

The City Council of the City of Charlotte, NC, convened for a Dinner Briefing on Monday, August 22, 2011, at 5:20 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Present were Councilmembers Michael Barnes, Jason Burgess, Nancy Carter, Warren Cooksey, Andy Dulin, Patsy Kinsey, Edwin Peacock III.

ABSENT UNTIL NOTED: Councilmembers David Howard, James Mitchell, Warren Turner

ABSENT: Mayor Pro Tem Patrick Cannon

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Councilmember Dulin said I have a couple. No. 25 is the Raintree mitigation pond. I will be voting against that. Of everybody in Charlotte, NC, I am the only guy when he was a little boy used to jump his horse across that creek before it got dammed up and is now this pond. But I'm positive that the Raintree Homeowners Association should have some of their skin in that game, too, so as per I normally do, I will be voting against No. 25 tonight because I think that is more of a private matter rather than a public matter. No. 39, Airport advertising agreement, the CRVA is still involved in that; are they not?

Curt Walton, City Manager, said, yes, sir. We have actually pulled Item No. 39, Mr. Dulin. We are still working on the contract. Go ahead and ask your question.

Councilmember Dulin said is Outdoor Media Alliance going to subcontract from CRVA, or are they doing CRVA's work for them? How does that work? I read the thing. I just couldn't figure it out.

City Manager Walton said we'll address that when we bring it back next time because this item is off the agenda tonight.

Councilmember Dulin said No. 56, Items F and G. I don't remember why I pulled them because I read that stuff a long time ago. Those numbers were high, and they stuck out a little bit, and I wondered what it was. I don't know that particular piece of property. I know Community House Road, but this is all of a sudden the numbers jumped up on me, so I would like to know about F and G, please.

Councilmember Kinsey said I don't know if you can tell me this, but I'm going to ask anyway. 56-S, talking about streetscape at 1801 Commonwealth Avenue. I'm just curious because I have been dealing with that which business that is, and if anybody can help me with that that would be great; and, if not, I understand; I'll find out later.

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ITEM NO. 2: AVIATION FY2011 ANNUAL REPORT

Curt Walton, City Manager, said the first item is the Aviation FY2011 Annual Report that they are required to present to you each year. I would like to turn it over to Andrew Riolo, the chair of the Airport Advisory Board, and I believe there is a video as well.

Councilmember Howard arrived at 5:37 p.m.

Drew Riolo, Chair, Airport Advisory Board, said I am chairman of the Airport Committee. I am going to leave the script over here, and I am going to come out and talk to you about your Airport. I want to talk to you about is what we have accomplished in the last year, but first I want to talk about when we came to see you last and we made the last report to you about the previous year we had a perfect year at the Airport. That perfect year was defined by two events. The first event was we won the award for the best airport in the world. The reason for that is we

stayed true to our mission statement, which was to provide the best possible product at the lowest possible cost, and Jerry refers to that as cheap but good. (Inaudible – not near a microphone) Inexpensive but great allows us to have a value platform at the airport, which no one else in the world can duplicate.

The second thing we talked to you about last year was that we (inaudible) a new runway, an almost two-mile long runway. We did it on time, under budget, and with other people's money. There is a phrase in aviation that says, "One mile of highway leads nowhere, but one mile of runway leads everywhere." In this case, the new two miles of runway leads everywhere that's everywhere. When I talk with people about our airport, I tell them in one calendar day you can go from the Southern Hemisphere to Rio de Janeiro, fly to the Northern Hemisphere (inaudible) at the Charlotte Airport, work, dine, relax, and shop, and, therefore, you can get on an airplane in the Western Hemisphere and fly to the Eastern Hemisphere on the other side of the (inaudible) to as far as Rome, and you can do that in one calendar day.

This year we didn't have a perfect year. This year we had a great year. The difference between perfect and great is what I refer to as TNT. What are the things that happened? On the third "T" is Tisdale. Our hearts and our prayers go out to that family. Nothing is more tragic than (inaudible) in the family. Nothing is more tragic than that. Only Master Tisdale and his maker know what happened that night, and no matter what the TSA tries to tell you they do not speak to the dead or to the good Lord.

The other things that we have out there, which you are certainly aware of, are the "N" on the TNT is noise. Jets make noise. There is no getting around it. You have a lot of complaints right now about noise. We don't own noise. Jerry doesn't own the noise. Manager Curt doesn't own the noise. The City Council doesn't own the noise. Mayor Foxx doesn't own the noise. The noise that you are receiving complaints about are happening outside of the Airport boundaries. They are even happening outside of our FAR Part 150 footprint.

What is causing the noise, what is causing the complaints is that due to departure procedure instituted by the FAA called RNAD departures – Regional Navigation Departures. Basically everyone who takes off to the east flies over the same points every time. Everyone who takes off to the west flies over the same point every time. It makes noise, but it is an extremely efficient way to move traffic. For example, Aircraft 1 clear for take-off, 36R, (inaudible) east. Airplane clear to land, 36C, Airplane 3 clear to take off 36L, 36L, RNAD west. Boom! Twenty five words, 20 seconds, I just moved three jets. Not only did I just move three jets, I just moved 600 people in those simple words – a very efficient way to manage traffic, and that's important in Charlotte.

I love these numbers. In Charlotte last year, we had 580,000 take-offs and landings. There's five miles over here. If you break that down to the time period, (inaudible) noise abatement, we had a take-off or landing at the Charlotte Airport every minute. Those take-offs and landings just through our terminal alone, in our terminal, we move almost 38.1 million people. If you break that down, we host a Charlotte Panthers game at your terminal every day. Some days we host two Panthers games – one in the morning at 10:00 and one in the evening in the 5:00 to 6:00 push, so we need to move the people efficiently.

Third in the TNT is taxi. We own this. Jerry's world owns this, Manager Curt owns this, and the City Council and the Mayor own it because you are the representatives of the people. I can tell you when I served closely on this by being on the taxi committee, and recently since we instituted the new procedures on July 15th, I have done six Andy Dulin secret shopping trips. I can tell you that it's remarkable the improvement over there. Remarkable just when you drive up and you look over there and see the taxis all lined up in order with only two colors. You go with them and the procedures are correct. It is working out correctly. I will make a pledge to you that next September when the DNC comes to Charlotte their first impression will be a good one. There is no popcorn, but we are going to have a movie. (Mr. Riolo played a video.)

I just want to leave you with one thing. When you think about the Airport and you hear the word "jets", I want you to think of another four-letter word that begins with "J", and that's jobs. We have jobs at the Airport. We have transportation jobs, intermodal transfer facility, we have

construction jobs at the ongoing construction at the terminal and the parking garage, and we have service jobs in the Airport itself as we host two Panthers games a day.

Mayor Foxx said I want to thank Drew and those that served on the Airport Advisory Committee for your service as well, and to the Airport staff, thanks for all you do.

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ITEM NO. 3: BLUE LINE EXTENSION UPDATE

Curt Walton, City Manager, said the Blue Line Extension is nearing completion of preliminary engineering, and we'll be making submittal to the FTA in September on that, so we wanted to update you with the MTC. We'll get this presentation on Wednesday night as well.

Carolyn Flowers, CATS, said as Manager Walton indicated, the last time we were here updating you was in January when we went through the affordable blue line assumptions. Our objective today is to communicate the progress and the update on the milestones and go over our current cost projections. Danny Rogers and Dee Pereira, our CATS project manager and chief financial officer, will provide you updates on key issues that are listed. She began a PowerPoint presentation entitled, "LYNX Blue Line Extension Project Update," a copy of which is on file in the City Clerk's Office. What we wanted to do was update you on the lessons learned that we incorporated and ensure that we take the appropriate steps to mitigate the probability and possibility of technical and financial issues with the project. So, first, I will turn it over to Danny.

Danny Rogers, CATS, continued the PowerPoint presentation with the top slide on page 2. We will be moving into final design, and the important part about that is that is when the budget is set for the project and what FTA will participate in our project. We will be doing that at the 65% design level to create our cost estimate that will help set that budget. With the South Corridor, it was more like 30 to 45% design level, so we are much more evolved to the design, and our cost estimate should be a little better than it was with the South Corridor.

He continued with the bottom slide on page 2 regarding the Final Environmental Impact Statement (FEIS). There are a couple of public meetings coming up, and he went over the schedule on the top slide on page 3. The New Starts information is the primary reason we have to be here tonight. That information has to be submitted on September 12 to FTA. He discussed the bottom slide on page 3. He discussed the risk analysis of the cost and schedule on the top slide on page 4. CATS has opted to do an internal risk assessment that allows us to go in ahead of FTA and figure out where our needs are before we submit to FTA so we'll be in a better position when we do submit our formal request to FTA. He covered the project risks on the bottom slide on page 4.

As I close my portion of the presentation, I did want to point out some of the benefits that we are receiving by City participation in the project. We are able to leverage with City funds wider sidewalks, bikeways, and street trees along North Tryon Street as well as at the University City Boulevard station. He went over the top slide on page 5.

Dee Pereira, CATS, said I'm going to give you some details on the cost estimate and the long term financial plan and its impact on the Blue Line Extension Project. She continued with the PowerPoint Presentation with the bottom slide on page 5. She discussed the top slide on page 6 regarding the key project financial milestones. The bottom slide on page 6 covers the cost summary at FEIS, and the top slide on page 7 covers the adjustments from January 2011 through July 2011. The bottom slide on page 7 relates to financial partner shares. The top slide on page 8 reviews the financial plan risks.

Ms. Flowers reviewed the next steps with the bottom slide on page 8.

Mayor Foxx said let me say at the outset that the staff has done an incredible job of continuing to try to navigate through some choppy economic waters and choppy policy and regulatory waters,

so, Curt, you and your team, Carolyn, y'all have done a great job of just trying to help us steer this project into actuality, so thank you for that.

Councilmember Barnes said, Ms. Flowers, I have a couple of questions for you. Do you have an estimate of the amount of value created along the south corridor thus far?

Ms. Flowers said I think it's about \$1.8 billion.

Councilmember Barnes said also it might be helpful – you and I have talked about some of this off line, but it might be helpful if you all point out to where we are making adjustments to the northeast corridor based upon lessons learned from the south corridor because I know there are things you adjusted based upon that experience.

Ms. Flowers said one of the primary lessons learned was the platforms, and so the extension will have three-car platforms. Later on this evening you will see where we are going to ask for Council to approve a proposal for a grant for some phasing in of corridor improvements in the south corridor, the platform improvements. We also incorporated a lot of the lessons learned from the financial planning as the technical planning for the northeast corridor.

Councilmember Barnes said I'm not suggesting a full-blown presentation on lessons learned, but I think periodically it might be helpful if you all highlight certainly major lessons learned. Finally I wanted to say to you echoing something the Mayor said that this is being done in a challenging environment, and you guys are doing a heck of a job. I had a chance to talk to Holland and Knight about the environment in Washington right now and also spoke to another federal official a few months back, and the perception is we are doing everything right. The hope is that the folks who are in control of Federal money cooperate more into the future. Thank you, guys, for what you are doing.

Councilmember Dulin said I wanted to add one thing to what Dee said, and this isn't a negative. She said we need to be watching the Federal and State budget environment. We also need to add the local – Federal, State, and Local budget environments. We have to watch our own money, too.

Councilmember Peacock said, Manager Walton, to pick up on what Mr. Barnes was saying. I would love to have a comparison on where we were on the south project approximately right now. I know sort of a before and after. Just give us some comparison charts especially for those that weren't on Council for the South Blue Line there. The second thing, Manager Walton, and I know I have had some correspondence with Ruffin Hall and with Scott and the Finance Office, just a discussion with what I call the new American four letter word – debt.

This project talks about the risks associated with debt. I was sharing with the Mayor a few minutes ago we are in this environment right now where just to use the analogy from a golf standpoint, when Kevin Costner in the movie *Tin Cup* was about to win the U.S. Open Championship, he had a chance to go for it and try to go over that hole, and we remember what happened. He said, "Give me the ball. I'm going for it." And, he hit it, and, of course, it went in the drink, and he ended up losing the U.S. Open, and it was a big deal. My point is I don't want us trying to hit into a really difficult situation when we can still arrive safely at the green in five shots.

For the non-golfers here, I would rather get there safely rather than get there quickly, and I think the debt environment around us globally as far as locally I would just like to have a better context to what we are moving up against because y'all are very clearly communicating to us that there is risk. There is more risk than there was before. The federal environment is much tougher right now; it's much more hostile. I just don't want us to have a bad start to this because we feel as though we may be rushing into something too quickly here. I know I'm speaking now of just where you are at this particular time. I know you are not rushing us in that respect. You are doing this as a respectful way to let us know of the risks, but I would like to wholeheartedly know where we are as it relates to our debt as a city, as this project relates to debt. I don't know if I'm communicating that well enough, Manager Walton.

City Manager Walton said those are all good points, and we will absolutely be happy to do that.

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Councilmember Peacock said I would like to have a movie clip of Kevin Costner.

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

Mayor Foxx said is that what you contemplate the work of the internal risk assessment being -- looking at our own?

Ms. Flowers said, yes, the internal risk assessment will give us an assessment of what not only the technical issues are but also the financial issues. Then from that, we have to put together a plan to basically recover either your scope or the financial issues, so that's how you develop the contingency. FTA allows every project to have a contingency on the project. However, the scope of that contingency is based on the level of risk that you have, so that is trying to ensure that our five shots get us there.

Mayor Foxx said to use another movie analogy, Luke Skywalker was going to try to get the Death Star, and he had one shot, and if he had missed, the whole world would have gone south or north. I think one of the challenges here is that the economy is still in a period of flux, and we hope that it will continue charting a northward projectory, but some of this is rough science, so our economists have to look at what we think the sales tax revenue situation will be. The countervailing concern is that at the federal level you are seeing with the debt ceiling legislation that just passed a very clear direction towards reduced federal allocations, and I think it is fair to say that transit will be hit in some way or another.

On the one hand we have to make assessments about our own capacity. On the other hand, we have got to make assessments about capacity at the federal level, and it may be that striking while the iron is hot is the best way to go, but I think this assessment and this process you have laid out will help us assess that. I think maybe the idea here is maybe in November coming back and doing a deeper dive on kind of what you found after you have looked at particularly the financial situation.

City Manager Walton said be glad to.

Councilmember Dulin said I understand why we went to the two-car platform, and I understand why we (inaudible – not near a microphone) the TVMs and platform. Do we have to include the TVMs in the upgrades or are we able to (inaudible). Where are we on the TVM purchase or pricing, etc.? The Woodlawn Station that I use frequently the traffic comes in and parks at one side of that (inaudible). You cross across the street and get on the platform, and the TVM is at the far end of the platform, and if the train is coming, people are hauling ass trying to get all over the place. Our traffic engineers should have known (inaudible) not at the far end of the platform. That was a miss.

Mr. Rogers said on the Blue Line Extension at least we have analyzed where the traffic would be coming from, the pedestrians to the station, and we have tried to locate the TVMs in the locations that would be easiest to access. We have also set a minimum of two TVMs per station, so if one is down you can go to the other one plus you have access from either end, but we have looked at like the parking decks – the 485 deck – we had to go back and put more TVMs there. We have identified the need for multiple TVMs at those parking decks because those are high traffic areas. They also look at when you have special events the extra demand that was placed on it there that maybe we didn't anticipate just how many special events we had in Charlotte when we did the south corridor. Part of the reason the south corridor ended up like it did is because we did have to make adjustments at the end in a cost savings exercise.

Councilmember Dulin said those TVMs are (inaudible) each, so if you do the math how many do you want. It's easy to cut that out and harder to put back in.

Mr. Rogers said it was a difficult exercise considering budget to go through that, but we did keep at least two at each station so if one is down you have access to the other, and we did look at the traffic patterns to try to place them in the most accessible locations.

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ITEM NO. 4: NASCAR HALL OF FAME UPDATE

Curt Walton, City Manager, said earlier this year you appointed Councilmember Peacock and Mayor Pro Tem Cannon to the Hall of Fame Advisory Board, and they wanted to spend some time talking to you tonight about their experience there for the last few months and then also we have a presentation from Winston Kelley.

Councilmember Peacock said I'm subbing in right now for the intro portion from Mayor Pro Tem Cannon, who is under the weather and could not be here. Before I make a couple of comments before Winston speaks, I wanted to recognize those in the room that with the CRVA Board or the NASCAR Hall of Fame Advisory Board – if you could please rise.

I think as this Council knows all too well when you appointed Councilmember Cannon and myself to this board there were some concerns, and I think too use Councilmember Cannon's terms for us to button things up. The three areas that I think he and I went into this with were certainly to look at the financial sustainability of the facility, which includes some of the attendance concerns. I'm going to talk about that when we get to some closing comments. How is the customer here being satisfied? There are really two customers that the City was trying to satisfy. I think the first one was the people that selected the city, which was NASCAR. That's Blake Davidson and his group – how satisfied are they? Then I think the bigger question that you all were asking, and this was from Chairman Barnes particularly in our Budget Retreats was to look at what is the economic impact that we are getting from this facility. So those are the three things that Councilmember Cannon and I have gone into this.

Just a quick note. I think in all seriousness, and this is some of the attention that I have sort to this has been probably back in say late June, early July, my wife and I accepted some tickets to go see *Charlotte Squawks*. It's essentially a political satire. Why a Council man would want to go sit front row at *Charlotte Squawks* it will teach me about attending things that are generally about us. But in all seriousness, the NASCAR Hall of Fame was the lead one and the lead two joke, and I mean this in all seriousness.

I don't think there is anybody in this room or this Council or this City that thinks that by us beating out the other cities to get the NASCAR Hall of Fame that somehow we want to give this back, that this is not a facility that we want, that it doesn't belong here. I just don't that's what it is, and out of all our cultural facilities, it's the one that is sending a subtle message right now that perhaps there is something wrong there. Maybe we built something that isn't good enough and that isn't satisfactory enough and perhaps isn't going to attract people, and I think you will find here from Winston's presentation and really from Councilmember Cannon and I – a very close group going in on this board – is we found just the opposite. There are certainly some very valid concerns about where we are from a financial standpoint, but I think they have been more than handily addressed with some of the leadership changes that are occurring within the organization and really some of the increased scrutiny that has been brought to it.

There is a second part to the *Charlotte Squawks* part, and this is more of a joke than anything, but when I finished going to the *Charlotte Squawks*' show, I got out to a very heavy rainstorm, and that very heavy rainstorm missed me getting to the 10:00 deadline for Uptown parking, and I parked in front of this one space that said if you're not here by 10:00 we're towing you, and sure enough they towed me, so our towing ordinance is in effect and is going well. Point one, don't go to *Charlotte Squawks* and sit in the front row; point two, don't test our towing ordinance on that. Without further ado, Winston, take it from here.

Winston Kelley, NASCAR Hall of Fame, said thanks for the opportunity to be here, and, again, to our colleagues who are here. Edwin did a real good job of teeing up the three areas that our primary objectives and primary metrics for FY12, and that's what I wanted to cover and a few of the sample strategies and tactics we are doing to address some of the challenges. Clearly financial sustainability is one of our top objectives, and having a balanced operating budget, and that's the area that we have had some challenges, and I will touch on some of the strategies and tactics that we are doing to address that. He began a PowerPoint presentation entitled,

“NASCAR Hall of Fame, City Council August 22, 2011,” a copy of which is on file in the City Clerk’s Office.

Councilmember Peacock said what I thought I would do right now because you sent Councilmember Cannon and myself there is let you ask myself or Winston Kelly any questions you may have. I have a couple of closing comments around the financial sustainability, which was really the concern when we were appointed to it, which really had a lot to do with the attendance numbers we were hearing. So, Councilmember Mitchell, or anybody have some comments or anything, I would be happy to tell you what Councilmember Cannon and I have been doing.

Councilmember Mitchell said, yes, it’s a positive comment though to Winston if you can remember we held the NLC summer board meeting here. To your customers’ satisfaction, I know the mayor from Kenmore, Washington, has already turned a scheduled inter-city visit and part of exploring is to educate his elected officials and citizens on the NASCAR Hall of Fame, so we had a very good experience with 100 elected officials, and what I challenge the City Council, don’t do the pit crew challenge because you need a heavy lifting and a lot of muscles, and, unfortunately, for me, I couldn’t lift the tire. A great experience, and you are right, once we get people in there, Winston, it seems to be what you say – 1:5 – like a 4.9, so just wanted to share those great comments with you, how well it was received.

Councilmember Howard said it’s interesting you said once you get them in. One of the things that stood out when I went was actually getting in from the parking deck to the fine parking folks to the front door. Any thought about improving access between the deck so you don’t have to walk all the way around to get in or better direction signs or anything about that at all?

Mr. Kelley said I see Mr. Schumacher has left. I’m sorry. I’ll make some comments, and then Jim, who led the construction area could probably chime in on that as well. We looked at the design of the building on the front end, and it was important that people would be able to see it from the front door in, and then when we looked at various configurations that would lead people in from the parking garage, it took away from the different amenities, specifically the gift shop as well as the restaurant, so there was not with the design of the complex as complex as it was a direct line into there. We worked a lot on the signage. William Haas, who I saw here earlier, led that effort with Jeff Furr to get folks to know that you need to go around the building, but there just wasn’t an easy ingress with the complexity of where the ballroom was, the hall, and the design of where the gift shop. Jim, you were probably as intimately involved in that to add some color there.

Jim Schumacher, Assistant City Manager, said Winston made the main point, and that is the way the building is laid out to come directly from the parking deck to where the lobby is or towards the front door meant going through the middle of the restaurant or the middle of the gift shop, and we studied that at pretty good length, and with the work of the architects didn’t really come to a satisfactory way to do that. The signage has been an issue. To get people when they come out of the deck and come around to the front, a lot of signage has been put in, and we are continuing to tweak and refine the signage to help people find their way.

Councilmember Howard said I agree it’s a great building. It’s just getting into it is interesting.

Councilmember Dulin said I’m going to keep on that a little bit. (inaudible – not near a microphone). I’m leading with the checkbook when it comes to the Hall of Fame. My wife and I now for two years in a row have become season ticketholders. We are members and very proud of it. We love to go down there. My youngest particularly likes to go, and we go right over there to the Challenge, James, but Daddy does the jack. I was convinced of this two years before the hall open (inaudible). I’m convinced of it a year after the hall opened.

We still missed our ticket pricing, and I keep giving examples. We are \$19.95 for one ticket, which nobody seems has got much money except for a family of five, that’s \$100, and that’s enough for a dad and a mom to say we can’t go or we can’t go back, and I’ll use my folks as an example. They are both now in their upper ‘70s, and without telling me they were going because they wanted a full experience, they go down to the NASCAR Hall of Fame to look around, and it’s \$17.95. That bugged my dad. By the way, they got lost in the parking deck. When I bought

my season tickets, I thought this would be great because my folks can take the boys back down there, and the boys will already be paid for, and my father said, no, I don't need to go again. It's too expensive, and I don't really need to go again, etc., etc. That is not rare, I'm sure. It just bugs me that a senior citizens' ticket would \$17.50. (inaudible) come down there one time and never come back or would like to charge them \$10 or \$11 or \$12 and have them come back three times a year. It's the people that come by, and we never see them again that we'll never see on our charts. I'm going to continue to spend my money down there because I can do whatever I want to with my money, but --

Mr. Kelley said it's a valid point, and we have had those debates ad nauseum with our advisory board. We have looked at national averages and at local things, and what we have got to keep reminding ourselves is the people who paid for this – the hospitality industry – and we have got to have a balance in recruiting local folks as well as national folks, and we did a study of folks who we have gotten their email address and chose to not come. Price was not on their list of reasons they have not come. It was way down on their list. So when you talk about value, you are always going to get different perspectives.

A couple of the things that we are looking at: a twilight ticket price that would be good for later in the day that would be at a lower rate and doing a local or regional price at a time where we are not as busy, but what you purchased as an annual pass is what is intended for those folks who may come multiple times. If we had the price at half of that, you would still have perspectives that think it's too much, and we have had that discussion around our group. There are folks on our board who felt \$19.95 was way too low when we started out, and we felt like we needed – what we tried to do is balance all the constituencies because especially those that come from outside of this region we don't ever hear that. If you lower it, you lower it for everybody, and we have to keep – part of the revenue model is the average ticket price, and we can drive attendance out the sky if you lower the price, but you are not going to drive revenue, so it's a balance.

Councilmember Dulin said (inaudible - not near a microphone) They are in the campground at the racetrack –

Mr. Kelley said that's not accurate, Andy. We have talked to them.

Councilmember Dulin said have you talked to all of them?

Mr. Kelley said, no, Andy, we did talk to them through the feedback through the surveys is what we are talking about, and that is not what comes up. I see the perspective. I'm just saying from a broader group of folks that there is not agreement with your perspective to change the ticket price.

Councilmember Barnes said I wanted to echo something that Mr. Dulin just said, Mr. Kelly, and also ask a question about long term financial issues. I do believe there is some connection between ticket price and attendance. You have explained this before regarding the surveys that y'all did nationally, but it has taken me some time to figure this out, but I believe what you all are saying to us is this place was built for people who don't live in Charlotte. It was built to attract people for the benefit of the hospitality and tourism industry but not necessarily built for people who live here, and, if that's the case, that's fine, but I think that is what we are hearing, and once we can accept that, I think we can move forward.

Regarding the long term financial issues, I would like to know whether – and you don't have to answer this today if you don't know the answer. Ron Kimble and I have had some conversations about some of the financial issues. What I would like to know is whether the current financial projections and attendance numbers are going to meet the funding and financing requirements for the facility. There are some things that bubbled up in our budget that we saw that impacted you guys, and I wanted to make sure that despite the attendance numbers that the ticket prices and the things you showed us on that pie chart at the very beginning are necessarily calibrated to meet the long term financial needs of the facility because I think it is clear that since this is a hospitality and tourism industry facility we don't intend to spend one dollar of general fund revenue on it, and I want to make sure – so long as I am on the Council anyway – that we don't

ever get that ask. If you either send us a report or if you have a few moments now to talk about it that's fine.

Mr. Kelley said I can take a couple of moments and then we can do whatever follow-up. On the first item, if I led you to believe or anybody to believe that we just build this for folks that come in from the hospitality that was not my intent at all. It's a balance of those two revenue streams, and having ticket prices that are different what we have been told is having different ticket prices creates its own set of issues, but we do have a plan and we'll plan to do some local ticket pricing sometime in the future. I apologize if I gave the impression that the local folks were not important because you will notice that a lot of the campaigns that we worked on were for local folks, and once people come, it's not the price issue that's a problem, but it is a barrier that we have to overcome. I don't discount that if that's who they are comparing us to.

On the long-term financials, we have looked at this year. We do need to look further and look at the overall business model and all the revenue streams that go into it and see is it the right thing. We do believe that we are doing everything in our power to drive the revenues up and drive the expenses down to get to that. Have we looked at a five-year plan to say everything is where it needs to be while we are still building the foundation, no, and that's something that we need to look at as a time. I think that actually was going to be the closing slide.

One point we skipped over, the economic impact I think are some pretty impressive numbers. There is a direct spend based on the Hall of Fame of \$40 million. He discussed the top slide on page 7. I think to your point, Councilmember Barnes, this team is what got us here. Charlotte is known for public/private partnerships, and that's what this community has done exceptionally well, and it's this team of people, many of whom you see in the audience, that will address those issues.

Councilmember Peacock said we have really got to roll, and I have one final comment. If you can bring up the attendance slide, the five-year one.

Councilmember Cooksey said I heard what you said about surveying that price comes low, but what jumped out at me on the visitors' survey results slide was really fantastic numbers on exhibit quality, exhibit overall, cleanliness, staff friendliness, and then the big dive on overall value and less, but still a dive, on overall experience. What is bringing the overall numbers down if the exhibits, cleanliness, and staff friendliness are so fantastic?

Mr. Kelley said great question. That is one of our efforts this year to better understand that number. It's interesting you ask that because when we showed that and told our CRVA board that was something interested in what we quickly heard from the hospitality community is be careful to not overreact to that in down economic times in particular, but in any time don't expect people to rate value overly high on certain things and especially in a tough economic time. It's a long answer. I don't have an answer to that, but that's one of the things we do need to dive into.

Unidentified Speaker (inaudible – not near a microphone)

Mr. Kelley said we are open from 10:00 to 5:00 on Thanksgiving Day, and as soon as we find out exactly what the route is going to be we'll tell you where you can help us pass out flyers. We'll be there with you.

Councilmember Carter said, Mr. Kelley, as you tie into uptown Charlotte, directionals to other places to eat, other activities in the local area, that seems to me a prime issue because it seems like that is the one area that is a little bit isolated, and to let people know that it is very easy to get into interesting areas other than the NASCAR Hall of Fame. It might be part of that overall experience.

Councilmember Peacock said we are just about to be adjourned, but I wanted to talk about the one element of financial sustainability that I know we all receive a lot of questions about. It goes to Mr. Dulin's point, which related to are we charging too much, which is driving down attendance? What are people thinking when they come here? Do they like it; do they not like it? But this is a slide that I calculated numbers on. In December 2010, we all got a PowerPoint, which talked about what have all the other peer group hall of fames give us as it relates to

attendance. As it relates to attendance, these are the five-year averages. Our current – we are at 330,000 last year. We averaged 274,000.

But the question for Councilmember Cannon and I is how wide is this attendance issue? I think it goes to probably fundamental problem that we have made, and, Councilmember Barnes, I know you were here, Ms. Kinsey, you were here, Dulin, you were here as well, too. It's just that we made a mistake, and we didn't stop the process after the courtship was over. The courtship was over; what are the real numbers; what is the attendance going to look like especially going into recession. So this number hopefully will reveal to you if you look at where we are and all the other sports halls of fame, look where Charlotte is after one year.

I think the number we have to watch, of course, is if that number starts to drop and starts to dip, then our board in the advisory capacity, whichever Council members are there, is certainly to look at a question of is it driven by the ticket price. Is that what is keeping people from coming there because we have 3.1 million people that have not gone to it yet, and I think that is where you all are driving a lot of your marketing scenarios. What this tells me is when you put the context of where we are as it relates to the attendance question Charlotte is faring very well here for a facility that is just a little over a year old. To use a sports analogy, I think the tank is half full; not half empty.

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The meeting was recessed at 6:48 p.m. for the Council to move to the Council Meeting Chamber.

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BUSINESS MEETING

The Council reconvened for the regularly scheduled Business Meeting at 6:57 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Present were Councilmembers Michael Barnes, Jason Burgess, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, Edwin Peacock III, James Mitchell, Warren Turner.

ABSENT: Mayor Pro Tem Patrick Cannon

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INVOCATION AND PLEDGE

Mayor Foxx gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

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Mayor Foxx said I would like to start out by saying that our Mayor Pro Tem is ill tonight. We wish him well and hope he feels better.

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AWARDS AND RECOGNITIONS

PRESENTATION OF GIFT TO MAYOR FOXX AND GIFT TO HONOR ELEVATION CHURCH AND THE ORANGE INITIATIVE

Elevation Church leaders will share their commitment to serving 100,000 hours and giving \$750,000 over the course of a year to 20 organizations who work to end homelessness, support children and families in crisis, support our schools and teachers, and improve the quality of life for all people in our city. A video was played.

Councilmember Howard said just to the pastor I want to tell you that I enjoy watching you on television. I don't think a lot of churches actually take the approach you guys have of actually finding existing nonprofits to help, and I think that is just commendable, and I wanted to thank you for not just trying to start new programs, which you could easily have done, but finding programs that you can actually help that already exist. Thank you for taking that approach.

PRESENTATION OF GIFT TO MAYOR FOXX AND GIFT TO HONOR COUNCILMEMBER SUSAN BURGESS

University City Church member, Reverend Thomas Samuels, along with youth members, presented Mayor Foxx with a gift in recognition of his service to Charlotte and a gift to honor the late Honorable Susan Burgess in recognition of her service to Charlotte as Mayor Pro Tem.

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CITIZENS' FORUM

AIR TRAFFIC NOISE

Sharon Dye, 8020 Lauren Kay, said I am not here tonight to complain about. Why I'm here is because all of you know I have been down several times about the air traffic noise, and I finally realized that I'm actually speaking to the wrong people. But I also realize that I'm here for the solution that after speaking with Councilmember Turner and some other Council members about possibly helping me with trying to soundproof my home because the air traffic noise is so bad that my quality of life has absolutely diminished because of it. I wanted to know at some point could we talk about possibly helping with that because I just can't take it anymore.

Mayor Foxx said, Manager Walton, is there –

Curt Walton, City Manager, said we can certainly look at that. There are very specific guidelines for when we can do that, but we'll be glad to look at it to see if it fits within the contour of the noise levels.

Mayor Foxx said we will back in touch through the Manager's Office on that issue, ma'am. Thank you for bringing it to us.

Darryl Chisholm, 7840 Euler Way, said this is my first time coming to the City Council to speak on anything, so I'm a little bit nervous in the service, so I am going to give you a little summary what Sharon Dye was just speaking about. I live in the Wilson Glen community off Sam Wilson Road. I'm a little closer to the runway. The new runway – my home and my community is aligned with the runway, so the new runway is primarily for landing. Of course, you all know that. The planes come in every one to five minutes nonstop on the busy hours during the day and night depending of the airplane, the size and the type. The noise is so loud that you can't hear the television, talk on the phone, or communicate outside. You have to come inside. It's difficult to sleep or rest, and the constant noise of take-offs is just as bad. It depends on what runway they are using. The sound barrier sometimes makes the house shake, and things fall off the walls. I come to the point where I started doing research on line. I wasn't properly informed. I know I'm a little late and a dollar short on this issue. It's been since last year since they opened the new runway, but I'm tired, too. I called Mr. Bob Anders, the aviation manager, and he requested that I write a letter to Mr. Jerry Orr to request a noise box be put on my property. Weeks went by, and I didn't get no response, so I got in touch with Mr. Turner, and he said I could do some recordings of the planes as they pass by every day. Of course, I have passed some of those out already. He would make sure that I would get the box in my property. The box is on my property since Friday. I have until this coming Friday before they pick it up. Mr. Anders said he would be by there in a few days to check the battery, and they would send the results in the mail. Now, my other resource, I know they said the oldest runway, which is 32 years old, and they are going to be resurfacing that runway.

Councilmember Peacock said, thank you, Mr. Chisholm, that's your time.

CATS CUSTOMER SERVICE

Councilmember Peacock said, Council, just wanted to point out that Ms. Ward is blind and has requested a little more time here, so we are going to give her the standard few minutes, and then if she needs additional time, we'll do such.

Ethel Ward, 2924 Kenhill Dr., said I want to say hi to Nancy Carter, who has been wonderful to me now and in the past and my Council man, Mr. Turner. I am here to talk about CATS transportation, their customer service, and more so not a complaint but I think what some training before the Democratic Convention comes into Charlotte. There are some things that are on the buses, on CATS transportation, that I believe are very important, however, on or about August 4th, I had an encounter with CATS transportation. This is the third time within a three-month period I have had several problems with them. Because of my disability, which I don't like to deal with, some things I have to be aware of so it not just helps me it helps as a people. As a constant rider of CATS, this latest issue concerns me quite a lot. I use an identification card, which is given to us by CATS for the disabled. I have had this card for quite a while. If things have changed at the transportation and cards are given out, then I think we should be notified that our ID cards are no longer valid, however, the ID card that I had has no expiration date. I got on the bus, on the No. 10. One of the bus drivers said you can't use the card. I asked her why. She didn't know why. She said we don't use it any more. I said it hasn't expired; there is nothing wrong with this card. I said until such time as I do receive a note or a letter from the parties involved I will probably continue using it or either I'll use my Medicare card. I will be 70 in January. Upon that, I sat down. When I got downtown – she must have made a call, the bus driver. When I got downtown to the Transportation, I was sitting on the bus. I got off and got on another bus, and the gentleman came to the door, and he said, "Hey you. Come here." I'm looking around, and he said, "You, over there. I want to see you outside." I came outside the bus. When I came outside the bus, there were five police officers, three supervisors, two bus drivers, and someone else, and they asked me, "Where is your ID," and I asked them why. I said you have to tell me why do you want to see it. "I want to see your ID." I said if you have got to have it I don't plan to give it to you unless you tell me why, so I told them just arrest me; take me downtown. In the meantime, this is what I'm saying, people are gathering around. This is almost like a riot. People want things to happen, and everyone is getting involved. I told them let me go across the street because there are too many people out here. Anyway, I wind up going across the street. I was going to get a new ID, which I didn't. However, the second time I was stopped on the bus because I told them I couldn't get off in the middle of the street because there is construction going on on Central Avenue. You can't get off in the middle of the street because you have to either go to the corner, but that's not where the bus stops. That was the other thing and some other things. What I'm concerned about is with the Democratic Convention coming to Charlotte we have many people coming here who could be hard of hearing, deaf, blind, and different disabilities, and I think that CATS need to be trained or go to school for interactive skills so that they understand because we don't look like we have a disability or because things are happening, we need to know what is going on. That's it. But I thank you so much just for your time because I think it is a concern not only for me but others that will be coming to our city, and we want to show them that we have things in order.

Mayor Foxx said could we get some kind of response on this?

Curt Walton, City Manager, said now or in a report?

Mayor Foxx said in a report.

City Manager Walton said, yes, sir, we'll be glad to.

Councilmember Turner said, ma'am, do you have the route you were riding on?

Ms. Ward said on the day that it happened (inaudible – not near a microphone). Bob Knight, who is in charge, he called me – he is in charge of safety and security of the police officers, and he said he don't understand why they would even call because there was nothing happening that they felt was their concern, so when they came, they didn't know what the problem was either. But he did call me, and he apologized (inaudible).

bvj

THE MIRACLE HOUSE OF HOPE SPEAKS OUT

Minister Bruce Little, 1744 Wilmore Dr., said I came here about two years ago talking about a ministry for men and women on alcohol, drugs, battered women and kids, and homelessness, and I was by myself. Will the members of the Miracle House of Hope please stand up? That's just a year and a half of me working with a flyer. But since that time I have a grave concern about there are people that are supposed to serve and protect my ministry. I have been from Charlotte all my life – born and raised right here. I'm 47 years of age. I didn't come up the right way. I didn't do things right, but in November 2007 something happened in my life, and in 2008, I had a vision, and in 2009, I walked into it, and I came here and shared it with you great guys on the Council. I met him at the Chick-Fil-A. He donated to my ministry. You was here; I know what you are doing. But I have a concern today, and it's not good. First of all, I want to thank you all for the opportunity to let me speak. As I mentioned, I am the founder and the minister of the Miracle House of Hope Ministry. What has happened here, Mr. Mayor, that I have come under fire for my background by some officers that put on their badge, and I speak it today, and I speak it boldly that it's time for it to stop. What we do is we go out. We are not government funded; we are not state funded; we are not city funded. We are people funded – people like the fine Council member there. What has happened is that they are taking in their own hands to come after me for my past and not what I'm doing today. We have been ticketed. Just as of today on Tyvola and 77 my guys was coming from lunch. They had their buckets in their hands. They had their tags on. Officer S.J. Kelly pulled up as they was walking off, stopped, gave them all a ticket, let them go. They go to walking off. He went and talked to two more officers. He stopped them again, came back, took their money, took their badge, took the flyers, took everything from them. Money that people like this guy gives us to support the ministry, CMPD is taking it. Then when we go to court and throw the case out, we can't find out where the money is at. Things that is happening. My ministry is in the Wilmore community. Officer Sally Johnson, Officer Newton, Officer L.L. Johnson, Officer Sally Johnson, Officer O. Newton, Officer Bryan Oberman, they are attacking the Ministry House of Hope. Officer Newton sent out an unauthorized email that I spoke with Sgt. Vickie Suarez about that said any time you see anybody with a Miracle House of Hope flyer or green vest on stop and take them to jail.

Mayor Foxx said that's the three minutes you have. Think we got the point. Can we have someone give us some background on that? It can be in writing. Other comments on this one. Your ticket – I'll send it around and you can pick it up.

Councilmember Turner said, Mr. Little, I do have a question for you. Is this your first encounter with this? Has this just started? You said some very disturbing things. I hope they are not true, but I hope we can come up with some reason behind it. Can you answer the question of whether or not you have had any other encounters?

Mr. Little said I have had a lot of encounters. See, my ministry is in Wilmore community. Officer Green, Officer Sally Johnson, Officer Newton, and Officer (inaudible) they stay on the street that my ministry is on. At first I had a ministry near them. They followed me around the neighborhood. They harassed everybody. They tell the men and women in the ministry that I'm a scam. I have got 25 people, and everybody in my ministry was homeless that caught that flyer, and they got a place to seat, a place to sleep, a place to shower. They got three hot meals. I dare them to call me a scam because of my background. These officers are targeting me not because of what I'm doing but every change they get they stop and harass my people, put them in the back of a car, and they ticket them. How can you assume a crime is being committed? If they were on the median and you came and they were walking away from it, you cannot ticket them unless you seen it, and I'm tired, Mr. Mayor. I need some help from you and Chief Monroe, Rodney Monroe. I need some help because since I have been in trouble all my life they figure like my voice don't matter, but my voice matters in the City of Charlotte, too. I was here for a lot of – I have been here 47 years.

Mayor Foxx said, yes, sir. Thank you very much.

Larry Washington, 1826 #5 Merriman Ave., said I'm a member of the Miracle House of Hope Ministries. On January 28th of this year, I was let out of jail at 11:30 p.m. at night. I'm from

Florence, SC. I did not have any place to go. I met a young lady that I knew that was known to be helping people. I called on her. She said, yes, I could come and get out of the street. As a result of that, she and her children were put out of her home. I called Minister Bruce at 5:00 in the morning. He said can you be here about noon. I said, yes, sir. My situation got worse. I called him back. He said come on now, so I did. Now, what has happened since then we have been helping people that needs help just like me. I needed help; he helped me. So people just like me we go out and we help them. The same place that he provided for me I help him provide for other people because there are a lot of people that get out of jail at 11:30 at night and don't have no place to go, and will be picked up again if they don't get out of the streets. Not only that, an officer stopped me on South Tryon. The first thing he asked me is where's Bruce? I thought he might be a friend of Bruce. Come to find out he was an enemy of Bruce's. Anyway, everybody that just stood up was just like me – didn't have no place, didn't have nobody, needed one more chance. That's what we do. We labor to give somebody one more chance. Now, very few people are going to let people in their homes, you know, people that don't smell so good, people that are not acting so right, people under the bridge, people in the woods, you see, but that's what we do. And finally I would like to say I remember, and don't get me wrong. The Charlotte Police Department do a fine job here, and I thought they were supposed to help us, and we do look to them for help, but if they don't help us, then how are we supposed to help the people we are supposed to help. I want to say this. Jesus asked Peter, he said, Peter, lovest thou me? Peter said, "Yeah, Lord, you know I love you." "He said, "Feed my sheep." So if the people that are supposed to help us feed the sheep stop us from feeding the sheep, how are the sheep going to get fed, y'all? Who is going to feed God's sheep if God's people don't feed them?

Vicki Thomas, 1826 #2 Merriman Ave., said I come to the City of Charlotte from Atlanta, Georgia. I am proud to be the women's home director at the Miracle House of Hope. Not only is Minister Bruce my pastor, but he is my friend. I know him to be a man of God and an honest, a man I have seen help people and refuse to give up on those in need trying to change their lives. I, too, have decided to make ministry a way of life. I choose life for me and my family. I am one of the people that stand on the street corners and am not ashamed to tell anyone that will listen how the Lord has changed my life. I will tell them that at one time I smoked crack and that I was hopeless and lost unable to deserve the respect of my three children. I have now been clean for four years by the grace of God. I know that the Lord has changed me and has called on me to help Minister Bruce in his calling. We have women at the Miracle House of Hope that are loving, good, God-fearing women who seek to become what the Lord intends for them to be and not what society says they are. Some officers try to belittle what we do. They speak lies about Minister Bruce and have insulted my beliefs. I have even been asked whether I could read or if I had any type of education by an officer near IKEA Boulevard. Today I am proud to stand here and say that I believe in the Miracle House of Hope. That's why I moved to your Queen City. I had been told that the woman that the city is named for herself required someone to believe in her. We simply want to represent what we believe in, what we believe and know in our hearts to be our calling without harassment, not to be treated like we have hurt someone. We do not scam. We do not lie. My pastor and his wife stand together to spread the word that our God is alive, and we stand with them at the Miracle House of Hope.

Rodney Little, 1826 #1 Wilmore Dr., said I am the overseer at the Miracle House of Hope. I'm also the assistant administrator, and my brother, Bruce E. Little. I was raised in Charlotte, and I have truly not always been a model citizen. My life has been changed by accepting the Lord as my personal savior and I have chosen to help others to change their lives, too. Today I was the leader of a group of people that have also had their lives enriched by the Miracle House of Hope. We had been spreading the word, as we do daily, raising funds to keep our doors open. We had decided to take a break, and we were walking to the McDonald's on Tyvola Road. Officer J.J. Johnson, S. Kelly turned their blue light on and stopped us as we were walking up the street. We had been stopped by another officer that said we were okay, and he left us alone. Officers Johnson and Kelly decided to write tickets for us all. We continued to walk to McDonald's later, and later on he called us back and stated that Sgt. Cherry, who was not on shift, told them to take the badges, buckets, money from us. Our ministry is not based on the money that is raised. It is based on Romans X and IX, the sinner's prayer that says if I confess with my mouth and believe in my heart that Jesus was raised from the dead for me that I will be saved. Amen. Yet in my own hometown, I am disappointed because I am being treated as if I have hurt someone when the Lord has called on me to help people. I do not get support from the ones that are in authority to

help save lives – get disgraced and persecuted. My Brother Bruce is portrayed as a scam artist and a villain, but he gives people hope that they can be made whole again. Amen. He helps them by the grace of God to see that they don't have to live in the streets doing drugs, selling their body, robbing people, end up in jail or dead.

Richard Wade, 1826 #5 Wilmore Dr., said I'm originally from Roanoke, VA. I came out here to Charlotte to start my life again after being incarcerated for several years in Virginia. Once I came here with the skills I have had, I obtained a nice job, and through having a bad time with CMPD, I ended up being incarcerated for a period of time until I went to court and my case was dismissed, and I ended up losing my job, my apartment, and I was out in the street homeless walking up and down North Tryon eating at Rescue Mission, Urban Ministry. A gentleman passed me one day and passed me a flyer, which he was pulling my leg. Come to find out – I prayed to God one night. I was laying on a bench, and I was just tired, and the next morning I woke up and reached in my wallet, and, no, I didn't have near a dime, and I pulled out the flyer that was given to me, and I took and called that number. Within I would say 30 minutes somebody was picking me up and took me to the Miracle House of Hope, which God has blessed me to be a part of that body of Christ, which is the Miracle House of Hope. Since that day, I have been blessed to gain my spirituality. My spirits have been uplifted. I have become more involved with the ministry because of the Bible study we have every morning. We also attend Sunday worship. My spirit has been uplifted. I strongly support the Miracle House of Hope because the Miracle House of Hope, which God has made a part of the body of Christ, has given me hope today. I don't have to sleep on a park bench. I don't have to worry about where I'm going to eat because I get fed every day. I have not once been asked for near a penny to stay where I sleep, and I'm grateful, and I strongly encourage the City of Charlotte, the Mayor, the City Council to be a blessing to take and support us and what we are doing because Pastor Little has been ordained by the grace of God to spread the ministry to help me to gain my spirituality because through the teaching of Pastor Little, which has been manifested through the blessings and grace of God, has really blessed all of us that are in this ministry today. I think that the Council and the City officials should understand that we are not out scamming people, that we are out spreading the word of the gospel and what our ministry is all about, and we are giving help to those that in need because we still have people out here who are addicted to alcohol and drugs, homeless people that walk up and down North Tryon every day that need someone to reach a hand out to them and ask them to come on in and be a part of this big family that we have because for the first time in 34 years I feel that I have a family that cares about me. Today I can say the Miracle House of Hope is doing what a lot of people in Charlotte – not saying that the Council is not listening.

Corey Fleming, 1744 Wilmore Dr., said I'm the youngest one of the group. I'm 23 years old. I was called by God to be a firefighter. Ever since I was 14 years old I got on as a junior firefighter in another county and fell into my mom's footsteps, which was saving lives, showing me that just because one person tells you no you can still do it. She was a firefighter, the first one for Gaston County, so, therefore, that made me look and see that is something to drive for. Especially having a father, I grew up – he was blind, so it was a mom had to look out and follow in her footsteps and wear her shoes, and she is the one that finally got me the chance and the honor of accepting the possibility and the gift that Bruce and Sandra has given us and given me personally by allowing me into their house, which is incredible anyway, to not know anybody, to opening up their home, their bank account. If I need anything, they will do it. I'm manic bipolar. They make sure I'm at the doctor, I take my medicine. They make sure I don't fall back four years ago what has happened to me what has happened to me with drug use and everything, so I can actually use myself and my spirit as a purpose and not just exist in this world because it's one thing to have a birthday and the day you die to be the milestone you set as, well, you lived 98 years, 100 years. Well, that's all good, but what did you do with the dash in the middle? That's the most important thing, and this has given me a purpose to take that dash and not only expand it but make it an incredible hopefully just a legacy to show other people that just because you went down this road like me. I have permanent facial features and stuff that look like whatever that they are damage from drugs and stuff, and all that does to me is fuel the fire inside my soul saying you know what, get out there and show these people this is what you were; this is who you are now though. God can take anybody and change them no matter what their background or history. It's all because of one flyer, a bucket, and a man with a dream, and CATS bus system that I hear is so great that I have not had the opportunity to ride on, but I will be riding soon I'm sure. I appreciate the time you have given me, but I also want to personally

thank God for allowing me to come up here and talk and I want to thank Sandra and Bruce for allowing them to be my new parents.

Jaqueline Phillips said I came to Charlotte from Knoxville, TN. I am a nurse, an X-ray tech there and have been pretty much my whole adult life. A few years ago I had to have some surgeries and became hooked on prescription pain killers. I have battled this. I have been to treatment in Tennessee a couple of different times, but really that has never worked for me and I had basically lost all hope. How I came to Charlotte was the Miracle House of Hope was handing out flyers in Knoxville, TN, and my husband happened to roll down his window. He said he didn't want to give those people a chance, that he rolled down his window anyways and donated a dollar and was given a flyer, and he brought it home to me and read it. We went and met with Bruce and Sandra and some of the folks in the ministry. I decided that night to step out on faith and come to Charlotte and try something different because I believe that nothing changes if nothing changes. What I do at the Miracle House of Hope is every day I get up at 5:30, have Bible study at 6:00 a.m. We go out into the community and we fundraise for our ministry. To me this is a very humbling experience. It's a priceless experience for me. I feel like not only am I serving God, but I am also serving the community and giving back, giving people a hand up that have no other choice. Maybe my circumstances are a bit different. I'm not homeless. I worked really hard for my career, and, thank God, I can go back to that, but right now I choose to grow spiritually, and Sandra and Bruce are very supportive of that, and I am very supportive of them. I have always believed in choosing your battles and why, so to speak, and I just find it unfortunate the police have chosen us for one of theirs to the extreme that they have. I know that I have received a couple of tickets since being in Charlotte, and it upset me greatly because I feel like we are all choosing a better way of life. It's an unselfish thing that we are out there doing trying to help people, and when you have cop car after cop car come around you and people driving by that's very humiliating. God bless you all.

Mayor Foxx said I may not be the only one, but this is the first that I have heard of a lot of these concerns, so we have asked the staff to bring back a report to us on this, and we can have further discussion about it if the Council chooses. That's the conclusion of the Citizens' Forum. Thank you all for coming. We appreciate your presence.

Councilmember Dulin said, Pastor, when you were here two years ago, I remember you. You and my friend, John Jennings with the House of Favor. You have been working hard, friend, and you are changing the world by helping these people. I love you, man, I do.

CONSENT AGENDA

[Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and]
[carried unanimously to approve the Consent Agenda as presented with the exception of Item]
[Nos. 25, 56-F, 56-G, and 56-S, which were pulled for discussion; Item Nos. 39, 51-E, 56-T,]
[and 56-AA, which were pulled by staff; and Item Nos. 55, 56-K, 56-P, 56-Q, 56-R, 56-V,]
[56-W, and 56-AI, which were settled.]

The following items were approved:

18. Low bid contract of \$526,282 to Rea Contracting, Inc. for repaving selected Airport roads.

Summary of Bids

Rea Contracting	\$526,282.00
Granite Contracting, LLC	\$617,730.00
Blythe Construction	\$633,984.00

19. Low bid contract of \$635,225 to Recycling Equipment, Inc. for conveyor system and balers for the Airport Recycling Center.

Summary of Bids

Recycling Equipment, Inc.	\$635,225.00
IPS Balers Manufacturing, Inc. (not responsive to ITB)	\$507,760.00
Machinex	\$1,230,181.00

20. Low bid contract of \$277,888 to Blythe Development Company for grading for deicing refill station equipment.

Summary of Bids

Blythe Development Company	\$277,888.00
Country Boy Landscaping	\$299,886.80
Eaglewood, Inc.	\$333,105.65
Showalter Construction Company, Inc.	\$334,728.00
Pedulla Trucking, Excavating & Paving, Inc.	\$456,536.00

21. Low bid contract of \$137,000 to Edison Foard, Inc. for construction of an Exit Plaza at Long Term Parking Lot 4.

Summary of Bids

Edison Foard, Inc.	\$137,000.00
Shelco, Inc.	\$144,000.00
Camps Construction Co.	\$149,580.00
CA Scism	Nonresponsive
Kelby Construction	Nonresponsive

23. Low bid contract of \$119,435.55 to Whiting Construction Company, Inc. for miscellaneous traffic signal repair and installation, and authorize the City Manager to approve up to three renewals each in an amount not to exceed the original contract amount.

Summary of Bids

Whiting Construction Company, Inc.	\$119,435.55
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24. Low bid contract of \$88,800 to Single Source, Inc. for bus paint and related supplies, and authorize the City Manager to execute up to two, one-year renewals with possible price adjustments as stipulated in the contract.

Summary of Bids

Three bids were received, but only two were considered to be responsive.

26. Low bid contracts for storm water maintenance construction activities: 1) Bullseye Construction, Inc. in the amount of \$1,108,545 for Storm Water Maintenance Contract FY2012-A; 2) Blythe Development Company in the amount of \$1,213,995 for Storm Water Maintenance Contract FY2012-B, and authorize the City Manager to approve up to three renewals for each in an amount not to exceed the original contract amounts.

Summary of Bids

Bids for FY2012-A

Bullseye Construction, Inc.	\$1,108,545.00
OnSite Development, LLC	\$1,252,025.00
Showalter Construction Company	\$1,270,026.35
Blythe Development Company	\$1,278,710.00
United Construction Company	\$1,414,500.00
State Utility Contractors	\$1,440,055.00
Callahan Grading, LLC	\$1,935,180.00

Bids for FY2012-B

Blythe Development Company	\$1,213,995.00
OnSite Development, LLC	\$1,218,500.00
Bullseye Construction, Inc.	\$1,218,965.00
Showalter Construction Co., Inc.	\$1,244,569.35

United Construction Company	\$1,414,500.00
Callahan Grading, LLC	\$1,708,195.00

27. Low bid contract of \$320,092.50 by Prism Contractors & Engineers, Inc. for the FY12 Sanitary Sewer Cleaning and Closed Circuit TV (CCTV) Inspection Project, and authorize the City Manager to renew the contract for three additional terms with possible price adjustments based on the Construction Cost Index as stated in the agreement.

Summary of Bids

Prism Contractors & Engineers, Inc.	\$320,092.50
Bio-Nomic Services, Inc.	\$375,691.05
Terra Contracting, LLC	\$440,491.59
Haz-Mat Environmental Services	\$447,457.50
North American Pipeline Management	\$789,560.21

28. Low bid unit price contract to Lake Norman Chrysler, Jeep, Dodge for the purchase of Chrysler, Dodge, Jeep original equipment manufacturer (OEM) repair parts for the term of three years, and authorize the City Manager to extend the contracts for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The FY2012 expenditures are an estimated annual amount of \$75,000.

Summary of Bids

Lake Norman Chrysler Jeep Dodge	\$46,472.15
Stateline Chrysler Jeep Dodge	\$47,732.31

29. Authorize the City Manager to negotiate and execute a cost-share agreement with the property owner(s) adjacent to the Poindexter Extension regarding the design and construction of the Poindexter At-Grade Crossing with the City funding 2/3 of the design and construction costs of the crossing up to a maximum of \$800,000 through the South Corridor Infrastructure Program (SCIP) Fund.
30. Authorize the City Manager to negotiate and execute Housing and Infrastructure reimbursement agreements with the Charlotte Housing Authority in an amount up to \$12 million to assist with the redevelopment of the Boulevard Homes Hope VI project.
31. Contract amendment with an initial term of three years for utility billing services with Kubra Data Transfer LTD that includes bill processing, archival/bill viewing, electronic bill distribution and payment which is necessary to achieve Utilities' 40 Point Plan, and authorize the City Manager to approve up to three additional one-year renewals. The total contract including renewals is up to \$5,289,124.
32. Renewal of the contract with Optimum Holdings Inc. for an 18-month period for \$207,900 for IT project management services for the City's Address Management Program.
33. Purchase of ultra low sulfur diesel and unleaded gasoline without competitive bidding as authorized by the State contract exception of G.S. 143-129(e)(9) and award a unit price contract to provide ultra low sulfur diesel and unleaded gasoline for a term of one year to Mansfield Oil per State contract #405 in the estimated annual amount of \$400,000.
34. Amendment #2 in the amount of \$238,000 to Rodgers Builders, Inc. for the Discovery Place Renovation Project.
35. Change order #1 in the amount of \$519,442.81 to Blythe Construction, Inc.
37. Contract with Cole Jenest & Stone, P.A. in the amount of \$500,000 for engineering services, and authorize the City Manager to renew the contract once for the original contract amount.

38. Contract with Collins and Baker Engineering, P.A. in the amount of \$500,000 for stream restoration engineering services, and authorize the City Manager to renew the contract twice for engineering services up to \$500,000 each renewal.

40. Resolution setting a public hearing for September 12, 2011, regarding the issuance of up to \$175,000,000 in Airport Revenue Bonds for Airport Capital Investment Projects.

The resolution is recorded in Resolution Book 43 at Pages 87-90.

41. Authorize the City Manager to amend the existing contract with LTK Engineering Services for a 65% Milestone Systems Plans Review for the Blue Line Extension (BLE) raising the total contract not to exceed amount of \$160,000.

42. Budget Ordinance No. 4707-X appropriating \$500,000 in Federal and State funding for Phase 3 of the Charlotte Region Fast Lanes Study.

The ordinance is recorded in Ordinance Book 57 at Page 331.

43. Purchase of oil analysis supplies and parts as authorized by the sole source exemption of G.S. 143-129(e)(6), and contract with On-Site Analysis for the purchase of supplies and services in the estimated annual amount of \$50,000 for the term of five years.

44. Purchase of cellular services as authorized by the cooperative purchasing exception of G.S. 143-129(e)(3), agreements with the following three vendors for the provision of cellular services in the estimated annual amount of \$2,000,000: 1) AT&T Mobility, 2) Spring/Nextel, 3) Verizon Wireless; and authorize the City Manager to extend the agreements for additional terms as allowed by the cooperative purchasing contracts with possible price adjustments at the time of annual renewal as authorized by the agreements.

45. Resolution amending the Interlocal Agreement with Union County for Public Safety Radio System Interoperability and Infrastructure Services, and adopt Budget Ordinance No. 4708-X in the amount of \$711,157 appropriating additional program revenues.

The ordinance is recorded in Ordinance Book 57 at Page 332.

46. Amendment to the City's share of a Business Investment Grant to SPX from a total estimated amount of \$1,708,331 over five years to \$2,031,621 (amended total City/County grant estimated at \$5,827,691).

47. Contract with Environmental Holdings Group, LLC, Jones Grading and Fencing, Inc., and W.C. Black and Sons, Inc. for commercial and residential demolition services for an initial term of two years in the estimated annual amount of \$350,000, and authorize the City Manager to approve a one-year renewal option as authorized by the contract and contingent upon the company's satisfactory performance.

48. Resolution approving the donation of surplus computers and related equipment to Goodwill Industries of the Southern Piedmont.

The resolution is recorded in Resolution Book 43 at Pages 93-125.

49. Resolution declaring specific vehicles, equipment, and other miscellaneous items as surplus, and authorize said items for sale by public auctions on September 24, 2011, and October 1, 2011.

The resolution is recorded in Resolution Book 43 at Pages 126-132.

50. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$11,144.59, and resolution authorizing the refund of business privilege license payments made in the amount of \$4,019.

The resolution for refund of property taxes is recorded in Resolution Book 43 at Pages 133-134.

The resolution for refund of business privilege license payments is recorded in Resolution Book 43 at Pages 135-136.

- 51-A. Ordinance No. 4709-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2225 Dundeen Street (Neighborhood Statistical Area 23 – Washington Heights Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 333.

- 51-C. Ordinance No. 4710-X authorizing the use of In Rem Remedy to demolish and remove the structure at 729 Wabash Avenue (Neighborhood Statistical Area 113 – Westchester Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 334.

- 51-D. Ordinance No. 4710A-X authorizing the use of In Rem Remedy to demolish and remove the structure at 959 N. Davidson Street (Neighborhood Statistical Area 45 – Optimist Park Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 334A.

- 51-F. Ordinance No. 4711-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1012 Pryor Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 335.

- 51-G. Ordinance No. 4712-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2900-1 Seymour Drive (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 336.

- 51-H. Ordinance No. 4713-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2900-2 Seymour Drive (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 337.

- 51-I. Ordinance No. 4714-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2805 Shamrock Drive (Neighborhood Statistical Area 48 – Plaza/Shamrock Neighborhood).

The ordinance is recorded in Ordinance Book 57 at Page 338.

52. Resolution authorizing an exchange of real property rights with The Fountains at New Bern Station LLC or an affiliate thereof (Developer) involving Tax I.D. Number 14702120, and authorize the City Manager to execute all necessary documents to complete the exchange of land rights with the Developer.

The resolution is recorded in Resolution Book 43 at Pages 137-138.

53. Resolution authorizing an exchange of real property rights with JLB Southline, LLC or an affiliate thereof (Developer) involving Tax I.D. Numbers 12104101, 12104103-108, 12104110 and 12104111, and authorize the City Manager to execute all necessary documents to complete the exchange of land rights with the Developer.

The resolution is recorded in Resolution Book 43 at Pages 139-140.

- 56-A. Acquisition of .17 acres at 3608 Marshall Avenue from Junior and Janice Westmoreland for \$32,000 for Airport Master Plan Land Acquisition.
- 56-B. Acquisition of .28 acres at 3619 Marshall Avenue from Junior and Janice Westmoreland for \$71,000 for Airport Master Plan Land Acquisition.
- 56-C. Acquisition of .25 acres at 3625 Marshall Avenue from Marshall D. Huffman for \$61,000 for Airport Master Plan Land Acquisition.
- 56-D. Acquisition of 1,733 square feet in sidewalk and utility easement plus 2,607 square feet in temporary construction easement at 1800 Commonwealth Avenue from Omni Venture, LLC for \$61,025 for Commonwealth Streetscape, Parcel #2.
- 56-E. Acquisition of 314 square feet in sidewalk and utility easement plus 1,179 square feet in temporary construction easement at 2008 Commonwealth Avenue from Betty Ziegler Mims for \$24,150 for Commonwealth Streetscape, Parcel #16.
- 56-H. Acquisition of 181,387 square feet in conservation easement at 5737 Chalyce Lane from Village of Bishops Ridge IV Homeowners Association, Inc. for \$15,000 for McAlpine Stream Restoration, Parcel #35.
- 56-I. Acquisition of 1,529 square feet in permanent easement plus 1,594 square feet in temporary construction easement at 13701 Seaton Drive from Wayne H. Shirley and wife, Carla Love Shirley, for \$11,475 for Thompson Road – Thompson Place Drive to Fairington Oaks Drive, Parcel #6.
- 56-J. Acquisition of 28,096 square feet in fee simple plus 8,050 square feet in fee simple remnant at 5840 Westpark Drive from W. Edwin McMahn, William B. Little, Robert C. Carver, and Tyvola Associates, LP for \$145,075 for Westpark/Kendly Plan, Parcel #1.
- 56-L. Resolution of condemnation of 2,021 square feet in conservation easement at 7220 Brighton Brook Drive from Henry Holmes, Jr. and wife, Pia Workcuff-Holmes, and any other parties of interest for \$2,200 for City View Stream Restoration, Parcel #7.

The resolution is recorded in Resolution Book 42 at Page 141.

- 56-M. Resolution of condemnation of 1,543 square feet in storm drainage easement at 7300 Brighton Brook Drive from Don F. Lloyd and wife, Deborah Lloyd, and any other parties of interest for \$1,325 for City View Stream Restoration, Parcel #14.

The resolution is recorded in Resolution Book 42 at Page 142.

- 56-N. Resolution of condemnation of 54,232 square feet in conservation easement at 7400 City View Drive and Dorn Circle from Hindu Center and any other parties of interest for \$12,575 for City View Stream Restoration, Parcel #17.

The resolution is recorded in Resolution Book 42 at Page 143.

- 56-O. Resolution of condemnation of 7,997 square feet in conservation easement at 6919 Streamside Drive from Eric Van Brooks and wife, Julie P. Brooks, and any other parties of interest for \$8,100 for City View Stream Restoration, Parcel #27.

The resolution is recorded in Resolution Book 42 at Page 144.

- 56-S. Resolution of condemnation of 19 square feet in storm drainage easement plus 226 square feet in sidewalk and utility easement plus 68 square feet in utility easement plus 2,707 square feet in temporary construction easement at 1801 Commonwealth Avenue from 1801 Commonwealth, LLC and any other parties of interest for \$57,350 for Commonwealth Streetscape, Parcel #14.

The resolution is recorded in Resolution Book 42 at Page 145.

- 56-U. Resolution of condemnation of 2,618 square feet in prescriptive sanitary sewer easement plus 1,357 square feet in temporary construction easement at 3301 Sharon Road from Dennis L. Guthrie and wife, Sherron B. Guthrie, and any other parties of interest FY07 Annual Sanitary Sewer Rehabilitation, Parcel #1.

The resolution is recorded in Resolution Book 42 at Page 146.

- 56-X. Resolution of condemnation of 384 square feet in storm drainage easement at Milhaven Lane from Bascom V. Belk, Jr. and wife, Harriet C. Belk, and any other parties of interest for \$350 for Milhaven Lane Sidewalk Improvement, Parcel #42.

The resolution is recorded in Resolution Book 42 at Page 147.

- 56-Y. Resolution of condemnation of 1,219 square feet in storm drainage easement plus 353 square feet in temporary construction easement at 801 Marble Street from Gregory R. Kilpatrick and wife, Leisha Kilpatrick, and any other parties of interest for \$2,200 for Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel #84.

The resolution is recorded in Resolution Book 42 at Page 148.

- 56-Z. Resolution of condemnation of 1,792 square feet in storm drainage easement plus 654 square feet in sidewalk and utility easement plus 766 square feet in temporary construction easement at 4620 Willard Street from James Cecil Crump and any other parties of interest for \$1,650 for Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel #141.

The resolution is recorded in Resolution Book 42 at Page 149.

- 56-AB. Resolution of condemnation of 204 square feet in sidewalk and utility easement plus 1,508 square feet in temporary construction easement at 2733 Dogwood Avenue from Mabel Coaxum and any other parties of interest for \$100 for Tryon Hills Neighborhood Improvement Project, Parcel #30.

The resolution is recorded in Resolution Book 42 at Page 150.

- 56-AC. Resolution of condemnation of 204 square feet in sidewalk and utility easement plus 1,508 square feet in temporary construction easement at 722 Norris Avenue from Christopher Dennis and any other parties of interest for \$2,400 for Tryon Hills Neighborhood Improvement Project, Parcel #97.

The resolution is recorded in Resolution Book 42 at Page 151.

- 56-AD. Resolution of condemnation of 567 square feet in temporary construction easement at 613 Franklin Avenue from Richard Daniel Guiney, Jr. and wife, Rita Shipes Guiney, and any other parties of interest for Tryon Hills Neighborhood Improvement Project, Parcel #145.

The resolution is recorded in Resolution Book 42 at Page 152.

- 56-AE. Resolution of condemnation of 14 square feet in sidewalk and utility easement plus 735 square feet in temporary construction easement at 511 Franklin Avenue from Heirs of Williams John Moore, Jr., John Douglas Moore, Nezzie Moore Russell, Barbara Lucinda Moore, and William Tony Moore, and any other parties of interest for \$250 for Tryon Hills Neighborhood Improvement Project, Parcel #152.

The resolution is recorded in Resolution Book 42 at Page 153.

- 56-AF. Resolution of condemnation of 440 square feet in storm drainage easement plus 778 square feet in sidewalk and utility easement plus 3,549 square feet in temporary construction easement at 7214 The Plaza from Betty M. Johnson, William E. Hampton,

and David E. Fuller, Sr., and wife, Margaret B. Fuller, and any other parties of interest for W.T. Harris Boulevard/The Plaza Intersection Improvements, Parcel #7.

The resolution is recorded in Resolution Book 42 at Page 154.

56-AG. Resolution of condemnation of 261 square feet in sidewalk and utility easement plus 952 square feet in temporary construction easement at 7301 The Plaza from DBNCH Circle, LLC and any other parties of interest for W.T. Harris Boulevard/The Plaza Intersection Improvements, Parcel #10.

The resolution is recorded in Resolution Book 42 at Page 155.

56-AH. Resolution of condemnation of 121 square feet in sidewalk and utility easement plus 377 square feet in temporary construction easement at 4201 East W.T. Harris Boulevard from Betty M. Johnson, William E. Hampton, and David E. Fuller, Sr. and wife, Margaret B. Fuller, and any other parties of interest for \$1,225 for W.T. Harris Boulevard/The Plaza Intersection Improvements, Parcel #11.

The resolution is recorded in Resolution Book 42 at Page 156.

56-AJ. Resolution of condemnation of 139 square feet in temporary construction easement at 4221 East W.T. Harris Boulevard from Betty M. Johnson, William E. Hampton, and David E. Fuller, Sr. and wife, Margaret B. Fuller, and any other parties of interest for \$225 for W.T. Harris Boulevard/The Plaza Intersection.

The resolution is recorded in Resolution Book 42 at Page 157.

57. Title, motions, and votes reflected in the Clerk's record as the Minutes of the May 9, 2011, Business Meeting; May 16, 2011, Zoning Meeting; May 18, 2011, Budget Adjustments; May 23, 2011, Business Meeting; June 1, 2011, Budget Straw Votes; and June 6, 2011, Workshop.

* * * * *

Councilmember Mitchell said, Mayor, she made reference to 51-E. You say staff settled that?

Ashleigh Martin, Deputy City Clerk, said it had been pulled by staff.

Councilmember Mitchell said can I ask for an explanation?

Mayor Foxx said no decision tonight on that one.

Deputy City Clerk Martin said no decision tonight.

Councilmember Mitchell said I would like to know why because I thought it was a great thing we was moving forward on the demolition.

Curt Walton, City Manager, said we can speak to that when we get to it.

* * * * *

ITEM NO. 22: POLICE COMMAND CENTER UPFIT

Councilmember Barnes said I pulled that item. I believe my concerns and questions have been resolved, so I move to approve that item.

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously to award the low bid contract of \$593,990 to G.W. Liles Company, Inc.]
[for the Charlotte-Mecklenburg Police Department Command Center upfit.]

Summary of Bids

G.W. Liles Construction Company, Inc.	\$583,990.00
Edison Foard, Inc.	\$614,900.00
Heard Ratzlaff Construction	\$676,500.00
Bower Commercial Construction	\$701,146.60

ITEM NO. 25: RAINTREE POND WATER QUALITY ENHANCEMENT PROJECT

Councilmember Barnes said I pulled 25 as well, Mr. Mayor. This is a water quality enhancement project, and the question I had for staff relates to another problem we have in a similar pond. This particular pond is on a private golf course, and I wanted to know whether they were contributing financially to this project, and I also have a question about a dam failure that occurred off Albemarle Road a few months ago, and I believe staff indicated to me back then that the owner of that property was being required to contribute to the cost of the repairs, and I'm wondering whether we want to revisit our policy on these projects.

Jennifer Smith, Engineering and Property Management, said on Raintree the homeowners association has donated all the easements, which is over 1.6 acres of land for that project, so that was at no expense for the City. If we were going in and trying to build new water quality measures, we would have to go in and buy that land, so that is something they are contributing to us. As far as the Lake Point dam was the other question, the property owners we have reached an agreement that they will be paying the expenses for the emergency repairs that are reimbursable, so they are contributing that money.

Councilmember Barnes said do we know if what that number is?

Ms. Smith said it's somewhere around \$96,000.

Councilmember Dulin said I pulled No. 25 as well, Mr. Mayor, to stay consistent, and I plan to vote against spending public dollars to fix a private dam when I'm darn sure the homeowners association in this community could contribute and help, so I plan to vote against it.

[Motion was made by Councilmember Cooksey and seconded by Councilmember Carter to]
[award the low bid contract of \$221,000.28 to Blythe Development Company for the Raintree]
[Pond Water Quality Enhancement Project.]

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

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

NAYS: Councilmember Dulin

Summary of Bids

Blythe Development Company	\$221,000.28
Advanced Development Concepts, LLC	\$230,075.69
Horsepower Site Svcs.	\$230,094.24
Eagle Wood, Inc.	\$240,350.86
United Construction Company	\$268,014.72
Bullseye Construction, Inc.	\$298,646.67
Showalter Construction Company	\$358,749.17

ITEM NO. 36: CONTRACT PRICE ADJUSTMENT FOR RESURFACING

Councilmember Barnes said I pulled that item as well. This is one of our resurfacing contracts and an adjustment to the contract. I essentially pulled it because I have noticed with respect to the contractor listed under Item B of this particular action item that in at least one example there is not a tremendous amount of attention being paid to cleaning up after themselves, Mr. Lamb, and I would encourage – I have had a conversation with Barry Moose about it – encourage you to encourage them to leave their set-up areas as clean as they find them. In this instance, they left cones and asphalt and oil on the street that there weren't working on but where they had staged their equipment, and it's still a mess, and they didn't leave it in a good situation. I think because of the amount of money we are spending with these contractors and others they owe us leaving our streets looking as good as they find them especially ones they are not paving.

Layton Lamb, Transportation, said did we get that place cleaned up?

Councilmember Barnes said the state is working with them on it. They haven't really finished it yet. I don't think they are going to come back, and it bothers me.

Mr. Lamb said can you share that with me?

Councilmember Barnes said I sure will, yes. I'll tell you off-line in just a moment.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously to approve the contract price adjustment in the amount of \$630,000]
[to Blythe Construction, Inc. for Resurfacing FY2011-A, contract price adjustment in the]
[amount of \$630,000 to Ferebee Corporation, Inc. for Resurfacing FY2011-B, and Budget]
[Ordinance 4706-X appropriating \$700,000 from the Powell Bill fund balance to the Powell]
[Bill operating budget. The remaining \$560,000 is available in Powell Bill operating budget]
[for a total of \$1,260,000.]

The ordinance is recorded in Ordinance Book 57 at Page 330.

* * * * *

ITEM NO. 48: DONATION OF SURPLUS COMPUTERS AND RELATED EQUIPMENT TO GOODWILL

Councilmember Barnes said this is a request to adopt a resolution approving a donation of surplus computers and related equipment to Goodwill, and I think it's great to give equipment to Goodwill because I think they employ people in refurbishing and reselling the equipment. The question I had is when I looked at the Attachment 10 there were dozens of laptop computers and other equipment listed, and I wanted to know how old the equipment is before we, according to his, clean it up and give it away and whether we might actually save some money by hanging onto this equipment for a while longer. There were several televisions listed, and as I indicated earlier, several computers particularly laptop computers.

Chuck Robinson, Business Support Services, said we are currently on a four-year refresh cycle for our desktops and PCs. This is about a year longer than the industry standard for desktops. We are also currently looking at how to expand that by going through what we call desktop virtualization. For those who are old enough to remember, we used to have a green screen with a node and just a dummy setup. What's old is new again. We'll be going back to that trying to both save energy and drive our cycle time up to seven years on refresh, but we take special attention to make sure that these are at the end of their useful life. We also have a cascade program where computers get cascaded down that are still in good use, so we do pay very close attention to what is surplus.

Councilmember Barnes said just speaking about my own business. Frequently if a computer needs to be upgraded we just simply add additional software or expand the memory, and I get that we help keep these businesses going by buying computers on a regular basis when we don't need to, but has there ever been any thought to essentially enhancing the software capabilities of

the equipment on a regular basis. Perhaps this virtual piece that you described would be appropriate in the future, but before that time comes – and I know the cloud is also around the corner as well, but in terms of us saving some money now by hanging on to this equipment a little longer before we spend money, have we given any thought to just –

Mr. Robinson said absolutely, and we do have a program where we do that for PCs where it's appropriate to do that. As you have probably experienced with your own home computer or your work computer, when you get down to the motherboard issues and things like that the cost of doing that kind of work with the price of PCs today is just not very efficient. In those places where we can upgrade, we do, so we do pay, again, careful attention to how we are disposing of the property.

Councilmember Turner said you indicate that we provide this to Goodwill, and I look at the donations. Is everything that I'm seeing here listed we gave to Goodwill?

Mr. Robinson said if it's associated with Item 48, yes, sir. There was a Council action a few months ago where we entered into an electronic disposal agreement with Goodwill, and these items are properly disposed of and --

Councilmember Turner said the reason I'm asking that question, you know, I understand what they did, and a lot of people go there for job training. I will be amazed to know what they are really doing. This is a lot of equipment. I find it very difficult to believe at least the Goodwill system that I know in Mecklenburg County whether they would be utilizing all of this equipment. The reason I'm asking that question is because I go to middle schools, and our school system I know is not our responsibility nor is it our responsibility just to give it to Goodwill, but there are other agencies that I think we should also contribute to, and I think about some of the public school systems that don't even have a decent computer lab set up that we can provide some of these donations to some of our schools as well.

I just want to make sure if we are going to give to someone whether or not the agency that we are giving to is really utilizing all this equipment or are they refurbishing them or reselling them or what are they doing with this. That's a lot of equipment, and I'm not saying that what you are doing is wrong. I'm saying how do we hold people accountable that they are getting the best use out of it, and should we be giving it all to one agency versus spreading out some of this because again this is a tremendous amount of equipment to me to give away to Goodwill.

Mr. Robinson said we have explored the reuse for CMS in the past, and usually these computers are so far past their useful life CMS can't use them for their purposes. Because of the requirement that we have for disposing of data on the hard disk we turn the vast majority of these PCs over the hard disk inside the computer is virtually useless. Most of these computers end up being destroyed. Those that can be refurbished and reused they do. The primary purpose of our contract with Goodwill is for electronic disposal of this equipment in a way that meets state and federal law for the disposal of this type of electronics.

Councilmember Turner said do we keep up with that?

Mr. Robinson said yes. They have to have audited records to show how the equipment was disposed of, what equipment was refurbished, and we will get reports on this I think on a semi-annual basis.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously to approve the donation of surplus computers and related equipment]
[to Goodwill Industries of the Southern Piedmont.]

The resolution is recorded in Resolution Book 42 at Pages 93-125.

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ITEM NO. 54: EASTLAND TRANSIT CENTER PROPERTY ACQUISITION

Councilmember Barnes said staff has answered my question, so I move to approve.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
[carried unanimously to approve acquisition of the Eastland Transit Center site and related]
[easements for \$771,150, and authorize the City Manager to execute a Purchase and Sale]
[Agreement, Easement Agreements, and related documents.]

* * * * *

ITEM NO. 55: REAL ESTATE APPRAISER SERVICES

Councilmember Mitchell said I pulled that, and if I could have a staff representative. I have got one question about the real estate appraisal contracts we are trying to award. My first question is this time sensitive? The reason why I'm asking a question mark is because I got an email – well, fax – sent to me today that several other appraisers were not notified until the last day about this opportunity, and I was trying to find out if this is time sensitive. Do we have the ability on September 12th to address this and vote on this to allow other people an opportunity to bid as well?

Jeff Reid said the folks listed here are actual respondents to an RFQ that occurred earlier this year, and it occurs on pretty much a regular interval. The last time was in 2009, so we typically notify everybody and advertise in all of the normal places that these folks would be likely to see the advertisement and respond. I'm not sure I'm qualified to answer the question as to whether or not we can go back out. We can always go back out with another RFQ. Whether or not it's appropriate to do that as soon as you are talking about I'm not sure I'm qualified to speak to, but these folks are the respondents to the normal RFQ that we do on regular intervals, and other people may have responded or may have responded late, may have been disqualified for other reasons. I'm not sure.

Councilmember Mitchell said I have a list of about three companies that sent me an email that said they were not notified until the last day, and I guess I'm trying to make sure the process is fair. But you said we advertised in the paper. Did we notify our SBE firms that also might be able to provide these opportunities or just the companies that had a contract in 2009 that we notified them?

Mr. Reid said there is no SBE goal established for these types of contracts because the subcontracting opportunities are not identified, so I can't specifically say that we notified SBE companies.

Councilmember Mitchell said not so much to notify SBE companies because of a goal, but we might have SBE firms that could perform the work. Were they notified of this opportunity?

Curt Walton, City Manager, said, Mr. Mitchell, we will defer this until the next meeting to get your questions answered.

Councilmember Dulin said why break this work out. These are nine separate appraisal contracts. Why break it up so much?

Mr. Reid said the numbers – well, first of all, we have an unprecedented amount of appraisal work going on right now, so we need this number, this level of staffing. The numbers you see here are based on last year's contract amounts plus 20%, so this is the amount that each of these firms we use them to this dollar amount plus this dollar amount equals what they used last year plus 20%.

Councilmember Dulin said I'm sorry. I almost wish you hadn't told me that. Does that mean we just gave them an automatic 20% pay increase?

Mr. Reid said, no, sir, it just means they have more capacity. The pay is exactly the same.

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Mayor Foxx said that matter will be deferred.

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ITEM NOS. 56-F AND 56-G: ACQUISITION OF PROPERTY ON COMMUNITY HOUSE ROAD AND BRYANT FARMS ROAD AND ACQUISITION OF PROPERTY AT 4527 FREEDOM DRIVE

Councilmember Dulin said F and G.

Julie Burch, Assistant City Manager, said in terms of a response to your question, Councilmember Dulin, 56-F is acquisition of commercial property, Harris-Teeter on Community House Road, so that looks a little different perhaps than some of these other acquisitions because most of those are residential properties, so that does make a difference. This is approximately \$9.62 a square foot.

Councilmember Dulin said how about the next one, Freedom Drive?

Ms. Burch said Freedom Drive widening. This is a case where we took a little bit more property from the church rather than across the street because there is a cemetery across the street, so by taking more property from the church, acquiring more property from the church, we actually took some of the parking lot, so part of this money compensates for them to be able to restore a new parking area as a result of the road work.

Councilmember Dulin said, Mr. Turner, they are happy with the deal?

Councilmember Turner said thank you for asking. I am actually. A lot of work has gone into this, and it's been a long time coming for us to start on this project, so I think everybody is happy.

Councilmember Dulin said that number just jumped out at me this weekend when I was reading it, and I wanted to ask.

[Motion was made by Councilmember Barnes, seconded by Councilmember Dulin, and]
[carried unanimously to approve the acquisition of 4,617 square feet in fee simple plus]
[1,964 square feet in storm drainage easement plus 1,808 square feet in sidewalk and utility]
[easement plus 11,345 square feet in temporary construction easement on Community House]
[Road and Bryant Farms Road from Harris Teeter, Inc. for \$166,458 for Community House]
[Road, Parcel #45; and to approve the acquisition of 20,639 square feet in fee simple plus]
[6,742 square feet in existing right-of-way plus 5,464 square feet in sidewalk and utility]
[easement plus 37 square feet in utility easement plus 29,179 square feet in slope easement]
[plus 10,976 square feet in temporary construction easement at 4527 Freedom Drive from]
[Christ Resurrection Church, Inc. for \$503,300 for Freedom Drive Widening, Parcel #446.]

* * * * *

ITEM NO. 51-B: IN REM REMEDY AT 1001 BANNISTER PLACE

Huey Rowe-Anderson, P. O. Box 34068, said I am here tonight to speak to you about 1001 Bannister Place. First, I would like to apologize to you because I have four short videos that I thought I was going to be able to show you. I thought you might have a PowerPoint arrangement, but the lady upstairs said your format now doesn't do that yet, so I apologize to you. I had a HD drive to show you some videos of the house. Anyway, I sent some earlier pictures that I would appreciate if they would be passed around at this time, and I will tell you a little about the house. The house I'm asking you not to demolish is not an investment. The property is my home. It has never been rented. It has always been my home, and in later years it became my real estate office in the home when I downsized and moved my office into the home. The fire and damage that occurred at the house did not occur because of carelessness. It did not

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occur because of bad wiring or anything of that nature. It occurred because of arson. Someone set the house on fire. The fire damaged basically the rear of the house, which was an additional part of the house that was a second den, a room that was roughly 20 x 18. It destroyed all of my religious books. It destroyed all of my books from years that I used to be a professor at the university. It destroyed all of my earlier files. In real estate, I had files from when I first started in 1972. It destroyed a lot of personal things. It would have been great if the house had not been paid for because then I would have had insurance on it. You will say that was negligent not to have insurance, but I had been very careful, and in the last few years, real estate, as you all know, has not been going well, and tenants have not been able to pay as they often should, so there have been problems and so we tried to conserve some money. So since the house was paid for, we didn't have insurance.

Mayor Foxx said sorry, sir, but I think we have gotten the gist of it. Are there questions.

Councilmember Barnes said, Mr. Rowe-Anderson, I want to begin by apologizing to you for not being able to speak with you before tonight. I was going to ask you a question about the insurance coverage, and you have answered that already. Can you tell us when the fire occurred?

Mr. Rowe-Anderson said the fire occurred sometime in August. I forget what date it was. In fact, it occurred about 6:00 on a Saturday afternoon. In fact, I was there at 4:00.

Councilmember Barnes said is that August of 2010?

Mr. Rowe-Anderson said I think so.

Councilmember Barnes said I have a question for Mr. Abernethy, if he's available.

Ben Krise, Neighborhood and Business Services, Code Enforcement, said good evening.

Councilmember Barnes said could you give us a little bit of background on this case, what the issues are at the home? I believe Mr. Rowe-Anderson indicated that the fire occurred in August of 2010.

Mr. Krise said we initiated our code enforcement case in August 2010 as a result of a referral from the Charlotte Fire Department. The case was appealed, went from the Housing Appeals Board in March 2011. They unanimously voted to uphold the finding of fact and order to demolish. Mr. Rowe-Anderson subsequently appealed to Superior Court. In June 2011, Judge Williamson dismissed that appeal. The cost estimates to repair are 73% of the structure records according to the tax records. We also in checking building permits and records indicate that there has only been one inspection in the entire 12-month period. That was for the installation of a temporary electrical service, and that was back in May of 2011.

Councilmember Barnes said is there any evidence, Mr. Krise, of people entering that property?

Mr. Krise said the building was still unsecured as of my personal reinspection this past Friday.

Councilmember Barnes said, Mr. Rowe-Anderson, I looked at rear elevation C, I believe it's called, in the handout you provided to us, and it seems to be a fairly unsecured property at this time, and I will tell you, sir, that my policy since I have been on the Council is to not ask my constituents to live near property that I wouldn't want to live next to. If you have a plan that you can present to us – I'm going to ask a question so we can get a direct answer and make this proper for the record – but I would like to hear your plan on getting this fixed in 30 days. So if you could give us your plan for fixing it and then we can have a further discussion.

Mr. Rowe-Anderson said I think you have this. If you look at the "D" position, the picture at the lower right corner that was the picture that was taken most recently. The picture you have there was earlier pictures. If I could have shown you the video, you would have seen everything even the inside because the second picture of the bathroom, which looks real bad, I mean it was cleaned up with soap and water, and it looks good. But the house is completely secured.

Councilmember Barnes said let me ask you another question. I assume you are asking for more time. Are you asking for more time tonight?

Mr. Rowe-Anderson said, yes, sir.

Councilmember Barnes said how much more time do you need?

Mr. Rowe-Anderson said to be honest with you as you see I demolished one part of the house. You see where all the new construction is. That part was where the fire was. That was demolished. That has been rebuilt. In fact, the windows haven't even been cut in yet because we wanted it to be secure. I have several properties that are supposed to close by the end of this month. What I am saying is that I am selling several properties that I have, and, of course, you know, today people will take advantage of you, so I'm selling them at a great loss, but I'm selling them to get funds. In terms of having the exterior of the house completely finished, I could have that finished in 30 days. The inside of the house we were not tearing out all of the drywall and stuff because it's not bad. The floors are not bad, so it's mostly cleaning, so we have been doing that all along. I wanted to show you some pictures tonight so you could have seen some of the inside of the house, but I'm not able to show you that. But I could show you later on because they are on my computer.

Councilmember Barnes said I think I have actually seen this property before. I don't have a tremendous amount of confidence that this is going to be resolved in the near term. I will free to let my colleagues ask any questions they may have and then I'll probably make a motion.

Councilmember Carter said if we could be given the dates of those judgments by the courts, please, sir.

Mr. Krise said Superior Court the judgment was entered June 13th.

Councilmember Carter said of this year?

Mr. Krise said correct.

Councilmember Carter said was work accomplished after that date?

Mr. Krise said, Ms. Carter, there has been little to no work whatsoever. Our cost estimates to repair are still 73% of the structure value, approximately \$70,000 to make the repairs needed to bring it into minimum standards of fitness.

Councilmember Howard said a few question for staff first. Could you define what you mean when you say "secure"? The pictures I saw boarded up windows, boarded up doors.

Mr. Krise said I could have entered completely through the premises this past Friday.

Councilmember Howard said so not every opening was boarded up?

Mr. Krise said not every opening was secure. The back of the structure was unsecure. You could walk right in.

Councilmember Howard said is that the new part that was constructed or the main house itself?

Mr. Krise said part of the new part was unsecure.

Councilmember Howard said but not the older house part.

Mr. Krise said that's not true.

Councilmember Howard said, Mr. Anderson, when we talked earlier I made it clear that normally it's really hard when something has sat this long for Council to kind of be okay with it staying this way. Other than the outside, which you say in 30 days, what is the rest of your plan for the house in timing, and just that answer, if you could?

Mr. Rowe-Anderson said upon when I first looked at the house I thought it was in worse shape than it actually was. When we went in the house and started cleaning it out, we realized then that the structure of the house was basically in excellent shape. In fact, if you could have seen –

Mayor Foxx said, sir, I'm going to have to ask you to just answer the question which is, as I understand it, what is your plan for the interior of the house.

Mr. Rowe-Anderson said the interior of the house my plan is to leave the carpet on there until the walls are painted and then paint the walls and then I have to have the electrical inspected. The reason why I haven't had it inspected is because I was told you have to have everything ready for small construction now because they have changed the policy.

Mayor Foxx said, sir, I'm sorry. We are going to have to be really crisp with the questions and answers.

Mr. Rowe-Anderson said maybe I didn't understand the question, Mayor.

Councilmember Howard said the timetable. So you said 30 days to get the outside.

Mr. Rowe-Anderson said the windows and the roof on the rear part that have all the sheathing is up, and the vapor barrier is up, and the door is installed on the rear part. The windows were not put in because we didn't want to put the windows in.

Councilmember Howard said so the house will be completed 60 days, 90 days?

Mr. Rowe-Anderson said I can absolutely have the house looking as if it were new on the outside in 30 days. Now on the inside I don't know.

Councilmember Barnes said, Mr. Rowe-Anderson, I'm sorry to have to do this, but I'm going to have to move to approve the item. There is an extensive amount of interior damage, electrical, plumbing, heating that is in current violation of our code, and I'm sorry, sir, I don't see us being able to allow that situation to exist.

[Motion was made by Councilmember Barnes and seconded by Councilmember Dulin to]
[approve Ordinance No. 4715-X authorizing the use of In Rem Remedy to demolish and]
[remove the structure at 1001 Bannister Place (Neighborhood Statistical Area 140 – Hidden]
[Valley Neighborhood).]

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

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

NAYS: Councilmember Howard

The ordinance is recorded in Ordinance Book 57 at Page 339.

ITEM NO. 56-K: CONDEMNATION AT DION AVENUE AND FOWLER SPRINGS LANE

Judson Stringfellow, 2630 S. Tryon St., said I'm really sorry to be here tonight talking about a trivial matter like this, but from past experience the only way I have been able to get issues resolved on easements I have granted the City that have had problems was to hold up signing other agreements, and I'm not really opposed to signing this agreement. I'm just trying to get some other straightened out. For example, in '07, I granted an easement to CDOT to do some work on a piece of property on some right of way next to a piece of property on Arrowood Road, and the only thing I asked in return for that was for them to fix the sidewalk that had been torn

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out by CMUD that CMUD never replaced, and by 2009 it still hadn't been replaced, and the only way I ever got that done was to hold up signing an easement that I was asked or a couple of easements I was asked for on Tuckaseegee Road until the sidewalk work was done that was agreed to in an prior easement. So right now the reason I'm standing here before you is I have been requested to sign this easement for some storm drain work, and, again, I'm not opposed to it, but I would like to get some issues resolved with the prior easements off Tuckaseegee Road. I made six packages of this trying to be green in hopes that y'all would share them and figuring that not everybody would show up. The first item on here is a survey, and basically quickly you can see on here that the fill slope that was fill dirt placed on here to put some sidewalks in. The fill dirt goes up to ten feet beyond the easement area. The easement area only extended to where you see the limits of the sidewalk easement, yet the fill was put in way beyond that easement. The next two pictures are how it existed before the sidewalk was installed, and as you can see there was basically a gentle slope coming off of the road beyond where existing dirt walkways were in. The next couple of pictures are after a sidewalk was installed, and the fill again extended into the property well beyond the limited easement, but most importantly a handrail was put up which completely blocks access to one of the lots and partially blocks access to the other lots. The sketch I have done after that shows basically what happened. Prior to the sidewalk easement being granted and the work being done, one could put a driveway into these lots just with minimal amount of work, but once this sidewalk was installed, the area was filled. It was filled with a 2:1 slope beyond the easement onto the property, a handrail was put up because it wasn't safe to walk, and now the handrail completely blocks access to one of the lots and partially blocks access to the other, and the only way to get driveways in there now is to pay to have the handrails torn out and a substantial amount of fill brought in to put a slope sufficient to be able to get a driveway in. Ran out of time.

Councilmember Dulin said, sir, this is good information. I'm sorry you have had to come down.

Mr. Stringfellow said all I'm asking is that we try to get that resolved, and I will be more than glad to sign the other easement and get it properly looked at.

Councilmember Dulin said I need to ask you a question so we can keep it legal for our attorney. When was this work done again?

Mr. Stringfellow said it was done either the end of 2009 or beginning of 2010.

Councilmember Dulin said your measurements are accurate. How far are we over on the easement?

Mr. Stringfellow said I had a surveyor go out and do it, so it's a signed, registered survey.

Councilmember Dulin said dated last week.

Mr. Stringfellow said I finally gave up trying to reason with staff, and I was being told that there was a 2:1 slope coming off of the curb existing prior to when the work was done, but the photographs clearly show there wasn't, and they were also saying the work was done within the easement. So finally to prove my point, I went and paid to have a survey done.

Councilmember Dulin said I don't know what to ask. It seems like we need to help somehow.

Mr. Stringfellow said, again, I apologize for doing this. I mean I don't want to waste your time or my time either.

Councilmember Dulin said we appreciate it when somebody comes down here with his homework done. You make us look bad though. We don't like that part of it, but it looks like we deserve it here, so let me yield to James and Nancy. Maybe y'all have got something better. I'm stumped.

Councilmember Carter said I have been out to this area, Mr. Stringfellow, and I understand the restoration of the stream, and I have concerns about the width of the repair area. I have asked them to do minor repairs with small vehicles or utility vehicles. Are you concerned about what will happen on your property on City View as well as this other property? That's my question

for you, and my question for management is have we ever tied the results on one property to a decision on another property before? I don't remember that in 12 years.

Curt Walton, City Manager, said I can't really answer that. We would have to look back to that. I don't remember any, but I can't say for sure.

Councilmember Carter said rectifying a situation where we might have been in error is important to me. I don't know that we should tie it to the two properties. I am concerned to see staff report and staff reaction hopefully in a very positive manner on this other property, but I do want to know if you are concerned about the property on City View.

Mr. Stringfellow said not with regards to the planned stream restoration work. I think I'm pretty much for all that from everything. I haven't seen the full set of plans, but I have talked to a couple of the neighbors, and they are all for it. Again, I'm not in opposition to that, and in response to your other question to staff, the prior easement that I granted on Nations Ford and Arrowood was subject to repair work being done from damage that CMUD had caused to sidewalk and never repaired, but then again that never got done until they came to me for the Tuckaseegee Road easements in which case I said I'm sorry. I'm not going to grant those easements until the other work is finished on the other easement, which pertained to some CMUD work. Again, I'm sorry to do this, but, yes, there has been stuff tied into other things.

Councilmember Mitchell said I'm like Andy, I'm kind of stunned. I just want to – Judson has done great work in District 2, and to Andy's point, he is one of the few developers who has presented kind of update plan, and I'm just trying to find a nice compromise, so I don't know, Mayor. Do we get feedback from staff or –

Mr. Stringfellow said, Mr. Mayor, all I would like to do is just have it looked at. All I want is just enough handrail taken out and enough fill dirt put in to make it accessible.

City Manager Walton said, Mayor and Council, since there are some questions we can't answer, why don't we defer this until either the 12th or 30 days.

Councilmember Dulin said are you time sensitive, sir? Can you wait another 30 days?

Mr. Stringfellow said it's been a year or so now. What I don't want to do is have you guys spend money on the condemnation hearing.

Councilmember Carter said will that delay the project significantly? We're okay on this? Thank you very much.

[Motion was made by Councilmember Howard, seconded by Councilmember Barnes, and]
[carried unanimously to defer the item for 30 days.]

* * * * *

Councilmember Peacock said one thing on Consent. Madame Clerk, one of the items, 2225 Dundeen Street, the owner, South Street Group is here, didn't get his name on the list earlier, is requesting 30 days. He has a pretty good track record with us, I believe, and I know we already voted on this earlier, so I don't know if I can open this back up?

Mayor Foxx said we have already voted on this item. The speaker has come in late. He wasn't on the list.

Councilmember Kinsey said which item was it though?

Councilmember Peacock said it's Item 13 in our packet.

Curt Walton, City Manager, said 51-A, I believe.

Councilmember Peacock said the photos are in here, and the owner is present.

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Mayor Foxx said we have to make a motion to reopen that one.

Councilmember Peacock said I will make a motion to reopen on this item.

Mayor Foxx said is there a second?

Councilmember Peacock said I'm just trying to accommodate the speaker who is here but just didn't get signed up.

Councilmember Mitchell said I thought your motion was to delay this demolition.

Councilmember Peacock said that is what his request is, but you are telling me I need to first –

Mayor Foxx said we have already voted to approve it. We have to vote to reopen it, and then you have to vote – So it's been moved and seconded to reopen.

[Motion was made by Councilmember Peacock and seconded by Councilmember Dulin to]
[reopen Item No. 51-A.]

Mayor Foxx said would you like to speak to it?

Councilmember Peacock said I cannot speak to it. The only indication I have is this is a gentleman whom I know personally, and he indicated that he wanted to come speak, and he just was here late. If you don't mind, Mr. Mayor, we'll ask Mr. Bill –

Mayor Foxx said we need to vote on this first.

Councilmember Howard said just to clarify what you are asking for is for it to be reopened only, hear the speaker, and then we would vote again if we want it the way it is.

Councilmember Peacock said, correct, if you all want to extend 30 days.

Councilmember Howard said or not.

Councilmember Peacock said or not.

Mayor Foxx said let's have a vote on this motion to reopen. All in favor, please raise your hand.

AYES: Councilmembers Burgess, Cooksey, Dulin, Peacock

Four. That does not pass. I'm sorry. So, it's been approved. I'm sorry. That is the way it is.

* * * * *

ITEM NO. 9: REZONING PETITION 2011-031

Tammie Keplinger, Planning, said this is a petition you heard last month in July. The church is requesting to rezone a house that is located on their property to INST(CD) so they can open a dental clinic. They ask for a special exception to have a decision tonight so they can open the clinic earlier than the end of September decisions. We are recommending approval, and the Zoning Committee recommended approval also.

Mayor Fox said the petition is found to be consistent with the Eastland Area Plan and reasonable and in the public interest.

[Motion was made by Councilmember Carter, seconded by Councilmember Kinsey, and]
[carried unanimously to approve the Statement of Consistency and Ordinance No. 4716-Z]
[for the above rezoning by New Hope Baptist Church for a change from R-4, single family]
[residential to INST(CD) institutional, conditional district for approximately 1.66 acres located]

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[on the north side of Idlewild Road between East W.T. Harris Boulevard and Lynmont Drive]
[as modified and as recommended by the Zoning Committee.]

The modifications are:

1. Note #4 in the "Site Plan Notes" has been amended to show the proposed zoning as INST(CD).
2. The acreage of the area to be rezoned in the Site Plan Notes has been clarified.
3. The proposed uses for both existing structures are now shown on the site plan.
4. The proposed use has been modified to read dental office and religious institution.
5. A note has been added that the dental clinic use will be limited to 1,400 square feet.
6. CDOT has removed the request for the dedication of right-of-way.
7. The site plan now shows a five-foot sidewalk from the existing buildings and shared parking to the public sidewalk system.
8. The dimensions of the required 12-foot buffer are now labeled on the site plan.
9. Note #10 has been deleted from the site plan.

The ordinance is recorded in Ordinance Book 57 at Pages 340-341.

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ITEM NO. 11: TRANSPORTATION ACTION PLAN

Councilmember Barnes said motion to approve that and thank Mr. Howard for his very illustrious leadership chairing the committee and staff, by the way, because our staff has put in quite a bit of time on the TAP and so have I and so have many other members of this body over the last six years including the Mayor when he was on the Council.

[Motion was made by Councilmember Barnes, seconded by Councilmember Carter, and]
[carried unanimously to approve the Transportation and Planning Committee recommendation]
[to adopt the five-year update of the Transportation Action Plan.]

* * * * *

ITEM NO. 12: EMERGENCY RELOCATION PROGRAM

Councilmember Kinsey said you have the information in front of you, but we are being asked to approve the contract with Community Link to administer our emergency relocation program. Under this program and in partnership with Community Link, we will provide relocation assistance when necessary to households displaced as a result of code enforcement for imminently dangerous conditions, and these households would be moved to vacant private sector apartments, which reduces costs per relocation, supports self sufficiency, and lessens impact to tenants through reduced time in temporary housing. Unless there are any questions, I will go ahead and move approval.

[Motion was made by Councilmember Kinsey and seconded by Councilmember Mitchell to]
[approve the Housing and Neighborhood Development Committee recommendation to enter]
[into a contract with Community Link to administer the Emergency Relocation Program, and]
[authorize the City Manager to negotiate and execute a one-year contract with Community]
[Link up to \$350,000 with a one-year renewal option.]

Councilmember Peacock said I had one question. Maybe you can answer it or Mr. Abernethy. On the last bullet on page 6 of the write-up, reductions of cost per relocation is \$15,000 per household for the former program. It drops to \$3,000 per household under the new program. What is the big drop? Why were we spending so much before?

Richard Woodcock, Deputy Director, Neighborhood and Business Services, said the previous contract with the Housing Authority included a lot different kinds of benefits as far as finding space in supporting units, and that's what they cost over two years, so it's \$7,500 a year.

That's not going to be the case with this particular unit because we are going to put these folks in private units and done by the Community Link project.

Councilmember Peacock said so you are still cutting costs exactly in half. You said \$7,500 to \$3,000.

Mr. Woodcock said basically the way the program worked it was \$7,500 a year for two years, so we are cutting that cost from \$15,000 to \$3,000.

Councilmember Peacock said I have no opposition to the cost being less. I'm just surprised that from the Charlotte Housing Authority to Community Link it's dropped so much.

Mr. Woodcock said it has to do with the cost that the Housing Authority was incurring. They were having to put people in units before they could find them units in the public housing section, and they were incurring a lot of cost for that. So we are going to try to put these folks in private housing, so that is going to be a lot better for us.

Councilmember Carter said will the costs be comparable to the individuals? In other words, will their expenses per month be comparable to what they were initially?

Mr. Woodcock said, I'm sorry, ma'am, I didn't understand.

Councilmember Carter said if they are in a new apartment will the cost of the second apartment versus that apartment where they were living be comparable?

Mr. Woodcock said, yes, those are going to be affordable units for them. That's what we are looking for.

Councilmember Carter said so they will not be paying more a month.

Mr. Woodcock said it may be a little more, but it's affordable because we always can't guarantee exactly what the conditions they have been living in.

Councilmember Carter said but comparable.

Mr. Woodcock said yeah.

Councilmember Carter said because I understood some of that – well, whatever the amount was per year was used to level that foundation cost. If it escalated, that stipend was used for that. So it's comparable.

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

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ITEM NO. 13: MEMORANDUM OF AGREEMENT WITH THE TOWN OF BELMONT FOR REGIONAL WASTEWATER TREATMENT

[Motion was made by Councilmember Mitchell, seconded by Councilmember Kinsey, and]
[carried unanimously to approve a Memorandum of Agreement with the Town of Belmont]
[for Regional Wastewater Treatment.]

* * * * *

ITEM NO. 14: APPLICATION FOR 2011 FEDERAL NATIONAL INFRASTRUCTURE INVESTMENT GRANTS PROGRAM

[Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, and]
[carried unanimously to authorize the City Manager to submit two applications to compete]

[for funds from the Federal National Infrastructure Investment Grants Program (TIGER]
[Discretionary Funds), with the City of Charlotte as the lead agency, and adopt a resolution]
[of support for the two projects.]

The resolution is recorded in Resolution Book 43 at Pages 158-159.

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ITEM NO. 15: BUSINESS INVESTMENT GRANT FOR TIME WARNER CABLE

[Motion was made by Councilmember Mitchell, seconded by Councilmember Howard, and]
[carried unanimously to approve the City's share of a business investment grant to Time]
[Warner Cable for a total estimated amount of \$696,000 over five years (total City/County]
[grant of \$2,000,000.]

Councilmember Mitchell said one reminder to everyone on Council. We will take a tour on September 6th, thanks to staff, of the Time Warner Cable facility.

Mayor Foxx said it's a big deal to get that done.

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ITEM NO. : MAYOR AND COUNCIL TOPICS

Councilmember Carter said I need to apologize to my colleagues. I was going to send a memorandum around to them but unfortunately was assaulted with a bug this weekend and totally unable. I would like to ask Council to consider a vision to the shooting ordinance because of proliferation of deer, because of frustration of gardening residents, and to satisfy citizens' needs for foods. This is the ordinance, Chapter 15, Section 15-13, to add Section B concerning bow hunting on private tracts of ten acres or more in city limits. "It shall be unlawful to hunt with bow and arrow within 300 feet of any residence or occupied building without the written, signed, and dated permission of the landowner and notification to the building occupier. Permission must be renewed annually."

The person who asked for this in consideration, Mr. Casey, has stated that bullets travel one to one and a half miles. Bow arrows travel only a few hundred feet, and hunting is noted as a local ordinance. Currently it is with permission of Council that this procedure can happen. Fifty six counties have written permission clauses such as this, and North Carolina does not regulate bow hunting in any city or county; it's a local ordinance, so I ask for Council to consider this, and I will send this around via email.

Councilmember Cooksey said I would be happy to offer throwing that to Community Safety Committee right now.

Councilmember Carter said I would be appreciative.

Councilmember Cooksey said I move that the Community Safety Committee consider Councilmember Carter's suggestion.

Councilmember Dulin said can you run that by me one more time, Ms. Carter?

Councilmember Carter said it's bow hunting within city limits on tracts of land ten acres and larger. It happens in 56 counties across our state. It is a local ordinance. It has to have written, signed, and dated permission by the owner of the land, and I have added notification to the occupier of any buildings in that area. It is bow hunting only.

Councilmember Dulin said are you for that or against that, Ms. Carter?

Councilmember Carter said I was raised by a hunter, and my brother-in-law is a bow hunter.

bvj

Councilmember Dulin said I happen to be for it as well, but you just added something there at the end that threw me off a little bit – notification to nearby buildings. Does that mean that if a piece of property has – obviously on the edge of property there might be buildings. You have got to go around and tell all of those houses?

Councilmember Carter said I think you should.

Councilmember Dulin said I'm a no.

Councilmember Carter said I think that could be discussed in committee.

Mayor Foxx said committee discussion has been requested.

Councilmember Dulin said they can bow hunt now.

Councilmember Carter said, no, they can't.

Councilmember Dulin said, oh, I'm for that.

Mayor Foxx said there has been a request to have it referred to Community Safety that has been seconded.

[Motion was made by Councilmember Cooksey, seconded by Councilmember Carter, and]
[carried unanimously to refer this item to the Community Safety Committee.]

Councilmember Mitchell said, Council, if we could refer an item to Economic Development. We had a presentation in June about the Catawba River District, and at that particular time, Councilmember Kinsey actually asked some questions about the education portion. Edna Chirico has addressed her concerns, so I was hoping we could get that referred to the Economic Development Committee if nobody was opposed to that.

Mayor Foxx said is there any opposition to that. All in favor of that say aye. It's done.

Councilmember Peacock said, Mr. Mayor, I wanted to recognize the members of the Environmental Committee today for attending a very important meeting as a follow-up from our July meeting, which is a public hearing we held regarding the changes that have been recommended by staff to the Post Construction Control Ordinance, which also brought up the discussion of the Tree Ordinance, and we had a very good open discussion today. Our next meeting will be on Monday, September 26th, at 3:45 in Room 280 for those interested.

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CLOSED SESSION

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously to adopt a motion pursuant to NCGS 143-318.11(a)(3) to go into closed]
[session to consult with attorneys employed or retained by the City in order to preserve the]
[attorney-client privilege and to consider and give instructions to the attorneys concerning]
[the handling of the cases of Erik D. Stark (10 CVS 5581), Frances V. Stark (10 CVS 5526),]
[and Frances V. Stark, as Personal Representative of the Estate of Robert W. Stark (10 CVS]
[5579) v. City of Charlotte, Midwest Investors Group, Inc. d/b/a Metro Staffing, and Malaki]
[YaaqobYsrayl.]

The meeting was recessed at 8:47 p.m. for the Council to go into Closed Session.

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August 22, 2011
Business Meeting
Minute Book 132, Page 507

ADJOURNMENT

The meeting was reconvened at 8:53 p.m. and adjourned at 8:53 p.m.

Ashleigh Martin, Deputy City Clerk

Length of Meeting: 3 Hours, 24 Minutes
Minutes Completed: October 6, 2011