said I think it opens in October, but we will get you a report on it.

Mr. Dulin said they have a lot of work to do, but I think they can do it. Number 26, the Water Meter Yokes and Brass Accessories – These are replacement parts, but are the parts that we are replacing, wouldn't those be under warranty? This is a \$600,000 item so I was curious and I don't want a warranty to get passed by.

Council Member Peacock said I was just going to echo Number 23, this is the first facility that will be built under the sustainable facility policy in which spent some time in the Environmental Committee meetings and was ultimately passed by this Council.

Council Member Howard arrived at 5:21 p.m.

Council Member Kinsey said Number 37 and 39 both have to do with Wetland Mitigation and I support it, but I do have a question. Number 37, Wetland Mitigation Credit Purchase, under explanation which I think is bullet 8. This popped out at me and I want to make a statement that we know this credit purchase revenue will likely be used by the State to restore or create wetlands outside of Mecklenburg County. Dropping down to bullet 10, staff anticipates having adequate credits available for future use including the mitigation fee of \$124,420, a cost-benefit analysis indicates that this pond is a highly cost-effective means of improving water quality. That is the same statement that is over on Number 39. My question is, do we go back after this mitigation and check or is even possible to go back and see what kind of improvement has been made, and if so, at some point could Council be notified of that? Also on Number 50-W, this is Tryon Hills Neighborhood Improvement Project, Parcel #97, this is condemnation and I have had some concerns and frankly have gotten some complaints from constituents when the City has gone out to talk to them about easements and I understand that we use contract work for this and we don't send our own staff out and I've had complaints about them not being as nice as they could be, almost threatening if you don't do this we are going to condemn your property, and that sort of thing. On this particular one it says that the owner could not be located. The owner happens to be a very close personal friend of mine and is very active in the community, a respected employee of Bank of America and the fact that these people could not find this gentlemen is just preposterous to me and it makes me wonder if the people we are using for this type of work are really doing a thorough job. It brings to mind a question and I toyed with the idea of just pulling this until I could get in touch with this individual. Obviously, he has met with him last week so he can be located. Help me out with this, Mr. Manager.

Mr. Walton said we have no objection if you prefer to pull that one if you know who it is. Lots of time there is not clear title when things have come down through the years and it may be a title issue as much as it is that individual, but we will be glad to get you some more information on that one.

Ms. Kinsey said I would appreciate that, but if it is just a title issue, don't say that you can't locate the individual because it clearly says, unable to locate the property owner, and yet it gives

the person's name up above. I just question whoever we are hiring to go out and do this since I've had so many complaints and particularly since this has popped up.

Mr. Walton said would you prefer to defer?

Ms. Kinsey said yes, please defer No. 50-W.

Council Member Barnes said I have a question regarding Item No. 23. Under the Sustainability Facilities Design Goals, what is the value of those four bullet points? We had talked sometime ago about actually using the spirit of LEED certification to implement the features without spending the money to get certification, so I wanted to know essentially how much money it will cost us to get the official stamp of approval on that station, and in the alternative whether we can essentially implement the features install the features ourselves without paying someone to say it was a great thing to do. I think it should be done though.

Mayor Foxx asked if there were other questions regarding Consent Items. Hearing none, Mr. Manager we will go to the next item.

Council Members Burgess and Mitchell arrived at 5:52 p.m.

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ITEM NO. 2: RENTAL PROPERTY ORDINANCE

City Manager, Curt Walton, said it has been a year since we implemented the Rental Property Ordinance so we wanted to give you an update on the progress within the year and some recommendations for moving forward. We request at the end of this a referral to the Community Safety Committee to look at our recommendations. I will turn it over to Major Anselmo and Captain Steve Willis from CMPD.

Major Anselmo, CMPD, said I am the Executive Sponsor for this implementation of the enforcement efforts of the Rental Ordinance and it is my privilege to introduce Captain Steve Willis, who has been managing this for the last year. What you are going to hear in this presentation is an overview of where we are right now after a year since you've adopted this ordinance. Some of the challenge we've faced during this year as far as trying to identify property owners and things of that nature and then some recommendations moving forward.

Captain Steve Willis, CMPD, said this is as ambitious as your agenda, so we will move through this as quickly as we possibly can. What I want to give you first is an overview of what the Ordinance is as it stands today. Captain Willis used PowerPoint for his presentation to Council. A hard copy is on file in the City Clerk's Office.

Council Member Peacock said what is a zone check?

Captain Willis said it is a call for service where an officer goes by and checks a particular property. They have free time, they are not answering a call or they are not stopping a car and it is somewhere that we want them to go and do some directed activity.

Captain Willis continued his presentation with Suggested Changes.

Council Member Carter said the review every quarter, does that take a person or entity off the list or add entities to the list?

Captain Willis said yes, we will look at everything that occurs every quarter and if you are still in there we are still meeting with you. If you have come out and you have accomplished everything that we have set in place, then you will be removed for that period of time. It would be a yearly registration and not a quarterly registration, so they would pay one time for every 12 months.

Council Member Barnes said I had a few questions, but I imagine since we are going to send this to Committee that I will be able to get through a lot of these issues at the Committee level. I wanted to ask you for some background on a couple things. One, the Council chose not to put
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every rental property into the ordinance. I wanted to have some discussions again, probably at the Committee level regarding why. I don't remember all the meeting conversation on that. On the bullet point regarding establishing quarterly reviews of crime and disorder, do we have the manpower to do that? You indicated that we are spending a lot of manpower now just researching who owns the property. Do we have the manpower to do these quarterly reviews?

Mayor Willis said yes, the benefit that we will have there is we are able to tie it to the Divisions and their quarterly goals so our plan is that we will be able to meet with the Divisions and share with them the data that we've learned so that the analysis are then working hand in hand with the 100 plus police officers that are assigned to that specific Division, to be able to remediate the issues that are going at those individual properties.

Mr. Barnes said also and we will deal with this at the Committee level, some of this I agree with and some of it I don't necessarily agree with, but regarding adjusting the fee schedule, I'm open to that. I imagine that as soon as we adjust the fee schedule we are going to hear complaints about the fine schedule. As a Committee we can deal with that and I don't mind doing that, but if you would keep that in mind and we can talk about that in the Committee.

Council Member Peacock said if the motion hasn't been made to refer to the Committee, I'll make it, but the point that I wanted to ask for for the Committee meeting and maybe get some answers right now, we talked about hiring two staff people. Initially it was then Deputy Chief Miller that talked to us about that. I wanted to provide some financials here because we talked about the people that you are registering and collecting these fees from are going to pay for the individuals that we are hiring. Do you have the actual numbers?

Captain Willis said I can provide you the actual numbers. I know some range numbers right now.

Mr. Peacock said I would love to have the range numbers right now.

Captain Willis said we collected roughly \$36,000 from the 93 properties that we met with. The start-up operational cost were over \$200,000.

Mr. Peacock said what did you project last year that you would collect in the first year?

Captain Willis said the initial projection at the beginning of the ordinance is that we would collect 100%.

Mr. Peacock said and we've only collected \$36,000?

Captain Willis said yes sir, that is correct. Part of that ties back to the belief when we went into it is that the data would show us the properties that were not only rental, but those that were in violation. We took 242 off the top immediately so the reclamation was based on the estimate of the number of properties we felt we were going to have to deal with and that number was 535, but we took 242 off the top of that right away. There was no way we would be able to get to that 100% reclamation based on that 335 and \$1,300. We didn't know that going in until we started digging into the data and learned that we had a number of properties that were out there that based on the methodology to identify rental property, they weren't in fact a rental property.

Mr. Peacock said did you cite any specifics that you can share as far improvements in crime in the areas where these properties are located?

Captain Willis said yes sir, that is the two particular slides that show the graph. It shows three that are just an example, but we can provide you more at a later date.

Mr. Peacock said the final question would be, I see your suggestions for recommendations and suggested changes. Are any of these coming from contact with any of the stakeholders that were sought out in this process? I'm thinking specifically of Ken Syzmanski, the Apartment Association and many of the people that were very vocal in this process. I haven't heard from them and I know I will.

Captain Willis said no, not specifically. A lot of the recommendations and a lot of the complaints that you see in there are directly from the folks that we met with, those 93. There towards the end, once we started seeing where the issues were leading us, we had some open conversations with the owners and said here are some things that we are thinking, what do you think about them and some of the owners were very positive with the ideas and everybody wanted to do away with the money piece of it of course, but they were positive. A number of the people that came to the table, even though they weren't happy to be sitting there, believed in the fact that we needed an ordinance, but it boiled down to, I don't want to have to pay and it shouldn't be me. They believed in the concept, but they didn't want to have to deal with the particular issue. Prior to us finding out that there was a Senate Bill introduced, we actually had a meeting with a community organization within the University Division and I didn't know it and I wasn't involved in the stakeholders group, but there was a member of the stakeholders group that was in that meeting and we had a discussion about where we wanted to go with the ordinance, the problems that we had encountered and he was supportive of the ideas that we brought to the table. Now whether or not he is 100% supportive, we didn't get to that point, but he was supportive of the ideas that we brought when we showed him the experience that we are having. Quite frankly, it really revolved around the full registration. When we talked about the need to have the ability to know who owns a property and when it is a rental, that individual was all for it. He was involved in the rental business so he may not agree with every aspect that we are recommending, but we didn't get anything from him strongly negative. We haven't reached out to the specific stakeholders group, these are our experiences that we've encountered throughout the first year that come from a lot of the complaints of the owners and managers we've met with.

Mr. Peacock said in your follow-up on the financials, Deputy Chief Miller listed that we were going to hire two people and he listed out in detail what the breakdown of their salary, all the reasons that you all could show what the actual hire will do.

Captain Willis said I can do that.

Council Member Cooksey said I appreciate the data. It is always good to have follow-up. Do I understand from this that in the first year of enforcing this ordinance that we didn't go after the top 4% because it sounds to me as though once you found the 242 that didn't actually qualify as rentals, they didn't get replaced by the next 242 that bumped up in 4%. I figure you take them out your top 4% changes.

Captain Willis said once we went through and took the 242 out, they went across the entire range of each threshold of each category. There were some that might have been at the bottom of the range, some at the top of the range and once we removed those 242 that we ranked ordered those based on what we had left because we had to bite off what we could chew at that point. We weren't able to go back and recalculate and then add more on the back end to say here is another 4% because we got the 4% of rental that we knew was rental based on the methodology that we used to get it from the tax data base.

Mr. Cooksey said that doesn't quite answer it because let's say you start with a set of 100 and you are going to get 4% out of that so that would be four, then you discover that two don't qualify. Instead of pursuing just the two remaining you know that the next two down will help fill up your 4%. I'm not getting why, particularly if you were expecting to do more than 500. That presumes to me that you were looking to investigate more than 500. You had a field of X and even though you took out 242 from the top 4% you still had more that could just roll up.

Captain Willis said we did, we had those that rolled up and the 93 that we met with were part of those that were still within that 500 and some. What we learned as we moved into this on June 1st was that it was going to be more difficult than we had any expectation of it being. I was more concerned and my staff was more concerned with dealing with the properties that we had, that the Divisions were able to rank order and say yes, we've experienced issues at these properties. We would like to be able to address those. Instead of bringing more on that would just have one crime or more on that would have just a few crimes, we were trying to get those that were still in that top 4% that we got from the initial run. It became very cumbersome going through and reading every case report and every call for service and then we ended having to go out to several properties in person to verify that yes, it is a rental or no, it is not a rental. It became very

difficult and we wouldn't have been able to meet those 553 had we added any more on the back end.

Mr. Cooksey said I appreciate the effort. I was skeptical of this when it originally was presented. I'll do my best to attend the Committee meetings on discussion, but it you just look at what was cited, 553 single family and you get the top 4%. If I'm doing my math correctly, and forgive my poor recollection of how this is done. Did we divide the ordinance top 4% single family and top 4% multifamily, or is just the top 4%?

Captain Willis said no sir. These numbers right here are the top 4% of all nine categories.

Mr. Cooksey said across all nine categories, we've got about 650 in the top 4% which suggest 12,000 or so rental properties total that had some level of crime or disorder that caused them to be on the list. We don't know how many thousands there are out there in the City that didn't have any crime occur.

Captain Willis said we can give you a rough idea, based on the numbers that we know that are rental.

Mr. Cooksey said this issue of a rental registration data base, I fear is far more cumbersome than the process that has been heard out here because the bottom line of it is runs the risk of creating a category of law breaker of people who otherwise aren't law breakers. We are looking at thousands of rental properties where we don't have disorder, we don't have crime issues and yet the proposal was and we didn't vote to pursue it, but it is back on the recommendation, the proposal is to create an ordinance that will make anyone who chooses not to register into a violator of an ordinance, if they don't do so, whether they have crime on their property or not. I'll stop at this point because I'm starting to debate an issue that is not up for debate. I appreciate the presentation and I know you had one more bullet point left before suggesting a committee recommendation. I'll just need to make sure I attend those Committee meetings.

Captain Willis said the last one is to include those officer initiated calls for service that so far have been excluded from our calculations.

Mayor Foxx said the recommendation is to refer this to the Community Safety Committee.

[Motion was made by Council Member Peacock, seconded by Council Member Howard, and]
[carried unanimously, to refer this matter to the Community Safety Committee.]

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ITEM NO. 3: LONG CREEK REGIONAL DISCUSSION UPDATE

City Manager, Curt Walton, said in August we will recommend that you consider a Memorandum of Agreement which is the Town of Belmont, relative to the Long Creek area. Barry Gullett wanted to give you an update of that project before we bring that forward next month.

Barry Gullett, Charlotte-Mecklenburg Utilities, said I'm here to give you an update on this project. This is a project that has been in the works for a long-long time and was actually first looked at probably back in the 1970's with the knowledge that eventually there would need to be a wastewater treatment plant at this location. In studying through the years, it looks like the time is getting closer so I want to give you an update on where we are. Mr. Gullett used PowerPoint for his presentation to Council. A hard copy is on file in the City Clerk's Office.

Council Member Barnes said obviously, this is a fairly involved deal and I wanted to know what would we do to a point you made that we are not going to build Long Creek right now because the demand is not there. What would our agreement be with Belmont and Mount Holly in the interim? Number 2, have we already bought that land from the ReVenture folks that is a part of this project?

Mr. Gullett said the answer to the second question is no, we haven't bought the land yet, but we are negotiating with the ReVenture folks and we believe that we are very close. The first question, what do we do in the meantime with Mount Holly and Belmont? There is the potential with Belmont and actually with both of them that we could take some of their flow into our system the way it is now. In other words, if they built the pumps and the piping according to the terms of the agreement, we would build some of that and they would build some of that, to get it across to us then it could come into our existing waste water treatment plants. That is not necessarily our preference and our preference is for them to continue to operate until the Long Creek Plant is built. Again, that is part of the negotiations as to exactly when the transfer takes place.

Mr. Barnes said what would be your estimated completion date for Long Creek at this point?

Mr. Gullett said I don't have one at this point because I don't know when we are going to start, and the bigger thing is I don't know what is going to happen with the growth out there. I really don't want to start that plant until there is enough flow to make it economically viable. We have a pump station there now and we are serving the area and the pump station that is there is in good shape. There is not a problem with that, but at some point we will reach the capacity there and more so we will reach the capacity of the pipes that it pumps into. We are monitoring the flows and the growth so that we get the timing just right there.

Mr. Barnes said talk to me briefly about the timing or having to buy the ReVenture land. It sounds like all of this could be delayed a while.

Mr. Gullett said we need to go ahead with the purchase of the ReVenture land for several reasons. One is we really need to start nailing down the pieces of this puzzle and that will help us get through the environmental review process and will help make things a little more solid and help us plan. If we can't build this plant for some reason, we have to plan the alternative. We have to plan and permit and design all those big pipe lines and that will take a long time also.

Mr. Barnes said when you say for some reason, what do you mean?

Mr. Gullett said if we can't reach an agreement with the partners, if the state won't issue a permit, if there is some other obstacle that we haven't found yet that pops up that stops the project for some reason. Like you said, this is a very complex project and a very complex agreement that we have to enter into. I for one am not taking it for granted by any stretch. This is probably the most complicated project that we've done in years and years, and maybe ever.

Mr. Barnes said I agree with you and another way to articulate what I'm trying to articulate is would it not be better to have an option on the ReVenture Land? In other words if the deal collapses we are sitting on land that we don't necessarily need. Is that true?

Mr. Gullett said part of the land we need anyway because the pump station is on part of the land so we need to get that anyway. The other part is actually still part of the negotiations as to the timing and when and how and the transfer. That is still part of the negotiations that are underway.

Mr. Barnes said would you agree with me that if for some reason, as you suggested, the entire thing falls apart, we would not need the bulk of the land that you are currently exploring to purchase from ReVenture?

We wouldn't need it for wastewater treatment plant capacity but it could be useful for other purposes. It still could be watershed protection and it could still be open space. I don't know the answer to that, but again as I said, when we close and how we close are still part of the negotiations on that. I think there are some other pieces of that puzzle that some of the other parties are interested in closing sooner rather than later. There are a number of drivers in that decision.

Mayor Foxx said thank you Barry, we appreciate it.

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ITEM NO. 4: 2012 DEMOCRATIC NATIONAL CONVENTION UPDATE

Mayor Foxx Mr. City Manager, do you have words of introduction?

City Manager, Curt Walton, said just to welcome Dr. Murrey and to give us a general update from that side of that three-legged stool.

Dr. Dan Murrey, Chair, DNC Host Committee, said today I just want to fill you in on where we stand. I started on May 1st and was the only employee of the Host Committee on May 1st and we have had really a whirlwind over the last few months. It's been creating a start-up business in the civic organization and the community engagement series all in one. It has been an exciting thing for us on the Host Committee staff and exciting for the City I think I've been real impressed as I've gone out and talked to people about what we were doing here, how positive everybody in the City that I've come across has been about it and really understanding what this means for the City, what kind of spotlight it is going to put on us and what kind of opportunity it represents for us. I appreciate you all taking the same approach and I know the City Council was really the driving force behind us getting this and I appreciate the hard work the Mayor and all of you continue to put into this. I want to particularly call out Carol Jennings who has been a good partner and you are lucky to have her on the staff here because she has really been helpful to me in navigating things as I've gotten started here.

I want to start out by explaining the structure because when I give these talks I don't like to assume that you know too much about how it is set up. Basically, there are several entities here. It is not just the Host Committee. The Host Committee is the non-profit organization that is set up to represent Charlotte's interest in completing the contract obligations, or some parts of it, but there is a counterpart from the Democratic National Committee that is called the Democratic National Convention Committee and they are here in town. They started roughly a month after we did and are now building up their staff. Their responsibility is essentially to put on all of the official activities of the Convention itself. The events inside the Arena and a lot of the activities surrounding that are really what they are most focused on. They are the institute that we have to raise all the money for. On the Host Committee side, we have three different designations. We have the staff, which is what I'm part of and then there is the Host Committee and the Steering Committee which are a couple of groups of citizens and all of you have agreed to be part of it and I appreciate your support in that. The Host Committee and Steering Committee will provide both ambassadorial and advisory roles for us as we go forward and make plans and carry out this big event. Obviously, the City of Charlotte is a big partner in this and is one of the contractual entities involved with this and you all are well aware of your obligations in this, largely around security and transportation and coordination along those lines. Then the Arena, and the work that goes on there, and coordination with the Arena facilities and the CRVA working with them. I mention the Secret Service and CMPD and they are both involved with this as well, not necessarily contractually, but certainly deeply involved in a lot of the planning. There are a lot of other partners here that I should mention. Charlotte Center City Partners, the Chamber of Commerce, the CRVA and others have been very involved and helpful with us and we anticipate continuing to see those opportunities going forward as we work through the details of the Convention.

In terms of the Host Committee, what are we supposed to do? We really have three objectives, one, the most transactional piece is really to meet the contract obligations with the DNC. A big piece of that is raising \$36.65 million and people keep trying to round it up to \$37 million and I tell them no, it is \$36.65 million. That is a lot of money and we have to raise it in a way that is different from previous conventions. You may or may not be aware that really the previous conventions have always been supported largely by corporate donations, pack donations, lobbyists and others for the most part and this Convention will be different. It will be funded largely through private donations and with a cap of \$100,000 per donation. While that is a lot of money, it takes a lot of those to add up to \$36.65 million, so we are raising money campaign style and that is a little different from how most conventions have had to raise it and it has changed our staff structure somewhat which I will get into in just a bit.

A second big piece of it beyond the contractual obligations is really to engage the broadest cross section of Charlotte and the Carolinas that we can. It is important to us that we really carry out what has been called the people's convention and for us that means not just the way we raise the

money, but really allowing a broad cross section to understand what the Convention means for the political process and how it can impact Charlotte and really give people an opportunity to feel like they are a part of it. Now that doesn't mean that everybody in Charlotte is going to get a chance to sit on the stage next to the podium when the President accepts the nomination, but what it means is, we will try to find a way that people can actually feel engaged and know what is going on here in Charlotte while the Convention is going on and feel like they can somehow be connected to it. Not just connected to the events themselves, but really to the build-up of it because that is a part of the opportunity that we see.

The last piece that is really important to us is telling Charlotte's story to the rest of the world. You've probably had this experience going out to other communities and trying to explain what is special about Charlotte and my experience has been that often people don't have a real set idea of who Charlotte is and what we are about, particularly those who live in other parts of the country and haven't been here before. They know that we have banks, they know that we have good basketball and it often stops there and I think it is real important for us to be able to use this opportunity when we have 15,000 media people coming into Charlotte for an extended period of time to tell our story. I think it is important that that story not only be a good one, but that it clearly authentic to the people of Charlotte. I think it is important that we tell a story that everybody in Charlotte says, Yes, that is who we are, that is why I chose to live here. I mentioned the staffing structure so this is our Or Chart and this gives you a sense of what the various groups are and you will see that there are two lines here. One is the fund raising line and I mentioned that we are raising campaign style and that means that we've got a lot of the staff devoted to fund raising. Half of our staff currently is devoted to fund raising which means working with donators, creating events, helping to spread the story. It is a national fund raising effort. Clearly we are focusing local and statewide, but it is really a national effort to raise this money and we've got a great team in place and we've got a few slots left to fill, but we are really focused on that. We also have another long line which is the outreach piece. A big piece of what we want to do is not only tell our story, but connect with the community and that means connect with the community locally, but also statewide and nationally. We also have some events planning staff because there is a lot of activity in Denver. There were 1,600 events associated with the Convention. That is a lot of venues, a lot of catering and a lot of stuff so a part of our staff is fairly robust. We have an operations team, a communications team, a finance team and compliance team who is responsible for keeping me out of the orange jump suits after this is all said and done and then we have the legal team. That is the basic structure and we have brought on about half of our staff at this point. We anticipate being fully staffed probably after the first of the year as our activities increase.

What are our activities currently? I mentioned fund raising because that is a big part of what we are doing. It is already started and it is going to continue over the course of the next year because we are trying to raise money before we have to spend it out for the activities. A lot of that is not going to happen until much later as we get much closer to the time of the Convention, but we need to be ahead of that game. We have been working hard to secure hotels and venues to make sure that we have adequate space to host, not only our donators, but delegates and other people affiliated with the Convention and that has been going quite well. We've been working on Community Outreach, doing events and going out and speaking and letting people know where we are and how it is going and then planning a more comprehensive outreach program to really test some of the messaging that I was talking about about creating an authentic message for Charlotte. The business outreach is particularly an important piece for us. The contract states that the Host Committee has to create a vendor directory that designates specifically businesses that are owned by women, minorities or disabled people. That vendor directory will be available on line and accessible. We've taken it actually a step further because what we would like to be able to do is not just have a data basis, but have a system that will help get those RFP's out to any business that really qualifies based on what their capacity is and also keep track of how many people bid on certain contracts and who they were awarded to. It is not just the \$36.650 million that we are tracking, we also want to try to capture some of the secondary spend because the reality is that a lot of the spend that is going to happen comes from other companies coming to town and putting on events or hosting things even leading up to it. They are going to need local talent as well and it is our job, we feel, to make sure that we make local talent as attractive as it possibly can be for outside entities to come in and use. We want to make it hard for outside entities to say no to local vendors when they choose people to help with their event. That vendor director, we anticipate being up and on line before the end of the summer. We are

very close there and we are hopeful that before the end of the summer that will be something we can announce.

We are starting operational planning, working with the Arena folks and the DNCC, we are building teams with the DNCC as they get on the grounds and flesh out their teams and how we are going to work together. There is a lot of event planning going on. One important event I want to let you know about is that we are planning to commemorate the year out of the Convention and want to designate that to really let the people know what is coming. A big part of letting them know what is coming is telling how people how they can participate. One of the things I would like for people to think about is whether you are a non-profit, an individual, or public entity is what can you do in the next year to make Charlotte a better place. What can you do to make Charlotte a place that will be more hospitable when people come? The way I like to think about is, we've got company coming and we've got a year to get ready so we want the house to be in good shape when they get here. It is our job collectively, as a community to try to figure out what is it we can do independently or collectively to make Charlotte an even better place. That is going to come naturally for Charlotte because we are a community that pitches in and we are going to count on that and actually take advantage of that.

The last thing we are working on is fund raising which we are still working on. In addition to all of the events that the DNCC is planning inside the Area, the official delegation events, we have some events that we want to host as well as the host committee. That would include a hospitality event for the 15,000 media folks so we have an opportunity to show our wares to them, the delegates as well, our donators and our volunteers. We are actively recruiting volunteers. The contract says we need 7,000 but we think we may need more like 10,000 or 12,000 so we would love to find a way to show our appreciation to those volunteers after this is all said and done.

I mentioned briefly the security grant. I talked to Carol about it briefly and I think you are all aware of this, but basically the security grant is something that has been actively pursued and talked about. The reality is that the debt ceiling debate is taking up the hearts and minds of most Congress people these days so we are quite hopeful that as soon as that is completed that we will have a front of mind for Congress and Senate and we are continuing to work towards that. Rest assured that we are actively continuing to pursue that because I know that is something that is very important to the City, Police and others.

Council Members Barnes said I have had a number of people, since the announcement was made, how do I volunteer and I tell them to go to the website. Is that still the case, where should people be going?

Dr. Murrey said they can still go to *Charlotteand2012* website and *Charlotteand2012.com* and they can register and they have an opportunity to say they want to be a volunteer. We are currently reworking our website to make it much more robust and it will allow them to put even more information on board. We are going to transfer all the information over that has already been put in, so it is perfectly fine to go ahead and put it in. They haven't missed anything yet so go ahead and put your information in and our volunteer coordinator will start working to contact those folks and then there will be a process of allocating and training that goes after that.

Mr. Barnes said, or give them your number?

Dr. Murrey said you can do that. I will be happy to take that because we need lots of volunteers and we can definitely use them. The last two things I would like to talk about is how we message ourselves and what legacy do we want to leave. Really, to me that gets to the heart of the piece that is not just the transactional fulfilling the contract piece, what really what this can mean for Charlotte. We have talked a lot in public about this and these are just some of the ideas that people talk about when they think of Charlotte. I will tell you my story. Charlotte for me is a place of opportunity, and not just any opportunity, but it is one where if you show up, if you have talent and a willingness to get involved in this community, this community will embrace you and it will let you do that. It will allow you to participate and that sounds like that shouldn't be a big deal, but I can tell you I have lived in a lot of communities where that is a big deal and where that doesn't happen. I think you can look around this room and see a lot of people who have come to this community and have started contributing, and didn't do it just because they have lived here all their lives. I think that is true if you look around a lot of the entities here in

Charlotte. That is something that we embrace here and frankly, a lot of people come here, and a lot of people choose to move here. If you look at the demographics of Charlotte, more people have chosen to live here than grew up here. That means that there are people who have chosen one another so they come here for a particular reason because there is something they find special about this place, something they feel like they can make a life for themselves and their family here. That is a good story to tell if you ask me and I think that is the kind of story that is really authentic and can get people to think about moving here or moving their businesses here or coming here to test it out or bringing conventions here. I'll be curious to hear your feedback as to whether that story is authentic to you and what other authentic stories you think we ought to be telling and messaging. In terms of legacy, one of the legacies is what I talked about in terms of the procurement process. We are trying to create a very transparent and inclusive process for business procurement and it is something that we are looking at ways to have this live beyond the Convention, not just creating a data base, but something that might be an active process that we can include and make broad way available. We are also working on educational programs to educate about the role of political conventions and civic engagements and others. There are a lot of other opportunities here with legacy. A lot of it will depend on how much money we are able to raise, but frankly, I think we need to be thinking collectively as a community about what can this Convention mean for us over the long haul beyond the number one goal, which I like to tell people that I would like the goal to be that I can say I'm from Charlotte and I don't have to say North Carolina after this convention. I think we are going to achieve that, but I think we need to shoot a lot higher than that because I think this opportunity is much greater. So you as leaders of this City definitely need to be informing us as to what you see as a great opportunity for legacy with this. We've talked about a lot of them and I think clearly there is going to be that opportunity here. I'm very honored that you have allowed me to do this. This is really a dynamic, exciting and humbling job and I really appreciate the chance to do this and to engage you. All the public officials I have worked with have tremendously supportive and helpful and I just want you to know this is going to be an exciting time and I hope you are hanging on for a pretty wild ride.

Council Member Howard said I can't think of a better person to be doing this, so thank you. The green aspects that they were able to achieve in Denver I would hope would be part of that legacy as well. The bike share and some of the other things they did in the center city that lived on after I would hope is a big part of it as well.

Dr. Murrey said it is interesting, four years ago sustainability was kind of a big deal, kind of a new concept, but now sustainability is part of everybody's business plan. We clearly want that to be a big part of the Convention, but we are looking at it as a way of doing business more globally rather than as a special interest program. It really needs to be part of the fabric of every business including a start up like ours and one that is going to be an example we hope to the rest of the community. It is absolutely a part of the agenda and I appreciate your bringing that up.

Council Member Peacock said thanks for the report and a positive update. I think without question, everybody in the community will agree that it is the branding opportunity of a life time for the City and that is why it is the most important Convention in our history. I would be curious if we could have a report back from you or through the City Manager or through Carol, what specific messaging you do want to get out. As you know if you don't tell the story, if you are not assertive about that, the story could get told about us and maybe not in a way that we want, regardless of the politics or the situation. My suggestion was is Corporate Communications from the City of Charlotte involved, is the Charlotte Chamber involved in that dialogue, is Ronnie Bryant with the Regional Partnership involved? One of the things I've heard from San Diego, from Denver and all the other conventions is that there is a lag effect as far as it related to relocation type opportunities, many of the people that are thinking about bringing their company here, you don't know who you are planting a seed with, but I think that is perhaps the one part that we can all agree with on that. My second question is for Mr. Walton. We talked about in closed session, now available for the dialogue on that when we made the vote over at Johnson C. Smith, was piggy back infrastructure opportunities. We talked about the \$50 million coming in. What type of public infrastructure can we do to this City to get it looking good for company to come? What type of benefit might we see? Is there a list together, maybe a short list of things that through the money we receive that we can do work on. The final question is about the numbers and about what we talked about as far as job creation and as far as the economic impact. I have been big on underselling what those numbers are, but I would like to

hear from you all to the community, how many jobs are going to be created locally and what type of economic impact conservatively, very conservatively are we looking at. Those are point that you can get back to me in a follow-up or back to Council.

Council Member Carter said one thing we could do within our own structure is orienting our volunteer committee with yours to this task. Also looking at the international aspect of Charlotte and how we present internationally, but also involve those who are international. The International Cabinet could be a real conduit.

Mayor Foxx said I want to say from a personal perspective that Dr. Murrey is absolutely the right person to be doing this for our community and it is a pleasure to have him doing that. I do want to say that our City staff has done an incredible job, Carol Jennings being the point person, but there are several people also involved, including Chief Monroe, Danny Pleasant, Curt Walton and so many other people who are helping to make good things happen. I don't lose sleep over whether we've got the horsepower to pull off a great Convention.

Mr. Howard said I know everybody is being humble, but thank you Mayor for all you've done. I know it has been very humble on how much time you are spending on it. So thank you for what you are doing.

Mayor Foxx said I appreciate that and thank you.

The Dinner Briefing was recessed at 6:38 p.m. to move to the Council Meeting Chambers for the regularly scheduled Business Meeting.

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BUSINESS MEETING

The Council reconvened at 6:48 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Patrick Cannon 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.

Absent: Mayor Anthony Foxx

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INVOCATION AND PLEDGE

Council Member Barnes gave the Invocation and the Council recited the Pledge of Allegiance to The Flag.

Mayor Pro Tem Cannon said that Mayor Foxx will be joining them later. He is off on public business, another exciting opportunity to announce another business coming to the area, meaning more jobs and hopefully helping us to continue to grow our base, but more importantly grow our people right here in the City of Charlotte. We anticipate him coming within the hour.

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CITIZENS' FORUM

CITY COUNCIL POLICIES

Wayne Powers, 4321 Stewart Andrew Boulevard, said I want to speak to you about the CRVA, an agency in turmoil whose answers to serious management issues is to give us what today's lead *Observer* editorial calls the allusion of management change without real change in their right. Just like the allusion of NASCAR Hall of Fame cost estimates which turned out to be \$32 million higher or the allusion of attendance projections, which turned out to be a bloated fancy figure pulled from thin air, three times the actual realized attendance. The allusion of projected Hall of Fame attendance growth when the real numbers show the harsh reality, May
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down 30% from last year's anemic numbers, June down 36%. The allusion of propriety with over \$100,000 in CIAA kick back bonuses, which may or may not adhere to the letter of the law, but clearly an unquestionably circumvent the spirit of the law. When you raise questions, Mr. Newman offers the allusion of a report from Price Waterhouse Cooper in reality a verbal whitewash and cover up. The subsequent written report turned out to be not a report, but an indictment of mismanagement and deceit of the public and of you, our elected representatives. It urges in the strongest possible terms a full investigation report of CRVA organization, policy and practices. And now CRVA offers the allusion of management change. Once again in the face of a cancer eating away at the integrity of our public agencies. Dr. Newman's prescription is to touch up the x-rays. What are we doing here? We've levied a prepared food and beverage tax, punishing our local restaurants and all Charlotteans who patronize them. We've increase the hotel and motel occupancy tax, which raises the cost to our visitors, making Charlotte less competitive, but that creates a huge pool of cash funding another bloated overpaid bureaucracy. Does anyone on this dais make \$300,000 per year? I don't think so. They set themselves up as the gatekeeper of their crony network dispensing perks and goodies from expensive ticket events, preferred seating, parking, travel, gifts, \$900 dinners and on and on, skimming off fat cat paychecks and expense accounts for themselves in the process. That is enough to have already gone wild, and you may not be able to control it, but you do have the power to put the strings on public funding of it. Demand no additional CRVA management positions, the immediate dismissal of Mr. Newman or the reduction of his compensation by 50% to \$150,000. With the \$150,000 savings to fund the prompt and complete independent audit of the CRVA, reporting directly to City Council as this PWC report recommends. This is a non-partisan issue. Please do what is necessary to restore public confidence in our City government and demonstrate the willingness of our elected and appointed leaders to stand up to special interest and conduct the people's business with transparency and integrity.

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STORM WATER ISSUES

Rena Blake, 4109 Broadview Drive, thank you so much for giving me this opportunity to speak to you briefly. I am a retired English teach in the Charlotte Mecklenburg School System and I volunteer in my community. Having said that, the reason I'm here is that I have a problem in my backyard. The City erected large storm drains in my backyard on the outside of my fence about a year ago and I've been working with this problem over a year. I have spoken with everyone that I thought could help me. I've spoken with Mr. Brian McMann and he turned me over to Mr. Bill Pruitt. I called Mayor Pro Tem Patrick Cannon and he of course was very consoling and after the Mayor Pro Tem I talked to Alvin Verney and all of these people with whom I spoke, I did not get any place with any of them. What has happened, I have two gigantic holes in my backyard caused by the drain that is covered and it is clogged up. When it rains, all of the water comes into my backyard and it looks similar to the Catawba River. It doesn't go down the track that it is supposed to go down and I am very disappointed because I've been asking for help with this problem for a year. I was so happy to meet my District 3 Representative, Mr. Turner tonight and he said that he would be able to help me hands on. I do want to thank you for allowing me to let you know that I do have a problem and I do pay taxes and I cannot use my backyard.

Mayor Pro Tem Cannon said Ms. Blake had called him with regards to this matter and I in turn immediately put in a service request to make sure that we get our arms around this situation. I would like to get an update, really right now if I can, if there is anybody here that can speak to the item to give us a report.

City Manager, Curt Walton, said we will give you a more thorough report, but Ms. Blake is on the list. There are several higher priorities on the list ahead of her, but it is not too far out. Storm Water is one of our principle complaints in Charlotte so there is a long list of unmet needs. The funding that Council approved in this year's budget will help to address those, it is a matter of working down the priority list.

Mr. Cannon said he would need to get some clarity on what the other priorities are that might be ahead only because I know that even on a shallow rain day it stacks up pretty bad behind her home and I know that the land has eroded because of the water just sitting there and it is washing away her property. Can you help me with that please?

Mr. Walton said we will be glad to.

Council Member Turner said I'm going to go out and look at this site. I'm not for sure whether it is a drain problem based on what she said, but it sounds to me like this might be a sewer line, based on what she told me it looked like. I want to go out and look at it and make sure, but if it is something that Ms. Blake believes is stopped up I want to know why is it that someone at least someone should gone out there. It might be low on our priority list based on the cost of construction and our backlog, but someone from Storm Water or CMUD should have gone out there and at least be able to tell us exactly what it is we are looking at. I think the problem is more not getting the job done, but just simply ignoring her to the point where she felt no-one gave her and adequate answer or response to what it is that she is facing, versus just telling her you are low on our priority list because we have many, many jobs, which are the facts. I'm not going to say it is a fact that she should be low on the priority list because I think if we had communicated with her better, then she would have a better understanding and probably would not be here tonight if she had known exactly what it is that the project calls for. That is some clarity that I hope we can get immediately to me and the rest of this Council, but more importantly to Ms. Blake.

Council Member Mitchell said Ms. Blake you go to one of the finest churches in the City of Charlotte, so just for the record, can you please state which church you attend?

Ms. Blake said I attend East Stonewall AME Zion Church, the same church you attend.

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UPTOWN CRIME AND SECURITY

Carrie Kress, 505 West 7th Street, said I live in the Fourth Ward area of our home place and Graham Street. I've lived downtown for about 2½ years and I used to work in Charlotte in 1995 when there was absolutely nothing here as far as night life, restaurants or people living uptown. I've seen the City come through beautiful changes and I want to compliment the City on what has been done. The living area and keeping it residential and keeping people interested in uptown and the night life and the museums, it is beautiful. Over the last six months the street people, vagrancy problem, if you try to go to the grocery store, if you try to walk a block another friend's apartment or home I call it being minised. I have been minised several times on the street at 7:40 a.m. or 10:00 p.m. This last incident, I had to actually call 911 last night because it was a begging/advance from five guys that I have seen before wondering around the City. I feel like my own personal security is threatened. I feel that will regress the City's growth as far as people feeling safe, inviting family members, friends up town to enjoy everything that you have here to provide. If we don't to backslide we want to make sure that these type things are addressed. If you don't feel safe you are not going to come out, park, go to events, spend money in the restaurants, come to restaurant week or anything. I do want to complement the Police. When I called they came immediately and I could see from a friend's balcony that they stopped the four men because I gave them perfect descriptions. I'm one of these people that is aware, I'm not texting or on the phone, I'm aware of my environment. I'm a realist, not an idealist and I know you can't curb every crime scenario and I know the Police can't be everywhere at one time, but I want to know is what can the Council do, what can my fellow people that live uptown do to help get that sense of security back before it is gone. I'm willing to give, my friends are willing to give, but we just don't know what to do or what our recourse is. Should we be calling 911 every time there is an incident? Last night specifically, the Police came, they talked to the gentlemen, they sat them down and then they ended up walking off because I'm assuming there is nothing they could do and then at 11:30 I took my dogs out to walk and there the five guys were on the corner. I just wanted to make you aware of this issue, if you haven't been made aware of the panhandling and the insecure feeling growing in the area.

Council Member Carter said do you all have a Crime Watch in your area? This is how citizens can get involved and being aware of each other, knowing each other as part of that capacity and building the community so that someone else is watching out for you as you are out walking. I do recommend that to your area. And yes, please do call 911 every time. We base our division's strength on the number of calls they receive during the year. Personnel is allocated in that fashion.

Ms. Kress said I think people feel they don't want to take away from the system of an emergency so they are just not sure what to do. I personally have not seen any banners or flyers of a community type crime watch thing, but I have been called by the Police Commander to discuss some of the things that I can do. I just wanted an awareness made because I don't want you all to lose what you have gained.

Mayor Pro Tem Cannon said thank you for coming and I think the Fourth Ward Neighborhood Association is organized over there so they are talking about a lot of the issues that are going on so engage yourself in those discussions and what you can do to be a part of helping to prevent the next crime.

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OPERATION EDUCATION

Nala Ruiz, 4257 Honduras Avenue, said I'm here on behalf of the Teacher ... Foundation, namely the Division of Operation Education. Operation Education was founded back in November 2009 right here in Charlotte and we are geared toward the CMS Public School System namely the Title One Schools where there is lower income, etc. and we actually go into the schools. We have a year-long program in which we follow the particular schools are chosen just to put some names in. Last year we worked with Martin Luther King Middle School over in North Charlotte and we followed those particular students that were given to us, which was the lower scoring students and followed them from the start of the school term to the end of the school terms. There were different things we did with them in an effort to keep their morale up, keep their reading and homework help, mentorship and things like that. What I'm coming to you for is that we need help. We've been in existence since November 2009, all of our paperwork is in order, we are an actual 501C3 and we've been operating through our own dollars as well as friends so we want to find out how can the City actually get involved now. This is not something that we have just been trying to do, it is something that we've been doing and have documented proof since November 2009. It is 2011 now and we need help with growth and expansion. We want to do more. We have results and we have people that can talk to you about what we've done. We just need help at this point through grants, monies, donations. We do something every month and we have a calendar filled that we can show you of different events and things that we have going on, where those dollars are going and how they are helping our children. The principals at the schools we have been to, Bishop Spaugh, Garinger High School, M:LK, these people can tell you how this impacts the child, just to have someone else from their community that is not a teacher or that is not a parent, letting them know how good they can do. This is something that has results and I'm just coming to you, thanking you for your time, but wanting to know what is our next step. As a young 5013C here in Charlotte, trying to make a difference in our youths lives, with our next step in terms of help for growth and expansion. Where do I give you all what we've got and you all write us a check?

Mayor Pro Tem Cannon said it would be nice if it were that easy, but one of the things I would suggest is that we are more on the hardware side. We would encourage you, not to pass the buck per se, but on the human services side, where the county operates. That might be a good place to start, but even beyond that, Manager Walton is there someone in Neighborhood and Business Services that may be able to give her some guidance in terms of where she might be able to go to seek what it is she is discussing with us today? We'll look to see what we can do to have someone get in touch with you about the possibilities of what can happen for you, maybe not here but elsewhere.

Ms. Ruiz said who can I look to for help?

Mr. Cannon said Manager Walton will have someone assigned to give you a call. We do have all your information here, name, address and phone number.

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AWARDS AND RECOGNITIONS

Mayor Pro Tem Cannon said that Council Member Mitchell has asked that the Sixth Grade North Carolina Spartans Girls AAU Basketball Team be recognized for winning something very special. I'll let Council Member Mitchell take over from here.

Council Member Mitchell said it is my pleasure to present the North Carolina Sixth Grade Spartans AAU Basketball Team, recognized for winning the National Championship in their age group. The North Carolina Spartans Basketball Program is a part of the M2 Foundation for kids which was started in 1999 and dedicated to enhance the education, physical and spiritual development of our children. The National Championship took place in Kingsport, Tennessee July 3rd – 8th. They won the sixth grade division one tournament by beating the Kinder Angels from Louisiana 52 to 48. I would like to recognize Coach Caldwell.

Coach Caldwell said first of all we want to thank you for allowing us this opportunity to come here, but I want you all to know about this team is that they are very dedicated, very devoted young ladies and not only are they basketball players, you are looking at a group of women that not only work on the floor, but work on the court. All of these girls are on the Honor Roll and I think the City of Charlotte really has something to be proud of. Thank you so much for this opportunity.

Council Member Howard said Mayor Pro Tem asked me to point out one additional goal of the organization and that is to motivate and help young people to improve educational achievement and to develop confidence for becoming healthy, productive adults.

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NATIONAL LEAGUE OF CITIES SUMMER BOARD MEETING

Mayor Pro Tem Cannon said recently the National League of Cities had its Board Meeting here in the City of Charlotte. Charlotte City Council Member James Mitchell asked that the following individuals be recognized for their assistance during the recent NLC summer board meeting and I would like to recognize Council Member Mitchell.

Council Member Mitchell said it is a unique opportunity to serve as President of a National Organization, but it always special when you get a chance to show off your city. July 6-10 I had the opportunity to host about 100 elected officials from across our country in the City of Charlotte. I would like to say thank you to a couple of organizations that made it a very successful event. As I call your name please come down and take a bow. Susan Sweat with the Charlotte Convention and Visitors Bureau, Vickie Noble and her staff with Charlotte Arrangement, Christy Hall, with NASCAR Hall of Fame and Robert Bush of Arts and Science Council. I also want to thank staff because it was a truly can do spirit and it was four days of great activity, true southern hospitality and I want to say personally it would have not been successful without your effort and your passion. Thank you, thank you, thank you. I also want to thank the City Council. Citizens, we have great leaders at the dais and they really like serving our community. Each one of them played a key role. We have two Vice Chairs that serve as National League of Cities Committee, Andy Dulin is the Vice Chair or our at large City Council. Patsy Kinsey is Vice Chair of our Transportation Committee. These are your leaders serving on a national level. Edwin Peacock and Warren Cooksey serve on both Steering Committee, Warren and his favorite passion ITC, he is teaching all the elected officials how to tweet, Information, Technology Communication. Mr. Peacock and his role as Environmental Chair serves on our Steering Committee. We have own Mayor Pro Tem who serves as parliamentarian, Warren Turner serves at large. We have a fellow who is grooming to be a leader, now only on City Council, but nationwide, David Howard. Even our Mayor Anthony Foxx because of his passion for after school, the City of Charlotte received a grant for the National League of Cities to host an After School Mayor Summit. Mayor, thanks for your leadership and that will be hosted here April of 2012. Last but not least, and I'm going to miss her because she says she is going to retire, but she has been behind me ever since I was President, she has supported me with a smile and a hug and I don't think I could be President if it wasn't for my colleague Nancy Carter supporting me so much. Thanks to the whole Council. You have allow my presidency to be a successful one and I just want to say thank you.

Mayor Pro Tem Cannon said we would be remiss if we didn't say thank you so much for your level of leadership as President as the National League of Cities. You have been representing cities across this country in a very, very wonder way from the environment to public safety issues to infrastructure needs that must be met to making sure the neighborhoods are receiving what they are due, so thank you so much for the leadership that you have been exhibiting in your capacity as President of the National League of Cities and being a vessel of the City of Charlotte in your capacity in doing that. We are so proud of you so thank you for your leadership. We also want to make sure that we thank the Chief of Police and of course Jeff Hood for their level of involvement but under Council Member Mitchell's leadership as President of NLC he actually had an event to help our youth. In fact he had a nice little check cut and had a ball game that was played and I kind of let him talk about that for a half-second.

Mr. Mitchell said I have the shooter statistics right here in front of me. We called ourselves the NLC Dream Team and we played our local Police All Stars. The final score, I think we had 70 points, but the clock stopped at 52 so the final score was 66 to 52 and on behalf of the National League of Cities we donated \$500 to the Police Activity League who are kicking off a new program about mentoring good citizenship on July 13. I had four great Council Members to join me. The highest score was by our own Mayor Foxx who totaled 9 points on 3 of 16 shootings. The second highest score was the Mayor Pro Tem Cannon with 8 points and he was 2 for 14 from the field. Council Member Warren Turner scored 4 points and he was 3 for 7 from the field. Your own coach was 1 for 9 and I walked on my 2 points. We had a lot of fun and thanks to my colleagues for being a part of it. Last but not least the one who make all of this possible is not here but he takes care of me, Mr. Terry Bradley and Terry I know you are home with your family, but thank you for making all of this possible July 6-11.

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CONSENT AGENDA

[Motion was made by Council Member Barnes, seconded by Council Member Kinsey and]
[carried unanimously, to approve the Consent Agenda as presented with exception of Item]
[Nos. 22, 23, 24, 26, 32, 34, 37, 39 and 50-F which were pulled for discussion. Item Nos. 45]
[and 47 were pulled by staff, Item Nos. 50-H, J, K, L, M and R have been settled and Item]
[No. 50-W is deferred.

The following items were approved:

25. Contract to lowest bidder, Cummins Atlantic LLC in the amount of \$138,900 for bus maintenance filters; authorize the City Manager to execute up to two, one-year renewals with possible price adjustments as stipulated in the contract.

Summary of Bids

Cummins Atlantic	\$138,828.43
Muncie Transit Supply	\$199,019.20
New Flyer Industries Canada ULC	\$245,167.15

27. Low bid, unit price contract with Ferguson Enterprises for the purchase of fire hydrants in the estimated annual amount of \$160,000 for the term of one year; authorize the City Manager to renew the contracts for two additional one-year terms, with price adjustments as stipulated in the contract.

Summary of Bids

Ferguson Enterprises	\$118,550.00
MSC Waterworks	\$120,150.00
HD Supply Waterworks	\$128,419.80
Consolidated Pipe & Supply	\$131,937.10

28. Contract for the proposed Ramah Creek Interceptor Sewer in the amount of \$1,173,490 with McKim & Creed, PA for sanitary sewer study phase, preliminary and detailed design, and bidding services.

29. Contracts to the following companies to provide electrical repair and maintenance at all of Utilities' treatment facilities in the combined estimated annual amount of \$1,400,000: Energy Erectors, Inc. \$500,000; Northern Electric Inc. \$700,000, Vector Electric Company \$200,000; authorize the City Manager to renew the contracts for two additional one-year terms, with price adjustments as stipulated in the contract.
- 30-A. Contract with Hiller Group for helicopter fuel for a term of one year in the estimated amount of \$107,000 as authorized by the Gas, Fuel, and Oil exception of G.S. 143-129(e)(5).
 - B. Contract with Bell Helicopter Textron, Inc. (previously Edwards and Associates) for general helicopter repair and maintenance services for a term of one year in the estimated amount of \$142,000.
 - C. Contract with Standard Aero for turbine engine and maintenance service for a term of one year in the estimated amount of \$148,000.
 - D. Contract with Bell Helicopter Textron, Inc. for training services for a term of one year in the estimated amount of \$50,000.
31. Contract with Temple, Inc. for a three-year term in an amount up to \$350,000 for the purchase of Digital Video Encoders and related parts; authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.
33. Change Order #2 with Siteworks, LLC in the amount of \$718,543.84 for the Dixie River Road Realignment Project.
35. Contract renewal with Dewberry & Davis, Inc. in the amount of \$500,000 for engineering services for Storm Drainage Improvement Project Renewal.
36. Reimbursement agreement with Midwood Hollow, LLC in the amount of \$166,515 for storm drainage improvements at 1500-1600 Hawthorne Lane.
38. Change Order #2 with Ferebee Corporation in the amount of \$226,619.25 for the Edwards Branch Phase III Storm Drainage Improvement Project.
40. Purchase of a Fresia 2000 Multifunction Snow Plow from Fortbrand Services, Inc. in the amount of \$163,000.
41. One-year contract extension with Park, Inc. for the management of the Valet Parking operation at the Airport.
42. Resolution accepting a North Carolina Department of Transportation (NCDOT) Grant in the amount of \$500,000; Budget Ordinance No. 4703-X to appropriate funds received from the NCDOT grants in the amount of \$500,000.

The resolution is recorded in full in Resolution Book 43 at Page 61.
The ordinance is recorded in full in Ordinance Book 57, at Page 318.

43. Purchase of airfield lighting equipment and parts for repairs, as authorized by the sole source purchasing exception of G.S. 143-129(e)(6); three-year contract with Siemens ADB Airfield Solutions for equipment and repair parts used for the airfield and runways in the amount of \$300,000; authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments as stipulated by the contract at the time of renewal.
44. Purchase of passenger loading bridge equipment, material and repair parts from John Bean Technologies, as authorized by the sole source purchasing exception of G.S. 143-129(e)(6); three-year contract with John Bean Technologies for equipment, material and repair parts used for the passenger loading bridges in the amount of \$300,000; authorize the City Manager to extend the contract for two additional one-year terms with possible price adjustment as stipulated by the contract at the time of renewal.

46. Five-year lease with the Matlock Family Trust (Lessor) for the property located at 5550 Wilkinson Boulevard (PID #06126101 & #06126603) in the amount of \$216,000 per year with 2% annual rate increase to combine two Business Support Services (BSS) operations; authorize the City Manager to execute two, one-year extensions within the rate increases detailed in the Lease Agreement.
48. Full and final settlement of Workers' Compensation claim for Charlotte Mecklenburg Police Department employee, John Collins, Jr.
49. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$9,298.53; resolution authorizing the refund of business privilege license payments made in the amount of \$202.53.

The resolutions are recorded in full in Resolution Book 43, at Page 62-63 and 64-65,

- 50-A Acquisition of 655 square feet in fee simple, plus 1,998 square feet in sidewalk and utility easement, plus 150 square feet in utility easement, plus 9,996 square feet in temporary construction easement from Amber Leigh, LLC at Browne Road and Amber Leigh Way Drive for \$29,575, for Browne Road/Hucks Road Improvements, Parcel #10, #12, and #13.
- 50-B. Acquisition of 172 square feet in fee simple, plus 3,303 square feet in sidewalk and utility easement, plus 3,812 square feet in temporary construction easement from Demayo Real Estate, LLC (Units 100 & 102); Richard M. Apfel and Darlene S. Jones, (Unit 204); Park Plaza Condo Associates, LLC (Unit 300) Mecklenburg County c/o Real Estate/Finance Dept. (Units 200 & 202) at 741 Kenilworth Avenue for \$75,000 for Kenilworth @ Pearl, Parcel #20.
- 50-C. Acquisition of 20,331 square feet in conservation easement plus 7,060 square feet in temporary construction easement from Donald R Harris, II and wife, Tammy Harris at 700 Mountainview Drive for \$22,000 for McAlpine Stream Restoration, Parcel #36.
- 50-D. Resolution of condemnation of 1,680 square feet in fee simple, plus 820 square feet in existing right-of-way, plus 40 square feet in storm drainage easement, plus 249 square feet in temporary construction easement from Bennie R. Hones and wife, Linda Sue S. Jones and any other parties of interest at 301 Boyce Road for \$7,000 for Boyce Road Sidewalk, Parcel #6.

The resolution is recorded in full in Resolution Book 43, at Page 66.

- 50-E. Resolution of condemnation of 559 square feet in temporary construction easement from Troy S. McCrory and wife, Nettie Kimbrow McCrory and any other parties of interest at 657 Boyce Road, for \$475 for Boyce Road Sidewalk, Parcel #24.

The resolution is recorded in full in Resolution Book 43, at Page 67.

- 50-G. Resolution of condemnation of 1,569 square feet in sanitary sewer easement, plus 1,666 square feet in temporary construction easement from the Heirs of Law of Orra Gwynn a/k/a Ora Goode Gwynne and any other parties of interest at 7406 Gwynne Hill Road for \$350 for McKee Creek Outfall, Mecklenburg County, Parcel #62.

The resolution is recorded in full in Resolution Book 43, at Page 69.

- 50-I. Resolution of condemnation of 302 square feet in storm drainage easement, plus 841 square feet in temporary construction easement from Angie Patterson a/k/n Angie Richardson and spouse, George Patterson, III and any other parties of interest for \$0 for North Hoskins/Rozzells Ferry-Tennessee Avenue Sidewalk, Parcel #6.

The resolution is recorded in full in Resolution Book 43, at Page 70.

- 50-N. Resolution of condemnation of 438 square feet in sidewalk and utility easement, plus 948 square feet in temporary construction easement from James H. Counts and any other parties of interest for \$1,025, at 415 Bradford Drive for Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel #97.

The resolution is recorded in full in Resolution Book 53, at Page 71.

- 50-O. Resolution of condemnation of 371 square feet in temporary construction easement from Raymond Paul and Bebi F. Paul, as Trustees for the Paul Living Trust dated January 15, 2007 and any other parties of interest for \$25, at 1127 Montcalm Street for Thomasboro/Hoskins Neighborhood Improvements Project Phase 4, Parcel #161.

The resolution is recorded in full in Resolution Book 43, at Page 72.

- 50-P. Acquisition of 529 square feet in fee simple, plus 143 square feet in temporary construction easement, from James H. Counts and any other parties of interest for \$1,075, at 1122 Montcalm Street for Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel #163.

The resolution is recorded in full in Resolution Book 43, at Page 73.

- 50-Q. Resolution of condemnation of 408 square feet in temporary construction easement from Betty Jones a/k/a Betty Little and Randy Little and any other parties of interest for \$125, at 2304 Catalina Avenue, for Tryon Hills Neighborhood Improvement Project, Parcel #4.

The resolution is recorded in full in Resolution Book 43, at Page 74.

- 50-S. Resolution of condemnation of 1,080 square feet in temporary construction easement from Benjamin A. Byers and wife, Wanda J. Byers and any other parties of interest for \$450 at 2955 Dogwood Avenue for Tryon Hills Neighborhood Improvement Project, Parcel #47.

The resolution is recorded in full in Resolution Book 43, at Page 75.

- 50-T. Resolution of condemnation of 906 square feet in temporary construction easement from James F. McClure and wife, Carolyn Deloris McClure and any other parties of interest, for \$650 at 2961 Dogwood Avenue, for Tryon Hills Neighborhood Improvement Project, Parcel #48.

The resolution is recorded in full in Resolution Book 43, at Page 76.

- 50-U. Resolution of condemnation of 448 square feet in temporary construction easement from Sharon R. Gaines, and any other parties of interest for, \$200 at 2409 Crimes Street, for Tryon Hills Neighborhood Improvement Project, Parcel #61.

The resolution is recorded in full in Resolution Book 43, at Page 77.

- 50-V. Resolution of condemnation of 233 square feet in temporary construction from Marion L. Belton, Jr., Mary L. Steele, Roger Belton, Brendon A. Belton, Keith Belton, Calvin Belton and Helen Belton, Heirs of Marion Lee Belton, Sr., and any other parties of interest, for \$50 at 2631 Grimes Street, for Tryon Hills Neighborhood Improvement Project, Parcel #74.

The resolution is recorded in full in Resolution Book 43, at Page 78.

- 50-X. Resolution of condemnation of 125 square feet in sidewalk and utility easement, plus 736 square feet in temporary construction easement from Sarah Moore Armstrong and any other parties of interest, for \$175 at 2742 Bancroft Street, for Tryon Hills Neighborhood Improvement Project, Parcel #101.

The resolution is recorded in full in Resolution Book 43, at Page 79.

- 50-Y. Resolution of condemnation of 487 square feet in temporary construction easement from William Henry Brown and any other parties of interest for \$75, at 2812 Bancroft Street, for Tryon Hills Neighborhood Improvement Project, Parcel #105.

The resolution is recorded in full in Resolution Book 43, at Page 80.

- 50-Z. Resolution of condemnation of 157 square feet in sidewalk and utility easement, plus 75 square feet in temporary construction easement from Ruby Mae Harrell a/k/n (Miss) Ruby Mae Harrell, Ruby May Miss Harrell, Miss Ruby Mae Harrell and any other parties of interest for \$175, at 800 Norris Avenue, for Tryon Hills Neighborhood Improvement Project, Parcel #121.

The resolution is recorded in full in Resolution Book 43, at Page 81.

- 50-AA. Resolution of condemnation of 784 square feet in temporary construction easement from Allen Bell, Jr. and Ruth R. Bell a/k/n Ruth E. Bell and any other parties of interest for \$125 at 517 Concordia Avenue, for Tryon Hills Neighborhood Improvement Project, Parcel #139.

The resolution is recorded in full in Resolution Book 43, at Page 82.

- 50-AB. Resolution of condemnation of 484 square feet in temporary construction easement from Rosalee Pegues and any other parties of interest for, \$275, at 513 Concordia Avenue for Tryon Hills Neighborhood Improvement Project, Parcel #140.

The resolution is recorded in full in Resolution Book 43, at Page 83.

- 50-AC. Resolution of condemnation of 426 square feet in temporary construction easement from John Paugh and any other parties of interest for \$75, at 2337 Bancroft Street, for Tryon Hills Neighborhood Improvement Project, Parcel \$143.

The resolution is recorded in full in Resolution Book 43, at Page 84.

- 50-AD. Acquisition of 788 square feet in temporary construction easement from Estate of Elizabeth Phifer Thomas (DOD: 2-9-95 in Mecklenburg county) and any other parties of interest for \$125, at 605 Franklin Avenue, for Tryon Hills Neighborhood Improvement Project, Parcel #147.

The resolution is recorded in full in Resolution Book 43, at Page 85.

- 50-AE. Resolution of condemnation of 645 square feet in temporary construction easement from Schwanna J. Mack and the South Street Group, LLC and any other parties of interest for \$100, at 601 Franklin Avenue for Tryon Hills Neighborhood Improvement Project, Parcel #148.

The resolution is recorded in full in Resolution Book 43, at Page 86.

51. Titles, motions and votes reflected in the Clerk's record as the minutes of March 7, 2011, April 11, 2011, April 13, 2011 Budget Retreat, April 25, 2011 and May 2, 2011.

ITEM NO. 22: AWARD CONTRACT TO THE LOWEST BIDDER, BULLSEYE CONSTRUCTION, INC. IN THE AMOUNT OF \$1,366,794 FOR THE CONSTRUCTION OF THE REVOLUTION PARK NEIGHBORHOOD IMPROVEMENT PROJECT.

Council Member Turner said I pulled this and I also want to make clear that we will be approving this and I support this. I just wanted to bring it to the attention of the citizens that this is in the amount of \$1.3 million and is for the improvement to the Revolution Park Neighborhood Improvement Project, which is sidewalks, curb and gutter and wheel chair ramps, as well as water and sewer rehabilitation and drainage improvements. This comes from our 2006 bond project that was for Remount Road and Barringer Drive, Beechnut Road and Cowles Road.

[Motion was made by Council Member Turner, seconded by Council Member Peacock, and]
[carried unanimously, to approve the subject contract.]

Summary of Bids

Bullseye Construction, Inc.	\$1,366,794.00
Sealand Construction Corp.	\$1,418,655.15
United Construction, Inc.	\$1,426,812.75
OnSite Development, LLC	\$1,445,430.80
Ferebee Corporation	\$1,452,415.14
Blythe Development Company	\$1,512,280.00
Advanced Development Concepts, LLC	\$1,581,163.34
SiteWorks, LLC	\$1,732,122.88
Showalter Construction Company	\$1,880,164.00

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Mayor Anthony Foxx arrived at 7:19 p.m.

ITEM NO. 23: CONTRACT TO THE LOWEST BIDDER, SOUTHSIDE CONTRACTORS, INC. IN THE AMOUNT OF \$3,979,488.27 FOR THE CHARLOTTE MECKLENBURG POLICE DEPARTMENT STEELE CREEK DIVISION STATION.

Council Member Turner said I pulled this and wanted to make the community aware again of a wonderful opportunity that is coming to the Steele Creek area for the Steele Creek Division Station. The award of contract to the lowest bidder, Southside Construction Company in the amount of \$3.9 million, for the Charlotte-Mecklenburg Police Department Steele Creek Division Station.

[Motion was made by Council Member Turner, seconded by Council Member Mitchell, and]
[carried unanimously, to approve the subject contract.]

Council Member Barnes said I had a question regarding the sustainability facilities, the design goals and the costs of those measures. In particular what I was questioning was whether we could realize the same benefits without paying for that certification and I believe the Manager was going to research that and respond.

City Manager, Curt Walton said Jim Schumacher is going to address that.

Assistant City Manager, Jim Schumacher, said I would like to try to address that question. The sustainable facilities policy that you adopted last year provides for certifying through LEED or other green building and sustainable organizations, but it does not require it, as your question points out. The staff is recommending that we do certify this project as we are with the Providence District Station, primarily to be able to accurately benchmark and compare two different methods of construction. The Providence Station is using fairly conventional block wall construction. The Steele Creek Station will use a styrofoam incased concrete type wall construction and much of the energy monitoring and documentation will be associated with those features and trying to access which one provides the better benefits. We could do that without actually getting certified. The actually costs to the green building council for this size facility is \$900 dollars so that is a costs we are incurring simply to get certified. There are some costs through the architectural fees and engineering fees associated with the actual monitoring and documenting the energy performance, most of that we would incur even if we were not getting certified. We don't expect to certify each police station or each building as we go forward, but these first couple, the logic was let's certify them get all the documentation in place so we really have good benchmarks going forward.

Mr. Barnes said I appreciate that, thank you.

Summary of Bids

Southside Constructors, Inc.	\$3,979,488.27
Monteith Construction Corp.	\$4,077,680.00
Beam Construction Co., Inc.	\$4,117,821.00
GW Liles Construction Co., Inc.	\$4,169,521.22
Farley Associates, Inc.	\$4,180,400.00
Murray Construction Co. of Monroe, Inc.	\$4,244,518.00
Edison Foard, Inc.	\$4,260,282.00
Randolph & Son Builders, Inc.	\$4,390,144.78
Adolfson & Peterson Construction	\$4,418,600.00
Camps Construction Company	\$4,542,300.00

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ITEM NO. 24: CONTRACT TO THE LOWEST BIDDER, W. M. WARR & SONS, INC. IN THE AMOUNT OF \$107,869.73 FOR THE BRYANT PARK AREA PLAN SIDEWALK IMPROVEMENTS.

Council Member Turner said I pulled this one and I wanted to bring this to the attention of the people who live in the area. I received a couple phone calls with regards to this particular project. They didn't know about it and I think it is important that the information we provide that there will be improvements coming in regards to sidewalks. They were concerned with the DNC coming and what were we going to do in regards to the Morehead Corridor. This is in reference to the Bryant Park Improvements. This was put in our Area Plan Program in 2007 and the funding became available in 2009. This is just to let the citizens know that the sidewalk construction and improvements along Morehead Street and Freedom Drive to Bryant Park, are excepted to start and be completed by the first quarter of 2012 in the amount of \$107,869.

[Motion was made by Council Member Cannon, seconded by Council Member Carter, and]
[carried unanimously, to approve the subject contract.]

Summary of Bids

W. M. Warr & Sons, Inc.	\$107,869.73
Carolina Cajun Concrete, Inc.	\$139,881.00
Armen Construction, LLC	\$154,489.20
Blythe Development Co.	\$165,537.60
Eagle Wood, Inc.	\$169,063.56

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ITEM NO. 26: CONTRACT TO THE LOWEST BIDDERS, HD SUPPLY WATERWORKS IN THE AMOUNT OF \$530,000 AND MSC WATERWORKS IN THE AMOUNT OF \$70,000 FOR THE PURCHASE OF WATER METER YOKES AND BRASS ACCESSORIES IN THE COMBINED ESTIMATED ANNUAL AMOUNT OF \$600,000; AUTHORIZE THE CITY MANAGER TO RENEW THE CONTRACTS FOR TWO ADDITIONAL ONE-YEAR TERMS, WITH PRICE ADJUSTMENTS AS STIPULATED IN THE CONTRACT.

Council Member Dulin said I pulled that. I have a question about warranties.

Assistant City Manager, Jim Schumacher, said these parts would have a warranty and that doesn't normally come into play, but if they fail during warranty we would get them replaced. This is typically providing the parts for the installation of new meters or for the trade-out and upgrade of old meters. Meters that have been in place for 10, 20 or 30 years get switched out and these are some of the fittings that are used in doing that.

Mr. Dulin said I would assume that this was the new meters that we are replacing parts on.

Mr. Schumacher said these are for any meters that are out there in the field. This is kind of a warehouse.

Mr. Dulin said these are not residential meters.

City Manager, Curt Walton, said this is not the brains of it, but the housing.

Mr. Schumacher said it is the actual brass and other metals fittings used in hooking up the meter. It is a warehouse stock that they would use when they are changing out, replacing or installing any new meter.

[Motion was made by Council Member Dulin, seconded by Council Member Carter, and]
[carried unanimously, to approve the subject contracts.]

<u>Summary of Bids</u>	<u>MSC</u>	<u>HD Supply</u>	<u>Ferguson</u>
Standard Brass	\$381,500	\$354,742	\$365,349
Meter Setters	\$ 56,360	\$ 58,250	\$ 59,870
No Led Brass	\$523,038	\$455,468	\$470,109
Meter Setters (no lead)	\$ 78,400	\$ 75,863	\$ 77,400

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ITEM NO. 32: RESOLUTION AUTHORIZING THE TRANSPORTATION KEY BUSINESS EXECUTIVE TO EXECUTE A SUPPLEMENTAL MUNICIPAL AGREEMENT WITH THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION REDUCING THE AMOUNT THE CITY WILL PAY TO BE UP TO \$2,242,100 FOR THE PLANNING, DESIGN AND CONSTRUCTION OF THE EDINMEADOW DRIVE BRIDGE OVER I-485; RESOLUTION AUTHORIZING THE TRANSPORTATION KEY BUSINESS EXECUTIVE TO EXECUTE A MUNICIPAL AGREEMENT WITH NCDOT IN WHICH THE CITY PROVIDES AN AMOUNT UP TO \$1,487,500 FOR THE PLANNING, DESIGN AND CONSTRUCTION OF DUAL BRIDGES ON I-485 OVER CLARK'S CREEK; RESOLUTION AUTHORIZING THE CITY MANAGE TO EXECUTE AN INTERLOCAL AGREEMENT WITH MECKLENBURG COUNTRY TO RECEIVE \$661,000 TOWARDS THE COST OF THE BRIDGES OVER CLARK'S CREEK AND BUDGET ORDINANCE NO. 4702-X APPROPRIATING \$661,000 CONSTRUCTION FROM MECKLENBURG COUNTY. THE REMAINING AMOUNT OF \$826,500 IS FUNDED BY THE CITY'S TRANSPORTATION CAPITAL INVESTMENT PLAN.

Council Member Barnes said I pulled No. 32 and 34 as I have had some questions and I'm sure many of you may have regarding the completion of I-485. Item No. 32 is approximately \$5.1 million for planning, design and construction of bridges over Clark's Creek and at Edinmeadow Drive. Also Item No. 34 is for engineering services for the Prosperity Village Northwest Thoroughfare Extension. Those items are going to be under way soon and I learned today that there will be some work regarding a bridge structure on that portion of I-485 that is closest to my friend, Mr. Mitchell near Old Statesville Road. For those who have been questioning whether the road will be completed, it will be and it will be soon. I want to thank the Governor for her leadership in making sure this happened on a timely basis.

[Motion was made by Council Member Barnes, seconded by Council Member Mitchell, and]
[carried unanimously, to adopt the subject resolutions and ordinance.]

The resolutions are recorded in full in Resolution Book 43, at Pages 58, 59 and 60.
The ordinance is recorded in full in Ordinance Book 57, at Page 317.

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ITEM NO. 34: CONTRACT WITH HDR ENGINEERING, INC. OF THE CAROLINAS FOR ENGINEERING SERVICE IN THE AMOUNT OF \$600,000 FOR PROSPERITY VILLAGE NORTHWEST THOROUGHFARE EXTENSION.

[Motion was made by Council Member Barnes, seconded by Council Member Mitchell, and]
[carried unanimously, to approve the subject contract.]

ITEM NO. 37: AUTHORIZE THE CITY MANAGER TO PURCHASE WETLAND MITIGATION CREDITS FROM THE NORTH CAROLINA ECOSYSTEM ENHANCEMENT PROGRAM AT A COST OF \$124,420.

Council Member Kinsey said I thought we would get a report later. Do you have it?

Assistant City Manager, Jim Schumacher, said I can speak generally about this and Item No. 39, the Birnen Pond Water Quality Project. When we do mitigation projects ourselves and create credits within our own bank we do of course monitor those projects, make sure that they perform properly, do water quality sampling to test what the benefits are over time. Those are the projects where we create credits in our own bank and then our own projects buy those credits. In the case of Item No. 37, we don't have any wetland credits in our bank so really our only choice here is to buy through the State Purchase Program and they typically will not be constructing wetlands in urban areas. It is a lot more cost effective for them to do that in more rural areas. We have not in recent years made purchases through the State Program, but we don't have a plan at this point to follow up with what the State builds. We can if that is desired, keeping in mind that they will combine our dollars with dollars from many other projects around the state and build a facility. They, I'm sure do some measure of testing and monitoring and we may be able to get those reports from them.

Ms. Kinsey said I'm really only interested in those that we do. I understand exactly what you are saying about our money going somewhere else, buying this credit. I just really wanted to know if those dams and ponds that we mitigate, if we follow up and you are saying we do. I would just like the Council to have a report periodically, just showing improvement.

Mr. Schumacher said we do that and we have not provided reports in the past, but we will be happy to do that.

Ms. Kinsey said it would be interesting to know because the water quality is improved and it would be nice to be able to see that.

[Motion was made by Council Member Kinsey, seconded by Council Member Carter and]
[carried unanimously, to approve the wetland mitigation credit purchase.]

ITEM NO. 39: CONTRACT TO RJJ CONSTRUCTION, LLC IN THE AMOUNT OF \$241,718.75 FOR THE BIRNEN POND WATER QUALITY ENHANCEMENT PROJECT.

[Motion was made by Council Member Kinsey, seconded by Council Member Carter, and]
[carried unanimously, to approve the subject contract.]

Summary of Bids

T. K. Browne Construction, Inc.	\$190,832.39
RJJ Construction, LLC	\$241,718.75
Bullseye Construction, Inc.	\$266,837.50
Advanced Development Concepts	\$285,516.25
Blythe Development Company	\$328,000.00
W. M. Warr & Son, Inc.	\$331,847.50
United construction, Inc.	\$384,206.25
Harvest Environmental Services	\$399,175.00
Wayne Brothers, Inc.	\$429,846.25

ITEM NO. 50-F: RESOLUTION OF CONDEMNATION OF 316 SQUARE FEET IN TEMPORARY CONSTRUCTION EASEMENT AT 3201 EAST FORD ROAD FROM KELLY JOE COX AND ANY OTHER PARTIES OF INTEREST FOR \$275 FOR EAST FORD ROAD SIDEWALK PROJECT, PARCEL #9.

[Motion was made by Council Member Cannon, seconded by Council Member Carter, and]
[carried unanimously, to adopt the subject resolution.]

The resolution is recorded in full in Resolution Book 43, at Page 68.

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PUBLIC HEARINGS

ITEM NO. 9: PUBLIC HEARING TO CLOSE RESIDUAL PORTIONS OF SMITHFIELD CHURCH ROAD; RESOLUTION TO CLOSE RESIDUAL PORTIONS OF SMITHFIELD CHURCH ROAD.

The scheduled public hearing was held on the subject matter.

[Motion was made by Council Member Barnes, seconded by Council Member Kinsey, and]
[carried unanimously, to adopt the subject resolution.]

The resolution is recorded in full in Resolution Book 43, at Page 45-52.

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ITEM NO. 10: PUBLIC HEARING TO CLOSE A 10-FOOT ALLEYWAY BETWEEN SPRUCE STREET AND WEST PARK AVENUE; RESOLUTION TO CLOSE 10-FOOT ALLEYWAY BETWEEN SPRUCE STREET AND WEST PARK AVENUE.

The scheduled public hearing was held on the subject matter.

[Motion was made by Council Member Barnes, seconded by Council Member Kinsey, and]
[carried unanimously, to adopt the subject resolution.]

The resolution is recorded in full in Resolution Book 43, at Page 53-55.

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ITEM NO. 11: RECEIVE PUBLIC COMMENT ON THE 2020 VISION PLAN.

Council Member Howard, Chair of the Transportation and Planning Committee, said I would like to thank the committee for their work and we've been moving through this one pretty fast. The Committee consist of Council Members Barnes, Cooksey, Kinsey and Carter. I will turn this over to Staff and our very able Chairs of this effort. The City of Charlotte has a history of having plans for our center city dating back almost 45 years to the original Odell Plan in 1966. We've always tried to chart a road, if you will, for what our center city will be. Our past plans have always provided for unique opportunities and unique ideas. As always I'm excited to hear about the unique ones that will be in this plan. This plan builds on the last plan which is the 2010 Plan so with no further ado I will turn it over to former Mayor Harvey Gantt to do the presentation.

Former Mayor Gantt, said as co-chair of the Center City 2020 Vision Plan Steering Committee, I'm pleased to report that the final draft is complete and ready for your consideration and review by the public. Following my introductory remarks Chris Bannon, representing our consultant team will give you a brief overview of the plan's major recommendation. Over the past ten years, the Center City has experienced an extraordinary renaissance in development that has contributed to making this the successful community we all enjoy today. This just didn't happen by accident, but this success is also a result of our community's believe and investment in good sound visionary planning. Since the Odell Plan, which was done in 1966, and I happen

to work on that Plan so that dates me a little bit, we have created a Plan in Charlotte every ten years and better yet we turned those plans into reality. The 2020 Plan calls for a new vision that will build upon the achievements of the previous Plan and will continue to inspire public and private partnerships. This long-range Plan was also Chaired by Ann Cauthan of the Charlotte Observer. The project was managed by the Charlotte-Mecklenburg Planning Department, Mecklenburg County and Charlotte Center City Partners. The Plan was produced by an award winning consultant team lead by MIG, Inc. our of Berkley, CA and supported by ... Economics as well as some Charlotte firms, ColeJenest Stone, Wray Ward and Kimley Horne.

The 2020 Plan is different from other vision plans because it reaches beyond the uptown core. The study area was broadened from when we produced the 2010 Vision Plan to include the neighborhoods that surround uptown. Our planners focused on connecting these adjacent neighborhoods to uptown as well as ways to break down the barrier of I-277. While many Plan recommendations are specific to growth and development that will occur between uptown and the adjacent neighborhoods, other recommendations such as improving neighborhood centers and infrastructure can be more broadly applied to areas even further out than those neighborhoods close in. Neighborhoods such as NoDa, Wesley Heights and Smallwood. A Hall Mark of the 2020 Plan has been its far reaching community engagement process. Our objective was to make sure that all of our citizens, both the City and County know that because the urban core, and especially uptown belongs to them, that their ideas were important in how we would remake center city into a better and very important place in our community. We wanted to make sure that this effort wasn't just a community input process, we wanted to make this an effort that was a community building process. To test the Plan's ideas we established a Steering Committee of 43 citizens and leaders from uptown, from other Charlotte neighborhoods and Mecklenburg County. For example, Committee members represented neighborhoods like Third and Fourth Ward obviously, but also Elizabeth, SouthEnd, Ballantyne and Mint Hill. The community engaging process included three community workshops attended by citizens from all over the county as well as neighborhood workshops that were held at multiple regional libraries. The Plan has been accessible to a very broad audience using various means of communication and outreach, including social media. With this Plan we created a new vision, goals and planning recommendations to guide the growth and development of our regions center for the next 10 to 20 years and beyond. The plan provides a big picture framework that is not parcel specific like most plans. Producing this plan shows that we intend to remain competitive in the global market place and show that Charlotte is really moving forward, even during tough economic times. The Vision statement guiding this new plan builds upon the 2010 Plan vision to be a viable, livable and memorable center city by adding a notion that Charlotte must strengthen its efforts toward growing in more sustainable way, therefore in the coming years Charlotte Center City will be viable and livable community whose extraordinary built environment into connective tapestry of neighborhoods and thriving businesses create a memorable and sustainable place. Now to explain how the Center City of 2020 can achieve this vision, Chris Beynon of MIG, Inc. will give you an overview of the Plan's key recommendation.

Chris Beynon, MIG, Inc. said I'm going to go through the specific elements of the Plan framework and I'll try to go through this pretty quickly and then afterwards Mr. Gantt and I will be joined by Debra Campbell and Michael Smith, if you have any questions you would like to have answered this evening.

It all begins with that vision that Mr. Gantt outlined and that is supported by a series of goals. Those goals in the Plan framework come directly from the values expressed by the community. Supporting those goals are eight transformative strategies. Those transformative strategies outline the policies, projects and programs to advance the vision forward. Then finally there are six key focus areas, geographic areas that we drilled down on in more specificity to effectuate the Plan and its goals. I'm going to concentrate on the latter two of this framework this evening. Beginning with the transformative strategies placemaking and urban design is a major component of the Plan and one of those elements is really reaching out and encompassing the entire center city. Specific strategies related to overcoming the barrier of the loop and creating infrastructure that creates those true connections throughout all the neighborhoods of Center City. The notion of an applied innovation corridor essential to this Plan and what that relates to is jobs and jobs generation and economic health of the community. Very paramount in this Plan. Fostering connectivity between various research institutions and development and innovation and insuring that we have the right physical frameworks from UNCC all the way down to the

SouthEnd and in between to house those 21st century jobs. Specific to that is the opportunity of the NorthEnd itself, just to the north of uptown where we've outlined plans for workforce housing, technology and energy based businesses that will build on the transit infrastructure that is planted in place going up toward to UNCC. Center City as an urban campus, another key element, realizing that that the connection between our education, our wonderful education institutions you have here in Center City and connecting that to the business environment to show programs and partnerships and new educational opportunities is a core element also. Destination Charlotte, understanding that we have incredible assets here, many of which can be traced back to the 2010 Plan. We want to leverage those assets and further connect them and look toward Convention Center expansion and new hotel opportunities to create true destination and use or build on the destinations and uses that are here today and will be in the future. As was mentioned by Mr. Gantt, the neighborhoods of Center City and the preservation and enhancement of them are key. I would say that is one of the most amazing assets you have. We worked all across the country in cities large and small and the leafy, wonder diversity of neighborhoods that you have here right next to an adjacent downtown core, a gleaming skyline, is truly unique. There are barriers as we talked about with the freeway loop, but overcoming that both programmatically and physically and perceptually is a key part of this plan and to build on that asset and those robust incredible neighborhoods that you have. The network of parks and open space, again going back to the 2010 Plan, the little Sugar Creek Greenway, something that is in place now that is a great asset, we want to build upon that, link to it and we have several strategies and recommendations outlined to advance that forward. The existing and built parks that are underway another thing to leverage and build upon and build these pieces together. It is really about creating a vibrant, healthy community. We've heard that over and over from the community responses that we received. The community health and vibrancy is a very important value to this community. A dynamic shopping experience and making sure that this is done in a very strategic way. The uptown core has lost in decades past much of its shopping. This is bringing it back in a strategic way as all of those other elements build up and making sure that we have the right retail in the right spaces to compliment our economy. Then an integrated transportation network and that involves looking at very strongly at the loop. We need to have an I-277 study that can make sure that we can accommodate all forms and all modes of transportation in the coming century here moving forward in the coming decades, insuring that we have strong robust multimodal transportation centers and a true city of bikes. That is another community value and push that we heard from many folks here to make sure that our framework supports a city of bikes.

Finally, to the focus areas that I mentioned. The six focus areas are where we have more specific planning and development recommendations and those are specifically shows and to build on certain assets that are already there, capitalizing on those recent in plan investments. For example the assets along Stonewall and I-277 there on the south edge of uptown, a great opportunity to bridge the freeway with new development, redesign Stonewall Street and activate and use those City owned assets to help support the vision. The ballpark neighborhood, the plans have been out there and this plan pushes that forward and says get the stadium in place, but also build a robust neighborhood around it that takes advantage from all kinds of economic development activity, residential opportunities, community building opportunities, integrating and surrounding around that stadium site. North Tryon, similarly another great opportunity here when the market bounces back. The Hall Marshall site has the opportunity to build on that Tryon Street connection and help leap over the freeway to that NorthEnd where we see a lot of different opportunities for economic growth and development. The Charlotte Transportation Center, envisioning that as a new mixed use project that will generate tax revenue for the City in a major way in a bold new redevelopment of that transit facility. The West Trade Corridor, going out toward Johnson C. Smith is a great opportunity and we got a lot of wonderful feedback from the community and from the University as well as Johnson and Wales. That corridor has some great assets and we need to make sure street car and other things are there so that we can catalyze development along that key corridor to the west and again, making sure that we are getting through that freeway barrier. Finally, the SouthEnd is a real success story. Most cities around the country would loved to have had a SouthEnd for the last ten years. We want to make sure that that is a key part moving forward and moving to the next step of capitalizing on the development opportunities around the transit investments that you all have made in the City with the Lynx line.

Moving forward with Plan implementation there are over 200 recommendations including 14 overarching priorities. There is a mix in there. There are long-term bold news that are in place that you see in the document as well as more tangible short-term wins, quick wins. We want to make sure that there is a host of opportunities in there and recommendations that will then be carried out in a more specific document that will be coming your way that will be a companion to this document. This document will be the one that you all will be approving moving forward and then a more specific implementation plan will also be a part of that moving forward. With respect to next steps we have the Council public comment this evening and then Transportation and Planning Council Committee on August 22nd and then hopefully for your final recommendation on September 12th. I appreciate your time and this project has been really an incredible collaboration between the County, the City, Center City Partners, the community and it has been an absolute honor to work those folks here.

Mayor Foxx said that you Chris and I want to say a special word of thanks to Center City Partners and to all of the citizens who have been involved in this. I understand this is probably the most comprehensive community engagement that has ever been done for one of these plans and to have the entire community's feedback and input folded into this plan makes it all the more impressive. I want to say that word of thanks.

Dan Faris, 6000 Rose Valley Drive, thank you for this opportunity to speak. I am the Chairman of the local Bicycle Advocacy Group, Charlotte Area Bicycle Alliance and we are urging you to support this 2020 Center City Vision. We think it is a win/win for everyone. We are especially excited of course about transforming strategy #8 which includes city of bikes, and we are looking forward, once you pass this, to the implementation part because we have some good ideas about how we can even increase the already good ideas as part of a city of bikes. We look forward to talking with you again and working through the implementation process once you've passed this vision and I hope you will.

Adam Hill, 1401 Byerly Court, said I represent Patrick Place which is an initiative by two local entrepreneurial Dan Rozzella and Sarah Garseth. Our goal for Patrick Place is to make it an entrepreneurial center for the City and I'm just here to speak in favor of the 2020 Plan. I think it has a lot of potential for the City of Charlotte and for the entrepreneurial community. I think it will be a great thing for Charlotte as a whole.

Michael Gill, 6627 Windy Rush Road, said I appreciate the opportunity to speak in favor of the Center City 2020 Plan. I speak on behalf of members of Second Ward High School National Alumni Association. I graduated in the class of 1969 and I kind of date myself with Mayor Gantt. I was around when our school was torn down in 1969 and we were promised a new school as urban renewal began. Members of our foundation attended the 2020 Plan Community Workshop that was held last year and we believe that our voices were heard by the consultant team. Tonight I would like to call your attention to a very important Plan recommendation to rebuild Second Ward High School, a great academic institution that is beloved by many and it was town down 42 years ago. At that time in many black communities all over America, churches and schools were the heart and soul of the residents that lived there and sometimes that was the only place that would embrace us in a sometimes hostile world. From the early days of the founding of our city, the African American community built homes and businesses in Second Ward since we could not live, shop or dine in other parts of the city. In its hay day Second Ward High School was the heart of Charlotte's black community and educated many of our city's most accomplished citizens. Our school, built in 1923 was closed in 1969 and although all the other black schools in Charlotte were shut down during this time, watching the red bricks of Second Ward come tumbling down hurt many of us. Out of this loss came our mission and for the past four decades the Second Ward High School National Alumni Foundation has documented stories and images and shared these powerful heritages of those who came before us. By sharing this we hope that our lost high school can be found again. Over ten years ago, the 2010 Vision Plan recommended rebuilding the neighborhood and a new high school in Second Ward. We've worked with other citizens on the Second Ward Neighborhood Plan.

Mayor Foxx said when we had a situation emerge this past fall with school closings the echo of Second Ward was in the air and one of the aspects of this plan that I think is very important is getting back to rebuilding Second Ward because I believe that part of the healing process in our community involves closing that circle. I hope that we see that happen in my lifetime and yours.

Sid Smith, 13000 South Tryon Street, said I'm here representing the Charlotte Area Hotel Association and I come today to give the Hotel Association's endorsement and embracing the 2020 Center City Plan, but specifically one recommendation in there. That has to do with the Second Ward portion of it and that is that this is the time for the Council and the City to start thinking about and doing some planning for an expansion to the Charlotte Convention Center. For me this is kind of déjà vu because it was almost exactly 20 years ago that I stood at that podium over there and urged another City Council to build what was then the new Charlotte Convention Center and now of course we know it stands down the street and we the citizens and the city have enjoyed it for almost 20 years or will in February of 2015. Hospitality, travel and tourism has been a great economic engine for the City of Charlotte and it was that building that really put us in the game. Now that we are on the map internationally, that we can host and put on conventions of size that we couldn't even imagine 20 years ago, the time is now for us to be thinking about an expansion there. Travel and tourism is actually one of the industries that is coming back faster and stronger than a lot of other industries that are still dragging economically. Our occupancy rate in Charlotte hotels was 66% in May and that was up 8.7% over May of the previous year and well passed the 5+% nationwide and for the rest of the State of North Carolina. With those kinds of facts and figures staring us in the face, we wholeheartedly endorse and we hope you will think seriously, this is the time for us to start doing some thinking about the how, where, when we can expand that Convention Center and get us to the next level.

Council Member Mitchell said Mr. Sposato just left a text message that he had to leave, but Third Ward is very supportive of the 2020 Vision Plan.

Council Member Carter said this is a most impressive piece of work and I am so delighted to see where we are going because we do protect our future very well when we make these plans. The only thing that disappoints me, and I think you will know what I'm going to say, is that the focus to the east is not as well defined as the other focuses around town. When you look east you see CPCC, you see the Novant Hospital, you see potential reaching out into the neighborhoods. Our workforce lives around the City, but the workforce for uptown frequently lives in the east side and I speak for the arts as well as those who work in the high rises as well as those who work in the Government Center. You have your urban oriented, your transit using, your internationally focused and your core uptown workforce there. I would urge Council to look at how it moves to the east side as well. It is not part of the Center City in concept as represented here because we ask that that east side strong center core right next to I-277 be reserved to help us focus on the east side our efforts for the street car for light rail, for the movement forward of that portion of our population. If we don't look 2020 to the east side I think we are missing an opportunity. It is looking at the future of Bojangles, it is looking at the future of Ovens, it is looking at the future of the street car and 80 acres of pristine land that can really be developed to the benefit of this city and our only urban nature preserve. I do comment the east side to you all as you look to 2020.

Council Member Cooksey said I'm going to wind up voting for this, and the process of planning is indeed a good one and it is best to sit down and try to think about where you are going to go instead of just blundering into it. I have to point out from time to time that there are things to be cautious about because I always try to remind myself that the 1966 Odell Plan for one thing called for the tracks between Brevard and College to be ripped up and replaced by a boulevard for cars which I don't think today we would have liked. The Odell Plan also called for destruction of all of the older homes in Fourth Ward, which the Observer at the time called slum. While I like planning and I think we need to keep it in mind, we shouldn't over generalize and over sell what can come from planning because it doesn't always stand the best of time.

Council Member Howard said I do want to commend everyone that has been involved in this process. Mayor Gantt listed those folks involved and as we move this back to Committee, if my colleagues or others have ideas about it, please feel free to contact us and let us know. It is our full intent to send it back to Council soon. Mr. Gill pointed out Second Ward and that is a place close to my heart. My mother was in his Class of 1969 at Second Ward and my father was there as well. In a lot of ways I wouldn't be here if it wasn't for them being in Second Ward so I hope that we do pay that part of the plan a lot of attention.

Council Member Peacock said regarding the document that showed the graphic which had the 7 or 8 focus areas, I have one question specifically about which one of those you all would start
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focusing on. I appreciate the comment made about recognizing where we are economically. I'm particular interested in your comment about ballpark neighborhood. I would like to have some comments and feedback from your group analysis on that subject.

Mr. Smith said thank you for the investment that Charlotte has made in this planning process. It really has been an incredible process of hearing the voice of this community and having some great consultant help to get to the essence of that to understand the goals of this community so it could be articulated in a plan with so many recommendations. We think this is a Plan that can service us over multiple decades and we don't see this as a work program that must be accomplished in the next decade, but actually kind of set the judicatory of some of the things that we can accomplish. One of the pieces that was created in this was a set of priority actions and there were 14 of them that were called out. They have not been set to a specific timeline but they kind of pull out some of the essence of some of the initiatives that we've talked about and some of them that address the goals that are identified in this plan. That is the way we are approaching it Mr. Peacock. You asked specifically regarding baseball. The creation of a baseball neighborhood we think a ballpark neighborhood in the Third Ward is an incredible opportunity that would stimulate workforce housing, that would stimulate retail that would compliment both the ballpark, the neighborhood and Bank of America Stadium. We also think it would connect very well into the planned Gateway Station which will be another employment center in our center city.

Mr. Peacock said this Council has done much of the work as far as the public right-of-way to be able to set everything up for the opportunity if financing was available for the ballpark to occur. We all know that is on a specific timeline. We all know that the economic environment is not as positive for that type of lending activity and one of the things I noticed in your report was a term I haven't heard before, which was the term "sports ghetto", not trying to create a sports ghetto in that corridor and obviously I hear the need of developing a housing component over there as well. Maybe comments from Ms. Campbell on that and really where I'm going with this is that one of the things I'm curious about is if that financing doesn't come through it sounds like the plan has flexibility in it to be able to adapt, but out of the six focus areas that you have here, that one, even though you don't have a specific work schedule, that seems like one that's got a specific deadline and has to be met here, more on the county side, but that will drive a lot of the decisions around that. Can you comment on that?

Planning Director, Debra Campbell, said I think you are right Mr. Peacock in terms of the need to look at that area more holistically, not just have a single use with a lot of sports facilities, but literally to bring life with 24/7 type of activity like residential and housing. We agree that that is a need. Unfortunately, it is very difficult I think for us to put a timeline on what can happen in terms of incenting housing. It is certainly a priority and what we hope to do if this Plan is adopted, there is the section on implementation and there will be a staff team coming together, literally looking at each one of the items that we've identified as priorities, trying to provide a sense of a timeline, but I think right now that is going to be very difficult. We are going to look at what is most feasible, how do we leverage both public and private sector initiatives. Yes, that is a priority, but I don't know if it is the top priority for us in terms of how the document is laid out in the implementation section.

Mr. Peacock said I didn't say it in the beginning, but I'm in support of the Vision document and you have done excellent work, congratulations. I just wanted to hear about that one particular one because it seems like something that we are going to hear about in the next 12 months. I'm pleased to hear that you've got a plan and it sounds like you've got a plan that is flexible.

Mayor Foxx said I neglected to thank Ms. Campbell and the Planning staff for the hard work they have done, so thank you. With that, it will be referred to the Transportation and Planning Committee and we will have further conversation as we move this through the pipeline.

ITEM NO. 12: PUBLIC HEARING ON REVISIONS TO THE POST-CONSTRUCTION CONTROLS ORDINANCE REVISIONS.

The scheduled public hearing was held on the subject matter.

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Mayor Foxx said it may make sense to have Daryl Hammock come up and do a very brief presentation on this. It is a very significant ordinance that deals with storm water, etc. so Daryl, why don't you help elucidate the public on this ordinance and what it means and what the staff is now proposing, then we will hear from the speakers.

Darryl Hammock, Engineering, said staff continues to receive input from interested parties on the four proposed changes to the Post Construction Ordinance. These changes include a temporary expansion of the mitigation fee for redevelopment projects, eliminating duplicative tree protection requirements to those found in the Tree Ordinance and two housekeeping items. Each of the proposed changes is consistent with the Council direction and consistent with the existing ordinance goals to protect trees and watersheds. Council direction encourages staff to be flexible in the application of various ordinances and these changes add flexibility and streamline the permitting process. Furthermore none of the proposed changes will adversely impact the environment. Staff is proposing these changes without the an extensive stakeholder process, but rather a shortened process so that the changes could be made sooner rather than later. This approach is based on the belief that the changes will be beneficial to the economy and the belief that the benefits will be easily recognized. The sounding board meeting was held in June to receive input, staff has discussed the issue with the Storm Water Advisory Committee, the Advisory Board for the Post Construction Ordinance, and will be requesting an endorsement from them in August. The next step in the process is the public hearing this evening. During the sounding board meeting in June, the proposed change were supported for the most part. One exception is the concern from the environmental community regarding the removal of the natural area requirement, trees, from the Post Construction Ordinance. Since the public hearing concerns have also been raised from the development community that the proposed changes for redevelopment do not go far enough to encourage redevelopment. None of the proposed changes will adversely impact the environment, nor will they relax or lower the water quality benefits of the ordinance. On the contrary, these changes as proposed will preserve the objectives and the intent of the Stakeholder recommended ordinance, making the changes as described will allow Charlotte to remain aligned with State and Federal requirements and will likely prevent a lengthy debate through a stakeholder process. Development industry has suggested alterations to the ordinance that would represent a significant departure from Charlotte meeting its regulatory obligations to reduce stream impairment and a departure from the stakeholder consensus that was reach during ordinance development. Staff believes that the proposed elimination of storm water requirements by grandfathering impervious surfaces as suggested by the development industry would not be representative of the City as an environmental leader nationally or in North Carolina. Staff's upcoming request for approval of these changes in August will give the City Council the ability to vote for each proposed revision individually. I think some of the largest concerns that we've heard recently have to do with the Tree Ordinance and the protection of trees. I want to point out that it is staff's believe that these two ordinances are mostly the same in terms of their protection level for trees and for water quality. The Tree Ordinance is more protective in trees with high density developments whereas the Post Construction Controls Ordinance is more protective in very low density developments. Another thing I would point out is that the Tree Ordinance is more restrictive to industrially zoned properties whereas the Post Construction Controls Ordinance exempts a number of those. On the whole we think this protection level is equivalent or very close.

Mayor Foxx said we have 16 speakers signed up to speak to this item.

[Motion was made by Council Member Barnes, seconded by Council Member Peacock, to]
[allow each speaker two minutes to speak. The vote was recorded as follows:]

YEAS: Council Members Barnes, Burgess, and Peacock.

NAYS: Council Members Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell and Turner.

Mayor Foxx said we will keep the time for each speaker to 3 minutes.

Patrick George, 6348 Sharon Hills Road, said sitting here in the gallery, I was actually getting resentful for having to sit so long to have my say and I really want to thank all of you for spending the time you do Monday night after Monday night listening to every important person's view and we are all the most important. I can't wait to get out of here so thank you for taking the

time. I'm a native Charlottean. I grew up playing in Sugar Creek when you couldn't play in it and would end up sick. I have seen the creeks become reborn. You see fish now where you never saw fish. It is just amazing, and Sugar Creek in particular. That is where I had my most interface with the creeks. The gentlemen previously mentioned less impaired creeks. I think we have a higher reach than that. I don't see why we can't have clean creeks that we can actually be a part of. Water is universal. It is one of the biggest issues coming up in the world and we have the opportunity, not to just reduce impairment, but return clarity. Return usability. These individual mitigation points that the smaller less dense areas tend to be upstream, so we reduce or we sell those opportunities to clean up those areas. Ask any plumber what goes downstream. If we reduce those points of entry of pollutants and of sediments it is good for the whole stream. To invest in remediation further downstream where you have higher volume is a nice idea, but it is a thousand cuts, death by a thousand cuts to these streams. We need the strength along the whole waterway. To mix it with the trees, that is a whole different priority. The reason they adopted what they did for the Post Construction Ordinance is to address water quality. That is the number one thing so please don't mess with the water.

Susan Tompkins, 815 Hungerford Place, said thank you for the opportunity to speak on a subject of which I have a long interest and some experience. I have never heard the term until the presentation on the 2020 presentation on the Plan which was a leafy transformative asset. I'm going to talk about transforming and leaves. I served on the Storm Water Advisory Commission for 6 years and one as its chair and am now privileged to sit on the Tree Commission so I speak from two sides. I also speak as a citizen in favor of keeping the Post Construction Ordinance requirements as they were born and were approved and adopted three years ago. There are two very good reasons to keep them as they are. First and foremost, the proposal of the Ordinance goes entirely in the wrong direction. It reduces the percentage of trees required to be saved on construction sites from 25% to 10%. These trees are a critical component of our soil erosion ordinance and need to be kept in order to prevent excessive storm water runoff and water pollution. It is a fact, not often acknowledged or know, that storm water runoff is the number one leading cause of water pollution in our City, our County, our State and our nation, and Darryl Hammock, our Water Quality Supervisor has acknowledged this. I have double checked this fact, and it is growing. Simply put the root system of our trees and natural areas are the most important and efficient and cost effective way to prevent storm water runoff. It is again the largest cause of water pollution everywhere. I happen to live on Briar Creek and I'm lucky enough to live across from the only urban preserve, the Catawba Land Conservancy, Urban Preserve and I see often flooding and water pollution. Second, and as a corollary to the first reason, the Post Construction Ordinance and the Tree Ordinance have different standards. The Post Construction Ordinance requires the preservation at 25% of trees and the Tree Ordinance requires it at 10%. While it may make sense to have a single standard for site development, it makes no sense to make that single standard the lesser of the two requirements. The effect of such a change is to critically impair one of the most effective free barriers we have to soil erosion and pollution. Finally and for the reasons I have just stated...

Mayor Foxx said I'm sorry your three minutes are up.

Ms. Tomkins said oh, I had the best part for last.

Council Member Peacock said Ms. Tomkins what was the best part?

Ms. Tomkins said the best part is that as serving on the Tree Commission we voted unanimously in June not to adopt these changes into the Tree Ordinance. You recently set a tree canopy goal to increase our canopy to 50% by 2050. The proposed change retreats from that goal.

Beth Henry, 3066 Stoneybrook Court, said I too want to ask that you not change the storm water rules to permit killing of more trees. My main concern, which I spoken about to you before, is climate change, which will kill many of our tree just when we need them more than ever. Disastrous floods, heat waves, storms and droughts are becoming more frequent and will continue to do so. Scientist say we can no longer ignore the link between climate change and extreme weather events. We need you, our leaders, to prepare Charlotte for these foreseeable weather related catastrophes. A warmer atmosphere holds more water vapor, currently about 4% more moisture than 30 years ago. We face increased flooding in Charlotte and yes, the pipes will be too small to handle the increased flooding. Our capacity to handle storm water will be

severely challenged and trees would mitigate the damage. We also face terrible heat waves. With only one degree of warming in the past half century, look what we are enduring now and we are on track to warm nearly ten times that much by the end of the century. Already we have a terrible ozone problem so bad that children who grow up here are likely to have decreased lung capacity as adults. Our ground level ozone problems will increase and trees could reduce surface temperatures, remove air pollutants, reduce evaporative emissions from cars, store carbon and reduce pollution from power plants by reducing energy demand. In other words, we need to save all the trees we can possibly save. Finally, I want to tell you about an experience I had in one of the recent meetings about trees that was supposed to be a presentation by City staff, with an opportunity for citizen input. Before the staffer could get half way through his presentation developers interrupted with aggressive challenges and questions. Several developers dominated the comments and I don't think the young man even finished his presentation. I realize it is not polite in the south to discuss this sort of thing, but that experience honestly made me very concerned that City employees face strong pressure to make recommendations that may not be in the best interest of most Charlotteans. Developers understandably want to be able to cut down as many trees as possible as that helps maximize short term profits as corporations are supposed to do, but we count you to think long-term.

Alan Burnes, 6914 Rocky Falls Road, said I've been in Charlotte for 27 years next month and in that time I've seen the tree canopy deteriorate rapidly in Mecklenburg County and Charlotte also. We've got a severe air quality problem and it is just going to get worse. What would Charlotte be like with the tree we have, I dread to think. I didn't know this was coming until I saw Rick Roti on Sunday and it seems like a lot of oversight is being skirted here. To me this ought to be going to the Environmental Committee. They haven't been consulted as far as I know yet and also we need more citizen participation in this. Using terms like Post Construction Controls Ordinance is not something we are going to switch off. You talk about trees and people are going to be deeply concerned. One thing that concerns me is that the developers don't always stay in Charlotte. They come and go. The citizens are your first responsibility, developers next. This particular caught my eye tonight, that the current economic environment means that they are struggling to do the development so they want to get out of all these restrictions that have been in place for three years so they can keep their profits. This isn't the way it should be going and you should be looking at decisions regarding Charlotte's tree canopy, not developer's profits who can come and go. We live here and we've got to suffer for the next how many years?

Earnie McLaney, 6216 Rocky Falls Road, said thank you for allowing me to be here this evening to address this important issue. I serve on the Mecklenburg County Park and Recreation Stewardship Advisory Council and as a native of Charlotte, I grew up in the Cotswold area which at the time was out in the country. I've seen a lot of expansion since then and we are building in all directions at the rate that makes one question our long-term thinking. Where I am for smart growth, we need to make sure that we are focused on the smart side of that growth and the long-term, and I'm talking decades. The long-term effect of that growth, not to short-term business profits or perceived inconveniences. Last fall, Council approved the revised Tree Ordinance and I'm very proud of that ordinance and the way it was written. Tree requirements for the City are in this PCCO ordinance and some are saying they are not needed as in other ordinances such as the PCCO, which would help eliminate duplication, redundancy and confusion. I say they should be exactly the same so that both ordinances are equally clear in their language and in their purpose. We should not expand mitigation fee options temporarily to the remainder of the City. The request allows owners a choice to pay a fee to meet some of the requirements. As a citizen I don't want additional opportunities for getting around approved City ordinances regarding trees or storm water issues. It is also believed that a revision would improve or provide options for better cost predictability. I say that if a developer cannot factor in the costs or benefits of leaving trees perhaps another developer should be considered. Developments with mature trees and natural landscapes are much more desirable than hot plains of impervious surfaces. Progressive developers incorporate existing trees. They don't see them as obstacles. There should be no trial period to be reassessed in two years. The ordinance is in place now for a reason. The citizens and the writers of the original Tree Ordinance selected these measures and restrictions because we care about the long-term beauty of our City's landscapes. We also should not postpone the protection and beautification of Charlotte's skyline. We must continue with mature trees and a green landscape. I want to point out some of the key points that Mr. Roti wrote in his piece and in his meeting with some engineers. He asked

were detail studies of data provide to support this change and the answer was no. He asked was proposed change presented to City's Environmental Committee and the answer no. Was the City's Tree Commission updated or involved and the answer was not until it was presented to you guys.

Joe Padilla, 1201 Greenwood Cliff, said I am the Executive Director for the Real Estate and Building Industry Coalition or REBIC. I'm here tonight representing hundreds of real estate industry companies and their employees and work every day to insure that Charlotte remains a great place to live and work. REBIC is fully in support of the proposed changed to the PCCO and we see this as an important first step to creating better incentives for redevelopment across the City. Vibrant cities are those that take steps to continually revitalize their urban core whenever possible instead of building on Greenfield sites. I think we would all agree that the best way to protect our region's watershed is to minimize the Greenfield development that occurs and instead encourage a productive use of already paved sites and our existing activity centers and corridors. It is soundly environmentally responsible and it is also in line with smart growth principles and principles of sound urban planning. The greatest obstacle in achieving this is the challenge in redeveloping urban sites and that challenge is driven by higher land prices, higher development costs and the difficulty in installing storm water controls on some small urban parcels. By allowing more sites to be eligible for the mitigation fee option the City would be creating a regulatory framework that helps advance an agenda of sustainable economic development and by preserving more green space in our wedges, these changes will also help Charlotte make strides toward reaching its recently adopted tree canopy goal. We also support the proposal to remove the natural area requirement from the PCCO as it appropriately consolidates our tree protection rules under the Tree Ordinance and allows a single body to evaluate their effectiveness. These amendments are an excellent start and we would also encourage you to consider taking these incentives further by adopting a more reasonable mitigation fee for redevelopment sites, possibly using a sliding scale, based on the amount of storm water controls or tree plantings that are including on a project. We would also ask that you consider adopting the equitable approach advocated by the State Department of Environmental and Natural Resources when dealing with built upon area. Under this approach, the owner of a previously developed site is responsible for storm water controls only on the marginal increase in impervious area and here she may add during development. If no increase in impervious area is proposed why penalize the property's productive reuse by requiring the installation of costly storm water controls. After all the very fact that that impervious site is being redeveloped will help water quality by leaving untouched a Greenfield site somewhere else. We commend your staff for proposing amendments and incentivizing redevelopment while still protecting water quality and we ask that you adopt the recommended changes to the PCCO.

Marc Houle, P. O. Box 7007, said I'm a civil engineer here in Charlotte with a firm that has been providing engineering and surveying services to this community since the 1960's. I'm here tonight to speak on behalf and offer my support for staff's changes to the PCCO. Staff and the development industry agree that the PCCO is overly burdensome to redevelopment. These proposed changes will offer relief and help encourage redevelopment. There has been much debate about the mitigation fee amount and there are good arguments on both sides, however, I would encourage you not to let this debate keep these revisions from moving forward. I want to thank staff for helping create the revisions and I want to offer my support to these revisions to the PCCO.

Pat Moore, 1571 Queens Road West, said is everybody enjoying the summer, especially the heat and the drought? The air conditioning in here is wonderful, thank you, but outside is everyone breathing easily? Can we consider the fact that next summer may be worse? These are not casual questions and I hope by now that each of you realizes that we are facing global climate change. An important way to soften the effects of this change is with good stewardship of the trees that are either growing here naturally or trees that were planted for us by people who didn't live to see their maturity. Trees that were planted for us by people who didn't live to see them in their fullest maturity. What legacy are we leaving for the next generation that we will be remembered for, for those who come after? When my father came to Charlotte there were no paved streets. Our grandchildren have lots of paved streets, but may not be able to breathe the air. The extreme heat that we have been enduring causes problems for all of us, but especially for children, for the elderly, for those with asthma and for the poor. Our trees are the lungs of this City. We understand that developers want to minimize costs. We would ask them to consider the

costs to this community of this revision of the Post Construction Control Ordinance. We would hope that we would work together for a healthier City which will benefit everyone. I had the wonderful opportunity to hear earlier the exciting plans for Charlotte presented by Mayor Gantt and others. May care for our trees and out water be a vital part of that plan.

June Blotnick, 6715 Reddman Road, said I the Executive Director of Clear Air Carolina and I have a several points I would like to make in opposition to the proposed change to the Post Construction Control Ordinance. Number 1, trees improve air quality, trees clean the air in several ways. Having a strong tree canopy is shown to reduce urban temperatures which improves air quality because the formation of the ozone is temperature dependent. The hotter it is the more likely ozone levels are to be high. So far this summer we've had 17 code orange days. Last year through the whole season we had 17. We still have through October so we will definitely go over that number this year and we need all the help we can get to cool off the City. Trees provide shade for buildings which results in lower electricity use for air conditioning, which means that less coal is burned for electricity, which means less air pollution. Trees remove air pollution through leaf uptake and by intercepting particles floating in the air. Obviously, the larger the tree the more air pollution removed. Large healthy trees greater than 77 centimeters in diameter remove approximately seventy times more air pollution annually than small healthy trees less than 8 centimeters. Replacing an older tree with a small tree is not going to give us the same clear air benefits. According to the USDA Forest Service in 1994, trees in New York City removed an estimated 1,800 metric tons of air pollution at an estimated value to society of about \$10 million. The City's commitment to trees through policy making in two separate focus areas of the 2011 Environmental Area Focus Plan, protecting our tree canopy is highlighted as a strategy to improve air quality and protect natural eco systems and habitat. We have it in that plan more than once to protect our tree canopy. The developers in our community have been a powerful influence over the past 25 years and we've seen our tree canopy decline 33% during that time. If the Council is serious about increasing the tree canopy by 50% 2050 you must use policy making to prioritize tree save every chance you can. For these reasons Clean Air Carolina opposes any change to the Post Construction Control Ordinance that would negatively affect Charlotte's tree canopy.

Autumn Picarsic, 6715 Reddman Road, said I'm 12 years old and thanks for letting me speak today. I am here to speak against changes to the Post Construction Control Ordinance because I am in love with trees. The reason I love trees is the reason many people in this room love trees which is they provide shade and homes for animals. I like sitting on my front porch looking at the birds and squirrels in their little homes. Trees clean the air as well and from I know about our air quality in Charlotte is that it can be really bad in the summer time, so please save our trees.

Council Member Peacock said Mr. Mayor I would like to know how many 12-year olds have read the Tree Ordinance.

Mayor Foxx said I would like to know how many 12-year olds take an opportunity to take an issue and come down to the City Council and speak about it.

Charlie Nitsch, 3115 Stoneybrook Road, said when I came to the City about 16 years ago I flew into Charlotte and all you could see was a green beautiful tree canopy. When I fly in now, it is just not like that anymore and from where I come we do business, we build houses, and we cut down trees, but for every tree we cut down we build a new tree because we have a generation that is coming behind us. It is somehow missing here so I would like to say I'm against the PCCO and I hope that people really respect the trees because we need them. Some people don't like them and would rather make timber wood out of them and burn them, but what you do if there were no more trees left and nothing more to be burned. I agree with everything the tree people have said tonight and I just hope that you will consider that behind us there is another generation and for people who have children, they need to have something kept in tack.

Chris Buchanan, 3235 Eastburn Road, said first I want to remind you that the Charlotte Tree Advisory Commission, the group that is charged with advising you about tree matters, voted against the proposed changes. They urge you to do the same. We are fortunate that trees can multitask. They provide more than one benefit at a time and they count double. They count under the PCCO as well as the Tree Ordinance standards. That doesn't mean that we should

eliminate some of the standards. The ordinances have distinctly different goals. The Tree Ordinance is not set up to protect water quality. The PCCO addresses water quality. Currently over 75% of our streams are impaired. Storm water runoff is the most significant cause of impairment. This is not acceptable and loosening our standards in PCCO that would exacerbate the problem that we currently have is just a ridiculous response to where we are. Someone stated that the revisions are duplicative or unnecessary, but these are opinions and have not been substantiated by studies. City green has not been run to project out the effect of these changes. There have not been studies to determine how this will affect water quality. The City received countless hours of volunteer time, both on the PCCO stakeholder committee and also on the Tree Ordinance stakeholder group. While they disproportionately favored representation by developers a consensus was made on both of those and the City actually spent \$500,000 on a cost benefit analysis of PCCO before implementing that ordinance. Now based on some developer urging some claims that it may help development when we are in or the greatest recessions we have because we would loosen PCCO seems a little ridiculous that that minor change is going to have such a great affect. Perhaps getting rid of the recession will have a bigger affect. City staff even generated a chart to compare the tree related revisions in PCCO and Tree Ordinance. They set it us as if it is a choice, one or the other. It is not, we have both and we should keep both. The conclusion that the proposed changes will not have much affect are premised on minimizing the differences that the City's own chart demonstrates. You've heard about some of those and I believe you have received a copy of that chart. Sometimes it is a difference of 150%. That is significant. To reach our goal of 50% canopy recently adopted by you, there is no single solution that will make it. We are not looking for one or two things that will add the 4% or 5% in total area of canopy that we need to reach that goal. Reaching our goal will be done with many small incremental changes. PCCO is one of those things that will help us reach that goal. Rolling back provisions in an ordinance that were approved by stakeholder, City staff and environment committee and this Council is not merited.

Monica Embrey, 501 Mercury Street, said I am the North Carolina Field Organizer with GreenPiece. GreenPiece is the world's largest environmental organization. We have offices in 40 countries and the newest US Chapter has opened right here in Charlotte. I am here to speak against the proposed changes for natural areas requirement to be stripped from PCCO. Protecting mature trees is an essential component for fighting the worst impact of climate change here at the local level. I don't have to explain to you that the rising challenge of climate change is causing communities across the world to re-think the ways that we are living and structuring our lives. I will take a moment to thank Mayor Foxx for signing the US Mayor's Climate Protection Agreement making Charlotte a cool city. Taking a step backwards and contributing to the problem by allowing more trees to be cut down is a dangerous decision and not the way that Charlotte needs to move forward. Like many here, I have recently moved to Charlotte and my first few days in town, I was incredibly impressed by how green the city is, driving around looking for an apartment I saw an incredible tree canopy that so many people here cherish. I am from Chicago and we also pride ourselves on being a green city, but part of that is because former Mayor Dailey has made a huge commitment to replanting thousands and thousands of trees that the City has cut down over the past several decades. I urge you to learn from the mistakes that Chicago made and not actually destroy the mature trees that we currently have in the name of promoting business. This could not be a larger mistake and in the short 2 ½ months that I have been here, I've had the opportunity to speak with hundreds of people across the City about conversation about what are we going to do to actually address climate change right here in Charlotte. Tonight we have an example of one decision that we can make. Difficult challenges like global climate change provide opportunities for leadership and for Charlotte to lead the way in showing its commitment to truly being a City that will address this issue.

Mayor Foxx said I just want to make one correction. Charlotte was already a cool city, I just made it a little cooler.

Council Member Carter said I am extremely concerned about talking about a repeal or revision of this Post Construction Controls Ordinance. I have about 4 or 5 points that I would really like to make to Council, but I would also like to suggest that the Environment Committee weigh in on this study and proposal and see if we can help work through some of these things that I find challenging to us. Number one, this revision offers generalized mitigation. It relieves the specific controls that have been placed. A watershed to me, needs to be defined in the ordinance. They listed 20 watersheds that were to be addressed by the actions. Those specific watersheds

and the definition have been eliminated, so my concern is where is the mitigation that will be directed if mitigation is approved. We've released strictures on types of development. Commercial, multifamily and R-3 and I am very concerned as we work through this process that what was defined before is now generalized and not as specific as was originally suggested in our ordinance. I'm concerned about enforcement that annual investigation or inspection of BMPs to me is an important item. I think we can do it and it might be more cost for staff, but to make sure that what has been put in place is effective and ongoing is very important to me. I think there should be a way to appeal if there is a difficulty in construction and if there is a legitimate way to look at mitigation or look at an otherwise debatable or preferred redevelopment of an area to see if there is a way that we can come together in a mutual appreciation of redevelopment and forestation. The effort to save trees is extremely important to me and we have made such progress on Council, looking at how to make this City a forest city, an urban forest city. I don't want us to step back. It is the portion that looks at R-3 that concerns me most. We stated in our investigation of the Tree Ordinance that the place to focus was the wedge area, the neighborhoods, the residential. If we take that Post Construction Controls Ordinance back to the tree requirement of 15%, we have released on the 25% that is enacted to control storm water. It was put there for a reason, looking at the force of flowing water, looking at what we are having to do to reconstruct streams, it is a very important thing that we look at the root system of our trees, where they are, how many they are and how they do affect storm water and out air quality. Council, I hope you will consider redirecting this to the Environment Committee to consider.

Council Member Peacock said I think my comments are just prior to the ones that I've asked Mr. Howard to make a motion to have this referred to the Environment Committee. I wanted to back up just a little bit to speak to those that came tonight and we are very appreciative of you coming to give us your feedback on the public hearing piece. I'm a part of this as well, on June 13th, at the conclusion of the Committee meetings regarding the Tree Ordinance, we heard from staff that they were going to bring to us some suggestions and ideas that they knew were going to be related to what they were noticing and some things where there may be some overlap between the ordinances so we made the step, whether it was conscious or unconscious just to simply bring it to the full Council which is what is called our Dinner Meeting. Either the intermediary step there is for it to go to the Committee meeting, which it has not in this case, and I don't think that was intentional. The other reason I don't think Council, and again I was mentioning myself as part of this, if you will recall we spend almost 4 ½ hours interviewing City Attorneys that day and this came I believe at the very last presentation of the Dinner Meeting and I just don't think we were fully engaged at that point. I don't think we had anyone of you all in the audience as well on that. Mr. Howard, I believe you have a referral you want to make, which I will second.

[Motion was made by Council Member Howard, seconded by Council Member Peacock, to]
[refer to the Environmental Committee the parts of the tree requirement of the ordinance and]
[how the requirement of the Tree Ordinance and the PCCO overlap and how these require-]
[ments might be simplified.]

Mr. Howard said one of the reasons why I think I'm comfortable moving forward is that there are four issues that we are talking about tonight, and out of the four one of the things that Council Member Carter mentioned was the whole mitigation issue and I wanted to have that conversation and ask you some of those questions publically. I think this whole conversation grew out of a concern about how these overlapping ordinances came together, the Post Construction and the Tree Ordinance and there were a couple others that this Council dealt with. We all knew when we talked about as each one came into being and the sequence that they did, the Post Construction came first and the Tree Ordinance came next that there would be some overlapping and we would need to deal with that. In a lot of ways all we are doing is cleaning up and we are going back and doing things that we were told at that time that we would have to do. There are a couple of things that are clearly just cleaning up language. The Tree Ordinance, obviously we heard enough from the public tonight that we should probably give that just a little more vetting at the very least in the Environmental Committee and that is why I'm referring that part to the Environmental Committee, or suggesting that we do. The part of mitigation, from what you were just sharing with me, it deals with certain sites, not every site, and why does that make sense. Could you explain how what you are proposing is different from what we do right now?

Mr. Hammock said if I can get the PowerPoint pulled up I have a map that will illustrate the difference, but essentially the ordinance right now allows mitigation options for transit station areas and distressed business districts. We've had that in the ordinance since 2008. What this proposal will do, it will allow the expansion of that geography to include the entire City and any redevelopment projects. This does not apply to development, it only applies to redevelopment projects. Those redevelopment sites will be allowed the option to pay a mitigation fee and you can see in the map in front of you, the area that is in white is the geography we are talking about expanding the mitigation options to for redevelopment sites.

City Engineer, Jeb Blackwell, said when we first passed this ordinance, all of us had the goal and still have the goal of maximizing water quality for the community and we believe that this is supportive of that goal. I'll explain in a moment philosophically why we think that is the case and I think pragmatically that is the case. Council asked us again and again quite correctly, are you all being as flexible as possible. We have worked hard to work with folks, but as we have been in this ordinance for a few years we've seen some sites where the requirements of the ordinance have been very difficult and have not necessarily served the best interest we feel with the development community or the environmental community. We've had instances where there were three fast food establishments came to town and the only project they went forward was where they had the buyout option. The other two were unable to do it. The buyout we are proposing, a couple folks have requested that buyout option and it is \$90,000 per acre so it is not cheap. To treat an acre on site at \$90,000 is expensive just by the counter point. When we treat an acre of land with one of our pond projects, one of the ones we had on tonight was at \$1,900 an acre, versus \$90,000. The only sites that would be eligible for this is the area of redevelopment so you have a site that is entirely impervious and when it costs too much for them redevelop, water quality isn't improved, it is still impervious. If we can give them a buyout option, even it is an expensive buyout option, but it is a buyout option, we can use that money to put a measure in downstream even though we agree there is not improvement immediately downstream in that development. But we have the opportunity to do something for the community's water quality that we don't get if the project just goes away. Our desire with this was to get both economic development and we feel it offers advantages for water quality. Certainly I would understand if there is a need to refer either of these to Committee because I understand they are complicated. There are some potential that we will be dealing with the Post Construction Controls Ordinance again because those rules are periodically increased by the Federal Regulatory Agencies in our permanent requirements. We have seen some sites recently and we just had a couple of variances so we know there is some difficulty for some site, so that is why when we talked to you about this before, we were indicating one of the challenges here as we were going forward quickly. That was the reason we feel like that there is not a loss on water quality and in fact some benefit and it certainly, we think, offers some opportunity for economic development. We do not feel that what we are talking about here is a detriment by the buyout option for the water quality, but we would be happy, if this needs to be discussed in Committee, to deal with it in that environment of course.

Mr. Howard said that is the reason I got comfortable with it. We are talking about redevelopment areas so what we've had is a disincentive for people to redevelop in areas and we are trying to lift that. What I heard you say is that by getting these funds we can actually affect the whole system in a lot more effective way than one little parcel at a time. Considering that staff says it is okay, I don't think I would object to have a friendly amendment of adding that one issue to it if that is what you to do.

Council Member Barnes said I wanted to respond to a few things that have been said about the PCCO. I am concerned about revising it at this point. People have different perspectives on an ordinance like this and from my perspective, the PCCO can be a part of economic development because if we have an environment in this City that is attractive to families, attractive to companies they will want to come here because their employees like being here because of clean water and clean air. From my perspective a part of our economic development could in fact be the ordinance, just as the case would be with the Tree Ordinance, the USDG and any number of other ordinances that we have have passed. Mr. Hammock, can you site for me an example of where the ordinance has worked?

Mr. Hammock said over the last three years we've seen approximately 25 projects come into the distressed business district areas and the transit station areas and pay the fee. They have

essentially paid the fee to the City and we've used that money for stream restoration projects or pond rehabilitation projects. My sense is that it is working quite well in those area.

Mr. Barnes said have any developers done anything other than pay the fee and yet complied?

Mr. Hammock said I think there are examples where developers have built the controls on site for redevelopment projects. Developers are building these controls on site for development projects and that has happened in several projects. They are implementing the ordinance on development and they are implementing it on redevelopment sites through paying the fee primarily.

Mr. Barnes said one of the concerns that I have is that the way this is written it almost suggest that this is for specific projects. Do you know if that is the case?

Mr. Hammock said no, the mitigation option fee is meant for any site.

Mr. Barnes said I'm sorry, that the proposals as provided in Item 12 seem to be geared toward specific developments.

Mr. Hammock said I think you are talking about the four changes?

Mr. Barnes said yes, Item 12 which is this topic, but in general yes.

Mr. Hammock said I wouldn't say that they are meant for specific names projects. The changes are meant to address specific areas of the ordinance where we believe improvements are needed. The changes are directed toward offering the mitigation fee option throughout the city, open space requirements throughout the city, and the two other specific instances are for just housekeeping changes.

Mr. Barnes said in the write-up it says that you all would like to allow more sites to be considered for mitigation fee option for redevelopment and it continues, staff has found that some redevelopment projects face substantial economic challenges accommodating water quality measures on the site, particularly in the current economic environment. Some of the speakers made some very good points regarding the economics of all of this all versus the environmental impacts. What I would prefer to see is if someone has a particular challenge with respect to compliance to the ordinance that they bring those exceptions to us and let us vote on them. I don't want to change this ordinance for what I believe are short-term challenges. I think it would make more sense to have people who have some particular challenges to bring those to you, to us and allow us to evaluate them. Some of them are still here and some of them have left, but the fact of the matter is that we do want to insure the air quality and water quality of this community and by supporting this, those of us who voted for it believe that was one tool and one step in that process. We have people trying to get rid of the USDG and now here we are with the PCCO and it is one sort of adjustment at a time and in 4 or 5 years PCCO won't exist, USDG won't exist and that is what concerns me. I think you guys, at our direction, did a good job of trying to put together an ordinance. The same applies to the Tree Ordinance, the USDG, and I don't like to dismantle things as quickly as we are beginning to dismantle this ordinance and I would rather folks who have a challenge to bring it to us and let us vote on it.

Mr. Hammock said the current approach to challenging sites is through the appeals and variance process and Storm Water Advisory Committee can hear those specific unusual circumstances and they have done that. They have listened to variance requests and they have granted those in hardship situations. This change would sort of recognize that in certain situations there is an always an option to pay a fee rather than go through the variance process which may be risky and time consuming.

Ms. Carter said that is precisely my issue. The appeals process to me is very important and if it is effective and working now I think that is exactly where we need to be, rather than giving blanket permission to act, to consult to me is the reconciliation of what we are needing of trees and water quality. I think the Committee discussion would be very warranted when we are talking about mitigation as well as the tree requirements. The 100% impervious site, that is not defined in the ordinance and if we have something like that specific in the ordinance I think it

would push us along and maybe give definitions to that appeals process and perhaps take that away if it is an absolute 100% impervious area that people want to redevelop, that to me is an obvious solution that would be beneficial for a mitigation fee. There was a point made by one of our speakers about downstream mitigation versus upstream mitigation. I've always advocated for mitigation being in that specific area and that to me has been somewhat generalized and it is another one of my problems. I'm very grateful to staff for bearing with me, I think working through it in the Committee process would be very beneficial to all of us to a sense of confidence on Council that we are addressing the needs expressed here as well as the needs that staff has identified by those who are working with us, but I think we need to address mitigation as well as the tree requirement and I offer that as a friendly amendment.

[Council Member Carter offered a friendly amendment to the motion to address mitigation as]
[well as the tree requirement. Council Member Kinsey seconded.]
Council Member Turner said there are a couple things that I want to go back and make sure I understand. As I read this change, there were several points made tonight that sticks out to me. If this is inconsistent with our objectives as a council of a city with regards to our tree canopy, we have now given more authority to buy the right to remove additional trees. You indicated that they pay that and we feel like that is a benefit to us because we later build or better improve our streams with money that we didn't have to do that. The impaired streams from that point A to where you are talking about building the improvements continue to stay impaired and I don't find that to be a benefit. I don't find it to be a benefit when we are taking away from our percentage, based on our goal, of 50% canopy in the future if we now allow people to do the very opposite by buying the right to remove that. I do respect the fact that we are trying to work and find way to help distressed areas where we have businesses for redevelopment, but the problem I have with that is that if you have a business that is no longer there that has mature existing trees that developer can simply say I'm going to pay the fees to have the right to remove those trees. We come back and plant a 2 inch tree. That makes no sense to me. I think there are a lot of things that we need to look at and reconsider, but I want to make sure that we are not undoing the positive things that we've already agreed to that and we want to do as an objective and long-term goals as a city and as a council. I think it is important that we have this additional dialogue and there is obviously something that is bothering a lot of us because we are hearing it more now after we've heard from some of our constituents as well as just reading it. I'm going to support the motion for it to go before Committee, but I hope when it gets to Committee that we allow the citizens to still be able to weigh in. I don't want it to get bogged down behind the developer's opinion and that pressure that someone mentioned because it does exist. I hope that we do what is right and look at it and give everyone an opportunity to have a say in this matter. Could we get a report from the National Asthma and see what they think, are we doing what is best, get it from those that feel the impact from long-term. I think that should be our goal, to do what is right here and I do appreciate the objective to try to help us move and develop some areas where we felt was being held up because the developer felt they didn't have enough room to do what they needed to do. Maybe they should reduce their size and just make it fit in. I often think when I'm down at Hilton Head, you can't just come in there and do what you want to do. You have to do it the way they want you to do it and often times it is the same with trees.

Council Member Cooksey said I get the sense that this is heading to Committee so I do hope the Committee looks at this provision that has been noted about the comparative costs between redevelopment of a site that is already a built upon area and there is three categories of such sites that were originally in the ordinance under PCCO, or four if you count the industrial. You have the less than 24% built upon area, the greater than equal of 24% less than 50% and the greater than 50% each with a different percentage of natural area and the proposed amendment would get rid of that distinction and default to just the Tree Ordinance provision. Do we want to promote Greenfield development and promoting the sprawl that Greenfield development provides, taking an empty plot of land that is filtering water nicely and building something new upon it as being better or a more affordable type of development for people to do than taking an existing built upon area that is discharging storm water all over the place and redeveloping that. The developer is going to go for the cheaper option and I think that is what we are hearing. If we make it more affordable to build upon open land than on built upon land all we are going to get built upon land and we will have less open land available. I hope the Committee looks into that.

Council Member Dulin said I think this is pretty good work by City staff trying to find efficiencies. We've got two ordinances here and we've got two people looking at the same tree.

We've got staff spending their time going and checking the same tree, and we've got developers and people who are trying to redevelop our eastside that have to go to two different people to check on the same tree. There is still going to be plenty of opportunity for trees to be saved, and by the way, in last year's budget initiatives budget this Council voted to spend \$700,000 per year planting new trees. We are out there planting trees every day of the year that we can get a shovel in the ground, we've got somebody out planting tree, thousands of them, every year, \$700,000 worth of trees. This Council has made a commitment to trees. We've also made a commitment to jobs and until somebody borrows money, puts capital at risk and builds a building that then can be leased to a small business, leased to a guy who has a small business and he is making his business bigger and trying to grow his business, until that happens, zero jobs get made, zero new people get work and kids that are moving here after college, we've got nothing for them. I do love trees and we are going to be protecting them by some of these other ordinances, but I don't mind finding some efficiencies and getting rid of things where we are double-dipping on people who are trying to build this community.

Council Member Kinsey said I think what our colleague Mr. Cooksey said should be well taken and what it does for me is just point out that we really don't know enough about this to vote intelligently on it. There is not anybody sitting around this dais who isn't for trees and we all understand the importance of economic development, but somehow I have not gotten the real message from what I have in front of me tonight so I'm going to support this going to the Committee and I do encourage them to look at it very carefully just as Mr. Cooksey said.

Mayor Foxx said I'm not going to belabor the point, but I know the Committee will be looking at a number of issues, including the relative impact on trees, the payment in lieu option and what that really means in terms of what will be the impact, not only the environment but also on how we would actually finance the mitigation that you are talking about downstream. I don't understand as I'm sitting here whether more active use of the payment in lieu would actually equal apples to apples costs to the mitigation devices, and then the flexibility that we've talked about in the past as it relates to this ordinance, drilling down a little further on why if it is the case that flexibility isn't be practiced under the current ordinance and looking a less restrictive option in terms of changing the ordinance going forward, if there is any change at all. I take it heart to heart what many of the folks who come here have said about the environment and about the importance of this ordinance.

The vote was taken on the motion to defer this matter to the Environment Committee and was recorded as unanimous.

Mr. Peacock said the next Environment Committee will be on August 22nd, at 3:45 p.m. in Room 280. This will be added to the agenda as well as another subject which is currently in Committee so we will be working hard to get this prepared for that and I look forward to seeing those who attended to speak for and against this evening as well.

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ITEM NO. 13: CITY MANAGER'S REPORT

City Manager, Curt Walton, said I have two items tonight, one related to Transit and one related to the Airport. We will start with Transit and I would like to call on Brian Leard, who is the Safety and Security Manager for CATS. Several weeks ago there was a report on one of the TV stations about two businesses that had closed because of increasing crime rates along the corridor, particularly at the end at I-485 and South Boulevard and the numbers are really in diametric opposition to that assumption. We just wanted to give you the crime statistics for that station area and basically clarify the record.

Brian Leard, Safety and Security Manager for CATS, said here with me also is Captain Rutledge who is the Division Commander for the area that encompasses the I-485 Light Rail Station. On July 14th a story aired on WSOC where two restaurant owners on South Boulevard, in the area of the Light Rail Station made allegations that because of the increased crime that was in the area that was brought in my transit that they had to relocate their business. The story aired without any crime stats to support that allegation and as you will see over the next few slides we have here the crime stats do not support the allegations that were made by the restaurant owners.

There are numerous security and safety measures and of course safety and security is the top priority for customers, employees and citizens that use the transit system in addition to the business owners. There are numerous security measures that are in place at the I-485 Station to include the routine patrols by Charlotte-Mecklenburg Police, a CAT's Company Police Officer that is stationed at that location during all hours of revenue service. Dedicated fare inspectors and company Police Officers that are in and out of that location throughout the course of the day. The numerous video cameras both on the stations and the parking deck, the buses and trains that are on those vehicles, the numerous other CAT's employees that are in and out of there throughout the course of the day are of course additional eyes and ears for us, are able to record anything they may see. The next slide you see is what is referred to as calls for service and we have gone back and looked at these two businesses that were making the allegations of the increased crime in that area and looking at the information provided by Charlotte Mecklenburg Police and the calls for service, which can be anything from an actual crime to a noise violation, to parking, to accidents, to any type event that would require Police to respond. As you see, November 26, 2007 is when we went into Revenue Service with the Light Rail and since the opening of the Light Rail, the calls for service in that area has decreased significantly. In direct correlation to that the actual crimes that have been reported to CMPD at those two business locations, since the opening of the Light Rail Station and the Light Rail System have also decreased drastically since 2007. As we have shown in the previous two slides, back in 2006 and prior to that, crime was in existence in that general area before light rail even went into operation and you can see just some examples of crime that has been reported to CMPD prior to the start-up of light rail. There are numerous reasons for the decrease of crime in that general area. There are more patrols by CMPD and CAT's Company Police, a very strong partnership that we have with Charlotte Mecklenburg Police, not only at that location, but up and down our entire transit system as well as numerous cameras that are at the facilities and on the vehicles. The increase activity, not only from our employees that are in and out of that facility, but the hundreds of customers we have in and out of the I-485 Station everyday that also are eyes and ears for us that are able to report anything that may happen at that location. For these reasons and numerous other reasons, it is clear to see that the allegations that were made by the business owners certainly are not supported by the crime stats that we have.

Council Member Turner said this is in my District and one of the things I know for a fact is what you just indicated, and I spend a lot of time in that area, I think what has happened in most places, not just there, but all over this country is economics. We have had a business actually build during this timeframe that we are talking about on that very side of the street and that business is doing well. I was shocked to see that report because I knew the crime statistics did not support that and I had that conversation with our Chief. I want to thank you for taking your time to bring that to our attention and for the City Manager getting right on this. I didn't have a comment to the media then and I don't have one now other than I think the proof is in the pudding and you have provided us with the facts.

Council Member Barnes said this issue is important to me because of our work to extend the Northeast Corridor, the Blue Line Extension, and it is important that the general public know that we are very much aware of security needs as they exist along any transit facility. What I don't want to have happen, going forward, is for there to be continue to be there erroneous stories aired that negatively impact the Blue Line Extension so I don't know how WSOC would go about at least revisiting the story, but I don't believe they even gave you all an opportunity to respond during the piece did they?

Captain Rutledge said the report ran before we had the opportunity to pull the stats together. The report aired the same day that we received notice.

Mr. Barnes said which is unfortunate, so I hope that people are mindful of that kind of thing going forward, but thank you Manager Walton for running the information.

Mr. Walton said the other item is regarding the flight patterns of aircraft over Charlotte and I've asked Jerry Orr to comment on that. In 2010 the FAA implemented a new system of managing flight patterns over Charlotte and it moved it from a more dispersed pattern that pilots had more discretion over to a more concentrated pattern that were I believe done by computers. There is a website that has been developed and the result of that is there is a heavy concentration particularly over the Park Road corridor from Highway 51 up to Tyvola Road, Cameron Woods

for example where there is a lot of citizen unhappiness with this decision. There has been a website created to basically suggest to neighbors that they write the Mayor, Jerry Orr and myself to get the City to change its decision as well as US Airways and what we have been trying to relay back to them is that we don't have any decision making, including US Airways, in that decision. The e-mails have changed over the last few weeks and now they are filing formal complaints with the City. What I wanted you to understand is that since we have no role in that decision making we have no complaint process. We've been suggesting and providing the information to forward those on to FAA. I want Jerry to address the issue and for you to see a few visuals. It is an issue and we are not minimizing the issue. We just don't want to mislead the residents to think that we can actually impact the flight patterns over Charlotte.

Aviation Director, Jerry Orr, said that was a very thorough report. There are two changes we want to talk about and try to demonstrate to you tonight, and they are separate and independent. The first is the opening of the new runway, which means there are some people to the north and to the south of that runway that are experiencing direct over flights that didn't experience those before we opened the runway. The other is the implementation by FAA of a process or procedure called RNAV. In simple terms what RNAV does is the pilot programs his computer before he takes off, putting in GPS way points and then the computer flies the airplane very precisely the same way every time. Remember that the City is responsible for providing and maintaining adequate Airport facilities, the airfield, terminal, roadways, etc. The FAA is responsible for controlling aircraft movements on the ground and in the air. It is also the sponsor of the Part 150 Program which mitigates aircraft noise within the 65 DNL noise contour. The airlines are responsible for operating the aircraft and processing their passengers. That division of responsibility has been designed specifically to balance safety and capacity with noise impacts. Before the RNAV procedures that is the way the FAA controlled their traffic for many, many years, by the controllers issuing directives to the airplanes arriving and departing, which tells them how to fly. Those are called vectors and right in the center of this picture is the Airport, the three runways and each of these lines is an airplane taking off and going to the north. Remember the airplanes always land and take off into the wind so when the wind is blowing out of the north, they will be landing from the south, those are not shown on here, and taking to the north. Each of those airplanes follows a slightly different path. A big group of them take off and turn out and go in different directions. This is the RNAV procedure which FAA has implemented a little over a year ago and you can see the airplanes still do the same thing, they take off, they turn out, they go to these gates over here, but they are on a much more controlled and much more finite path as if they are on a rail. Because of that there are people who live along those paths that notice that most of the airplanes seems to be going right over their house. Mr. Orr used a video to demonstrate and said the green is the airplanes that are taking off, this is a south operation so they are taking off to the south. The red indicates the airplanes that are landing. You see that these airplanes are taking off on the center runway, they are departing and going over an area of the Red Fez Club on the Catawba River. These planes are from 6,000 to 8,000 feet high right there and these are planes that are coming in, and those planes are about 10,000 feet high right there were they cross. He pointed out that planes take off from the easterly runway, make some dedicated turns and the ParkSouth neighborhood and South Mecklenburg High School is in this area and those planes are about 7,000 to 8,000 feet high. Planes coming in to land to the north and are about 10,000 feet high there. The rest of the planes you see are also on RNAV routes going out in different areas. The people that are affected by the landings on the new runway are principally up here to the north. There are a few to the south, but they are fairly close in and there is not a lot of houses down that way. To the north there are several developments, Mountain Island Harbor which is roughly 8 miles from the end of the runway, and the planes are about 3,200 feet. At Pine Island Country Club, which is 5 miles from the end of the runway, going north, those planes are about 2,500 feet high and in the Wildwood neighborhood, which is about 3 miles north of the Airport, those planes are about 1,700 feet high. The 65 LDN line would be right about 1 1/2 miles. Remember that 20 years ago when we took advantage of the Part 150 Program, we bought about 425 houses, insulated another 1,000 houses, they were all within that area of greater than 65 LDN, the environment immediately around the Airport. All of the noise complaints that we have been getting recently are outside of that area so there is no Part 150 remedy and there is no feral remedy for these noise complaints. Remember that where the airplanes fly is federal jurisdiction and there is nothing you can do or anybody else to make the Federal Government not fly the airplanes where they want to. Not with standing our lack of jurisdiction or control however, we have been communicating with the FAA the results of the RNAV procedures on residential tranquility in those areas. The FAA and

the airlines are operating at the Airport have met on a number of occasions to discuss this matter and in a development not directly related to the noise complaints is called OAPM, the FAA and the airlines have been evaluating whether the RNAV procedures are delivering the operational benefits that we are expected to deliver. They have included the Airport in some of these deliberations as an ex officio member of the group and we are taking every opportunity to help them understand the importance of the quality of life here in Charlotte and how air traffic affects that. Our ultimate goal of course is to spread those airplanes out somehow and alleviate the impact of the RNAV procedures on the neighborhoods.

Council Member Turner said Mr. Orr can you speak to the fact that, and I know you and I have had this conversation, and I've had my town meetings where we've had citizens to come just to speak to that, and we spoke to it when we opened the new runway. The concern appears to be that there are more frequent flights later at night and you were speaking in regards to the height. You said that US Air would love to be able to change their level of takeoff and landing. What I've heard and what I have experienced, because I live out there and I've told you what it looks like at night, it is very loud and we have noticed the noise has increased, but I think what we have a concern about and the complaints I keep getting is that where they are now still low, when you get to my house they will be much higher. Today that altitude is much lower and extended out. Coming from the Rock Hill area about to Park Road and South Mecklenburg area, those flights come in and angle over Carowinds and that vicinity of South Tryon Street. What citizens want to know is how can we get them to change, not the pattern, but the height. If we can get them to not come in so low and not stay so low for long periods of time when they leave the runway.

Mr. Orr said that is an effort that the airlines have been working on for a while with the FAA. Remember that the RNAV is a national initiative of the FAA that has been in the planning for 10 to 15 years so it is not something we are going to be able to change overnight, but if you saw the little airplanes on the picture you notices that the green airplanes and the red airplanes intersected. It is important that they not be at the same elevation. Those red airplanes, you bring them in up higher and then you take the green airplanes out underneath because they have to cross. What that does it forces the green airplanes, departing planes, to be lower than they really need to be. What the airline would like to do is take that airplane off, climb out all the way up to cruising altitude as quick as they can, level off and go straight to where they want to go. That is a part of what the FAA calls next gen or next generation of air traffic control. That is not something that is going to happen tomorrow or in a couple of months. It is going to take a lot of money and a lot of time. The other part of that is, when you are landing the airplane, what the airline would like to do is come in high, cut the engines off and coast in and stick the landing right on the runway. That would be the least amount of noise, the least amount of fuel, the least amount of time and the least amount of air pollution, so it benefits everybody to do that. We demonstrated with the landing in the last couple of weeks, one of US Airways planes doing that procedure. It is called continuous descent profile and from way up here they come in on one control line. If we can get to where we can do that with all the airplanes then we will really have this under control. It is going to be a progressive thing though.

Mr. Turner said in hearing you tonight, we've got to a lot of educating our constituents and citizens that live out there in this area that it is not going to happen anytime soon.

Mr. Orr said I don't think it is going to happen anytime soon, but with our efforts with the FAA and with the efforts with the OAPM process we think we can make some progress. We think we can get those departures up some and get them off of those rails.

Council Member Barnes said I had a conversation earlier today with someone about this issue and at 1,400 takeoffs and landings per day it is going to be very difficult to figure out where to send the planes such that they don't go over someone's house. I can go into my backyard at any given moment of the day and there is an A-20 going right over the house. I think everybody, or least certain people within these rails, as you described them, are going to have this problem. If it is not over here it is going to be over there and if it is not over his house it is over mine, and if it is not over mine it is hers, and it is someone in the City just because of the number of flights, the size of the airport or the size of the city is going to have a problem. Although I find that last landing technique interesting. You said they will come in and turn the engines off?

Mr. Orr said I was exaggerating.

Mr. Barnes said I wouldn't want to be on that flight, I'm glad you were exaggerating.

Ms. Carter said they cut back the engines.

Mr. Orr said I just wanted to see if you were still awake.

Ms. Carter said we might have a partner with the National League of Cities. There is an organization called the National Organization to Insure a Sound Controlled Environment, in other words NOISE. I have attended some of the meetings and they are very effective. They helped Minneapolis with their Airport and they just awarded Denver their national prize, so I think as a prize winning Airport we can aim for that, but seriously if you could e-mail me that procedure that you were discussing about landing I would like to present it to them.

Council Member Dulin, said Airport related, but different subject. How much longer until the baggage claim area is fixed?

Mr. Orr said about two months.

Mr. Turner said we had the lady that came and reported her concern, have we responded back to her yet. I think this kind of developed from that.

Mr. Walton said that is Mrs. Dye, she got comfortable.

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ITEM NO. 14: BALANCE OF CHARLOTTE REGIONAL VISITORS AUTHORITY'S FY2012 CONTRACT FOR TOURISM MARKETING, CONVENTION CENTER PROMOTION AND BUSINESS DEVELOPMENT ACTIVITIES IN THE AMOUNT OF \$7,556,507.

Mayor Foxx said we've had a lot of conversation in the last several months about this topic. Tonight on our agenda is an item to approve the balance of the contract, which is \$7,556,507. I am going to take a little time and do something I normally don't do which is to speak ahead of the Council just to kind of frame it from my perspective. This issue has been one that has been front and center for several months and the intensions of this Council, as I understand it, as well as mine, have been to acknowledge that this organization needs to be improved substantially, to see to it that the organization is improved and then to obviously allow the organization to move forward and doing what we all want to see happen, which is to see the hospitality and tourism industry, which is an essential sector of our community, grow and continue creating jobs and economic opportunity in this community. At the same time the CRVA is funded through tax dollars. Some would argue that those tax dollars aren't property tax dollars and they ought to be treated differently, but they are occupancy tax largely that we are being asked to release today, but they are taxes. It is ultimately our joint responsibility to assure that those dollars are being spent responsibly and that those who are vested with the authority and public trust to dispense those funds are accountable for them. Our community, the people who live in this community work very hard and those who aren't working are primarily out working hard looking for work. They expect the public institutions in this community to at least work as hard as they do, so I think all of us have been troubled to some extent or another by some of the concerns that have been raised, and they are not just all the ones that are in the media. Some of the concerns that I've had have to do with the fact that this organization was charged with merging two entities back in 2004 and the evidence that we have today is that that merger was not accomplished. That there are redundancies and physical practices that were standard, and are standard, that haven't been practiced by this organization. That plays out in some of the things that we've seen in recent months. Move over this organization is responsible for overseeing the management of several facilities that are owned by the City. I'll spare the details, but suffices to say that I think a lot of work needs to go into improving the management of those facilities. One could argue, as many have argued to me that raising these issues presents a problem to the industry because by raising issues you almost by definition create concern and discomfort where in some places there is comfort and no concern, but the responsibility we have as a Board, I believe, is to make sure

that organizations are performing at an optimal level. That is in essence why I have been as vocal as I have been, in a hope and worked to see to it that we see changes. Last week the CRVA announced some organizational changes that parallel some of the other structural changes they are contemplating including tighter physical controls and other aspects of organizational reinvention that they are contemplating. This was welcomed news because what it shows is that at least there is some recognition that the organization needs to make substantial changes and it is a first step. It is not a restructuring that has reached its conclusion, but it is a first step and I think the Board ought to be applauded for that. By the way, our CRVA Board is a group of volunteers who come into this community and offer their time to try to make the organization work as well as possible. Despite the fact that it has been a little challenging in the last few months, I want you to know from my vantage point that I have a great appreciation for the time that you have to invest, but no Board member ever signs up for having to make some hard decisions like those that are in front of this Board. At the same time you have a fiduciary responsibility to the CRVA and to the public to do the right things to position the organization for the future. I'm hopeful that the organization will accomplish that. I will stop at this time because I know there are other Council Members who wish to jump into this conversation, but I will say before I yield the floor that I know none of this is easy and none of it is personal, it is all about trying to make this organization the best organization in the country for attracting tourism and opportunities for our hospitality industry. We've got to get to a point where there is enough confidence that this organization is working well so that we can lock arms and get about the business of moving forward and no-one is more anxious to do that than I am. I will leave it there and yield to Mr. Barnes who is Chair of the Budget Committee who has some further comments.

Council Member Barnes said I wanted to briefly say that I echo a number of the points that you made. If you had told me a year ago that we would be still be dealing with this issue, it started with the whole financial partners review, I would have said you must be out of your mind, but we are here and I think this Council has done a lot of hard work. The Board of the CRVA has done a lot of hard work to try to address the concerns that we have and that the general public has. I don't know that there is such a thing as a perfect solution to any set of problems, but I believe they have made a great deal of progress. I will say to you, my colleagues that the City Manager is still going to be charge of the \$1.7 million that we authorized for disbursement under his authority and in order to move the CRVA forward and to move this body and this community forward I want to move to approve the action in Item No. 14 which is to provide the CRVA with the \$7.5 million for business development activities.

[Motion was made Council Member Barnes, seconded by Council Member Cannon, to provide]
[the CRVA with the \$7.5 million for business development activities. `]

Council Member Howard said the only thing I would like to do is if there is somebody from the Board that is prepared tonight to actually walk us through timetables on the report that you gave us and what your anticipated time on this search on physical policies, just for the public, if you have a presentation prepared to do that real quickly.

Russ Sizemore. said in my day job I'm an employment lawyer at K&L, formerly Kennedy Covington and I hadn't realized that my night job would run quite so late at night, but in my night job I'm one of the new appointees to the CRVA Board and for that I'm especially grateful to be here. Joe Hallow is sorry that he could not be here and he asked me to be here and I'll let you ask him later why he picked me. He did ask me to be available if you had questions about this memo that you received last week. Just by way of background I wanted to underscore the numbers I think Sid Smith gave earlier about occupancy in Charlotte being up 8.7% over last year and at the highest rate it had been over the last three years. There are many things that are going well, although we understand, and we've been involved in a dialogue for quite some time. I've not been involved in that dialogue about things that needed to improve and the memo that you received is to highlight a couple points. I think just speaking to Mayor Foxx's comment about improvement, we had improvement in a couple of different areas and there has been striking progress made, specific policies revised to expense reporting, internal use of venues, third party event management and budget process, all the nuts and bolts that needed to be fixed. A lot of this was in the headlines. We are moving ahead of schedule. Committees have been working on those policies and we expect to be ahead of schedule and be adopting those policies at the next Board meeting in August. The other point that is clear from the memo is that we now have a plan to transition Mr. Newman to a new position as the Senior Executive responsible for

business development, sales and marketing and to recruit a CEO that will focus on organizational improvement and get back to some of those things that Mayor Foxx mentioned a minute ago about adapting the organization to the new challenges we have now with growth and opportunity. With the CEO we expect to have greater efficiencies in a variety of areas and to do that work that needs to be done to optimize this organization so it can do both the destination marketing and the management of the properties. We hear you and I think the organization has heard you loud and clear about both of those components and about the management of the assets that need to be better performing and P and L sheets lining up better.

In terms of your question Mr. Howard, we do have a good bit of work to do in conducting this search, identifying the capabilities we need, working with the search committee to identify how long it will be and institute a search committee. I think our goal right now is to do that as rapidly as possible. We've moved up this announcement in part because I think everyone has been eager for us to say what we are going to do and to get on with it. We want to do it, but we want to do it right. I think our outside view is that it may take as long as the end of the year, but we hope it won't take that long. We expect it to go faster, but we do intend to do it right. We also need to pull together the current employment staff, which has done so well, and to keep that staff comfortable and moving forward, reward that staff even as we make these changes. We can't set a more definite timetable than that. I think previous experience has shown that we can probably do it in less than that time, but we want to make sure that we have enough time.

Mr. Howard said once you get the policies written, what about the actual implementation into the organization. Is that something that will happen right away or something that will happen once you figure out the new CEO issue?

Mr. Sizemore said as soon as they are adopted they will be implemented. Michael Guire and I are both on the Audit and Compliance Committee. I have been involved in litigation about these kinds of policies and I have a great interest in them being adopted right away, and being enforced.

Mr. Howard said as far as the search for your new leadership, do you have a part in there where you will be getting input from a broad section of the community, including maybe this body?

Mr. Sizemore said we are certainly looking for a wider net about contributions. We obviously work with the hospitality industry and that is a big voice, but it is not the only voice at all. I think the Mayor made an excellent point about optimizing it and that means working with a lot of different people, so we would certainly be back to you for feedback or reports along the way.

Mr. Howard said one of the things in a conversation we were having recently, you were saying how sorry you felt for some of us, especially me in this first term because we've really had to deal some really, really hard issues in my 20 months or so on Council. This is one of them for me and this is not something that has come easy for me one way or the other and I know it has not come easy for you guys. One of the things I've always tried to do is remember why I was elected and that was to do what was best for the City and a lot of times that is really hard to figure out. I heard Ms. Kinsey say a while ago, sometimes it is just a vet and I do feel better in my gut of where we are going with this. It has not been easy and it has not been personal, it has been something that we all want to get right.

Council Member Cannon said I will not repeat anything from the last meeting when we initially had this topic once before. I think I'll let my statement and comments as they were then stand, nothing changes per se. Since we are now in another gear I do have some questions as we talk about moving forward and even though these monies may be approved by the Council this day, there is a still a strong level of accountability that we are going to hold you to, or at least I plan to. I've got a question about the post that Mr. Newman will be holding, which I heard you say is Senior Executive of Sales and Marketing. Is there going to be a Junior Executive of Sales and Marketing along the way? One of the things I'm very interested in is what your organizational structure is going to look like at the end of the day. I want to make sure that as strong as I know that Mr. Newman might be and all the success that he has had for the City of Charlotte, increasing our bottom line, that we have someone else that compliment those works as well. If we have them in New York, what if the citizens of Charlotte needs someone in L.A? What if we need someone in Miami? We don't have that luxury right now so I would be really interested in

what that structure in the future might look like organization wise. Is that something that we can expect to see at some point?

Mr. Sizemore said I certainly think you will see a plan. I think I can speak a little bit to it now and make an overarching observation about it. The overarching about it is that the job of this new CEO is also to figure out what skill sets are necessary and who ought to be in those seats and what kind of organizational unity we can create that we don't have, haven't had in the past that we need to create going forward, particularly with these challenges. I think there is an obvious issue here about continuity that we want to pay attention to. People have raised that in a couple of different ways. In a sense too, there were functions, the marketing as a destination and the management of assets and those have to work together. The bottom line though I think is that we do intend to be as efficient as possible and we are mindful about those dollars, and we also don't want to lose any revenue dollars. So if need people going in two different directions, we can't have just one person, but that is the CEO to figure out with us, and we would be talking with you if that is a real issue. The CEO, bottom line, has to figure out what staff it takes to be successful and we are bringing in that person with high expectations.

Mr. Cannon said it is a real issue because when you start talking insuring that you have a back-up plan and to individuals that can carry out what needs to be carried out, that is going to be very important, I think, for us to have some level of confidence within. And by the way, Welcome to the Board. The other thing is going forward I hope there will be an understanding of knowing what your business is. That being said, the areas of privatization, those things that you don't have any real, I won't say interest because you've got the interest in it, but it may not be your core function, it may not be the one thing that you need to be carrying out relative to what is it that you are supposed to be moving forward with, to be as effective as you can be. I certainly would ask that you would look very, very hard in terms of what it is that you are doing, that you might be able to outsource that could free up necessary dollars in house to allow you to do something else with those monies or that revenue. If you care to comment on that.

Mr. Sizemore said I would just say that we are exactly at that point where the organization has moved forward over time. I'm coming in as a new member, but it is easy to see it is a transitional point where whatever was necessary in the past about promoting Charlotte has to be matched up with the management of the assets. That has to be done in a way that gets integrated, but also has cost efficiencies. That is precisely why we would say we need someone who will focus on that kind of organizational effectiveness and improvement and that will be the CEO. I think we have exactly the same strategic plan about what needs to happen and where efficiencies might be found that would make this a more productive and a leaner organization.

Mr. Cannon said you know we met as a body at Johnson C. Smith University back in May and we discovered and we learned that relative to hospitality revenues that they actually grew from 3% to 18% in a year's time. One year, from 3% to 18%, five times from where it once was. That speaks of some high volumes and I would like to think and I would like to believe that the CRVA had something to do with that amongst other industries and/or organizations in this community. Let's keep that going as hard as we can, as best we can. Thank you for your leadership as well as your service.

Council Member Cooksey said as the Board continues, one of the things I recall from the time that I served on the CVB Board is that one of the constraints that both in the days of separate organizations and likely, I presume, under their combined organization, one of the constraints you have are probably more financial constriction than a private operation would think of having if it were truly a private operation running these City owned buildings and dealing with sales and marketing. We can see that continued restriction for example, just in the nature of the action item where the funds that we are providing, we are basically channeling through the CRVA instead of the CVB now for sales and marketing are divided into two specific categories that limit what they can be spent on. It was a difficulty of understanding the budgets of the CVB ten years ago and Council Member Cannon probably remembers a lot of these discussions, in that the structure of the funding restricts the organization in its flexibility because it cannot spend convention center sales and marketing funding on anything but convention center sales and marketing. It cannot spend general tourism except for general tourism and actually it can go from one to the other. You can do general for convention center, you can't do convention center for general, you've got multiple buildings to manage, some of which may not be frankly worth

managing anymore to amplify something perhaps that Mayor Pro Tem was alluding to. I encourage you to be bold in thinking the way you actually do business, the way you need to do business and feel free to come back to this Council to point out what legal and fiscal issues currently hamstringing your ability to grow that may be based on older arrangements, older deals that were created 10, 15, 20 years ago when the playing field we are now on was not even conceived of by the folks who wrote the legislation.

Council Member Dulin said Welcome to the Board, you and Chuck are good additions to that crowd so we are glad to have you over there. This has been an interesting three month period of all of us. It just keeps getting better and better. We just never know what is going to come around the next corner. This last memo was interesting and you guys are working hard and you certainly want to get it right. I don't think it is right yet and this memo about adding a new CEO, I thought it was a big step when you took the advice of Council, most of us probably told you the same thing, and went to a one-year contract, and a more of an at will contract for the top leadership. I was okay with that, there is a new set of rules and we are going to move forward. Then the news about the new CEO coming sort of set me off again last week. You used the term efficiencies twice in your comments to us and to me it is the opposite of efficiency to start adding more staff, not just staff, but the highest level of staff. I've got a problem with that. That is not efficient in my book to be adding somebody that will replace the CEO with a new CEO. It also doesn't seem to me to be very efficient to tell this Board that we don't know what everybody is going to be making, we're going to let the new guy or lady tell us that. For transparency to the community and for accountability to the community I would sort of like to know. You guys need to kick that around a little bit. I haven't been happy through all of this and it certainly hasn't been fun for us and I know it is not fun for the Board and the staff. It is a black eye for us all and I'm ready to heal from this black eye and move on. I've got a Council Member friend over on the other side of the dais that says every now and then she has to swallow hard and vote for something. I'm going to swallow hard tonight but I'm not going to forget that my backside is sore from being kicked by the community. I'm getting worn out on the telephone at my home, in my car, at my office and it is not good when this crowd gets worn out all the time about something that could have been fixed. I'm going to swallow hard and vote to release the cash but this has got to get fixed. We are going to add this new supposedly a \$300,000 CEO guy, and probably more, but what are you planning on cutting? We would like to know that. If you want to be efficient, this crowd if you want to add something to the budget you have to cut something. I'd be very interested in knowing what these salaries are going to look like.

Mr. Sizemore said I would take the point very greatly that we have a fiduciary duty to the City, to this Council as well, and the people of Charlotte with these tax dollars. We understand the complete legitimacy and validity of these kinds of financial concerns. I would point out that a couple of minor things in what you said, the decision has been made for folks to be on an at will basis to give us flexibility about going forward, to make good decisions going forward. There aren't any employment contracts for a year or any length of time at this point so we have that flexibility. That being said, it is best business practices to understand that you are going to have a diversity of functions in an organization of this size and scope with this kind of problem from integrating it to Friday functions. You do need a CEO who can do that and we are now at a point where those functions are more critical. In as sense we have agreed entirely with you that different skill sets and functions are needed at this point in time and we expect that those compensation decisions for the senior management will be reviewed with that CEO and the Board. It won't be just sort of farmed off to someone else and we will also be looking at, in light of our fiduciary duty, at studies about those compensation levels for comparable cities. Again, I will say that I've had to litigate a good bit of this stuff and it is painful to me bump an organization where that has gotten out of whack, but there is also a lot of information out there if you do truly comparable studies and figure out what is the appropriate comp level for what you want to get done. We hear that about the compensation issues. Efficiencies and productivity, we would say because this is a good time, maybe it is overdue in some people's mind where it is just the time now for integrating these things better and looking hard at the different assets of how well they are performing. We expect that a CEO is an investment that is going to pay us back in getting this work done. We see it as the right time to make that investment, everybody has been calling on us to make that investment and we are in agreement that is what we are trying to do.

Mr. Dulin said you mentioned that you thought that position could be filled by the end of this year?

mpl

Mr. Sizemore said that is correct.

Mr. Howard said earlier when I was talking I forgot to say that the Board has actually been extremely active in this conversation trying to figure this out. I'm not sure anybody has really said enough. Thank you for hearing our concerns and working with us through that. One of the things you just mentioned, I think what you were really saying is that we need to get the model right and then the costs should take care of themselves if we get the model right of how we should be bringing these two organizations together and doing what Mr. Cooksey said which is going and looking for even legislative solutions if we need to find them. I would hope you would do that. One of the things I would like to add to the motion if I could, is the review in six months, to come back to this body with a full report on policies, new staff and whatever the situation is, if that is okay with the maker of the motion.

Mr. Barnes said I would not be opposed to that. I don't know how folks feel about voting on that, but that would be fine.

Council Member Turner said I hear my colleagues concern there and the only problem I see with it is that you are driving an organizations timeframe. If you want them to get it right, let's give them the time to get it right. When they are prepared to present us their new structure and complete new guidelines for operational procedure then they will present it to us, but to put a timeframe on that, you are dictating again and you are forcing something that might end up falling outside of that six month period. I would rather let them do what they need to do so we can move on and then I will hear when they are ready.

Mr. Howard said I'm really just saying to check in, wherever they are in the process, I would just like to hear from them again in six months.

Mr. Cannon said I am respecting Mr. Turner's comment as well as Mr. Howard's suggestion. It seems to me and I don't know that we are going to get a lot of information in six months versus a year's time. If it is an update that we want let's just simply ask for the update. That is all we really need. We don't need to put a timeline on anything, it is just a matter of asking for an update. That is what the Budget Chair did and that is what we've done all along and we've had them front and center, day in and day out whenever we wanted them. I suggest we keep it that way because putting a timeline on it is not going to achieve anything.

Mr. Howard said I don't want to slow down the first motion. I will make the motion after we finish this to review in six months so we can separate the two.

Council Member Peacock said Council Member Dulin mentioned that this has been something new coming around the corner all the time. This has not been fun and I've been very disgusted in how this process has gone from the very beginning and I've been very vocal in my continued support of the CRVA Board's ability to make their decision, but I don't believe this Board has been fully transparent about the way that we've handled this situation since the June 27th vote. Let me explain what I mean by that. You all realize that the action that their Board took before the June 27th meeting, most of that discussion occurred as most of us, not myself, but many of us were in Seattle. They came to us with a solution of which many of these Council Members, not myself, signed off on. I feel like there is this conversation that is going on right here right now, but there is this conversation that has been going on consistently since that vote about we've withheld your money and now we want to see change, and yet when we talked on June 27th just before that the whole focus was on the Price Waterhouse report and what it said. Not one of us have questioned anything about the Price Waterhouse report, and the second part of it is that none of us have openly debated what just occurred as of last week which is the CRVA Board's announcement that they are making a leadership change. Was our Board seeking leadership change? If that was our outcome why haven't we openly debated it? Why haven't we talked about their leader, the shortfalls of their leader, what we expect. We have not been very clear as a Board as to what we expect of their Board and what we expect their Board to look for in the criteria of the CEO, and what our CEO has done. What I have not heard at all around this dais has been where has Mr. Newman fallen short of the metrics that his very Board has set. I am in no way in opposition to the organizational suggestions Mr. Sizemore, that many of us have had discussions with the board members. What I'm in opposition to is all of this intense dialogue that has occurred between Council Members and Board members about all the things

that have just occurred here. What we are left with is an organization that has a damaged reputation in the community, we're about to move a CEO to an assistant coach position, you're likely going to give him a pay decrease, you're going to make him very highly marketable on the open market by other cities to take him elsewhere and he could receive an offer and be gone. The CEO that you are going to bring in, and this is where this all began, it began in our Budget Committee reviewing CEO compensation of our financial partners. What was the economic impact on this community and tell us about the process that you are using to do that. What I heard clearly was that we did have confidence in the organization, at least from the Budget Committee's standpoint. We've had confidence along the way, but now all of a sudden on June 27th after the Price Waterhouse report occurs, between now and then we are now in the situation where you all have made a Board change for your CEO, you are making an organization change, which I can understand. It is just what is the Charlotte City Council doing getting involved in your decisions? Who is in charge here? I just feel like we are setting a dangerous precedent here in this City. This was almost in many ways it could be viewed as a quid pro quo if we approve this action here, which I'm very much in support of, then this is what we expect from you, but we just haven't openly debated that. I'm concerned about the message that we are sending as a Board. What happens if we have a problem at Discovery Place and we don't like the way that things are going there? Are we going to have conversations with individual board members and make this a debate about them making a change or are we going to withhold money from you. I just feel the way that we've gone about doing this as Board and interacting with their Board has not been as professional as I would have expected. I very much support this action as I did on June 27th when I was in a minority vote on that. What I'm feeling from the dais is that everybody is in support of moving forward with the funding plan here, but I think there is a reality that we are all skipping over which is we are going to lose a very good and effective leader for what he was charged to do by your Board and now we are left with, most likely to be a hiring a CEO at a comp level that is going to be equal if not more with a very short assignment to get them ready for the largest convention of our city's history. I've said it once and I'll say it again, I think it is a risky Board decision that has been made under pressure and I'm wondering how would Mr. Newman stay in his current position with a new CEO in place. I just don't understand how the Board is going to be able to deal with that dynamic. Going forward, how are we going to be confident that this is the right decision?

Mr. Sizemore said Council Member Peacock I appreciate your comments very much. I think part of them are above my pay scale in the sense that part of them are about your discussion with each other. On our side, here is an observation. Despite the public appearance of all of the discussions and criticism I almost want to say secretly the Board has actually been doing its job. It's been thinking hard about what it takes right now to get the organization to where it needs to be. It's been thinking about the successes which we are really reaping the benefit of with a lot of the conventions that have come to Charlotte and now the increase in occupancy and the increase in jobs that that brings. It's been doing its job and it has had great success so at some level there has been a gritting of teeth that maybe that success hasn't been properly appreciated when other issues were raised. On the other hand some of those issues are important issues and some would say we got the memo on that, but we didn't need a memo, we knew some of those were important issues. Then you think about where the organization is now and where Charlotte is now so as I say, secretly we have been doing our work, or they have been doing their work, I'm a new person getting up to speed on it and the idea is that it really is time to figure out the right skill sets and to follow best business practices about someone who will do organizational improvement and someone who will do sales and marketing and has a great talent in that. If we can pull this off we are not going to lose that talent and we are going to figure out the best way for that talent to work with other things that have to happen to the organization. I appreciate your support of the organization and I also want to say that these are changes that we are behind and I think the staff is behind and we see it as a way to go forward to get the organization where it needs to be.

Mayor Foxx said the question has been called and I'll just say that this conversation has been very good around the dais and I appreciate all the points that have been raised. I do want to make one point that this is not about one person, and never has been about one person. This is about the organization and the hospitality and tourism industry. I think one of the challenges here is that in some ways, in my opinion, the hospitality industry in some ways has been working against itself because I think that some of these improvements actually are going to make the trajectory even higher for the hospitality industry because the organization is going to be more

well positioned to cease on opportunities to go forward. I've not make a secret about that nor, do I apologize for trying to do what I think is in the best interest of the City and doing it publicly and speaking with board members who approach me about these sets of issues, which is what I've done. This is not the end of this process, it is the beginning and if I feel like this process has stalled or not moving forward, we will be right back here because I do have the ability to put items on the agenda. The way this contract works is that the money is actually doled out over the year so it doesn't all get released to the CRVA at one time. If we need to have this conversation further, but nothing would make me happier not to have to have the conversation come back to this dais about these issues. I welcome this group coming back to us to update us periodically. I think October would be a good time period to come back and let us know how things are going, but we don't necessarily have to have a motion for you all to do that.

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

Mr. Howard said just to make it more formal, October is fine, but what I'm saying is that because it has never been about a person, I want to make sure that we home in on all these policy changes, whether it be physical or otherwise as they pointed out to us and get a formal report on when that happens. What I'm saying is that in six months it would be nice to come back and actually hear about where they are on each one of the things they outlined in the plan that they gave us. I would like it to be more formal than just well it will come back to us.

[Motion was made by Council Member Howard seconded by Council Member Cannon, that in]
[six months we get a full review of where they are with what they have laid out in front of us.]

Mr. Howard said I feel the public would expect for us to do more than just kind of say we are done with this tonight and move on. I think we should all feel like we should do something to wrap a bone and this is just not well it is going to go away and we have to bring it back because something went wrong. I want to make it formal.

Mr. Cooksey said I'd suggest this falls one way or the other come back for review because if this is meant to actually mean something. Keep in mind this particular transaction that we are talking about, the transfer of roughly \$10 million for sales and marketing to the CRVA, it is the Council's to choose to give any organization to perform sales and marketing for us. Originally it was the Convention and Visitors Bureau which became the CRVA. We can hold it out to bid. It is a contractual arrangement so by contract, if this is not about particular individuals or about cases, if this is about what we expect of the organization receiving tax dollars, we can put those expectations in that contract to require them to be performed. The fact of the matter is, that neither this nor previous Councils have ever actually put performance measurement in those contracts in terms of heads in beds or room nights or occupancy of the Convention Center. If that is the direction that we are moving in then we ought to definitely consider doing that through the contract process that we do every year in transferring the funding.

Mr. Howard said if you think about timing, January would be when we would hear this report and in February we go to our Retreat and will be in the midst of budget conversations then and we can have that conversation at that time. That is the point in having a more formal process.

Mayor Foxx said the motion is to have this back in six months. I embrace the idea that you all can come back sooner than that if you choose to and I would welcome that in October.

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

YEAS: Council Members Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, and Peacock.

NAYS: Council Members Mitchell and Turner.

[Motion was made by Council Member Mitchell, to have staff work with the CRVA to make]
[the bid to host the NLC in 2016. The motion was seconded by Council Member Carter]

Mr. Mitchell said in 2005 we generated about \$16 million hosting the conference so it might take more than 4 hours, but we've got a tight deadline to get the contract.

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

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ITEM NO. 15: ORDINANCE NO. 4701 AMENDING CHAPTER 22 OF THE CITY CODE, ENTITLED, "PASSENGER VEHICLES FOR HIRE" AS RECOMMENDED BY THE COMMUNITY SAFETY COMMITTEE.

Mayor Foxx said this matter has been in the Community Safety Committee for several months and we got a briefing on this on June 28th. Mayor Pro Tem would you like to introduce this item?

Council Member Cannon said if it would please you and the Council we have two speakers signed up to speak and we would like to yield to the speakers if there is no objection to that, but the action here is to approve the Community Safety Committee's recommendation to adopt the ordinance amending Chapter 22 of the City Code, entitled Passenger Vehicle for Hire.

Frank Hinson, 4009 Hargrove Avenue, said tonight you will be asked to vote on changes proposed for Section 22 of the City Code. Some of these changes will improve our industry's service to the public and other of the proposals will place further burdens on the taxi industry that is already reeling from a depressed economy as well as our exclusion from the Airport. The City's policies likewise have done harm to our industry. We have CAT's buses extending their routes and continuing to run at a 75% loss amounting to our tax dollars being used to unfairly compete against those. The PVH inspector continues to ignore town car companies taking on demand business which is expressly forbidden by ordinance and the changes that have been proposed do nothing to change the way they will do business. The six-year age limit for taxis is not rooted in reality. When listening to Community Safety Committee members speak on this issue it is apparent that they don't have a clue about how our industry works. The typical taxi is run for 2 ½ to three years, perhaps 3 ½ as transportation for hire. At Safety Committee meetings I have heard statements like after these cars are a taxi for six years they have to be worn out. Believe me, no vehicle stays on the street as a taxi for six years. We in the industry know that there should be better cars out there for taxis. We think the age limit for transportation for hire should be between six and ten years, perhaps eight. Bear in mind that taxis don't run two and three shirts like in larger cities. A taxi in Charlotte is typically driven by one driver and no more than 12 hours per day, and often much less. The seconds dealing with changing requisites for drivers are particularly harsh. It will surely put people who want to work for their living out of work. Punishing drivers for having been charged with a minor violation, without even having their day in court, flies in the face of constitutional protection. The proposal under 2235A is a blatant effort to seal off the Airport with the installed companies firmly entrenched for five years. This proposal is an overt attempt to stifle competition and institutionalize the companies at the Airport. With due respect Mujeeb Shah-Khan, whom I count as a friend, is not an expert on transportation matters. Some of these proposals are needed. Others are anti-taxi and anti-business.

John Snyder, 1445 Downs Avenue, said I will be very honest with you. I'm about to make an emotional appeal. I have been involved in the process with these drivers over the last four months. I have talked to a lot of members of Council. I've known and worked with a lot of the drivers. The last time I was here to speak this place was filled with drivers. Since that time there has been some changes in the business and a lot of them are out of work. Mr. Hinson's company has lost 8 drivers over the last two weeks, since the changes at the Airport have come about. I understand the goal of you all is to make Charlotte run better and these drivers are for that. Tonight's amendment has some great things in, but it's got some really bad things in it. The specific bad thing in it is that the Airport Authority would have up to five years to guarantee contracts. In many of my conversations with you all, your concerns were sort of the idea that maybe your company or the people you are working with can come back in a year. Tonight's vote will eliminate that option and people will be put out of work. Again, it is an emotional appeal. I had the privilege 22 years ago to be part of Youth Leadership Charlotte. We were one of the first classes to be in this building and the Urban League put that on and we learned about good government. We learned that if a collaborative process where you won't get a perfect result, but you will get a good result and this option tonight isn't the best result. One of the other problems with the Airport change has been that every cab company has to have a certain number

of cars. Because the Airport route has been taken out these guys are gone. They can't keep 30 cars on the road because the money is at the Airport. That is not what you all intended and in my discussions with you all that was clearly not what you intended. What you are going to see with a long-term contract is one company going around to the Airport. One of our company owners was called by Belk's to find out whether they could still drive people to the Airport because their understanding from the public and from what they see in the media was as a result of them not being one of the three companies chosen to drive to the Airport, they couldn't drive to the Airport. It just meant that they couldn't pick up so the changes in the process have been bad for the small business owners. I know that is none of your intent, but that has been the real outcome and the real problem. I would ask you to either vote down the amendment or change the language on the long-term contracts.

Mayor Foxx said Council, this is in your lap so is there a motion?

Council Member Howard said if wonder if the Chair of the Committee could address the points the speaker made about the five year, and the possibility of the Airport being able to tie those contracts up for five years?

Mr. Cannon said we did and I will yield to staff who is here and this is about the Airport Taxi service and allowing the Airport to enter into operating agreements with taxi companies for a maximum of five years. The current ordinance of course requires the agreements to expire every year, but we do have Mr. Shah-Khan here to help us with this.

Assistant City Attorney, Mujeeb Shan-Khan, said the changes requested by the Airport was put through the Committee process. What currently is in place is that the agreements expire every year. In fact the agreements that were just signed for the services to start on the 18th, those are one year agreements so those are going to expire in another year. What this allows is the flexibility of the Airport to where as they have now required the companies to have credit card machines in the back, to have better equipment, it allows those companies to make the investment to provide the better service, so it is the stick and carrot approach. They are offered the opportunity to work at the Airport but they are given that opportunity for a longer period of time and therefore they are more willing to invest into the equipment that they need.

Mr. Howard said I get that and they are making a significant investment is what you are saying and we want to give them time to recoup it. Just going from one to five seems to be pretty big.

Mr. Shan-Khan said it is up to five years, so the Airport could make a decision that instead of it being a five-year contract, it could be 4, 3, 2 or even a one-year contract. Right now the change would give the Airport the flexibility it has always had. It does say they can go up to that period of time and I would defer to the Aviation Director in terms of what they would prefer to do. They asked for some flexibility so it was put in the requested set of changes and brought to the Committee.

Mr. Cannon said does that help you with the up to, it certainly a whole lot different than being exactly right at, which I thought the read was.

Mr. Howard said it seems like help with the competition possibilities but okay.

Council Member Turner said I had a problem with then and I still have a problem with it. I think you eliminate your competition. I think to leave that so open to go up five years, you would not have ask for it if you were not planning on using it. I think people should be awarded that is complying and doing a good job. Another concern I have, if I recall correctly, Jerry told us that they would take over the up fit of those cars and would control that. There is no upfront costs to those cabs so there is not an apparent timeframe that we are really trying to allow them to recoup. Either you making a profit or you are not. I won't let that be a reason to justify a long-term period for them to have a five-year contract. What I think is we should stay with one year, that is my opinion and I think we should allow people to be competitive for that work. It is bad enough that we have eliminated a lot of small businesses that have lost their jobs and no longer have the opportunity to pick up at the Airport. I think to only extend it makes it worse if we are sincere about giving people the opportunity to be able to try to get back into the Airport business or get an opportunity to be at the Airport. I don't know how we accomplish that by giving

people a longer term than a one-year contract. Even if you have it for 1 ½ year to 2 years, that is more reasonable to me for two years then to say up to five years. You are giving the discretion to say I can give a 5, 4 or 3 or keep it at one year every year. Obviously, if I'm giving you a one-year contract every year and I have the discretion to go up to five years, either you are not doing a very good job or I'm just holding you on because I don't want someone else. I won't support that and I'm not in total support of reducing the year of the vehicles. I think ten years is still reasonable with today's automobile industry, the way cars are made. If they take care of their car and keep up the maintenance on I think that is still reasonable.

Mr. Cannon said I want to make sure that I acknowledge the members of the Committee. Council Woman Kinsey is Vice Chair, Council Members Barnes, Dulin and Peacock and all of us voted unanimously for what is before us today. Council, obviously at the end of the day reserves the right to make any suggestions or changes it would like. We did have this come to the Council in the way of a Workshop at the Dinner Meeting and we thought we were trying to give everyone every opportune moment to make their comments relative to anything that we needed to try to update before we got to this point. You all should have received something from Mr. Shan-Khan dated July 20th and it talks about the highlights of what the Committee would like to speak to right now. You heard mention about criminal record checks. This will require annual criminal record checks for all company owners and vehicle owners. The ordinance requires annual criminal checks for drivers, applications for all permits may be denied if applicants have any felony convictions in their background. You will recall what issue that happened to be or could be in the future. The age limit change, this body will recall that it was previous Councils way back when that wanted to address the issue of trying to do something relative to having good quality operating vehicles to be on our streets. The maximum age of all passenger vehicles for hire, that will be taxis, limousines and towncars, that will be six years starting July 1st of 2012. The current age limit right now as Mr. Turner pointed out, is ten years. That was increased from 7 years in 2006, but it continues current exemption for limousines and unique vehicles from that age limit. There was an issue brought up in Committee relative to smoking. Some of you might know that you have gotten in cabs and when you went in your cloths smelled alright, and when you got out sometimes it smelled like a lot of smoke. Smoking will no longer be allowed from this perspective. It no longer allows drivers to smoke in the vehicles at any time. The Mayor had an item that we thought was very, very important. He had asked a question relative to green vehicles, not the color green, but green vehicles as we well know what green would mean. We looked at alternative fuel vehicles and are bringing forth to you an opportunity to create incentives for companies to purchase green vehicles that would be gas, electric, hybrids or electric powered cars. This would require all drivers to be licensed in either North Carolina or South Carolina. Currently, only requirement is that the drivers have a driver's license. Relative to technology, you heard some mention of that. I think Council Member Dulin had got taken on a scenic route at one point going to or from a destination however, we hope the technology here would require backseat credit cards and devices as being recommended to Mayor and Council and a GPS navigation in all taxi cabs. These are some of the highlights that we bring before you and hope you will see some merit and approve this process. However, please note that any opportune moment that Mayor and Council might have any other outstanding issues, you can bring those issues up and have us to go back and take another look at it.

[Motion was made by Council Member Barnes, seconded by Council Member Howard, to]
[adopt the subject ordinance as recommended by the Public Safety Committee.

Council Member Mitchell said first of all I want to thank the Committee for all their hard work because this has been a tough issue for all of us. I'm struggling a little bit with the Airport taxi service. Staff, can you share with me what was wrong with the current policy up to one year. I see the shift to five years, what is wrong with the current policy?

Mr. Shan-Khan said Mr. Mitchell, it was not that there was anything wrong with the policy. The policy was something that the Airport did use and used for many years. In fact the current new contracts with the new companies are one year contracts. They requested during this process some flexibility so we determined the appropriate way to do that was to say that the Aviation Director could enter into up to five-year contracts. It was a request made by the Aviation Director and the Airport that we provide that flexibility and that is why it made it into the draft that is before you today.

Mr. Mitchell said I'm very supportive of the hard work, but I have a lot of heart burn on that one. I don't know if it would be best if we separate them out because I don't want to vote against the whole policy, but that one gives me a lot of discomfort.

Council Member Carter said there was mention of incentives for non-smoking policies in the vehicles. Is that moving ahead?

Mr. Cannon said what you do is I think you get into another issue relative to some State legislation or requirements. They won't really allow us to move that forward. Council Member Barnes had initially brought that up in Committee which we thought was a very good idea, but we found that there were some legalities that we were running that probably would not allow us to move forward with that.

Mr. Shan-Khan said what we did look at was whether or not we could ban it entirely. I think Ms Carter may be asking about an incentive based program for the use of no smoking stickers. That was something that the Committee asked us to look at, staff looked at and because of the fact that you passed the budget back in June, that would be a potential change to the user fee schedule. So what we asked is if you would allow us to take a look at that over the course of the year and then maybe made a determination if something is deemed appropriate we can bring that back to you for consideration in the normal budget process. To make a change now to provide credit in either companies or drivers or any entity, would require you to change the user fee schedule that you spent quite a bit of time working on and that Budget and Evaluation and all the departments spent a good deal of time working on instead of just changing it on the fly.

Ms. Carter said if there is such a change I would recommend that it be called the Burgess Resolution.

[Motion was made by Council Member Cooksey, seconded by Council Member Mitchell, to]
[strike the provision changing the Airport contracts. They would stay as they are, renewed]
[every one year instead of being able to renew up to every five years.]

Mayor Foxx said we should ask staff to weigh in on that if they wish.

Mr. Barnes said unless anybody objects, I would be willing to accept that as a friendly amendment.

City Manager, Curt Walton, said I haven't had any conversations with Jerry as to five years. I don't know that that is an issue, it was just a request for greater flexibility.

Mr. Shan-Khan said I believe it was discussed with the Airport Council and they were actually were in court earlier this morning working on the various number of taxi losses, so they are not here at this meeting, but as the Manager pointed out, it was a request. It is not an issue that would be something that would be considered a huge loss. If the Council decided to make that change it would not be seen as something from staff perspective. I think it wouldn't be a huge issue at all.

Mayor Foxx said the amendment has been accepted and no objection to it as far as I can tell.

Mr. Barnes said it is a friendly amendment.

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

Mr. Cannon said I wish to acknowledge Assistant City Manager Eric Campbell for his hard work and we appreciate him and thank you for allowing him to serve in that capacity along with Major Douglas Gallant of the Police Department, as well as the entire CDOT Department.

Mayor Foxx said I do think at some point in the future we are going to end up having to deal with the relationship between cab companies and cab drivers in a different way because what we are doing is right in the sense that we are trying to make the cab stock better and more 21st century, but part of the problem with that is that it shifts costs and companies can afford to up fit their stock if the cabs are owned by a company. Individuals who are driving cars themselves are

going to have to absorb this costs and the cab companies are charging in some cases exorbitant amounts to these drivers to drive their cars. It is a conundrum that I hope we come back to very shortly and I think it is a problem that has got to be addressed.

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ITEM NO. 16: MOSAIC VILLAGE PUBLIC PARKING AGREEMENT WITH MOSAIC VILLAGE, INC. PURSUANT TO WHICH THE CITY WILL PAY \$3,001,134 FOR THE PROVISION OF 223 PUBLIC PARKING SPACES FOR 30 YEARS WITHIN A 403 SPACE PARKING DECK IN MOSAIC VILLAGE; DECLARATION CONCERNING PUBLIC PARKING TO ESTABLISH THE PUBLIC USE OF THE SPACES IN THE MOSAIC VILLAGE DECK; INFRASTRUCTURE REIMBURSEMENT AGREEMENT WITH MOSAIC VILLAGE, INC. FOR THE CONSTRUCTION OF PUBLIC RIGHT OF WAY IMPROVEMENTS RELATED TO THE MOSAIC VILLAGE PROJECT IN AN AMOUNT NOT TO EXCEED \$181,860; AUTHORIZE THE CITY MANAGE TO NEGOTIATE AND EXECUTE ANY FURTHER ANCILLARY DOCUMENTS OR NO MATERIAL CHANGES TO THE AGREEMENTS AS MAY BE NECESSARY.

[Motion was made by Council Member Mitchell, seconded by Council Member Carter, and]
[carried unanimously, to recuse Council Member Cannon from voting on this item.]

Council Member Mitchell said I would like to thank Johnson C. Smith and the Griffin Brothers for a unique opportunity called Mosaic Village. This is an investment for \$3.1 million of City Council support to this project. The price is a total of \$29.1 million and consist of 80 student residents, 6,800 square feet of retail and 403 parking spaces and a roof top event space. We had a lot of discussion about the parking deck and I need to thank Ron Kimble because at our place today we have an explanation involving public parking as a way of public and private partnership. Some of the other highlights of this is that Johnson C. Smith has a very aggressive schedule. Mr. Graham is here to represent Johnson C. Smith to speak to any issue about the timeline. The President gave a direct order that by September 2012 they need this facility built so their students can move into the new residence. There is a goal of 30% of MWBE/SBE participation so as we move into our corridor we are also providing economic opportunities for small business as well as job creation.

[Motion was made by Council Member Mitchell, seconded by Council Member Carter, to]
[approve the subject actions.]

Council Member Peacock said I was going to ask about timeline and also wanted to ask if Mr. Kimble or somebody associated with the creation of this document as it relates to the parking agreement. This just got handed to us tonight. My question is twofold, one is about the document that we have before us. Explain the similarities in this parking transaction and explain the differences especially in the financing models that we have in the following projects which is the Westin Hotel, Elizabeth Avenue Redevelopment, which is a synthetic TIF, Metropolitan, which is a tax increment grant, Levine Cultural Campus, which is a synthetic TIF, NASCAR Hall of Fame, that was Certificates of Participation and the Levine First Ward Project, which is forth coming, but we've already approved the tax increment grant. The write-up is not too detailed on this and my second set of questions were dealing with the speed of which we have moved this through. It seems that speed is the one thing that is very different in the way this is moving and I'm just hearing it is just to accommodate a student's schedule. Maybe you have comments on that too.

Peter Zeller, said the City does not have a written policy on public parking provision and as you rightly noted and as this document points out, we've participated in about 5 or 6 different public parking projects and each one of them has been structured slightly different to accommodate what the realities for each of those different projects are. Some of them like the Westin Hotel have been direct purchase of parking spaces, where the City negotiates a per space price and actually purchases the spaces for public use. Others have been reimbursements based around through a synthetic tax increment financing structure where the developer creates the parking spaces, owns the parking spaces and the City reimburses the cost through the synthetic tax increment structure in exchange for a certain number of those spaces being put aside for public use. Depending on what the financial structure for each project is, there is a different

response to what makes sense for getting appropriate number of public parking spaces. It is not outside the realm of our past experiences and our past projects that the City has gone out and actually purchased in a wholesale manner public parking spaces. There is not one that is an exact duplication of this structure, but there are ones that are out there that are similar to it, that are reflective of how you need to be responsive to different conditions on different projects.

Mr. Peacock said what is different for me is that is the only one that seeks funding directly from one of our essentially business corridor fund. It is coming directly out of a cash budget set aside that we put away a couple million dollars a year for. Is that correct and is that why this one is different because the others seem to be seeking some type of grant opportunity, some synthetic TIF. There seems to be more of an element of we are going to benefit as they benefit.

Mr. Zeller some of them like the Elizabeth Avenue contemplate using COPS (Certificate of Participation) so those are actually going out, taking on debt and either buying those directly or as you point out they are reimbursing at the end through an identified source of income which would be the new tax revenue coming from the project. This one is slightly different in that we are taking money out of an existing capital account that has been put aside for economic development purposes and using that to create the economic development opportunity.

Mr. Peacock said you bring up a good point and one thing that has made me uncomfortable about this transaction has nothing to do about my support for the west end and the changes that are coming. They are starting with the public art project at the bridge and working its way up that corridor and the exciting things that Johnson C. Smith is doing to be more and more an urban school and a leader in this County. I'm on their Board of Visitors and very much an advocate for what they are doing, but we don't have a public policy for parking right now and we just admitted that. I'd like to see a referral on this Council, I don't know if the Committee has talked about this, I didn't catch your minutes, but would you all be open to a referral to the Economic Development Committee on this to talk about public parking policy? You are using funds here for the corridor redevelopment. I just don't feel as comfortable about this one because it seems much more unique than the other ones and I'm scared about the precedent that it is going to set.

Mr. Mitchell said I think we will be glad to look at a formal policy on parking, but as staff said they have always been case by case, kind of unique, because at the end of the day we either was filling the gap or we were causing a catalyst in a particular area. I think even in this particular case, to your point you alluded to earlier, this is creating a catalyst and the \$3.1 million money we are taking out of the business corridor, there is still \$17.4 million left so I don't want to give the impression that all of the money is going toward Mosaic Village. We still have a lot of money to do other development on the east side or Central Avenue. We will be glad to do a public policy on parking, but I would tell you this, if you look at the return on investment, it has been very successful for us to move and redevelop an area.

Mr. Peacock said you mentioned the parking component it has been very successful.

Mr. Mitchell said yes, but we would accept a referral if you would like for us to.

Mr. Peacock said each of these projects, Westin, Elizabeth, Metropolitan, Levine Cultural Campus, NASCAR Hall of Fame, and the Levine First Ward Project, the other thing that strikes me as very different about this, is this is our first parking venture in an at risk corridor that has been for a number of years, so that is very different. I would respectfully say that we don't have a lot of experience in how parking will end up in that transaction there. I understand why this one is unique, I just think in the absence of having a policy for parking, if for example a developer were to come to us at Eastland or any other future corridor that we might deem as being at risk, or North Tryon of the things that were part of the 2020 Vision Plan, does it really send a message that if you are a developer and you are in a corridor and you are having trouble getting financing you can just tag on parking to it and the City of Charlotte might be interest. I don't know what kind of debate you all had about this. The other question I have about this is the speed of which has moved. I think every single one of these is things that have in common to me has been that there was a lot of deliberation between us as Council Members and each of these specific projects, the one that I remember the most hasn't even been built yet, but there were so many steps taken for the Levine situation, which hasn't even taken roost yet. I know we had a lot of debate around the NASCAR Hall of Fame.

Mr. Mitchell said I think the speed is because staff has gotten better. We kind of understand these types of models so it doesn't take us as long as it did the first one. Staff is more comfortable saying we can have the can do attitude and get models done. Secondly, you said at risk corridor, I think you recognize it is difficult to develop in some at risk corridors, but I think this is bold leadership to say we believe in the five corridors we need to develop, we don't know this model might work for the other ones, but we clearly say this model works for West Trade Street and Beatties Ford Road, and it was Patsy Kinsey who raised a lot questions about the parking deck and we had staff to give us some history at that particular time. I wanted the whole Council to have this document. What you are saying is great, but I would say it is a matter of staff learning more how we can use parking to get deals done and fill in the gaps, and secondly, we had a great partner in Johnson C. Smith who had a demand about getting the student housing built before September 2012. Thirdly, it was the fact that we had about \$20 million in our Business Corridor Fund so you've got an option, do you just hold on and let the money sit there or we provide some type of leadership and say we believe in being a catalyst for our corridors.

Mr. Peacock said my question is around the timeline again and I'll let Peter talk about this, but the committee had discussion and you all were working under a deadline and I'm hearing the decision to get students in housing by September of 2012. Tell me about the timeline, what are the elements of this timeline and why are we moving in such a fast pace. Maybe Malcolm can tell us.

Mr. Mitchell said our former colleague, now special assistant to the President, Malcolm Graham, can you elaborate on the timeline for us?

Malcolm Graham, Special Assistant to the President for Community Engagement, Government Affairs, at Johnson C. Smith University, said the timeline is twofold. One, when we first met with the City Council and made the dinner presentation was to take advantage of the opportunity to get financing for the project. That was the first criteria, trying to make sure that Griffin Acquisition, who was our partner, was able to the financing necessary to secure the Mosaic Village concept. Secondly, we at Johnson C. Smith University look forward to presenting the new dormitory residence hall to our students in September of 2012. We have been working with our partners for well over 18 months planning the development. Certainly we all have some goals to renovate other dormitories on campus and we would like to go into one and close others on campus for renovation so we do have a significant need for those units to come on board in August and September 2012.

Mr. Peacock said I'm not hearing from you that there is a need. Do you have a housing shortfall for students and is this driven by something that we are having students that are going to be without housing choices?

Mr. Graham said part of our strategy at the University is to renovate every dormitory on campus. We would like that renovation to start in 2012 by closing out one of our units and closing out that unit will create a need for additional housing, therefore we would like to be able to go into the new Mosaic Village apartments in 2012 to begin their first renovation project on campus. There will be a need for housing in 2012.

Mr. Peacock said with the housing be used for anything else?

Mr. Graham said to house students.

Council Member Turner said I know from my experience that one of the most difficult things to do, in this project and in any project you build like this, when you have a limited amount of space to create enough support parking spaces where people can be able to park and support the retail that you are proposing. I think that is crucial to the success of that entire project, is whether or not you have sufficient parking and adequate parking where people can get to it. I think the parking deck will allow that to be sufficient enough parking to allow people to be able to park and support the future retail space and business along that corridor for future development. I think it is the right move and I'm going to support it for that reason because it is needed. We have that same issue on Morehead Street. If we had a parking deck there to support the investment that people have put their livelihood into those small businesses along Morehead Street and Freedom Drive, but at the same time their biggest dilemma is parking. We tried to

look at that when we first started that redevelopment to put in and find a way that we could partner with someone that would be willing to put in a parking deck. I think this is a great opportunity. At least it will give us a measuring stick to see how successful it can be and I think it will make the future corridors like Morehead and Freedom Drive even more easy to be able to do that and have at least something to see how we can do it and that it in fact does work.

Council Member Barnes said I have a question regarding something that was talked about with this project a few months and that was, there was the parking component, a book store component and a historical house. Are those asks coming? What impact will they have on the corridor development money, because I'm sure that my colleagues Kinsey and Carter have an interest in that fund for the purposes of North Tryon, Central Avenue and other key corridors. What is the status of the other two, the book store and the historical house?

Mr. Mitchell said there are three separate deals. I think Johnson C. Smith had tried to bring all the deals together, but you've got three different property owners. The Griffin Brothers was a willing partner in this case. The book store owner has been in a nice way taking its time so it has been difficult to have Johnson C. Smith to have them at the table and they are still working on the architect for the Davis House.

Mr. Barnes said will there be an additional request? I guess the point is that I would not expect that have of that \$20 million would go to a two block area in one corridor.

Mr. Mitchell said I would agree with you and I think most of the Council would agreed that we hope the remainder of \$17.1 million would be spread among the other four priority corridors.

Mr. Barnes said do you know if they are going to be making an ask?

Mr. Mitchell said I think the book store is minimum ask of about \$150,000 on the book store.

Mr. Graham said I don't know the exact figure, but we have been working with the Smith Family, no relationship to Johnson C. Smith University, in terms of redeveloping what is the two-way site right across the street from Church's Fried Chicken. We are looking at an 18,000 square foot building, two stories for a print shop and book store. The Smith Family has been working with their financial institution, they are getting their pro formas ready, we have settled on a floor plan for the book store and we should be ready to approach Council probably in September. We are looking at a \$3 million to \$4 million facility and I don't know what the ask is until we receive the pro forma, but we will be coming back to the Council for that request as well. Obviously, we are very interested in revitalizing the corridor. We aren't interested in building a building. We believe that the West Trade Street/Beatties Ford Road Corridor is deep in history and tradition, deeply rooted in the African American experience. It is the gateway to uptown Charlotte. It is the University's front door, we clearly understand that don't want the entire \$18 million for the corridor. That is not our intention. Our intention is to provide catalytic projects like Mosaic Village, like the book store, like the I-77 Bridge Project, like the investment that we have made in the Gold Rush and other corridor initiatives to provide the type of catalytic boom that is necessary to create the synergy for further development. I can tell you, you talked specifically about the parking garage and the need for public parking on the corridor, based on our ULI study as well as the 2020 Plan that you heard about today, you all talked about parking and parking on corridors like Beatties Ford Road, where there is enough property for redeveloping, but not enough for parking as well. The answer to your specific question, there will be another ask in reference to the University Book Store and the House.

Mr. Barnes said what will that ask be?

Mr. Graham said I do now know. That project is off to the side right now. Our primary focus is the Mosaic Village and the University Book Store.

Council Member Cooksey said first of all I need to make sure I've got figures correct. As I read in the write-up there is actually \$17.4 million in the fund now so taking \$3.2 million out will drop that fund to \$14.2. Am I reading the numbers right? It is \$17.4 million now so it is not \$20 million and leaving \$17.4?

Mr. Mitchell said yes, but you and I agree there is still a lot of money for other developers.

Mr. Cooksey said it is a lot of money overall. I'm still not persuaded on parking as a public infrastructure item. I voted the first time around on going forward and this is only the second time this has come up since I've been on Council. The first time was the Levine First Ward Project and I voted no on going forward with even considering that because it was parking deck for a public university and park. It just galled me at the time that we were having to put in an investment for parking for a branch of the University of North Carolina System because they were not covering that for their own buildings. I came around because it was a tax increment grant that was being paid for by the overall property taxes being generated from the overall development and as I look back at these others that have done I can see either paid for with incremental tax increase or specific gains for public purposes in them. Westin and NASCAR Hall of Fame coming into mind, both of those, particular the Westin we got some guaranteed room blocks for ten years for the Convention Center for the Headquarters Hotel and paid for that out of our occupancy tax. NASCAR Hall of Fame, of course we needed parking for it and used a variety of other occupancy tax and land sales sources for that too. This, I'm just not seeing the return on the public investment. Clearly most of it, or a good chunk of the development will not be taxable. It appears to me to be owned by the University so if it were taxable with a \$29 million value or so, there would be some revenue to throw off to even try to do a tax increment grant, but it is not going to be that. I don't see what we get for it, just like I didn't see what we get for \$50,000 to help Queen City Ford with strategic planning. I didn't see what we get for the City as a whole out of \$1 million ask for City Market that we didn't do. I can't see myself voting for this either.

Mr. Zeller said all the property that is associated with this project will be privately held and will be subject to tax. Johnson C. Smith University will be leasing from a private developer who will be paying property taxes on the parcels.

Mr. Cooksey said then that raises the question, why isn't this being presented as a tax increment grant deal?

Mr. Zeller said the projected tax increment off of this project would take about 31 year to pay off the \$3.1 million.

Mr. Cooksey said 31 years doesn't work, but 30 years on the Levine Project does work?

Mr. Zeller said the Levine Project is 30 years of public parking. It is not a 30-year TIF.

Mr. Cooksey said I still don't see it. If there were the money there to fund it, it would be one thing, but I just don't see it.

Council Member Kinsey said I've struggled a little bit with this myself and I certainly want to do something to enhance that corridor. There is no question about that, but I do struggle a little bit with seeing the public good. I'm going to support this, but now knowing that we are going to be asked for more money, we don't know how much, and then somebody is going to have to figure out what is the public good in that and struggle with that. I'm uncomfortable and I don't know how much further I can go with that. I'm glad to know ahead of time that is coming, but I will tell you I just don't know about the public good. I know staff had to wiggle around with this and make it work and they will try to do that again, but we are using this money and I didn't realize that we only had \$14.2 million left. There are other corridors that we need to use this money for. I'm going to go ahead with this but I'm putting you on notice, I'm not real sure about the other. I guess I'm going to have to be really sold on it and I'm not even sure I be sold on it. I think we need to spend that money in some other corridors.

[Motion was made by Council Member Peacock to have a referral on the subject of public parking and our policy there to the Economic Development Committee.]

Mr. Peacock said one of the questions I had for staff prior to tonight was just trying to better understand the business corridor fund, what its purpose has been and what the parameters are around that. It has intentionally been left in design to be flexible and I just think in order for Ms. Kinsey to feel more comfortable and I don't feel as comfortable as you do tonight. I feel comfortable and Mr. Mayor I was going to ask you to break this vote out. I certainly feel comfortable with Item #3 under this action tonight, but Items 1 and 2, just by simply the way in

which this has come so quickly between May and then maybe a couple committee meetings in between that, but when you don't sit on the Committee, for me I'm just challenged on how quickly we've moved on this and I'm still yet to be convinced about why we are moving so quickly here.

Mr. Cooksey said Ms. Kinsey's comments reminded me of something that I remembered why I had forgotten. I keep forgetting that having lost every vote on the Streetcar and now I'm supposed to be looking out for the Streetcar more and the Streetcar is the public infrastructure I thought we were building out toward Johnson C. Smith. The Streetcar is what I thought we were going to be bringing to distressed business corridors of Trade Street and Beatties Ford Road and Central Avenue that would be a transit oriented development catalyst rather than a car oriented development catalyst. So that is another strike against this project in my opinion because at some point because we've committed on the Streetcar and again I've lost every vote to try to stop it, so it is going to happen. At some point we are going to be extending tracks down Trade Street toward Johnson C. Smith and then up Beatties Ford Road. There is the public infrastructure. While I disagree on the method of funding, I've always agreed that that is a legitimate transportation infrastructure item that government is to work on in this City, providing a comprehensive transportation solution. Thanks for reminding me of the second strike on this subject for me is that I think the catalyst project should be transit oriented, not car oriented for an urban corridor.

Mayor Foxx said the base motion is to approve Items 1, 2, 3 and 4, moved and seconded. Mr. Peacock has made a request to break these items out. Is there any objection to that? Hearing no objection, we will vote on them separately. Part of the reason we set this corridor fund up is because we knew there would be difficult projects in some of these distressed corridors and there would have to be some gymnastics to get catalyst projects going in these corridors. A 31-year pay out on a TIF is a long period of time to wait that out. I think the hope here is that the investment in this parking deck catalyzes the first phase of this Mosaic Village Projects and then cascades into further development along the corridor to which a parking deck would be a good compliment to a Streetcar because it would allow people to park and get on public transit and to move about in our City without getting in an automobile. I think we just had the 2020 Center City Plan presented to us and one of the things they talked about was reaching out over I-277 and I think this is perhaps a way to get us there. Now is there risk involved in this? Absolutely. There is a lot of risk involved in this deal, but we can continue pumping resources and dollars into places that are fairly robust or we can try to help the City grow into some new directions and to help build the quality of life across our City. I think this is a good opportunity to try to do that I would only ask our staff to be very prudent about making sure that all the modeling in this deal is correct and all the finances behind it are correct and that we be very sound about how we participate in this project. I know that is what would be normal so it will be alright.

The vote was taken on Item 1 and recorded as follows:

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

NAYS: Council Members Cooksey and Peacock

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

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

NAYS: Council Members Cooksey and Peacock.

The vote was taken on Item #3 and recorded as unanimous.

The vote was taken on Item #4 and recorded as follows:

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

NAYS: Council member Peacock

Ms. Carter said since the City is being material in this investment I hope that there will be some recognition of this investment there at the building. It would be a nice jester.

Mr. Mitchell said in 2007 a gentlemen had the vision for Mosaic Village and he has been hanging in there. He rezoned the ice house and I just have to say a special thank you for Daryl Williams who never gave up on developing Mosaic Village, so Daryl thank you for your passion and your perseverance.

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ITEM NO. 17: RESOLUTION PROPOSING TO ACCEPT THE OFFER FROM HAWKINS-DIXON PARTNERS TO PURCHASE PARCEL 5 OF THE I-277 SURPLUS RIGHT OF WAY FOR THE APPROXIMATE AMOUNT OF \$4 MILLION, INSTRUCT THE CITY CLERK TO ADVERTISE THE PROPOSED SALE IN ACCORDANCE WITH THE RESOLUTION AND AUTHORIZE THE CITY MANAGER TO EXECUTE ALL DOCUMENTS NECESSARY TO COMPLETE SALE OF PROPERTY IN ACCORDANCE WITH THE RESOLUTION; CONTRACT WITH WALKER REAL ESTATE GROUP FOR CONSULTING AND ADVISORY SERVICES RELATED TO THE SALE OF THE FIVE SURPLUS RIGHT-OF-WAY PARCELS IN THE AMOUNT OF \$60,000 WITH UP TO TWO RENEWALS OF \$60,000 EACH.

[Motion was made by Council Member Barnes, seconded by Council Member Kinsey, and]
[carried unanimously, to approve the subject resolution and contract.]

The resolution is recorded in full in Resolution Book 43, at Page 56-57.

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ITEM NO. 18: ONE-YEAR AGREEMENT IN THE AMOUNT OF \$231,000 WITH THE CHARLOTTE-MECKLENBURG HOUSING PARTNERSHIP TO ADMINISTER THE HOUSE CHARLOTTE DOWN PAYMENT ASSISTANCE PROGRAM; AUTHORIZE THE CITY MANAGE TO RENEW THE AGREEMENT FOR ONE ADDITIONAL YEAR.

[Motion was made by Council Member Carter, seconded by Council Member Barnes, and]
[carried unanimously, to recuse Council Member Howard from voting on the subject matter.]

[Motion was made by Council Member Barnes, seconded by Council Member Carter, and]
[carried unanimously, to approve the one year agreement and renewal for one year.]

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ITEM NO. 19: AMENDMENT TO COUNCIL'S 2011 MEETING CALENDAR CHANGING THE START TIME OF THE SEPTEMBER 6 MONTHLY WORKSHOP.

[Motion was made by Council Member Barnes, seconded by Council Member Cooksey, and]
[carried unanimously, to approve the subject amendment.]

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ITEM NO. 20: APPOINTMENTS TO BOARDS AND COMMISSIONS

A. Airport Advisory Committee – One appointment for an at-large representative for a three-year term beginning August 1, 2011.

The following Nominees were considered:

- Pam Bennett, nominated by Council Member Howard
- Joe W. Brady, nominated by Council Member Peacock
- Robert Diamond, nominated by Council Member 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 Council Member Carter
William Taylor, Jr., nominated by Council Member Turner

Results of the first ballot were as follows:

Pam Bennett, 4 votes – Council members Carter, Howard, Kinsey and Mitchell
Jon W. Brady, 2 votes – Council members Dulin and Peacock
Robert Diamond, 1 vote – Council member Cooksey
Willis Harney, 1 vote – Council member Burgess
Kory Jeter, 2 votes – Council members Barnes and Cannon
Daniel Payerle, 0 votes
William Taylor, Jr. 1 vote – Council member Turner

A second ballot was taken between Pam Bennett, Jon Brady and Kory Jeter

Pam Bennett, 6 votes, Council members Burgess, Carter, Cooksey, Howard, Kinsey and Mitchell
Jon Brady
Kory Jeter

Pam Bennett was appointed.

B. Community Relations Committee – One appointment for an unexpired term beginning immediately and ending June 30, 2013.

The following nominees were considered:

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

Results of the first ballot were recorded as follows:

Toria Boldware, Appointed to this Board by Board of County Commissioners 7/12/11
Sue Korenstein, 1 vote – Council member Kinsey
April Morton, 3 votes – Council members Dulin, Peacock and Turner
Heather Myers, 1 vote – Council member carter
Aaron Orr, Sr. 3 votes – Council members Barnes, Howard and Mitchell
Marty Puckett, 1 vote – Council member Cannon
Marilyn Sutterlin, 1 vote – Council member Burgess

A second ballot was taken between April Morton and Aaron Orr, Sr.

April Morton, 1 vote, Council member Turner
Aaron Orr, Sr. 8 votes, Council members Barnes, Burgess, Carter, Cooksey, Howard, Kinsey, Mitchell, and Peacock.

Aaron Orr Sr. was appointed.

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

The following nominees were considered:

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

Beatrice Cote, 7 votes – Council members Barnes, Burgess, Cannon, Carter, Cooksey, Kinsey, and Mitchell
Emily Netzel, 4 votes - Council members Dulin, Howard, Peacock and Turner

Beatrice Cote was appointed.

- D. **Historic District Commission** – One appointment for a resident of Wesley Heights for an unexpired term beginning immediately and ending June 30, 2013.

The following nominees were considered:

Colette Forrest, nominated by Council Members Cannon, Howard and Mitchell
Fred Warren, nominated by Council Member Turner.

Results of the first ballot were recorded as follows:

Colette Forrest, 9 votes – Council members Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Mitchell and Turner.
Fred Warren, No application received
None of the above, 2 votes – Council members Kinsey and Peacock

Colette Forrest was appointed.

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

The following nominees were considered:

Kimberly Lawson, nominated by Council Members Cannon and Turner.
Erik Owens, nominated by Council Member Cooksey
Michael Warner, nominated by Council Members Burgess, Carter, Kinsey, Mitchell and Peacock.

Results of the first ballot were recorded as follows:

Kimberly Lawson, 2 votes – Council members Cannon and Turner
Erik Owens, 2 votes – Council members Cooksey and Dulin
Michael Warner, 7 votes – Council members Barnes, Burgess, Carter, Howard, Kinsey, Mitchell and Peacock

Michael Warner was appointed.

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ITEM NO. 21: MAYOR AND COUNCIL TOPICS

Mayor Foxx said I do have one that I want to raise tonight.

Council Member Dulin said one of the things that has happened during the last month or so with the CRVA discussions that we've had was folks trying to sign up to speak a month ago on the agenda item which he wasn't able to do and tonight on the Citizens' Forum and there was some discussion about whether citizens could come talk about CRVA. I've always thought over my couple years on Council that any citizen could come for Citizens' forum and talk to us about anything they wanted to and I've learned through this process that that is not exactly the case, which was news to me. I would like to have a write-up on what those rules are because Council needs to know better about, and it has to do with public hearings and public hearings being closed, etc. I've gotten a lot of citizen feedback recently about being able to speak or not being able to speak to Council on agenda items and/or at Citizens' Forum. I don't think we need to

take it to Committee and if it went anywhere it would go to Restructuring, but I would really like a write-up on what those specific rules are in a way that I can disseminate it to some folks.

Mayor Foxx said speaking about Restructuring Government, about a year ago we ask Restructuring Government to go look at our process for evaluating our three employees, the City Manager, the City Attorney and the City Clerk. We have yet to get a report out of the Restructuring Government Committee. Is there some intention to come out with some recommendations out of that?

Council Member Cooksey said at the time the Committee first started talking about that, there wasn't a lot of enthusiasm among members to delve into it. The best I recall asking the question at the last Committee meeting, but I don't think I wrote down the answer. Members of the Committee would you care to express any interest in actually delving into that or do you want it pulled to some other group to discuss? This is for Restructuring Government Committee members who hadn't been interested much in the past about discussing how we evaluate specifically the Manager and the Attorney. Do you want to keep that in Committee? The Mayor had suggested at a previous meeting that he was going to activate an old committee to take a look at that and I said you don't really need to do that if our Committee is still interested in it.

Mayor Foxx said let me suggest that in the next 7 days you all confer and let us know whether you intend to come back to that.

Mayor Foxx said while we've been sitting here tonight we've got some real challenges in Washington with the debt ceiling issue that will have a calamitous impact on our ability to grow the economy and to do some of the things we've been contemplating like our transit system and veterans' benefits, really soup to nuts what the federal government does if the face and credit is not recognized we will be in a serious tail spin. I said this last week during a bi-weekly briefing that we have got to get some sanity in Washington on the issue of this debt ceiling. It is not just raising the debt ceiling, it is also about reducing the long-term deficits in the country and given some certainty around how we are going to do that. I know that there are people on both sides who have been trying to work through those issues, but I'm making an appeal, and I think others around the country are going to be making appeals in the next couple of days for people in Washington to stop thinking about their own politics and to focus on trying to get this country back in a position of strength and we at the local level need that to happen because the trains will literally run off the tracks if we don't get some action. I did want to say that tonight because I know the President did a speech tonight and there was a lot of conversation but what I've seen the level of toxicity in Washington has never been higher than it is right now and it needs to stop.

Council Member Carter said I almost hate to say this, coming on the serious item like that because I feel so severely about the issue. I think our country is in question and this is the future of youngsters that I'm talking about. I wanted to thank Council Member Barnes for his prayer at the dais last week because we now have a couple, Mr. & Mrs. Dalton, our baby, and thanks to him there was no rain.

ADJOURNMENT

The meeting was adjourned at 11:41 p.m.

Stephanie C. Kelly, City Clerk

Length of Meeting: 6 Hours, 22 Minutes
Minutes Completed: October 18, 2011