

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, September 26, 2011, at 5:22 p.m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were Michael Barnes, Patrick Cannon, Nancy Carter, Warren Cooksey, David Howard, Patsy Kinsey and Edwin Peacock.

**ABSENT UNTIL NOTED:** Council members, Jason Burgess, Andy Dulin, James Mitchell and Warren Turner.

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

Councilmember Barnes said I have three items to pull, Item Nos. 25, 37 and 41-S. Item No. 25, which is a contract for pavement of Runway 36-R at the Airport. There is an indication in the notes that the runway will be repaved in the spring of 2012 and I wanted to know whether this work could wait until then in order to save the \$468,000. With respect to Item No. 37, I wanted to know whether the City is bearing the liability for the \$19.9 million in CHA bonds for this project. It appears to be a Housing Authority project and we are going to be carrying the bonds and I believe we've done that in the past, but I wanted clarity on whether we are carrying the liability and how that impacts our bonding capacity and liability. With respect to Item No. 41-S, this is an item to approve the purchase of 12.3 acres for \$591,000. It appears that this is a part of the Airport Master Plan Land Acquisition and I wanted to know what factors were considered in arriving at this appraisal value. Is the land being bought because nothing can be built on it as a result of it being in the airport flight path and if so, how is that price possible and whether the land could be reasonably used for anything. In other words if you answer one of those questions I may have follow-up questions for you, but the price seems to be high to me and I wanted to get clarification.

Councilmember Carter said just one, Item No. 24. This is a storm water project repair to look at the percentage of requests and if there is an increase over the years to look at the severity of the problems that are presented, but mainly the escalation so we need to be aware for budget.

Councilmember Peacock said when you are finished with Consent, this is in between Consent and the meeting this evening.

Mayor Foxx said that is okay, is it a question about a petition?

Mr. Peacock said yes, I just wanted to point out that I ask staff to put before you on the decision for the Catholic Diocese No. 2011-45, some points of clarification that I had presented to the Petitioner's agent, Keith McVean. This past week-end I went out and visited the actual site and visited with some homeowners just to talk with them about their feelings on the subject and got a range of good points and I got some answers to questions here that maybe you might have had as well.

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#### **ITEM NO. 2: NEW TASERS PURCHASE**

**City Manager, Curt Walton,** said we have an opportunity to upgrade the model of TASER that we currently use to the new model and the Chief wanted to tell you why we are recommending you do that and the advantage of doing it now.

**Chief Monroe, CMPD,** said on a personal note I would like to take a moment to thank all of you for the kind expressions you shared with my family and me during the past week and I appreciate that greatly. Thank you for the opportunity to update you as well as the public as it relates to CMPD's review, inspection and future deployment of TASERS within the Department. I would like to start off with a brief perspective of where TASERS actually fit along the lines of our use of force continuing. CMPD Officers follow a very deliberate use of force continuum that provides for increasing levels of force as the level of resistance from a suspect escalates. The TASER is classified as less than lethal weapon that seeks to reduce the use of deadly force and

injuries to both suspect and officers. TASERs can only be used when an officer believes the suspect poses an imminent physical danger to the officer or another person, such as an attempt to assault the officer or someone else. TASERs have been within the CMPD since January 2004 and during that period we've had approximately 760 deployments of the TASER from January 2004 through July 2011. During that time, a significant reduction in the number of injuries have been realized to both officers and suspects. Each TASER deployment is investigated as a use of force to insure that the officer's deployment was within departmental policy. After the recent death of Mr. Kareko Williams on July 20, 2011 I ordered a five phase approach to addressing TASERs within the CMPD. The first was to recall all 1,600 TASERs to go through a manual physical inspection. That inspection revealed the following: There were minor problems with batteries, date resets whereby we look at one date and the device recorded another date, and natural worn issues as relates to the holsters and a couple other pieces of equipment.

The second phase was to go through an internal review of our policies, procedures and training to make sure that we were still consistent with the most recent and best practices that have been put out by the National Institute of Justice. We found that we were. After this initial review, I as well as other members of the Department continue to support the use of TASERs as a viable alternative to physical confrontation for both the officers and suspects. The use of TASERs even today, continues to help reduce injuries to both. The third phase involved an outside review. We have asked the Police Executive Research Forum to come in for their own independent review of our policies, procedures and training to determine what is best for Charlotte, what is best for CMPD. The team of experts they have comprised to make up that review are individuals from the Criminal Justice System, Professors from Universities, even a member from the ACLU and other law enforcement executives that will conduct that review. Number four, we have gone out and purchased the latest in the way of realistic training for our officers, a new firearms training simulator which came before you a few weeks ago that you approved. That will allow us to test all of our weapons on a regular basis and a more realistic basis. We will be able to test how we deploy them, to be able to assess officer's split second decision making process as well as being able to look at real life scenarios.

**Council member Turner arrived at 5:28 p.m.**

Chief Monroe said the final phase of our review involves the recommendation to upgrade our current equipment. Based on the more modern features of the current model of TASERs, we believe that moving to a new and more updated model will assist us with our internal and external confidence and a very critical piece of equipment that we have come to rely on greatly within the Department. We've had an opportunity to discuss many proposals with TASER and currently we have 1,600 TASERs in our inventory, the X-26 model. The X-26 model is a model that came out in 2003. We are looking to move to the X-2 model which is a 2011 model. The trade-in package that we have been able to discuss with TASER will allow for us to turn in those 1,600 devices to receive a fair trade-in value, also we've been able to negotiate all of the training associated with the new device, cartridges, holsters, spare parts and a four-year warranty. The newer model, one like the 2003 model affords certain safety factors that I believe are pertinent to what we do each and every day. The X-2 model provides only a 5 second electrical charge when the trigger is activated, no more, no less. At the four second mark an audible warning sign is given to the officer making them aware of the fact that they are reaching that 5 second cycle. There is a warning arc system that is associated with the new model that will allow an officer to give previous notice for the prior deployment of TASER, which in many cases stop imminent threat immediately. There are two cartridges that are associated with the newer model, therefore allowing an officer in case the initial deployment fails, an immediate backup system. There are dual laser pointers associated with the TASER that will point out both the upper and lower deployment of the device to show a more accurate deployment. The agenda item before you tonight seeks to allow us to do a couple of things. It allows us to trade-in the current model that we have for something that we believe is much needed within the Department to a 2011 model. We will be receiving approximately \$700,000 in credits for the old device. All of the equipment that is associated with the X-26 model will be used for training purposes as it relates to implementing the X-2 model. It will afford us the opportunity to train over 1,700 personnel within the Department with live deployments of the new model versus a simulator model. It will include all street cartridges associated with the new model holsters, and as I pointed out earlier, a four-year warranty. We believe that we have taken some very serious and aggressive steps to insure the continued safety and welfare of both the citizens of this City as well as the law

enforcement personnel of this City. With that, we ask for your support in the purchase of the new devices. I will be happy to take any questions that you may have.

**Council member Burgess arrived at 5:31 p.m.**

Mayor Foxx said I think you have made a wise decision to take a look at the TASER, not only the policy, but also the equipment and over the last several weeks you've had an opportunity to do that and your recommendation comes as a result of the process that I think was very well considered. I want to commend you on that.

Councilmember Cannon said Chief, thanks for your presentation. In reading the material it appears that with the current model we have, the X-26, you found that there were minor repairs to be made, batteries changed, date resets, and I'm wondering what is wrong with what you have now versus what you are requesting. Largely, in part because it does seem to trolley back to training, maybe equipment, but certainly training also. In doing a little bit of research, I was trying to get my arms around the idea and the notion of what is the real difference with this model versus the other. I'm familiar with safeties and all those kinds of things, I'm familiar with the five second deployment, which of course I think can be recharged once again so if an officer is trying to incapacitate someone they will have to go and charge them for that first five seconds of deployment and then they will stop and they can start it right back. Correct? It stops and they can start it right back and it stops and they can start it right back so for an officer that finds himself or herself in the act of a situation that may be going on, have we really lessened the amount of force that can come from these TASERs? In other words, you still run a risk without proper training of being able to injure someone. I'm asking you a lot really without asking one question.

Chief Monroe said let me try to answer it piece by piece. First of all I have to say that in reviewing our training and comparing our training with the best practices and National standards throughout the country, we are right on target with that as it relates to how we train our officers. Could we or might we have a policy after the review that may be more restrictive, I'm okay with that if that is what is determined, but I don't believe going into this incident that we have any issues as it relates to our training. The new model, just like any technology, it is kind of like the cell phones. The cell phone of 8 years ago has all the capabilities of a cell phone today and the answer to that would be no and the same way with the TASER. That five second limit is critical. No matter how long an officer may hold that trigger in the heat of whatever they may be involved in, five seconds is the max that it is going to cycle itself before they have to consciously make another decision in order to deploy it again. You also have the ability again to send out a warning and that is critical. To be able to send out that arc so an individual can see that the TASER is about to be deployed and in surveys and in our own news media, that pre-warning stops so many incidents of deploying the TASER.

Mr. Cannon said if not the sound itself?

Chief Monroe said the sound, the arc, it is a very eye opening reminder of what is ahead as well as the ability to have a backup cartridge because once you fire that first cartridge, if you miss then you have to go to another weapon which could escalate to deadly force. Having that backup cartridge already loaded gives you that added protection. The dual lasers, you've heard talk about the positioning of the darts on a subject, those dual lasers will give you the opportunity to see where both darts are going versus the current X-26 only shows you one, although two darts are actually being deployed. There are a number of enhancements to that 2011 model and it brings along a lot more proficiencies for officers to be able to deploy out in the field.

Mr. Cannon said can you describe for us the 1,600 TASERs to be purchased that they will actually come with related equipment? What is related equipment and what is the breakout in terms of cost of that equipment, understanding that the total is \$1.8 million?

Chief Monroe said with that you have the actual cartridges, the holsters and I don't have the actual breakdown of those costs, training is included in that, a breakdown of what the training costs would actually be, as well as the warranty. We do have that available that breaks down the individual cost associated with every element of the trade-in.

Mr. Cannon said TASER International is the entity that you have been working with, correct?

Chief Monroe said yes sir.

Mr. Cannon said have you looked at any other entities out there to do any other costs comparative analysis to determine if we are getting the best deal possible for the taxpayer, should we move forward?

Chief Monroe said we have. The research that has gone into, not only just recent, but over prior years, looking at other pieces of equipment, other vendors, etc. we don't believe that there is a better model out there when it comes to the actual device, when it comes to service, when it comes to training and it comes to support. I'm not a beneficiary of TASER but in looking at this type of equipment, TASER International pretty much is far and beyond what any of the other competitors have on the market right now. We feel very confident that we've done the research as it relates to making sure that we've protected the City's finances as it relates to going with what we believe is in our best interest, not just for cost, but more importantly, when you talk about a device such as this, there are so many other dynamics that we think we have to consider.

Mr. Cannon said I just want to be clear that we have made a concerted effort to talk to other entities out there, TASER Protect Life, you've got Fortress out there and a few others. I just want to make sure that all of the due diligence has been done relative to looking at costs.

Chief Monroe said we've been looking at TASERs for a while and are there cheaper models out there, yes. Understand there are cheaper models out there.

Mr. Cannon said these would be the same models, there wouldn't be any different models, I'm talking about the other X-2s that would be on the market, but can you find other S-2s for lesser costs.

Chief Monroe said there is only one company that makes the X-2 and that is TASER International.

Mr. Cannon said then TASER Protect Life and Fortress, what type of entity are they?

Chief Monroe said there are other companies that sell TASER products, but that there is only one TASER International and there is only one X-2. There are people that claim to have something comparable to the X-2, but our research of those devices doesn't compare.

Mr. Cannon said so they are selling them as a retail is what you are saying.

Mayor Foxx said if you had this technology in place a year or six months ago, do you perceive any performance difference in terms of outcomes on the street?

Chief Monroe said if we were to go back three years, there could have been a different outcome just based on the five second limit. That is one of the things that law enforcement around the country went back even through PERF to make known that we have a concern about a device that continues to admit electrical charge as long as you hold the trigger and I think TASER heard that loud and clear and hence the reason for the X-2 model on the market. That is a direct result of law enforcement going back and saying that we need a device that only cycles itself for a limited period.

Councilmember Burgess said does the device record how many electric shocks it deploys?

Chief Monroe said yes, it records every element of that weapon, but the X-2 gives the officer an immediate visual. The X-26 we have to download into a computer to read the battery life, the date reset, the charging capacity, etc. but with the X-2 model they have an LCD readout right there in front of them. One of the things we found out with our inspection is that we had officers that were carrying TASERs that were not charged and should they seek to deploy them, they wouldn't have worked. With the new LCD reading you can always see daily what your battery capacity is.

Dr. Burgess said that wasn't my question. Does it tell you how many times you hit the five second thing afterward?

Chief Monroe said yes.

Councilmember Barnes said to follow up on Councilmember Burgess' point, if the five second has been hit ten times and they just redeploy it or pull the trigger again, it will tell if that is happening?

Chief Monroe said yes.

Mr. Barnes said I wanted to ask you a couple questions related to some items that Mr. Cannon asked regarding the cost issues. I believe the \$1.8 million is about \$1,100 per device or 1,600 devices. Do you know what the retail price would be normally?

Chief Monroe said approximately \$1,400, absent any training associated with it, warranty and one of the things we felt was important to make sure that we included, a minimum of a four-year warranty which will allow us to replace any device just by turning it back in. One of the things we are experiencing now with the X-26 is a very high repair rate for those devices.

Mr. Barnes said can you tell us if the \$1,100 per device is inclusive of all the associated equipment and training, and the warranty?

Chief Monroe said the actual device, and someone just handed be the breakdown, we are being charged \$950 per device, but when you associate the cartridges, the training associated with that it takes the device up to that \$1,100 mark.

Mr. Barnes said then the \$1.8 million includes is inclusive of all of that?

Chief Monroe said everything yes.

Mr. Barnes said then the \$1.8 million includes is inclusive of all of that?

**Council member Mitchell arrived at 5:46 p.m.**

Mr. Barnes said they did provide a trade-in allowance, \$700,000 and I want to know the nature of that negotiation.

Chief Monroe said we didn't start there and the actual trade-in allowance comes out to about \$443 per device. It started somewhere around \$250 to \$300 mark.

Mr. Barnes said \$1.4 million is coming from our General Fund balance and the remaining \$400,000 is coming from asset forfeiture? What will be the balance in the asset forfeiture account after that deduction?

Chief Monroe said as it relates to the asset forfeiture balance I think we would still be just shy of \$1 million in that account. Some of the other things we are looking to fund toward out TASER review is the study by PERF, which asset forfeiture will be paying for and that is approximately \$70,000 as well as the fax simulator which is approximately \$90,000 that we are also looking to also fund from asset forfeiture.

Mr. Barnes said regarding an indemnity agreement with the manufacturer, we obviously could have been a part of that \$10 million verdict, but we were not luckily. I would not be surprised if the most recent victim's family decided to at least explore litigation against us. Is there any precedent for an indemnification agreement with manufacturers of inherently dangerous devices?

**City Attorney, Mac McCarley**, said we are asking for one, but it is not their policy to give it. It is still on the table for discussion.

Mr. Barnes said it is important to me because a \$10 million or \$20 million hit to our General Fund could be significant and there are obviously some issues potentially with the device,

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whether it be in training or issues with the device itself, mechanically speaking. How are we going to go about addressing indemnification before we sign anything or send them a check for \$1.8 million?

Mr. McCarley said we are going to keep pushing for the indemnification, but if we don't get that the answer to the rest is that none of it would be a hit to the General Fund. Any liability would come out of the Risk Management Fund and we have a fairly elaborate insurance program set aside to cover those. I will tell you from my recent experience with the case a couple years ago, TASER is very good to work with for a police agency that is in a liability situation. We had no difficulty with them when we settled out part of that case.

Mr. Barnes said is there any action that we could take tonight with regards to this vote that would say to them that this elected body expects them to agree to an indemnification provision.

Mr. McCarley said I would hope that you give us direction to try as hard as we can, but that the purchase is more important to the agency's goals than that one item.

Mr. Barnes said I agree. I'm curious about something that Mr. Cannon raised regarding other retailers who sell the device and I don't know anything about those entities, but I'm wondering whether there is any leverage there that we could use.

Chief Monroe said TASER is keenly aware of where they stand in the market and again as much as I would like to muscle up to them, and I don't want anyone to think that they have tried to pull a fast one on us, I believe they have gone out of their way to try to work with us in regards to this particular trade-in. They understand that they have skin in the game as much as we do and all of that has been understood and I think that we've received a very fair and equitable response from them as it relates to this. Also, I don't want to go past addressing this issue. There is nothing at this point that indicates either current training or the functionality of the device, contributed to anything as it relates to Mr. Williams. We sent that particular device out for independent review, away from TASER International to a university that specializes in those types of devices and we found nothing wrong with the X-26 as well as our training. I just don't want to go off with the fact that training or the device was an issue.

Mr. Barnes said that is a good point, and just to be clear, are you saying that TASER International is the maker of the device and the seller and there are other entities that buy from TASER and sell them under their own name?

Chief Monroe said I'm not really sure how that process works, but I know there is a very limited market as it relates to that actual device. There are some that have similar device, but when it comes to what actually emits that transmission there are some things that fall into the category of a firearm, and we would not want to venture over into that particular area whereby we are using something that in other circles is considered to be another firearm.

Mr. Barnes said I appreciate that and I also appreciate the indemnification push.

Councilmember Carter said thank you Chief for your scrutiny on this topic. It is so professional, it is well done and I'm grateful. I just want to be reassured that you think that two charges of five seconds are sufficient to protect our officers. Do you think that this device is sufficient for a person to rely on in a situation that is threatening to them or others?

Chief Monroe said yes, this particular device gives the officer a level of confidence that they have a device that provides more opportunities for them to de-escalate a situation. Just the placing of those dots, the arcing system, the back-up cartridges, those are all things that will give an office an added sense of confidence in that. I think it sends a message to the public that we are concerned about the equipment that we use and that we are going to continue to research the equipment that we use and try to put forth the best equipment that we think will service both the public's interest and the Department's interest.

Ms. Carter said so our investment of this money will reap benefits beyond just simply the device itself?

Chief Monroe said yes.

Councilmember Turner said you indicated that there were 760 TASER deployments from 2004 to July 21, 2011. Can you tell us how many of those deployments led to injuries or death as well as how many we felt we were negligently handling the equipment or improper equipment or use of the equipment by an officer by reloading during your investigation. You indicated that we do investigate each deployment.

Chief Monroe said I would have to go back and look to see to complete a comparison as far as how many did we determine to be justified versus not being justified.

Mr. Turner said the reason I ask you that question is at the request of the Police Department to replace the current one, I just want to make sure that the justification was based on either did we find them to be not very liable or did we find the safety mechanism that you mentioned on the current ones, that you are seeking to purchase would better serve the public as well as our officers? I'm trying to weigh what is the justification. At the end of the day I totally agreed with you in regards to this gives our officers an alternative versus pulling their weapon. For me, if we are going to end up with one, they both have the same subjectivity to them and they both will allow an electrical shock that obviously have led some people to question them and have challenged the legality of whether or not the TASERs are save at all. I know there is documentation that many of us have read and has been on 60 Minutes, it is just not in Charlotte, but is happening all over the US where these TASERs are being used. Clearly to us it is a better choice than pulling the weapon and firing because that is a deadly force and it is never our intent when we used the TASERs. The TASER is supposed to actually help us to reduce the threat of that. The question for me is can this particular company that we are seeking to purchase these TASERs from, what is their history? Do they have a better record than the current one we are using with the Company where we purchased these from? I just need something else to support me here. Can you give us any information with regards to history?

Chief Monroe said back in 2003 when Charlotte Mecklenburg Police Department first purchased its first TASER. The X-26 just came out in the fall of 2003 and the CMPD made its initial purchase, and it was only one of two departments that made the first initial purchase in December 2003 and our deployment began in January of 2004. As time goes on products change. We find nothing deficient in the X-26 model other than the fact that it is just old. It is old and that technology has caught up with the device and provides greater opportunities for monitoring that device, for deploying that device. That is the reason why we are looking to make the shift, not based on the X-26 as being a problem, but that the X-2 is just far more advanced technology wise. Having the opportunity to put that newer technology in the hands of our officers, I think it just serves us well that we are continuing to look at those types of opportunities. It has nothing to do with finding fault with the X-26.

Mr. Turner said you did indicate that the one we are using today, we do have the ability to download that information?

Chief Monroe said yes, and with that we have to take that device out of circulation, take it to our training academy, hook it up to a computer whereby it would give us the various readouts of cycling, the amount of the charge, the timeframe and a host of other different things. That officer would have, and they can't change anything, but they would have that ability right in front of them so when they go to work, they know that they have a battery that has 80%, 90% or 100% of a charge versus waiting for an opportunity to deploy it and find out they don't.

Mr. Turner said no-one has died from us having a battery that is dead in one and we have not lost an officer due to the expectation of their TASER to work and they pulled the trigger and it did not work that led to their death. Is that correct?

Chief Monroe said not to my knowledge.

Mr. Cannon said I want to make sure that we have the interest of our officers, as I know you do, at the forefront here. Based upon a person's build and/or their size, having a device like this when the trigger is pulled it goes up to 5 seconds. If it is a pretty big person and they are running toward that officer, and those five seconds are up, and that officer maybe doesn't have time to do

something else, hopefully, when they get that first hit that charge is going to begin to take care of them accordingly, but the size of a person I believe matters, does it not?

Chief Monroe said the size of a person, as well as other physiological issues associated with that person, they are host of things that would go into that. That officer would still have the ability to recycle that device a second or third time or even to make a decision on whether or not another service weapon would be appropriate.

Mr. Cannon said how quickly does it reset itself to give that second charge?

Chief Monroe said you would literally have to come off the trigger and go back on it again. It is that fast.

Mr. Cannon said it would deploy that quick so the safety of the officer is not put in jeopardy?

Chief Monroe said no, it doesn't delay that officer's ability to recycle that device.

Dr. Burgess said it sounds like this first set of TASERS has lasted seven years and the technology was out of time or whatever. Do we expect that to happen in seven years or sooner and if we do we are fortunate enough this time that they would take a trade-in. I assume it is the same company, but next time the best TASER may not be with the same company. Is there is a possibility, instead of purchasing these to lease them?

Chief Monroe said I have not been made aware of any opportunities to lease this type of equipment, similar to our firearms. There are not companies, that I'm aware of that actually lease this equipment.

Mayor Foxx said thank you Chief, we appreciate your insight on this.

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### **ITEM NO. 3: SMALL BUSINESS OPPORTUNITY DISPARITY STUDY UPDATE**

Mayor Foxx said this is one of those issues that we don't like to have to talk about because it has to do with taking a deep and careful look at our utilization of businesses across various demographic areas. We have at the request of our Small Business Opportunity Task Force, undertaking a Disparity Study to take a look at how we are doing along those lines and that is essentially the context in which we come to this meeting tonight. I look forward to the information we have. Mr. Manager if you want to introduce the item.

**City Manager, Curt Walton,** said in October of last year you approved a contract with MGT of America for about \$300,000 to look at City paid data for purchases from 2005 through June 30, 2010. The study is complete and MGT of America is here tonight to present it to you. Our recommendation is for you at the end of this presentation to refer this to Economic Development Committee. I will turn it over to Reginald Smith who is the Managing Partner for MGT on this engagement.

**Reginald Smith, Partner in Charge, MGT,** said we appreciate the opportunity to come here this evening to share the results of the finding of the update study. I am a partner with MGT of America and a Partner in Charge for this study. MGT of America is a national management and research consulting firm. We've been around since 1974 and been doing disparity studies since 1990. We have done disparity related studies in over 140 different jurisdictions throughout the country. We want to talk about our findings and recommendations related to our study since we have been conducting it since October of 2010. I want to introduce my team that is here, Ms. Vernetta Mitchell, one of your very own from the City of Charlotte. She was the Project Director for this study. Also Mrs. Hope Smith, Data Manager, responsible for collecting all the data and doing the physical analysis. We've got Dr. Vince Eagan, who will be doing the presentation. He is our technical advisor and he is also the expert witness in the H. B. Rowe versus North Carolina Department of Transportation law suit that we are involved in. He has a PhD in economics and he graduated from Harvard Law School and we are very pleased to have him on board. We also had two sub-contractors that worked with us, M & H Associates as well



as JRC Policy Research Group. As we did this study we started off with a couple of things as it relates to our guiding principles. We want to make sure that the study is valid and legally defensible. Our guiding principles as we have been doing the study and we had approximately 16 to 17 different tasks, some of the tasks ran concurrently and some of them ran consecutively. I will turn it over to Dr. Eagan to make the presentation related to the findings and recommendations from our study.

**Dr. Vince Eagan**, used PowerPoint for his presentation to the Council. A hard copy is on file in the City Clerk's Office.

Councilmember Mitchell said I just want to make sure, what year is this data reflecting? Is this fiscal year ending June 30, 2010?

Unidentified speaker: July 1, 2005 through June 30, 2010.

Mr. Mitchell said so it is a five-year period.

Dr. Eagan said the same as the previous study. He continued his presentation on Page 5 of the PowerPoint.

Mr. Mitchell said what you are saying is the last Disparity Study was 2003 and the same percentage in 2003 are applicable now in 2011?

Dr. Eagan said no, I'm saying if you took the percentage that is the African Americans were 3% in the last study and you said they are still 3% now, if you use those percentages the disparity went away. What I'm saying is to some extent the reason we still have disparities is the availability percentages that we estimate in this study are higher. I'm not trying to suggest there are no issues, there are no problems, there is nothing to address. Please don't misunderstand me in that way, but I'm trying to give a big picture of this.

Dr. Eagan continued his presentation on Page 7.

Mayor Foxx said on the anecdotal side, can you give us raw percentages broken down in demographics in terms of the complaints that you just showed us?

Dr. Eagan said we have a whole appendix in the report to have each ethnic group. What we did summarize is what were the groups that had a lot of complaints? That is why some are making the summary fact that African American's complaints were the highest in each of these categories and some of them did reach the level of what Rowe took seriously, but all of that is in the report.

Mayor Foxx said I'm raising that question because when you aggregate them it doesn't allow you to break it out according to where you've shown the disparities to be statistically.

Dr. Eagan said that is true, but that is in the report. When it says insufficient, because when you did this aggregate you saw a number of groups whose complaints were 7% of them complained, 8% and that kind of thing.

Mayor Foxx said I took a look at the Rowe Case today and there were some other statistical methodologies that were used in Rowe that I don't see were used in this case, and maybe I missed something, key testing for example, which looks at standard deviation. Was that used in this instance?

Dr. Eagan said yes it was. When we do the more detailed thing we will get more into that. There is a regression analysis for this report.

Mayor Foxx said did that show correlation to the disparity?

Dr. Eagan said yes, where there was. There weren't that many disparities, but yes it did. It was far away from 80 and they were also statistically significant. The regression analysis did not have control for a lot of factors show significant disparities. That is another thing we have  
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emphasized in this presentation, it did show up in Rowe, did not have that same evidence here. So the controlling, for all these other factors, even after you have disparity, we did not really have here.

Dr. Eagan continued his presentation on Page 8.

Councilmember Cannon said what do you mean when you say it went up some? I take some as being slight. When you can give us some whole numbers over these percentages because sometimes the percentages don't account for what the reality might be in another form. They do account for the same thing, but I'd like to hear it in whole numbers please.

Dr. Eagan said African American construction sub-contractors went from 75 to 87.

Mr. Cannon said that number represents which area?

Dr. Eagan said that is African American construction sub-contractors went from 75 in the previous study to 87.

Dr. Eagan continued his presentation on Page 9.

Mr. Cannon said what constitute large?

Dr. Eagan said they are \$10 million.

Councilmember Barnes said this may be a part of the Committee referral, but there are a couple of issues that I wanted to ask the Committee to explore and that is under the anecdotal findings Dr. Eagan pointed out that 18.9% of the MWBEs were included for good faith effort and then dropped after the contract was awarded, which suggest to me a fundamental lack of good faith. I don't know that there is any recourse for that but I think there should be and I would like for the Committee to explore that. Also with respect to the Mandatory joint venture piece there was a time during my career on this Council where we talked about an apprenticeship program where small businesses would be trained as a part of participating in a large venture and perhaps themselves become prime contractors. I want to know the status of that piece and whether it is being enforced and if not why, and whether we can and should implement that if it is not being enforced, I think it should be. Dr. Eagan just indicated that it has been successful in Atlanta, and I don't see any reason why it couldn't or wouldn't be successful in Charlotte. I would like for the Committee to look at that if the Chair would be so gracious as to consider that request.

Dr. Eagan continued his presentation with the last page of the PowerPoint.

**Council member Dulin arrived at 6:31 p.m.**

Mayor Foxx said on a parallel path with this study I know that we'd ask a group of citizens to take a look as this process moves along to understand the methodology and perhaps provide input into that and if a referral is made to the Economic Development Committee I think it would be appropriate to insure that that group has a chance to see these findings, test those findings and provide feedback to the Economic Development Committee in advance of their getting together on that. I would ask for that as well.

Mr. Mitchell said does Atlanta have an MWBE Program or SBO Program?

Dr. Eagan said they do have an MWBE Program.

Mr. Mitchell said when you look broadly, most urban communities, Atlanta, Charlotte, and some of the larger urban cities, do they have an SBE Program or an MWBE Program?

Dr. Eagan said it is really all over the map. There are a lot of MWBE Programs out there. There have been a lot of people who have just stopped them too. Some of them stopped them in result of litigation, some of them stopped them because of the State Constitutional Amendment like California, you know where you can't have affirmative action and Arizona and Washington. There are a number of agencies who just have an MWBE Program and it is just a charade. They

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put some document in the solicitations and people claim they call some people so you have a lot of nominal MWBE Programs around the country.

Mr. Mitchell said in your comparison of local agencies that have MWBE program, one I think you left off and I think would be great if we visited it, is the Charlotte Housing Authority. They have an MWBE Program and some of us have received e-mails on some of the success they have had so it would be nice to compare what they are doing and their participation along CPCC and other agencies. The last question is the good faith effort, I go on record and everybody knows I have never been a fan of good faith effort. I guess from a small business standpoint I have witnessed how the good faith effort does not work for participation. In your opinion is there another way that we can accomplish our goal without using good faith effort as a criteria?

Dr. Eagan said we don't provide legal advice. You really don't have to do good faith effort. That is the thing about the SBO Program, you kind of do what you want to do as long as it is reasonable. I think that is in part what a good faith effort is so much more strenuous here because you have a lot more flexibility in what you do. Good faith effort really arose from what I talked about earlier, the Croson requirements you have to be flexible. The race and gender concept you have to be flexible so you are putting a good faith effort to show flexibility. You actually don't have to be flexible in an SBO Program, but many agencies consider it a good idea in terms of working with contractors to be flexible.

Councilmember Peacock said if you could go back to your MGT conclusions.

Dr. Eagan said this one or the very beginning?

Mr. Peacock said the very beginning. I was not on Council and I know several here were and is it correct that you did the study in 2003.

Dr. Eagan said the MGT did it.

Mr. Peacock said I wonder if the Attorney's Office could give me some historical background as to this first part here because that sounds very legal about why in 2002 we moved to a race and gender neutral program. Is that correct that we moved to that position as to where we are right now.

**City Attorney, Mac McCarley** said that is correct and we did it because we did not have a disparity study prior to that and you have no statistical or data for a race conscious program.

Mr. Peacock said my understanding was that we were approaching a scenario from a legal standpoint that we were not going to win. There was some element that was driving where we had moved to. Can you give us any broad background on that?

Mr. McCarley said we had been sued in federal court and our judgment was that we were a dead loser.

Mr. Peacock that was generally what my questions were. The first part was legal and the second part, I guess the first two somewhat cancel out, not necessarily fully cancel out, and my final question is we've got choices here to keep the program the same, once it goes to the Committee, keep the program the exact same, make changes to the effect of making it a race and gender neutral program, but your conclusion says that our program has been effective. I'm just wondering how the Committee, and it is their role to fully vet that out to determine that, but right out of the gate you are saying we have been very effective and you concluded your presentation by saying we are one of the most effective and we are in fact a model. I just wonder why, and we've spent the money, and I think it should go to Committee, I'm just wondering where are the possible options for this policy making board to improve here.

Dr. Eagan said it has been effective and more effective than the MWBE Program. It has been relative effective as compared to other MWBE Programs before and compared to other SBE Programs we have seen it is the most effective SBE Program. That doesn't mean there are not particular policy techniques or policy options that work well elsewhere that could be added to what you are doing and then you could have even better outcome. You could have outside  
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counsel and some other councils saying, looking at this evidence, you could add some evidence to it, is there some basis for adding race and gender conscious goals to it. We are just saying based on our experience there is a unique success over race and gender neutral approach. There are additional things that can be done and discussed.

Mr. Peacock referred to the slides on Pages 5 and 6 that showed disparity findings at the sublevel MWBE construction and a disparity in the architecture and engineering category. You have an enormous complete reverse in the Hispanic American category of MWBE and Architecture & Engineering. It goes from 24.93 on one slide to 414.84 above parity.

Dr. Eagan said that is not unusual.

Mr. Peacock said that is not unusual, why? This is the first time I've looked at your data and I wasn't on Council before and never looked at this, but I'm going to start looking at more. Help me from one page to the other how it looks as though on one slide we are discriminating against Hispanic American, is it too different categories?

Dr. Eagan said this disparity is just a starting point. This does not prove or demonstrate or conclude that you are discriminating against anybody. It is just a starting point. You have to start with data and see if there is some anecdotal quantitative evidence that backs that up. Sometimes people complain and when you look no-one is really complaining about anything. They are not saying they have any problems or having any issues so you kind of need the two together to start building a story.

Mayor Foxx said if I understand your point about the overall program and the fact that it has been successful as it relates obviously to women, as it relates to Asian Americans, but in some pockets you show us statistical disparity. You've said that some of your standard deviation analysis points to a higher correlation, there is anecdotal evidence in some cases. It sounds to me in a particularized area with certain demographics that there may be a problem and yet there is no remedy that is narrowly tailored to that particular group or those particular groups to address that particular issue. I'm curious about it, but I know that conversation will happen at the Committee level.

Dr. Eagan said it is certain a tract unfortunately and it causes a lot of administrative and political problems that certain groups qualify for a program. There is enough evidence for certain groups and not for other groups, which is the way the court says you are supposed to look at it. It is not that every minority gets in by virtue of being a minority or woman. In this area, as I stated, African Americans did have the strongest complaints, there were statically significant disparities. The SBO Program didn't do as much relatively speaking. Once you put it in real terms in construction, but it is hard to say it failed. That was the problem because it stayed roughly the same, which is not ideal, but it stayed roughly the same. The argument for African American for race and gender conscious goals for African American construction and sub-contracting, is the closest that you get. What a lot of people say is the production of the MWBE Program is maybe go with SBO, but it is really the opposite. You have an SBO Program and if that fails then you go to the MWBE. If it does the same you have to stay where it is neutral because they both do the same thing. If it fails then you can move to another remedy.

Mr. Barnes said I wanted to respond to something the City Attorney said regarding what we believe would have been the legal response years ago. The Fourth Circuit has changed quite a bit in the last five years. I think Rowe is perhaps evidence of that. During the Committee's discussion, and I'm not on that Committee, but I may be participating, but it would be interesting to know what you all would think as attorneys regarding the shifts in the Fourth Circuit and the potential for success for our program if we decided to keep it as it is. I think the Circuit itself has changed quite a bit politically.

Mr. McCarley said in 2003 we had no chance because we had no data. It wasn't as if we had data, and we could argue, we had nothing. The second thing I would tell you is that Vince Eagan is best expert to ask exactly those questions.

Dr. Eagan said we actually wanted the District Court level which was actually very conservative. We were told you fired Jesse Helms social ... The District Court Judge actually gave a more favorable ruling than the A Pellet Court who upheld everything across the board.

Mr. Cannon said we had no data largely in part because we didn't do like some other municipalities that were challenged in the same way and we were told that they were dead ducks in the water, however those municipalities i.e. Atlanta and Chicago went ahead and challenged anyway and the court found that there was a disparity because the Court basically said go and do a disparity study to determine if a disparity exist. They did that, they found that and their program stayed. Charlotte just decided it was not going to do that is to move it forward, the body decided it would not move it forward at that particular time. They went out another way and here we are.

Mayor Foxx said there is going to be plenty of conversation around this topic and we've got a lot of people waiting for us downstairs. There has been a request to have the referral and I would like to have a vote on it because there have been some requests that have been made. Mr. Barnes had a couple of items specifically that he wanted done and I would really like to have our citizens' panel have a shot of hearing this information, provide some feedback to ED before they get it. All in favor of referring the item to ED with those provisos say I. The vote was unanimous.

Mr. Mitchell said this will be on our Agenda October 11<sup>th</sup> at 3:30 p.m. in Room 280.

The meeting was recessed at 6:46 p.m. to move to the Meeting Chamber for the regularly scheduled Business Meeting.

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### **BUSINESS MEETING**

The Council reconvened at 6:54 p.m. in the Council Chambers of the Charlotte Mecklenburg Government Center with Mayor Foxx presiding. Council members present were Michael Barnes, Jason Burgess, Patrick Cannon, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, James Mitchell, Edwin Peacock and Warren Turner.

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### **INVOCATION AND PLEDGE**

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

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### **CITIZENS' FORUM**

#### **Caution Light**

**Duncan St. Clair, 5318 Sharon Road,** said this is about Sharon Road and Eastburn Road. I spoke with Councilmember Dulin about this as well as some people in the City Transportation Department. Sometimes I'm just sitting in my living room and bang, I look out and there is another wreck. Sometimes I'm on my back porch and I hear bang, another bang and there is another wreck. Then I'm walking on the street and boom! Basically what I'm trying to tell you it seems that people don't know there is a big turn right there at that intersection and they don't slow down. I guess it is coincidence that I've heard and seen the past three so I figured I should come and tell you about it because every time it happens, naturally I go out there to see what is going on. I don't want to go out there and find a dead person, I'll just be frank with you. That scares the life out of me. When I called City Transportation and said we've got a problem here, someone told me well, there haven't been any fatalities there so we can't do anything. Then when I talked to someone who assured me that that wasn't what they actually thought, which I was greatly relieved about, that it would cost millions of dollars to fix it. I think what you need is just a bigger sign or something to let people know that there is a big turn ahead. I hope you will go do that.

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Councilmember Dulin said I appreciate your phone call the other day. We are working on that and please call me again as you see fit. It is a work in progress.

### **Miracle House of Hope Speaks Out**

**Sandra Cornelius, 1744 Wilmore Drive** said I am CEO of the Miracle House of Hope and wife of Minister Bruce E. Little, who was the founder and pastor of the Miracle House of Hope Ministries. I stand before you with great concerns of the response that was sent by mail from your office with a letter attached from the CMPD staff resource Deputy Chief Harold Medlock. The response was about citations and warnings that the Miracle House of Hope had received in Minister Little's past, a combination of two and false statements. The letter stated that we spoke to the Council regarding what was perceived to be harassment from CMPD Officers. For the most part I feel that Chief Monroe is doing a great job and it is some of the officers that don't follow the chain of command, no-one ever said that CMPD as a whole. This certain individual is on the force that expressed great pleasure making negative remarks about ministering to our people. I'm concerned about those officers that find it amusing to demonstrate such unbecoming behavior and defamation of character. This is fact, Officer C. H. Williams went as far as to give one our clients a ticket and wrote on the ticket, House Hope scam. I find no humor in that remark and I am saddened that this officer would be allowed to wear a badge, take an oath and disregard the CMPD mission statement to enhance the quality of life throughout the community, always treating people with fairness and respect. Do we overlook these officer's remarks and allow them to be on our streets with judgmental characters, looking for those who they may devour and sift out like wheat? You see we are not perfect people, but God made us. I believe there is nothing impossible or too hard for God. When people come through our doors we embrace them with love and encouragement. It is not about the money, it is about saving souls and leading the lost back to Christ. Speaking life into their spirits and telling them to press on, you can make it. You've come too far to turn around. You see people young and old are hurting and killing themselves all around us. The Bible says we perish for lack of knowledge. We have not because we ask not. We get calls every day all day and half the night, people asking, can you help my child, sister, can you help my brother, father or my mother? It is a blessing to me to wake up every day and know that I'm helping someone who wants more of what I have in my life and that is Jesus. I'm sold out because I know that only what I do for Christ will last.

**Shirley Moore, 1826 Merriman Avenue, Apt. 2,** said I am honored to be before you tonight, just thanking Jesus first and I really want to say thank you to the Miracle House of Hope because today I truly do have hope. Normally at this particular time of the evening I would be on Statesville Avenue somewhere walking up and down, in and out of some vehicle looking for some love, but I can truly say that I found love whereas I was out there looking for it, but in all the wrong places. These sisters and brothers of mine that just stood before you, it doesn't discriminate and I'm so grateful to be a part of them. We are just like family. We pray every day, we have Bible Study every day and we go to church every Sunday. It is truly like back home where my grandmamma raised me. I wasn't raised to be out there on the streets and I used to look at so many officers that was tired of looking at me, I really wasn't doing any harm, but the bottom line was, they were tired of seeing me and I was tired of being seen so I'm really grateful to know when I met Mr. Little, he gave me the opportunity to come on in and I didn't have to have no ID, I didn't have to have no money. He just accepted me the way I was and for some reason I relapsed, I'm not perfect, but he came back to the dope house. One Police Officer wouldn't even come to the dope house looking for me, but he knocked on the door and asked if I wanted to come back and for that I'm truly grateful. I got to say that I bumped my head again and I'm just real grateful to know, I did get locked up this last time, and I had time to think, now you've got this chance again, what do you really want to do. I couldn't find no other place. I have a 14-year old and ever since I've had that 14-year old I've been trying to change my life, but I never found a place truly that wanted to let me change my life with the Lord. So for that place I'm very grateful and I going to keep on pressing on so I can help another sister believe there is a way and for me today, it's Jesus.

**Kevin Lail, 1826 Merriman Avenue, Apt. 1,** said I stand before you today to inform you of the benefits I have received from Miracle House of Hope under Pastor Bruce Little and First Lady Sandra Little. Before coming to Miracle House of Hope, I was under the verge of giving up all hope of making right choices for myself. Due to the facts of my long-term of drug abuse as a child, I had jumped from 20 foster homes from age 12 until around 19. Throughout all those

years living from place to place, I had developed a low self-esteem and depression which later on I started medicating my feelings with drugs. Today after meeting Pastor Bruce Little from Sister Rose Ministries he invited me to come and meet with him to see the house because I was homeless at the time. While being here I have gained my self-esteem back and through prayer and counseling and Bible Study meetings I have regained a strong purpose to live life to the fullest of the rest of my life. The only thing that is really blocking the fullness of Miracle House of Hope to expand the fullest as a whole within the City, it is a constantly harassment I have received from Mecklenburg Police. Most, but not all City Council from the fund raising that myself do and the ministry of Miracle House of Hope, that is just like me that wants to change and better their life. What most officers don't really understand what Miracle House of Hope stands as well as the founder that we don't get no support from state or federal or within the City of Mecklenburg. I truly believe that I have found a family that understands and loves me for who I am.

**Robert Burke, 1826 Merriam Avenue, Apt. 1,** said I was in Florida and I was lonely and struggling. The Lord gave me a change to live again and I've been doing the best I can. The Miracle House is a great place.

**Cory Fleming, 1826 Merriman Avenue, Apt. 1,** said I spoke last time and I'm sure you all remember me. I was the youngest one at the time and now we've just got four new ones in night before last and they are a little bit younger than me, but everything is picking up. I'm doing better and the Miracle House is still changing other people's lives. I know you all are doing what you can and I understand that. There has still been no change in that. I know that you all are doing the best you can, but there is still no big difference in what we are doing or there is no big difference in how the discipline or anything is coming off at us. It is coming off still rough, it is coming off inappropriate for me and we are out here trying to make a difference. We are not out here trying to hurt people and we are not out here trying to harm people, we are trying to help people just like myself. I'm young and I want to change my life around and if I want to do that I should have the option. I shouldn't have to be harassed about it. Just look at it from both sides of the fence this time, and not just one.

**Bruce Little, 174 Wilmore Drive,** said I am Minister Bruce E. Little, I am the founder and Minister of Miracle House of Hope Ministry here. The reason why we came back again is the last time I was here I showed the citation to every member on the Board there and no-one from the office got with me about the ticket. They got with me about my past, they got with me about us getting citations, but no-one ever said, look, this officer was wrong and he will be reprimanded. No-one said anything and I think it is a slap in my face simply because if they are bold enough to write that on the ticket, what are they saying that they are not writing, to each other to make them target us. CMPD as a whole is like a breath of fresh air, everybody knows we need good county protection and city protection so we are not here to bash them. It is just a few that is hiding behind the shield that have come together as an organization to target the Miracle House of Hope Ministries because of my past. My thing Mr. Mayor, is why hasn't anyone from you office contacted me about the ticket that I passed around your City Council?

Mayor Foxx said we are going to get to that question in a moment.

Mr. Little said the other things I have to say that is it is just maybe 10 of them and I don't like to play certain cards so I won't stand here and play that card, but if you look at where all the citations came from, you can make your own decision. Thanks for letting us have a chance to let our group be heard here at the City Council meeting. God Bless you.

**Larry Washington, 1816 Merriman Avenue, Apt. 1,** said since my affiliation with the Miracle House of Hope Ministries, God has blessed me to live within His spirit pretty much at all times. The Pastor has given me the opportunity to be the spiritual advisor for our ministry and I thank God for that. As a spiritual advisor for our ministry I'd like to share a short story about a King named Hezekiah, how God told him that you need to get your house in order because you are going to die. This King told God, you know God I've been faithful to you, I've done everything right that you asked me to do and he turned his face to wall for the Prophet came back and told him God heard your prayer and he is going to add 15 more years to your life. I'm telling you this story because I'm Hezekiah, I was dying, I was pretty much a dead man, but the God I serve said I'm going to give you another chance and I'm going to give it to you in the Miracle House of

Hope Ministries. That is what He has done and I tell you when we go out now, people see us and we encourage them, we pray for them, we pray for their children. I squat down at people's car doors, I push people's buggies and pray with them. I do everything I can because of this second chance that God has given me. That is what we do. Everybody don't give people another chance, but God has given me one. Our Pastor has given us another chance also and that is what we try to do. We try to get people out of the woods, from under those bridges and places and let them know, man you've got another chance. Come on to this Miracle House of Hope and get you another chance. You can still do good in society, you can be restored, you can be delivered, you can be set free, you come on where love is. Love is at the Miracle House of Hope Ministries. Love lives there. There ain't no bad people there trying to undermine the Police or no body, love lives at that house and that is all we try to do. We're just trying to love somebody and we need a chance. We need somebody to help us to love somebody.

**Rodney Little, 1826 Merriman Avenue, Apt. 1,** said I'm the Assistant Administrator of the Ministry here in Charlotte. I'm going to piggy back a little bit on what Bro. Larry said. He is our spiritual advisor and we try to get people off the street. We try to get people to come in and let them know that it is not over for them. We are a ministry to help people and we are also a ministry that loves people. That is what we do and ever since I have changed my life for the last three years, God has given me a second chance as well. I think the way I was going at one point in time if I wouldn't have changed my life I would probably be locked up again or maybe deceased by now. When I started with my brother Bruce with this ministry it really changed my life and God has really blessed me. He has shown me a different way of life and I enjoy dealing with the people because you have to be a people person to deal with 25 to 30 people per day. There is love in our ministry. We just need some help Mayor Foxx and I ask that anything you all can do to help us we would greatly appreciate it. We love you all too Mayor.

Mayor Foxx said thank you all for coming. This is the second time you have been here to discuss these issues.

Councilmember Howard said I actually had an opportunity to talk to Mr. Little a week or so ago and I promised him that I would ask if we could get a follow-up on communications with them Mr. Manager, and I was wondering if you could somewhat summarize kind of what our communication has been with the church in general. You said you had been communicated with most of what you had asked, but it is just the one issue and that was the ticket. I don't know where we need to go with that one and I think it may be an internal affairs issue, but I wanted to hear your response to that Mr. Manager.

**City Manager, Curt Walton,** said these issues go back to 2009 and at the last meeting when these folks were here you asked for a report which we provided you and gave you another copy on Friday. We have no issue with the ministry. What the issue is, is the continued solicitation of funds in the City's intersections, medians and roadways. That is an ordinance that CMPD does not have the option to not enforce so I think that continues to be the greatest source of conflict. The tickets are issues only after verbal warnings are not heeded and so that is the issue and it will continue to be the issue unless the law changes. There is not a way to enforce laws any differently than we have done so far. Relative to the ticket issue, I remember the ticket, but I don't remember anyone, Council, Mayor or staff committing to investigate that ticket, but we can certainly do that if that is your wish. That would again come as a result of solicitation of funds in the median.

Mr. Howard said I could be wrong, but it sounds like that is more appropriate for internal affairs of the Police Department first or would there be another way to go at that?

Mr. Walton said probably, but if that is the interest of the Council I would confer with Chief Monroe and we will figure out the best way to do that.

Mayor Foxx said I think some of what I'm hearing is that it is not just the enforcement, it is also some questionable behavior that is being alleged about our officers so I think it might be helpful to get some more information on that Mr. Walton, so I'd appreciate that. That will be done so thank you very much for coming and we will see what the report yields.

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## AWARDS AND RECOGNITIONS

### **Charlotte Mecklenburg Utilities**

Mayor Foxx said all five of the City of Charlotte Wastewater Treatment Plants recently received Peak Performance Awards from the National Association of Clean Water Agencies. These awards represent a significant achievement recognizing our wastewater treatment professionals for protecting the environment and public health throughout standing compliance with plant operating discharge permits. I will ask Barry Gullet, our CMUD Director to come forward and introduce our plant honorees and describe their achievement.

**Barry Gullet, CMUD Director,** said we are really proud of our wastewater treatment plant performance, but what I want to talk to you about and recognize the individuals who do every day is the hard work that it takes to win these awards. These wastewater treatment plants are sampled everyday and there is more than 7,000 samples per day take and you are going to see that these treatment plant have had excellent compliance records. One of these plants has not had a single permit violation in seven years and there are only about 65 or 70 treatment plants in the whole country with a record of that magnitude or better. This treatment plant is the McDowell Creek Wastewater Treatment Plant and it has very, very stringent requirements to meet and it meets them very consistently. Joseph Lochlear is the Chief Operator and I also want to recognize Jackie Jarrell. Jackie is the Superintendent of Wastewater Treatment, she is the Manager of our Environmental Management Division. She has been in that role for about 11 years and does an excellent job. All these gentlemen report directly to Jackie. She supports them very well, provides them the things they need, provides the guidance for them and does an excellent job of managing all five of the plants.

Mr. Gullet used PowerPoint to show Council the various wastewater treatment plants. He said these treatment plants operates 24/7 and when we talk about compliance, that is compliance 24 hours per day, 7 days per week, everyday of the year for seven years and that is quite an accomplishment.

Daryl Dewitt is the Supervisor at Mallard Creek Wastewater Treatment Plant and they have had perfect record compliance for six years, a huge achievement. Mallard Creek Treatment Plant is on the edge of the Cabarrus County Line, out near the speedway.

McAlpine Creek is our largest wastewater treatment plant and Ken Neely is the operator and responsible charge there and this is their 3<sup>rd</sup> consecutive year so they won a gold award for their 3<sup>rd</sup> consecutive year of perfect compliance. I can tell you they have a long track record before that of 1 or 2 or zero of permit violations per year. This is one of the largest treatment plants in the whole southeast United States, not just in North Carolina. It is very complicated and very complex plant. One thing you need to realize about these men is that they are the operator and responsible charge. That is an official designation that they receive by the state. What that means is that they are responsible for that treatment plant 24/7 and they are always the operator and responsible charge for those treatment plants. Christmas Day, New Year's Day, their kid's birthday, they are always the operator and responsible charge if something goes wrong.

Sugar Creek Wastewater Treatment Plant over near SouthPark, Pete Goins is the Supervisor at that plant and they won a gold award for zero violations this year. That is a great achievement. This plant was originally built in the 1920's, still operating some of the original equipment that has been updated and very well maintained but it is an old plant. To achieve this kind of performance record is outstanding.

The Erwin Creek Wastewater Treatment Plant is the treatment plant that people never see. It is back in the woods off Billy Graham Parkway and a lot of people don't even know it exists. It is there and it serves a large part of downtown Charlotte. The big challenge they have an Erwin Creek is that they receive the wastewater discharge from nearly all of the heavy industry that is in Charlotte. They have a lot of things that come to them that are not supposed to come to them from industries and they deal with it, they treat it and they protect the environment. That is what all of these folks do. People have always thought of wastewater treatment plants as sources of pollution, but it is just the opposite. Wastewater treatment plants remove pollution. It is the communities, the citizens and our businesses that generate wastewater and we provide the

service of cleaning that up and protecting the environment. That is what these folks do and they all do an excellent job. Mike Linderfelt is the Operator and responsible charge at Erwin Creek.

Mr. Gullet said these awards have been presented by the National Association of Clean Water Agencies which is a professional association that most large cities and medium size cities across the country are members of, provides a lot of support to our industry. These are very prestigious awards and something that we are very, very proud of. They are displayed in places of honor in our plants and I am very proud of all of the folks that are in front of you and all the support teams that are required to meet those. We have a laboratory division that does all the sampling and analysis, we have pretreatment folks that work with the industries that discharge wastewater into these plants to be sure that they don't send us anything that we can't handle. Engineering Administration, and a lot of different areas that support the work that these folks do. Our maintenance staff is incredible maintaining these older facilities. A lot of great work here.

Mayor Foxx said that is a lot of great work and we appreciate what you are doing. Barry, thank you for what you do as well.

### **Crop Hunger Walk**

Mayor Foxx said our Crop Hunger Walk Proclamation, which is something we do every year and we have Jennifer Hall, who is Administrator of Charlotte Crop Hunger Walk. We also have a guest, Blister. I have no idea who this person is, but I have noticed that Councilmember Nancy Carter has left us.

**Jennifer Hall**, said I am the Administrator for the Charlotte Crop Hunger Walk. This is the 4<sup>th</sup> year that I have had the honor and the privilege of planning this event. First, I want to thank you Mayor Foxx, for serving last year as the Honorary Chair for the Crop Walk. Your presence really provided hope and help to a number of people who are struggling right here in Charlotte, the single mom working two jobs to help make ends meet, the addict recovering, or the family of four facing the possible eviction from their home. All of these people were encouraged because of your participation in the Walk. Our goal is \$260,000 this year and the money that we raise that goes right back to Charlotte. Twenty-five percent of the money goes to three poverty fighting agencies, Crisis Assistance Ministry, Loaves and Fishes and Second Harvest Food Bank. The remaining 75% goes to Church World Service, our sponsoring agency that helps with sustainable development and disaster relief around the world. In our 33-year history the Charlotte Crop Hunger Walk has raised over \$6 million and \$1.6 million has stayed right here in the community. I am confident that we will be able to exceed our goal of \$260,000 for several reasons. One is our team captain has embraced what we are calling Projects of the Heart, and you have some samples on your desk this evening. These are projects that are being done here in Charlotte and around the world. We are hoping that the team captains will be encouraged to go out and raise money understanding better what the Crop Walk does. We are also confident that we are going to exceed our goal because this year because this year our Honorary Chair is Mr. Bob Morgan, President of the Charlotte Chamber of Commerce. His presence allows us to extend our reach into the business community in a way that we have not been able to do before. We are hopeful that many businesses will join the Crop Walk this year and become long time supporters of this event. The third and most important reason that I am confident that we will be able to exceed our goal this year is for all the people who have consistently walked in this event. We have walkers who have served 10, 20 and 30 years in this Crop Walk. It has become part of our community and Bob Morgan has a great way of just recapping how much a part of the community this event has become. This endeavor demonstrates that the soul of Charlotte can be found in the souls of Charlotteans who take it upon themselves to rally around the challenge of feeding the poor and hungry in our community and around the world. I thank everyone in advance for participating in the October 16<sup>th</sup> Crop Hunger Walk.

Mayor Foxx said we have proclamation that Mayor Pro Tem Cannon is going to read.

Mayor Pro Tem Cannon read the Proclamation.

Mayor Foxx said I want to reiterate that during these times it is important that we draw together as a community and things like Crop Walk are a great way to show support to people who are really struggling right now.

Councilmember Mitchell said in honor of Blister and her four-year commitment, I think it would be great if we as City Council get a team to participate this year. Those who can I think it would be great in honor of Blister and Nancy Carter to participate this year, I think it would be a great gift to her.

\* \* \* \* \*

**CONSENT AGENDA**

[ Motion was made by Council member Mitchell, seconded by Council member Cannon, and ]  
[ carried unanimously, to approve the Consent Agenda as presented with the exception of Item ]  
[ Nos. 24, 25, 37 and 41-S. Item No. 41-D has been settled and removed from the agenda. ]

The following items were approved:

- 23. Contract to the lowest bidder, Onsite Development, LLC, in the amount of \$180,171.54 for the Solid Waste Service Facilities Contract D Project.

**Summary of Bids**

Onsite Development, LLC \$180,171.54

- 26. Contract to the lowest bidder, Blythe Construction, Inc. in the amount of \$1,595,547.25 for construction of a bridge over Norfolk Southern Railroad.

**Summary of Bids**

Blythe Construction, Inc. \$1,595,547.25  
Blythe Development Company \$1,774,150.55  
Lee Construction Company of SC \$2,027,750.85  
Smith-Rowe, LLC \$2,026,507.60  
Rea Contracting \$2,229,717.75  
Crowder Construction Company \$2,229,907.18

- 27. One year advertising agreement with Outdoor Media Alliance; authorize the City Manager to approve two, one-year extensions based on Airport advertising rates.
- 28. Resolution of right of way agreement with the North Carolina Department of Transportation to install Airport Public Art at the Billy Graham Parkway and Josh Birmingham Parkway Intersection.

The resolution is recorded in full in Resolution Book 43, at Page 308-309.

- 29. Accept Federal High Administration funds in the amount of \$809,767 on behalf of the Mecklenburg Union Metropolitan Planning Organization designated for regional planning activities; Budget Ordinance No. 4729-X appropriating \$809,767.

The ordinance is recorded in full in Ordinance Book 57, at Page 360.

- 30. Approve the following contracts for tree removal services:
  - 1. E. Schneider Enterprises, Inc. dba Schneider Tree Care, \$141,000.
  - 2. Cadieu Tree Experts, Inc. \$215,000.
  - 3. Heartwood Tree Services, LLC \$141,000.
  - 4. The Davey Tree Expert Company, \$175,000.
  - 5. HRF Enterprises, LLC dba Frady Tree Care \$190,000.

Authorize the City Manager to approve one renewal each for the original contract amount.

- 31. 2011-2012 Cooperative Program Agreement in the amount of \$334,460 with the United States Geological Survey for storm water data collection activities.

32. Contract to lowest bidder Blythe Development Company in the amount of \$375,975 for the McDonald Pond Water Quality Enhancement Project; contract to the second lowest bidder, Blythe Development Company for the Ivey's Pond Quality Enhancement Project.

**Summary of Bids- McDonald Pond Water Quality Enhancement Project**

Blythe Development Company	\$375,975.00
RJJ Construction, LLC	\$440,201.25
United Construction, Inc.	\$483,306.75
OnSite Development, LLC	\$483,428.25
Ferebee Corporation	\$493,743.06
Sealand Contractors, Corp.	\$510,362.10
Advanced Development Concepts, LLC	\$547,615.10
Eagle Wood, Inc.	\$613,341.34
Morgan Corp.	\$673,876.80

**Summary of Bids – Ivey's Pond and Dam Water Quality Enhancement Project**

Advanced Development Concepts, LLC	\$510,557.18
Blythe Development Co.	\$582,250/00
Dellinger, Inc.	\$701,495.00
Hall Contracting	\$745,297.50
United Construction, Inc.	\$774,775.00
Blythe Construction Company	\$858,071.25

33. 2011 Justice Grant in the amount of \$714,123 from the US Department of Justice; Ordinance No. 4730-X appropriating \$714,123 in funds from the US Department of Justice.

The ordinance is recorded in full in Ordinance Book 57, at Page 361.

34. Grant from the National Institute of Justice in the amount of \$365,831 for DNA analysis; Budget Ordinance No. 4731-X appropriating \$365,831 in funds from the US Department of Justice.

The ordinance is recorded in full in Ordinance Book 57, at Page 362.

35. Resolution approving an application to the Governor's Highway Safety Program in the amount of \$110,500 for the purchase of radar units; resolution approving an application to the Governor's Highway Safety Program in the amount of \$10,000 to fund the Regional Law Enforcement Liaison for the NC Governor's Highway Safety Program; Budget Ordinance No. 4732-X appropriating \$120,500.

The resolutions are recorded in full in Resolution Book 43, at Pages 310-311 and 312-313.

The ordinance is recorded in full in Ordinance Book 57, at Page 363.

36. Authorize the City Manager to amend the current Allied Barton Security Services, Inc. contract to add a year extension option for the City and amend the contract by adding an additional \$200,000 increasing the annual contract amount to \$3,110,923.

38. (A) approve the purchase of public safety radio communications infrastructure equipment as authorized by the sole source exception of G.S. 143.129(e)(6), (B) approve a contract with Motorola Solutions LLC for the purchase of public safety radio communications infrastructure equipment in the estimated annual amount of \$4,000,000 for the term of three years and (C) authorize the City Manager to extend the contract for two additional one year renewals with possible price adjustments at the time of renewal as deemed reasonable and appropriate by the City Manager.

- 39-A. Ordinance No. 4733-X authorizing the use of In Rem Remedy to demolish and remove the structure at 220 West 10<sup>th</sup> Street (Neighborhood Statistical Area 32- Fourth Ward Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 364,

- 39-B Ordinance No. 4734-X authorizing the use of In Rem Remedy to demolish and remove the structure at 7605 Boswell Road (Neighborhood Statistical Area 146-Bradfarm Farms Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at page 365.

- 39-C. Ordinance No. 4735-X authorizing the use of In Rem Remedy to demolish and remove the structure at 4200 Carrowmore Place (Neighborhood Statistical Area 12-Westerly Hills Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 366.

- 39-D. Ordinance No. 4736-X authorizing the use of In Rem Remedy to demolish and remove the structure at 4016 Donna Avenue (Neighborhood Statistical Area 44-North Charlotte Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 367.

- 39-E. Ordinance No. 4737-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1824 South Mint Street (Neighborhood Statistical Area 15 – Wilmore Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 368.

- 39-F. Ordinance No. 4738-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3905 Plainview Road (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 369.

- 39-G. Ordinance No. 4739-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3234 Rogers Street (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 370.

- 39-H. Ordinance No. 4740-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3914 Rozzelles Ferry Road (Neighborhood Statistical Area 19 – Thomasboro Hoskins Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at page 371.

40. (A) Approve the following contracts for real estate services:
1. Fortenberry Lambert, Inc. for appraisal service, \$186,500.
  2. Integra Realty Resources - Charlotte, LLC for appraisal service, \$279,000.
  3. T. B. Harris, Jr. & Associates, Inc. for appraisal services, \$279,000.
  4. The Hanes Group, Inc. for review appraisal services, \$73,000.
  5. Ray E. Crawford & Company, Inc. for review appraisal services, \$114,000.
  6. Kimberley E. Fox, PLLC, for legal services, \$261,000.
  7. The Klauk Law Firm, for legal services, \$196,000.
  8. Nexsen Pruet, PLLC for legal service, \$849,000.
  9. THC, Inc., for right-of-way acquisition and relocation, \$3,500,000.
- (B) Authorize the City Manager to approve one renewal each for the original amount.
- 41-A. Acquisition of 4,897 square feet in Sanitary Sewer Easement, plus 6,972 square feet in Temporary Construction Easement from Larkhaven, Inc. at 4801 Camp Stewart Road, for \$16,000 for McKee Creek Sewer Outfall – Mecklenburg County, Parcel #12 and 13.

41-B. Acquisition of 809 square feet in permanent easement, plus 1,830 square feet in Temporary Construction Easement from Mark S. Perry and Wife, Susan M. Perry, at 14805 Bridgewater Lane for \$15,075, for Thompson Road – Thompson Place Drive to Fairington Oaks Drive, 16” water main, Parcel #2.

41-C Resolution of condemnation of 1,480 square feet in Storm Drainage Easement from Nathaniel A. Adams and Kelly A Leeper, and any other parties of interest, at 4734 Westridge Drive for \$225 for Allenbrook/Westridge Stream Restoration, Parcel #19.

The resolution is recorded in full in Resolution Book No. 43, at Page 317.

41-E. Resolution of condemnation of 2,102 square feet in Storm Drainage Easement from Wendell Elliott and any other parties of interest at 4710 Westridge Drive for \$1,000 for Allenbrook/Westridge Stream Restoration, Parcel #27.

The resolution is recorded in full In Resolution Book 43, at Page 318.

41-F. Resolution of condemnation of 1,525 square feet in Storm Drainage Easement from Momo Nallo and wife, Abibatu Nallo and any other parties of interest at 1209 Grovewood Drive for \$525 for Allenbrook/Westridge Stream Restoration, Parcel #40.

The resolution is recorded in full in Resolution Book 43, at Page 319.

41-G. Resolution of condemnation of 1,753 square feet in Storm Drainage Easement from Eksupar Tongsri and any other parties of interest at 1133 Grovewood Drive for \$750 for Allenbrook/Westridge Stream Restoration, Parcel #45.

The resolution is recorded in full in Resolution Book 43, at Page 320.

41-H. Resolution of condemnation of 2,358 square feet in Storm Drainage Easement plus 546 square feet in Temporary Construction Easement from Joyce R. Himsl and Spouse, Perry M. Himsl and any other parties of interest at 1335 Thriftwood Drive for \$650 for Allenbrook/Westridge Stream Restoration, Parcel #71.

The resolution is recorded in full in Resolution Book 43, at Page 321.

41-I. Resolution of condemnation of 1,292 square feet in Storm Drainage Easement, plus 159,014 square feet in Conservation Easement from Thompson Brook Homeowners Association, Inc. and any other parties of interest, at Dion Avenue and Fowler Springs Lane for \$2,325 for City View Stream Restoration, Parcel #2 and #3.

The ordinance is recorded in full in Ordinance Book 43, at Page 322.

41-J. Resolution of condemnation of 175 square feet in Storm Drainage Easement from Heron’s Pond Homeowners Association, Inc., and any other parties of interest at Misty View Court and Delta Lake Drive for \$25 for Delta Lake Neighborhood Improvement Project, Parcel #10.

The resolution is recorded in full in Resolution Book 43, at Page 323.

41-K. Resolution of condemnation of 488 square feet in Fee Simple plus 651 square feet in Existing Right-of-Way, plus 344 square feet in Storm Drainage Easement, plus 850 square feet in Temporary Construction Easement from Marva P. Frazier and any other parties of interest at Johnnetta Drive for \$925 for Farm Pond Neighborhood Improvement Phase I, Parcel #18.

The resolution is recorded in full in Resolution Book 43, at Page 324.

41-L. Resolution of condemnation of 88 square feet in Storm Drainage Easement, plus 609 square feet in Temporary Construction Easement from Winston Mais and wife, Dorothy Patterson and any other parties of interest at 5103 Lawrence Orr Road for \$1,000 for Farm Pond Neighborhood Improvement – Phase 1, Parcel #34.

The resolution is recorded in full in Resolution Book 43, at Page 325.

41-M. Resolution of condemnation of 1,304 square feet in Fee simple, plus 504 square feet in Storm Drainage Easement, plus 2,084 square feet in Temporary Construction Easement from Melvin R. Thompson and wife, Queen N. Thompson and any other parties of interest at 4933 Lawrence Orr Road for \$1,725 for Farm Pond Neighborhood Improvement – Phase I, Parcel #38.

The resolution is recorded in full in Resolution Book 43, at Page 326.

41-N. Resolution of condemnation of 294 square feet in Sidewalk and Utility Easement plus 1,138 square feet in Temporary Construction from Joshua C. Wilson and any other parties of interest at 1725 Miles Court for \$2,275 for Orvis Street Sidewalk, Parcel #2.

The resolution is recorded in full in Resolution Book 43, at Page 327.

41-O. Resolution of condemnation of 364 square feet in Fee Simple, plus 37 square feet in Temporary Construction Easement from Pheng B. Somsana and Wife, Chanpheng Khanounsay and any other parties of interest at Toddville Road for \$250 for Toddville Road – Freedom Drive/Tuckaseegee Road Sidewalks, Parcel #1.

The ordinance is recorded in full in Resolution Book 43, at Page 328.

41-P. Resolution of condemnation of 498 square feet in Fee Simple, plus 20 square feet in Sidewalk and Utility Easement, plus 1,528 square feet in Temporary construction Easement from Pheng B. Somsana and wife, Chanpheng Khanounsay and any other parties of interest at 2724 Toddville Road for \$600 for Toddville Road – Freedom Drive, Tuckaseegee Road Sidewalks Parcel #2.

The resolution is recorded in full in Resolution Book 43, at Page 329.

41-Q. Resolution of condemnation of 173 square feet in Storm Drainage Easement, plus 868 square feet in Sidewalk and Utility Easement, plus 2,538 square feet in Temporary Construction Easement from Arleigh Gibson Deyton and any other parties of interest at 1834 Toddville Road for \$1,025 for Toddville Road – Freedom Drive/Tuckaseegee Road Sidewalks Parcel #52.

The resolution is recorded in full in Resolution Book 43, at Page 330.

41-R. Resolution of condemnation of 418 square feet in Temporary Construction Easement from Gwendolyn Antoinette Williams and Patricia Renee Williams and any other parties of interest at 2905 Dogwood Avenue for \$75 for Tryon Hills Neighborhood Improvement Project, Parcel #40.

The resolution is recorded in full in Resolution Book 43, at Page 331.

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**ITEM NO. 24: CONTRACT TO THE LOWEST BIDDER ONSITE DEVELOPMENT LLC, IN THE AMOUNT OF \$70,995 FOR STORM WATER PROJECT REPAIR SERVICES, AND AUTHORIZE THE CITY MANAGER TO APPROVE UP TO THREE RENEWALS EACH IN AN AMOUNT NOT TO EXCEED THE ORIGINAL CONTRACT AMOUNT.**

Councilmember Carter said the Storm Water Project Repair Services is the item under discussion and my question to staff is this problem escalating, do we have a percentage increase per year

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and are we addressing a certain percentage of the degree of difficulties. I know usually we take some that are very low priority, some that are moderate priority and some that are high priority. Are we continuing that practice so we can address the whole panorama of our issues? If there is an increase do we need to take action with our budget for the next year.

**Assistant City Manager, Julie Burch,** said this particular contract on your agenda tonight is not the larger maintenance project I believe you are referring to. This repairs projects that have already been done, but for whatever reason they are out of warranty, in other words, we've gone in, done a maintenance project, it is past warranty and there is a need to go back. This is about 20 project per year and they average about \$5,000 each roughly, so that is what this particular contract is for. Separate from this one is the list to which you are referring and which we prioritize large maintenance projects to address house flooding and major issues like that. This is actually a different contract and this goes back after a project has been done, it might be a year out, two years out or five years out, to make minor repairs.

Ms. Carter said is there a general cause for these difficulties? Is there some aspect of a project that we can target as an over arching cause for these projects.

Ms. Burch said it may vary from one project to the next. I asked our Storm Water staff that very question and of course we inspect the work before we release the contractor from this work, but it may be a variety of causes. If you would like to get into more depth I will ask Jennifer Smith from Storm Water to address that.

Ms. Carter said if she could later on by communication I'm sure that would be acceptable to all the Council members. I'm sure they are all interested in that as well.

[ Motion was made by Councilmember Carter, seconded by Councilmember Cannon, and ]  
[ carried unanimously, to award the subject contract. ]

**Summary of Bids**

OnSite Development, LLC	\$ 70,995.00
Bullseye Construction, Inc.	\$ 76,605.00
Metrolina Excavating, Inc.	\$ 77,780.00
United Construction, Inc.	\$ 86,470.00
On Time Construction	\$ 92,970.00
Callahan Grading	\$ 98,260.00
Blythe Development Company	\$ 99,925.00
W. M. Warr & Son, Inc.	\$186,275.00

\* \* \* \* \*

**ITEM NO. 25: CONTRACT TO THE LOWEST BIDDER BLYTHE CONSTRUCTION, INC. IN THE AMOUNT OF \$468,030 FOR PAYMENT REPAIRS ON RUNWAY 36R.**

Council member Barnes said this is an item for \$468,000 of road work at the Airport for repairs to Runway #36R and the question I raised was in light of the fact that the repair would be a major bit of construction done to that runway in the spring of next year, is there any possibility that we could save the \$468,000 and make the complete changes in the spring.

**Assistant City Manager, Julie Burch,** said that was one of the questions that Councilmember Barnes raised at our dinner session this evening and it is my understanding after talking with Airport staff that the short answer to that question is no, it really cannot wait until that larger project is undertaken next year. They don't believe that it will last through the winter. When I say it, this is to replace the wheel track on the north end of that runway, approximately 1,500 feet long, 12 feet wide, the tracks for the wheels, and they don't believe it will withstand the winter. Therefore, they would like to go ahead and do this project now.

Mr. Barnes said will this span of runway be replaced again in the spring?

Ms. Burch said yes.



Mr. Barnes said so we are spending a half million dollars now and then in a few months spend the same money again?

Ms. Burch said yes, that is correct because they don't believe that wheel track will withstand the rigors of winter weather. That is my understanding.

Mr. Barnes said could you have someone to explain to me briefly why not.

Ms. Burch said I will ask Jack Christine from the Airport staff to do just that.

**Jack Christine, Airport Staff,** said Mr. Barnes, the answer to your question is the project in the spring will replace the asphalt section of that runway in concrete, which is a much larger scale project. This is just to replace two tracks of asphalt to get us through the winter because that pavement is beginning to fail and if we go through the winter we may lose it which will cause a much longer shut-down right in the middle of the operation which will be detrimental to all the air carriers that use the Airport.

Mr. Barnes said when you say fail, is it cracking or buckling or what?

Mr. Christine said it is coming apart.

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

**Summary of Bids**

Blythe Construction	\$468,030.00
Rea Contracting	\$494,900.00
Boggs Paving, Inc.	\$598,000.00

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**ITEM NO. 37: RESOLUTION GRANTING CHARLOTTE HOUSING AUTHORITY'S REQUEST TO ISSUE MULTI-FAMILY HOUSING REVENUE BONDS TO FINANCE THE ACQUISITION AND RENOVATION OF PARKTOWNE APARTMENTS.**

Councilmember Barnes said I had a question as to whether the City would be bearing the liability for the \$19.9 million in Housing Authority Bonds?

**Assistant City Manager, Julie Burch,** said the answer to that question is no, and in fact we have taken great pains in the resolution behind Attachment 15 to describe the fact that we have no liability in the situation whatsoever.

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

The resolution is recorded in full in Resolution Book 43, at Page 314-316.

\* \* \* \* \*

**ITEM 41-S:** Acquisition of 12.321 acres at 8607 and 8621 Todd Road from Heirs of Doris and Carl Davis for \$591,000 for airport Master Plan Land Acquisition.

Councilmember Barnes said this concerns the purchase of a little over 12 acres of land under the Airport Master Plan Land Acquisition Program. The proposed purchase price is \$591,000 and I wanted to understand some of the factors that we used in determining whether that was a fair price.

**Assistant City Manager, Julie Burch,** said yes, the purchase price was established after two independent appraisals and then a third review appraisal and it equates to about \$48,000 per acre based on highest and best use of that property and that particular 12 acres. Actually the Airport staff feels like we are getting a very good deal out of this purchase price.

Mr. Barnes said is there anything on that land now?

Ms. Burch said I believe there is a single family residence is the improvement on that property.

Mr. Barnes said what is our intended use of the land?

Ms. Burch said future terminal development.

Mr. Barnes said meaning that we will be expanding our terminals to that area?

Mr. Burch said at some point in the future, yes.

Mr. Barnes said how close is it to the current terminal?

**Jack Christine, Airport Staff,** said it is actually about 1 ¾ mile from the terminal and what this will actually be is terminal complex expansion for things like parking or related support facilities for the terminal complex as it continues to grow. We are in a tight envelope so at some point we will need push out a little bit further.

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

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## PUBLIC HEARINGS

### **ITEM NO. 8: RECEIVE PUBLIC COMMENT ON THE DRAFT ELIZABETH AREA PLAN.**

The scheduled public hearing was held on the subject matter.

Mayor Foxx said we have two public hearings on Area Plans and I want to congratulate the Transportation Committee and the Chair David Howard for the work you all have put into these plans.

Councilmember Howard said I would like to take a minute just to thank my Committee for its hard work on these Plans. We went through these a couple times, trying to get these right before we brought them to Council. I thank Council members Barnes, Carter, Cooksey, and Kinsey for their hard work on this plan as well as the staff and community. As opposed to going through it, I would like to give the floor to the District Rep and let her talk about it.

Councilmember Kinsey said I will be brief, but I do want to thank staff and particular Alan Goodwin, who worked so closely with the Elizabeth Neighborhood Representative. This has been a long time coming, but area plans are very important to neighborhoods. They trump any other plan and they are important for the development and the improvement to any neighborhood. I do appreciate the Planning staff working on this so hard and bringing this forward tonight. I think it is going to be a good plan and Alan, thank you very much.

**Alan Goodwin, Planning Staff,** The Charlotte-Mecklenburg Planning Department in conjunction with residents and other stakeholders, has developed a draft plan for the Elizabeth Neighborhood. This plan updates up the 1993 Central District Plan. The Elizabeth Area Plan will be the guiding policy document for the Elizabeth Community in making land use, capital investment and zoning decisions. The Plan area comprises approximately 630 acres or a little less than a square mile. It is bounded by I-277 and Independence Boulevard to the north, the Seaboard Coastal Railroad to the east, Briar Creek to the south and Randolph Road, Fourth Street, South Laurel Avenue and Providence Road to the west. As of the 2010 census there were 3,401 people living in the area, slightly fewer than in the 2000 census. We began the Plan Development Process about 2 years ago with a public meeting held in September 2009 with 140 people in attendance and over the next 11 months, a 40-member Citizen Advisory Group met and we held a final public meeting on May 12th of this year with 49 people in attendance. This past July 20<sup>th</sup>, staff met with members of the two neighborhood organizations in Elizabeth, the

Historic Elizabeth Neighborhood Foundation and the Elizabeth Community Association to work through several issues and make revisions to the plan document. With regards to the Plan Concept, one of the underlying primary principles guiding the development of this plan was the neighborhood's strong desire to maintain, preserve and protect the character of the existing established historic neighborhoods. Other important concepts that we incorporated into the Plan were recognizing Independence Park as the center piece of the Elizabeth Neighborhood and developing policies designed to preserve and protect it. Preserving other parks, open space and greenways, creating a more pedestrian friendly environment, particularly in commercial areas such as the East Seventh Street corridor and Elizabeth Avenue, creating new connections to parks and greenways such as the overland connector shown as the yellow line on the map from Little Sugar Creek Greenway to the future Briar Creek Greenway and another shown by the orange line from Colonial Park in the Crescents Heights Neighborhood to both of those greenways. Finally, encouraging mixed use development, namely retail, office and residential near future streetcar stops on Elizabeth Avenue. Most of the plan area is in an established neighborhood subarea defined by the centers, corridors and wedges growth framework. A small part of the Plan area is within a wedge. The Plan proposed to maintain the existing well established, primarily low density residential charter for single family residential as the predominant use. It also recognizes East Seventh Street as an important vehicular corridor, but with the more pedestrian friendly character and streetscape and a mixture of residential, office and retail uses. The land use policies also support the enhancement, protection and preservation of existing parks and open spaces and institutional uses for existing educational, hospital and medical offices.

Regarding transportation policies, the plan stipulates that East Seventh Street should not be widened for additional travel lanes. Other key transportation policies address proposed new streets and enhancements to existing streets to make them more pedestrian and bicycle friendly, including enhancing the intersection of East Seventh Street at Pecan Avenue and North Caswell Road to make it safer for pedestrians, providing additional pedestrian crossings at East Seventh Street, providing street connections to support new development and eliminating gaps in the sidewalk system and providing additional connections between streetcar and transit stops and neighborhood employment and commercial centers. Infrastructure/Community Facilities and Environment Policies include specific policies that address protecting Independence Park, maintaining existing public parks and recreational facilities in good condition, completing greenway connections and developing additional pedestrian and bicycle connections and minimizing future impacts to the existing tree canopy.

Moving forward this is the tentative remaining schedule for the adoption process. After this evening we would like to go back to the Transportation and Planning Committee at their October 10<sup>th</sup> meeting and hopefully back before Council on November 14<sup>th</sup> for Plan adoption.

**Andy Misiaveg, 2129 East 5<sup>th</sup> Street**, said we spent about two years working on this plan and I wanted to thank the Planning Commission and especial Councilmember Kinsey and her involvement, Monte Ritchey, the Elizabeth Association President as well as the former Elizabeth Association President and other who were involved in this plan. We've got a very dynamic neighborhood, although it is small in geographic scope, we are very diverse and we've got a rich tapestry and history in our neighborhood. It has been about 26 years since our last area plan was done back in 1985 and we've worked real diligently over the last two years with Planning to update that plan and get a new plan going. Alan talked about a lot of the items that we had really concentrated on just to follow up on some of those. One area that we are real passionate about that we've done a lot of good work on is creating some great protections for the Independence Park which is the heart of our neighborhood. We have also created some real attractive redevelopment potential for Seventh Street and planning items on that. We've protected and reinforce our existing historical and new housing stock. We've planned expansion areas for our institutional stakeholders, including CPCC, CMC, Presbyterian and Kings College. We've worked on connectivity between some of the higher traffic areas, the mixed use sites, the open and recreational spaces and the single family homes as well as some potential future transit scenarios. One area we want to continue to work with in the future is the Seventh Street and potential traffic calming and road diet measures that we had proposed to CDOT and NCDOT. We also want to focus and challenge local and state DOT as well as local organizations, as well as our stakeholders and citizens to continue to be diligent in reinforcing this plan and implementing the measures going forward in the future.

**Monte Ritchey, 525 Clement Avenue,** said thank you for hearing us tonight regarding the Small Area Plan. I echo Andy's thanks to everybody that was involved in making the plan a possibility. I won't reiterate all those names, but thanks to the office staff and community leaders that played a role in that. I want to quickly touch on the five highlights that the neighborhood had in mind of the five focus areas that the neighborhood had in mind as we came to a conclusion on this planning process. Protect and save and enhance Independence Park, integrate the proposed redevelopment of Elizabeth Avenue. Most of you are aware that is a plan that has been evolving close to ten years now that live between Presbyterian Hospital and uptown Charlotte and borders our development on the south side. Preserve residential areas and pedestrian oriented development along Seventh Street and create transit options. Andy talked about challenging Planners, Council members, neighbors to stick by the plan and I would echo those sentiments that the plan at the end of the day is a vision and we do our best to make it as scientific as we possibly can, but at the end of the day we have a document that is a vision and I would like to quickly add some color to a few of those things and hopefully hear from Council by way of your vote in the coming weeks that you agree that the things that we cover in this document and that I would like to share with you that you agree with those things. When you approve this plan you approve the idea behind the plan. Examples would be, as it relates to the park, Charlotte first municipal park envisioned by D. A. Tompkins, land contributed by names that we all recognize, George Stevens, B. D. Heath, Eli Springs Amy and Mary Brevard, Charlotte's own Waterworks Department contributed one of its reservoirs. A very historic landmark even as only a landscape extends from the east bank of Sugar Creek on out the greenway in our neighborhood. The Planning Department has been very receptive and we are grateful for that in considering the notions that this piece of public land needs more protection and needs to be thought through a little more carefully moving forward. We have the integration of the proposed redevelopment of Elizabeth Avenue and I suppose that is self-explanatory, a big piece of land, 40+ acres bounded by Third Street and Independence Park so you have that synergy again from a Planning perspective. I would like to see great movement between uptown and that Elizabeth Avenue area and the park and all the energy that can issue forth from seeing that planned effectively.

Councilmember Peacock said if you were to have three more points, what would they be?

Mr. Ritchey said they are preserving the residential area, demand pedestrian oriented development along Seventh Street and create transit options. I would only expand on one of those.

Mr. Peacock said that would be wonderful because the Mayor has some pretty strict time limits he is trying to keep you under. I wanted to get my question answered first, but that would be very helpful.

Mr. Ritchey said we recognize that we are part of an urban landscape, we know transit is coming our direction and we just ask that we be respected as a partners in that conversation and have the opportunity to participate.

Mr. Peacock said that is an excellent answer to my question so thank you.

Mayor Foxx said I want to thank the neighbors who have been following this process. It has been a real engaged process and particularly the neighborhood association. I know people think that the elected officials down here are the smallest unit of government you have, but really it is your neighborhood association that ends up being that unit. We really appreciate all the work you have put into this and your recommendations carry a lot of weight.

[ Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, and ]  
[ carried unanimously, to close the public hearing. ]

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**ITEM NO. 9: PUBLIC HEARING ON THE DRAFT STEEL CREEK AREA PLAN**

Councilmember Howard said my Committee has been busy. This plan actually covers a lot bigger territory, 27,000 acres in southwest Charlotte. Again I would like to thank the Committee as well as the staff, but the real star in this one would be the Committee. There was a committee

of 53 citizens on a Advisory Committee that actually stuck through two years of meetings and at one of the recent meetings they had 110 people come out after two years of talking about this plan. This was a little close to home to me because it is actually where I live so I paid close attention to this one. Unless the District Rep wants to say something I will turn it over to staff.

Councilmember Turner said it has been two years of hard work and a lot of planning and thought has gone into this process. Even when we ran into a bump in the road we were able to get back to the idea of what we think would be the best land use as well as the future for the Steele Creek Corridor and our citizens and future job opportunities. A lot of good work has been put into this and I just hope as we go forward and future Council that we will always consider and look at the fact that we do have a plan in place that we will follow.

**Melony McCullough, Charlotte-Mecklenburg Planning Department and Project Manager for the Steele Creek Area Plan,** the Steele Creek Area Plan boundaries cover an area in the southwestern portion of Mecklenburg County of approximately 27,000 acres. Some of the key landmarks within the Plan area include Carowinds, the River Gate Mixed Use Activity Center as well as the Whitehall/Ayrsley Mixed Use Activity Center, Shopton Road Activity Center and Westinghouse Boulevard. Other key features in the area are the McDowell Nature Center and Preserve and Siemens' Development as well as International Paper as some of the employers within the Plan area. As you can see on the map, some of the neighborhoods in the area include the Crossings, Sanctuary and Palisades. This area in the past decade has experienced a tremendous amount of growth and the population has increased over 84% since the year 2000, from 19,000 to nearly 42,000 residents. Why develop a plan for the Steele Creek Area, again the area has experienced a significant increase in development over the past 10 years and a lot of that development is inconsistent with the adopted plans for the area. This plan will update the Southwest District Plan that was adopted in 1991, the Lower Steele Creek Mixed Use Development Plan that was adopted in 1992 and the Westside Strategic Plan adopted in 2000. This plan also gives us an opportunity to better integrate land use and transportation planning as well as address environmental concerns within the study area.

The Plan Development process began in June 2009. We kicked off the process with a series of four meetings to accommodate the number of residents in a geography of this size. At the public meetings we solicited volunteers to serve on the Citizen Advisory Group and we had approximately 63 persons that volunteered to serve on that group that have met for 15 times over the past couple of years. We also had a community workshop half-way through the process to allow all of the residents in the area to participate or be updated on the planning process and then earlier this spring we began the review and adoption process. On the existing conditions within the plan area, it is indicated on this map that the area is predominantly single family residential. There is also a significant amount of vacant land within the area and a significant amount of industrial development generally through the center of the area indicating the Westinghouse Boulevard Industrial Corridor. This industrial corridor is actually the largest industrial corridor in the Carolinas with over 20 million square feet of industrial development and it is also the second largest employment area in Mecklenburg, second to uptown with about 43,000 employees that work within the Steele Creek Area.

The concept map illustrates the basic concepts for future land development within the plan area and it includes a significant amount of residential development within the wedge area and approximately 70% of the plan area is within a wedge, and the four activity centers comprise about 30% of the plan area. The plan recommendations generally recommend moderate density development along the major corridors in place that can support that type of development and neighborhoods serving land uses at different locations throughout the wedge area.

The recommended future land use for the plan area is basically divided into two areas, the wedge area, you have recommendations for single family residential up to four dwelling units as the predominant land use recommendation, but again you have some moderate density recommendations along South Tryon Street as well as recommendation for open space at significant locations. You have the McDowell Nature Center and Preserve, Wingate Park as well as some other open space recommendations in the area and your greenways. The land use recommendations again recognize the large industrial center, the brown area, which is the Westinghouse Boulevard Industrial Center.

The transportation policies in the area plan provide for an efficient transportation network by providing for improving connections within the area, enhancing intersections and providing for a more complete pedestrian and cyclist network in the plan area. This also includes greenways. We heard a lot from the participants in the plan about the importance of greenways in the area and those connections. Other plan policies include community design and encouraging sustainable development throughout the plan area and that includes looking at building architecture and site design, protecting the natural environment, the land, air and water quality. Also improving and maintaining the infrastructure and public facilities within the plan area.

After going through the planning process and developing the Draft Area Plan, we had a public meeting in March of this year, followed by the Planning Committee receiving public comment on the draft plan. At the Planning Committee meeting, some of the citizens in the area expressed concern about the draft plan recommendations and a Transportation and Planning Committee asked staff if they would continue to meet with the citizens to address their concerns. Since that time we've had four meetings with the Citizen Advisory Group to address their concerns which generally center around references to South Tryon Street and York Road in the plan, modifying the boundaries of some of the centers, allowing additional flexibility for the Palisades for future development, revising the community design guidelines and clarifying some of the language in the plan document. We have worked with the citizens to address their concerns.

The next steps in the process are for the Planning Committee to make a recommendation on the draft plan on October 18<sup>th</sup> and the Transportation and Planning Committee will be asked to recommend the draft Plan to Council on November 14<sup>th</sup> and Council will be asked to take action on November 28<sup>th</sup>. This is a tentative schedule for the future of the plan.

**Tom Martin, 19720 Youngblood Road,** said I appreciate the opportunity to speak before Council and Mayor Foxx about the Steele Creek Area Plan. I'm here as a private citizen and a resident of Steele Creek. I've worked and recreated in Steele Creek for over 27 years and my family chose to build a house and move to Steele Creek nine years and we did it because the community had a peaceful beauty to it and we love to be there. I don't have any problems with the plan and it sounds like a great plan. A lot of preparation for those who enjoy outdoor activities, low density housing, neighborhoods and families. The unfortunate thing is it is kind of a dream, because the reality is that Steele Creek is a community of the sounds of hundreds of low altitude unrelenting commercial aircraft dominating our days, seven days a week, 18 hours a day, 365 days a year. In my case it is 400 to 500 low commercial aircraft passing over my house per day and I live 12 to 13 miles from the Airport so they are passing over a lot of the Steele Creek Community before they get to my house. It is not a pleasant place to live anymore and it certainly doesn't mesh well with this area plan that is planning for Steele Creek as being an outdoor community. The neighborhoods that were mentioned, they built those for people to enjoy the outdoors in peace and tranquility, but they are certainly not having it in Steele Creek. I think in the Planning stages, the Airport problems were brought up on many occasions and not one mention of it has made it into the final plan. It is not just Steele Creek, there is a lot of neighborhoods, Mountain Island Lake, Pineville, Southeast Charlotte, and even in our friends out in Fort Mill and Rock Hill and River Hills that are complaining about the Airport traffic. The primary cause of this problem is the recent implementation of FAA System called RNAV, regional navigation. This is reversed historical standards of dispersing aircraft as it comes and goes from the Airport and instead RNAV concentrates it on rails that makes it practically unlivable for those Steele Creek Neighborhoods and communities that have to live under these tracks. Noise levels here often exceed levels identified as violations in the Charlotte Noise Ordinance. We ask City Council, Mayor Foxx and the Airport Director to take action now on this aviation problem.

**Shannon Duncan, 15920 Youngblood Road,** said thank you for allowing me to provide input to the Steele Creek Area Plan. I am a 27-year resident of Steele Creek and I've attended two previous reviews and presentations of the proposed plan. The goals and concepts of the plan are excellent, though one very serious and controversial issue is not addressed in the plan as it currently stands and that is the issue of over flights from the Charlotte Douglas International Airport. This problem was created in 2010 and it adversely affects the quality of life and property values in the plan area. This problem was created when the FAA implemented the RNAV navigation system in violation of their own regulations that govern airspace changes in Charlotte. The City Manager, Mayor, City Council, staff, community leaders and citizens have

been under-informed and misinformed about the nature of this problem. The FAA has slighted Charlotte in addressing the problems associated with our air space changes. Other major cities and airports are being treated better than Charlotte. Only the City officials can speak up for the citizens of Charlotte at the federal level. It is a fixable problem. It is a serious enough problem that the Airport Director sent out a letter dated August 3, 2011 to far reaching neighborhoods apologizing for the problems they would have to deal with because one runway was being closed for repairs for an estimated 70 days. I passed out a copy of that letter to you. Those of us in Steele Creek affected by the FAA change in 2010, those who have to put up with this problem on a daily basis were never given any consideration when the FAA improperly implemented RNAV with no impact studies being made or without any public input or notification and against our own regulations. Land use recommendations for Steele Creek will be for naught if the current RNAV flight concentration remains in place. Quality of life and property value decreases in Steele Creek under the current RNAV system will drive poor quality, non residential uses that are the area plan's recommendations. Previous input on this matter to the Planning team has been ignored and not a part of this plan. If we had two major railroad tracks running through the plan area it would be addressed. Essentially that is what we have except the tracks are overhead and a much greater problem and nuisance with over 700 outbound and 700 inbound flights daily to the Charlotte Airport. Charlotte has become a City of low flying aircraft. The citizens of Charlotte are depending you in this room to take a stand for us and to get this problem fixed. Fair Air Charlotte today will be glad to provide in-depth facts and figures to anyone who interested in the truth about this matter. Three minutes will not allow me to address in-depth the factor and in more detail tonight. Thanks for allowing me to enlighten you on this matter of the RNAV concerns for the Steele Creek Area Plan.

Mayor Foxx said you all are not the first to give us the indication of this complaint. We have taken the issues directly to the US Department Transportation, the Secretary Ray LaHood, and we will continue taking those issues to the Federal Government, to the FAA until this gets fixed. I want you to know that we are aware of it and we have taken the message and we are going to keep working to get something done about it. Thank you for continuing to remind us of its impact on you.

Councilmember Carter said at the National League of Cities, there is an organization called NOISE that I think we should take this issue to as an advocacy role. Mr. Mitchell being the President, I think we could have some leverage there as well. This might be another avenue where we could help our citizens.

Mayor Foxx said let's leverage all the help we can get because this is a big issue for a lot of people.

**Ned Lyerly, 1215 McDowell Farms Drive,** said I' glad I came tonight. It has been a long time since I've watched our government at work and I've very impressed with not only your service, but our fine employees. It makes me kind of want to come back or watch TV, but maybe next year. I have a real simple request tonight and it involves two small pieces that are within the activity center in this plan. This activity center is at the intersection of Highway 160 and 49 and is kind of a circle that is designed to have some multi-use plans in it. I got my yellow slip a couple weeks ago so I talked to staff about it. What I would like for you to do is consider including Parcel #21912301 and Parcel #21913202 in the inner circle of D-10. Presently we are bunched with the institutional hospital for proposed rezoning and that is just office. If we have the opportunity to join our neighbors, our adjoining property with the multi-use that gives us a greater option to develop what the plan calls for. The road between our property and the hospital south of us has 80 feet of impervious road surface and 30 feet of sidewalk and plantings, 15 feet each side. We are really cut off and the plan shows a little road there, but it really grown and that road is a lot wider than the plan shows. We have talked with staff and Melony says I can use her name, very professional people, wonderful staff and they agree with us and she said the plan is already drafted, I can't change it, but you can come talk to the Council and that is what we are doing.

Mayor Foxx said I appreciate you bringing that issue to our attention. This will take another round at the Committee level before it comes back here so you are exactly right to come tonight.

**Jim Lane, 4609 Charlotte Highway,** said I just want to echo Mr. Lysterly's remarks. We are the property contiguous to each other and in between the Grid Iron Restaurant and the new CMC Hospital in Steele Creek. We are currently zoned residential and the proposed zoning is just to rezone our piece office only and the three pieces that surround us are going to be rezoned office/retail and we are here to ask you if you would consider rezoning us in with the other three pieces to office/retail to give us the option. It is about 12 acres in that space that will probably go together with the Grid Iron all north of the hospital. It would give us the option to have some retail in with the office and I know we have talked about this before and whoever develops that piece of property it is going to be right in front of the hospital and just having all office in front of the hospital, you could maybe have some restaurants or gift shops or pharmacies or something that would go in with the hospital. I'm sure there will be some office and retail in there. We are asking that if you will consider that office/retail zoning.

Mayor Foxx said this issue will be teed up with the Transportation Committee I take it.

**Mariam Black, 1112 Limehurst Place,** said I have a home in the Steele Creek area and I'm here to appeal to your good judgment and reasoning to say no to the unilateral increase of housing density proposed in the Steele Creek Master Plan. According to market assessment provided by the Noel Consulting Group they project that over the next 20 years there will be a demand for 13,000 single family homes and 3,000 multifamily homes. This projection is based on the percentage of growth in the area from 1990 to 2000. Other data is based on the 2000 census. I stipulate that this information is not accurate and misleading as it does not contain statistics from current date information to include what drastic changes have happened in the last four years in the housing market or the economy. In the Steele Creek area, the Charlotte City Planning Department, since 2007 has approved approximately 14 single family sub-divisions which includes Palisades and Berawick, with 8 revisions, 12 mixed use sub-division approvals with two revisions and 9 multifamily sub-divisions approvals with one revision. On August 31<sup>st</sup> I asked for the following information from Planning, how many sub-divisions have been approved for development in the Steele Creek area since 2006, of those sub-divisions how many developers have move forward with construction, of those sub-divisions started, how many are completed and how many sub-divisions had building stopped and are at a standstill. As of today I have never gotten an answer and I'm only left to assume that no-one knows the answer. I'm only left to believe that Planning only approves and does not actually care what happens in the community. Some interesting numbers from information I gathered from two sources, Home Finder.com and Realty.com in zip codes 28278 and 28273, the primary zip codes in the Steele Creek area. There are approximately 892 homes available and of these 152 are builder inventory and 236 are at pre-foreclosure status, soon to be active. There are approximately 101 townhomes and of these 15 are builder inventory and 38 are in a pre-foreclosure status soon to be active listings. In an article published in Business on August 24<sup>th</sup> it stated prices have dropped more since the recession started on a percentage basis than during the great depression of the 1930's and it took 19 years for prices to recover after the depression. Another article printed September 9<sup>th</sup> states mortgage rates have reached their lowest in six decades, yet most people can't take advantage of the rates because they don't qualify. Please don't give developers the power to increase the density of housing where no-one from Planning has been able to answer what is already been approved and what is actually going on in the Steele Creek area. What I see when I drive around is cleared land with no activity. Several homes built in a sub-division that appears to be abandoned.

Councilmember Turner said Ms. Black can you tell me with regards to the sub-divisions in the area, what you were getting ready to tell me?

Ms. Black said partially completed sub-divisions and sub-divisions with many for sale up and advertising reduced pricing. I propose that developers should apply for rezoning density as a requirement for a sub-division approval on a case by case basis, no unilateral increase in density. On a personal note, I have been protected by the current zoning laws. The developer with parcels neighboring mine has been required to go through the rezoning process to increase the housing density. The land is currently zoned one home per acre. Please imagine my harrow if I woke up one morning to the construction of 620 homes and 100 townhomes on this land. This is what has been proposed, but the current zoning laws afford me the opportunity to voice my opposition along with other property owners. Developers and builders come and go, please do not silence the voice of citizens who call the Steele Creek area home.



[ Motion was made by Councilmember Cannon, seconded by Councilmember Howard, and ]  
[ carried unanimously, to close the public hearing. ]

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**ITEM NO. 10: ORDINANCE NO. 4787-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FROM MX-2, MIXED-USE RESIDENTIAL TO INST(CD) INSTITUTIONAL, CONDITIONAL FOR APPROXIMATELY 17.48 ACRES LOCATED ON THE SOUTH SIDE OF PROVIDENCE ROAD WEST BETWEEN COMMUNITY HOUSE ROAD AND OLD ARDREY KELL ROAD.**

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of  $\frac{3}{4}$  of the Mayor and Council, not excused from voting in order to rezone this property.

Mayor Foxx said we are charged with rendering a decision on this matter, however, it looks as if we do not 100% of our Council present so I'd like to at least extend the opportunity for those petitioners, it is our tradition to vote on protest petitions when we have everyone in place. I guess Mr. Burgess is a yes vote.

[ Motion was made by Councilmember Barnes, seconded by Councilmember Howard, to ]  
[ approve the Statement of Consistency and Petition 2011-041 for the above zoning as ]  
[ as recommended by the Zoning Committee. ]

Councilmember Cannon said were there two different traffic studies conducted that might show some different information that we do not know about, and if so, what is that?

**Tammie Keplinger, Planning Department,** said no sir there were not actually traffic studies done on this petition, but there were two different traffic calculations. When C-DOT originally worked on this petition they miscalculated the impact and they went back and recalculated. They determined that based on that recalculation their recommendations on traffic improvements for the area did not change. That information was put out on our web site as soon as we got the information and it has been available to the public.

Mr. Cannon said have we looked very carefully at the alignment of that road on Providence Road West? I ask that question largely in part because I know there is to be a change in this to allow for what would be a "T" or what I would call a wishbone largely in part because of how that road is. I'm probably the closest person here to that site but it is very dangerous right now as it is going around the curve. I'm a little bit concerned about what is being proposed and I need something to make me feel good about this.

Ms. Kiplinger said I may have to have Mike Davis contact you and talk with you about the engineering aspects of this petition, but I will tell you that the petitioner was not required to make these changes. In working with C-DOT they saw that there was a benefit to them as well as to the community because of the current situation and they asked them if they would work with them to do the "T" intersection which they felt was the safest route to go for that intersection.

Mr. Cannon said I think it could be better. It is almost a blind spot coming around that corner and I'm worried about cars that may be coming to the stop sign that may be coming from Community House Road around that corner and may or may not see someone making a left out. My other question is an engineering question regarding the height. The way this is currently being suggested by the petitioner, I think they are going to go through some tier levels so to escalate from where the neighborhood might be abutting, there will be one level of something and then may two, three and then on up to four stories. The four stories, will they actually be lower than what would appear to be four stories by way of how it is going to be designed?

Ms. Kiplinger said I don't know from the elevation how the final engineering is going to look, but I do know that the four stories will be approximately 190 feet away from the adjoining property line.

Mr. Cannon said is there anyone here who can address that more specifically.

**John Carmichael**, said if I could I would like to defer to Mr. Hobbs with the Engineering firm and the Land Design Firm.

**Mr. Hobbs**, said the one, two, three and four story sections of the building are all connected together. To make sure that I understand the question the first floor of all of those buildings will be the same, or all of that portion of the tiered structure to the extent that the physical constraints of the site will allow, we'll push that entire structure down into the grade as much as possible.

Mr. Cannon said all the outstanding site plan issues have been resolved, is that correct Ms. Keplinger?

Ms. Keplinger said yes sir, all of the outstanding site plan issues have been resolved.

Mr. Cannon said and this comes as a recommendation to approve from both the Zoning Committee as well as staff?

Ms. Keplinger said yes sir, that is correct.

Councilmember Cooksey said I was going to encourage adoption.

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

YEAS: Mayor Foxx, Council members Barnes, Burgess, Cannon, Cooksey, Dulin, Howard, Kinsey, Mitchell and Peacock.

NAYS: Councilmember Turner.

The ordinance is recorded in full in Ordinance Book 57, at Page 444-445,

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**ITEM NO. 11: ORDINANCE NO. 4788-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 20.60 ACRES LOCATED ON THE NORTH SIDE OF SOUTH TRYON STREET ACROSS FROM SAVANNAH CLUB DRIVE FROM R-3, SINGLE FAMILY RESIDENTIAL AND R-12(CD) SINGLE FAMILY CONDITIONAL TO INST(CD) INSTITUTIONAL CONDITIONAL WITH FIVE YEAR VESTED RIGHTS.**

[ Motion was made by Councilmember Barnes, seconded by Councilmember Cooksey, to ]  
[ approve the Statement of Consistency and Petition No. 2011-045 as recommended by the ]  
[ Zoning Committee. ]

A protest petition has been file and is sufficient to invoke the 20% rule, requiring affirmative votes of ¾ the Mayor and Council, not excused from voting, in order to rezone this property.

Councilmember Turner said we just went over the Steele Creek Area Plan and I have had the opportunity to speak with staff on...

**City Attorney Mac McCarley**, interrupted and said Mayor, you may want to make a decision on whether or not Mr. Turner is a Councilmember for this discussion, as he was recused at the public hearing from the vote, or a citizen. If you determine that he is a citizen, your public hearing has been closed.

Mayor Foxx said therefore public comment is not allowed.

Mr. McCarley said that is correct.

Mayor Foxx said Mr. Turner, I apologize, but given your recusal in your official capacity and given the fact that the public hearing has been closed, there is not the possibility of reopening the public hearing.

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Mr. McCarley said you have not advertised it, so no sir.

Councilmember Dulin said I have studied and studied and studied on this thing and particularly I think Ms. Black and the other gentlemen did a good job, the separate issue down that way about the airline noises, we are indeed working on it. I'm going to vote no on this petition tonight and support the Steele Creek neighbors.

Councilmember Howard said what neighbors? In the public hearing what did we hear from the neighbors?

Mr. Dulin said I have been studying this rezoning just like you've been studying this rezoning and the neighbors that live in and around Steele Creek, the neighbors that borders this petition, the neighbors that are fighting traffic problems down that way and the folks that I've heard from that are against this petition, I've decided to vote no which is my prerogative.

Mr. Howard said it is but I was just asking about the public.

Mr. Dulin said I can't name the neighbors by name, but I'm more than willing to take you and show you where they live.

Mr. Howard said how many votes does it take?

Mayor Foxx said in this instance it takes 9 votes.

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

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

NAYS: Councilmember Dulin.

The ordinance is recorded in full in Ordinance Book 57, at Page 446-447.

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## **ITEM NO. 12: CITY MANAGER'S REPORT**

**City Manager, Curt Walton** said he had nothing to report tonight.

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**ITEM NO. 13: BALLANTYNE AREA INFRASTRUCTURE IMPROVEMENTS AS RECOMMENDED BY THE ECONOMIC DEVELOPMENT COMMITTEE. (1) APPROVE AN INFRASTRUCTURE REIMBURSEMENT AGREEMENT WITH THE BISSELL COMPANIES FOR THE CONSTRUCTION OF ROADWAY IMPROVEMENTS IN THE BALLANTYNE AREA THROUGH A PRIVATE PLACEMENT LOAN FROM BISSELL IN AN AMOUNT NOT TO EXCEED \$11 MILLION WHICH WILL BE REPAID THROUGH 45% OF INCREMENTAL CITY PROPERTY TAXES FROM A DESIGNATED AREA OVER 15 YEARS, OR UNTIL THE LOAN IS REPAID, WHICHEVER IS SOONER; (2) RESOLUTION APPROVING AN INTERLOCAL AGREEMENT WITH MECKLENBURG COUNTY PURSUANT TO WHICH THE CITY WILL RECEIVE PAYMENT EQUAL TO 45% OF INCREMENTAL COUNTY PROPERTY TAX REVENUE FROM A DESIGNATED AREA FROM THE COUNTY AND REMIT SUCH PAYMENT TO BISSELL COMPANIES, AND (3) AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE ANY FURTHER ANCILLARY DOCUMENTS OR NON-MATERIAL CHANGES TO THE AGREEMENTS AS MAY BE NECESSARY.**

Mayor Foxx said I'm going to turn this over to Councilmember Mitchell, Chair of our Economic Development Committee but before I do, I want to thank the staff. I understand there has been a lot of work to work through this issue and I understand a lot of time, energy and effort has been

expended to make this work, so I want to thank the City Manager and the staff for the work put in on this project.

Councilmember Mitchell said the Mayor said the same comments I was going to make. Ron Kimble and our Economic Development Team did a lot of hard work developing the model in order to fund this project, which I think is a win/win situation for the City, County, State and the Bissell family. I'm going to yield to the District Rep and allow him to talk about why it is so important and allow him to make the motion.

Councilmember Cooksey said I too want to thank the Staff and the Economic Development Committee, Councilmember Mitchell Chair, Vice Chair, Cannon and members Kinsey, Burgess and Dulin who spent an awful lot of time with this. Staff spent even more. One thing I think is good to say about this program is essentially what is happening here is a private company is offering to put \$11 million of infrastructure in on the hope that the growth and development that it spurs will generate enough tax revenue to pay back the \$11 million. If it doesn't the taxpayers are protected and it is the company that has the problem. If it does, then we as the City benefits and the company benefits, so it is a in that great tradition of public/private partnership, but the staff went through a great deal of work shoeing through this. As I understand it, I missed the first Economic Development Committee meeting where you all talked about it, but attended the second and the proposal that came in the second was completely different from the first. In light of all that, it is going to be a great project for Ballantyne and Ballantyne is a great economic engine for all of Charlotte.

[ Motion was made by Councilmember Cooksey, seconded by Councilmember Kinsey, to ]  
[ approve Items 1, 2 and 3. The vote was recorded as unanimous. ]

Councilmember Turner said for the record and for the citizens watching at home as well as those here, give us the process for Mr. Burgess' vote. Twice I've heard the City Manager indicate that Mr. Burgess was at the meeting earlier and left. Was he recused?

Mayor Foxx said no, he was not recused. A member who comes to the meeting at the beginning and who has left, he continues to be registered as voting on issues before the Council and his votes are recorded as yes votes. In that particular instance with the matter we just decided upon as I understand it we had 10 votes in favor and two opposed and 9 votes were needed so his vote is actually immaterial to the outcome of that decision.

The resolution is recorded in full in Resolution Book 43, at Page 332-333.

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**ITEM NO. 14: OPTION FOR A ONE-YEAR CONTRACT EXTENSION WITH HOLLAND AND KNIGHT LLC FOR FEDERAL LEGISLATIVE SERVICES AT AN ANNUAL FEE NOT TO EXCEED THE EXISTING COST OF \$198,000.**

[ Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and ]  
[ carried unanimously, to approve the one-year contract extension. ]

\* \* \* \* \*

**ITEM NO. 15: (A) CONTRACTS FOR THE PROVISION OF GOODS AND SERVICES IN SUPPORT OF THE PROCUREMENT, DEPLOYMENT, OPERATIONS, AND MAINTENANCE AND SUPPORT OF A LONG TERM EVOLUTION (LTE) WIRELESS BROADBAND NETWORK AS FOLLOWS: (1) PURCHASE OF LTE NETWORK EQUIPMENT, AND RELATED PROVISIONING AND IMPLEMENTATION SERVICES FROM ALCATEL-LUCENT IN THE AMOUNT OF \$12,710,770 AND OPERATIONS, MAINTENANCE AND HOSTING SERVICES OF \$2,289,230 FOR A TERMS OF FIVE YEARS; (2) AUTHORIZE THE CITY MANAGER TO NEGOTIATE A TOWER SPACE LEASE AGREEMENT WITH CROWN-CASTLE USA IN AN AMOUNT NOT TO EXCEED \$9,100,000 TO LEASE TOWER SPACE TO HOUSE SUPPORTING EQUIPMENT FOR THE LTE NETWORK FOR A TERM OF 10 YEARS; (3) TECHNICAL CONSULTING SERVICES FROM RCC CONSULTANTS, INC. IN THE AMOUNT OF \$433,415 FOR ON-GOING SUPPORT OF DELIVERABLES REQUIRED TO FULLY DEPLOY THE LTE NETWORK WITH FINAL DELIVERABLES PROJECTED FOR COMPLETION ON OR ABOUT JULY 2013; (4) CONSULTANT AGREEMENT IN THE AMOUNT NOT TO EXCEED \$250,000 FOR A PROGRAM MANAGER TO OVERSEE DEPLOYMENT OF THE LTE NETWORK FOR INITIAL TERM OF 20 MONTHS, AND (B) AUTHORIZE THE CITY MANAGER TO EXTEND THE HOSTING AND MAINTENANCE CONTRACTS WITH ALCATEL LUCENT, CONTINGENT UPON THE COMPANY'S SATISFACTORY PERFORMANCE, FOR THREE ADDITIONAL, ONE YEAR TERMS WITH POSSIBLE PRICE ADJUSTMENTS AT THE TIME OF RENEWAL AS AUTHORIZED BY THE CONTRACT.**

[ Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, to ]  
[ approve Items A and B. ]

Councilmember Barnes said I want to briefly tell the folks who are listening and watching what this item is about. It is to approve an item for approximately \$15 million to provide for wireless broadband network and related services here in Charlotte and the funding for this comes by way of a Federal grant and what it allows is for our first responders to have more effective and efficient communications regarding public safety issues in our community. I know over the course of the last three years or so people have voted against these items because of the source of funding, but this is important to our community. The presentation we received last time I think made it fairly clear of the importance in light of some down time that we experienced with respect to communications equipment among our first responders. It is a worthy item and I will support it, and as I indicated it is a part of a grant.

Councilmember Dulin said it is my understanding that we are going to be getting a lot of communication equipment through our process of ramping up for the DNC, \$50 million worth of community safety equipment, a lot of which will be communications equipment that we by law cannot give back.

**City Manager, Curt Walton** said of the \$50 million only a fraction is equipment. The vast majority of it is associated with bringing the officers here from other parts of the country and the overtime associated with it. That is the line share of that \$50 million. There will be some other expenses like a few weeks ago you approved a Command Center and that is in the process. That will be paid for the grant, but something like this would not be funded from the grant. It is already funded from a different federal source, but wouldn't be really eligible in the grant. It is certainly related and helped, but it helps everything going forward from there.

Mr. Dulin said we've got somebody on staff tracking the stimulus dollars that the City has received. How are we doing with respect to the votes that Council has taken over the last couple years to accept stimulus money, how are we doing with actually getting the stimulus money?

Mr. Walton said we are doing very well. I think from what I can recall this and the Streetcar piece which we got last week were the last two pieces that we hadn't seen movement on. This one has been a bear to work through the process. The money has been there all along, we just haven't been able to draw it down until we were sure we had the local match to cover it. The stimulus process from the City's perspective is working well.

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

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

NAYS: Council members Cooksey and Dulin.

\* \* \* \* \*

**ITEM NO. 16: (A) APPROVE THE PURCHASE OF TASERs, AS AUTHORIZED BY THE SOLE SOURCE PURCHASING EXEMPTION OF G.S. 143-129(e)(6), (B) CONTRACT WITH TASER INTERNATIONAL FOR THE PURCHASE OF TASERs AND RELATED EQUIPMENT IN THE AMOUNT OF \$1,829,350.06, AND (C) BUDGET ORDINANCE NO. 4741-X APPROPRIATING \$1,829,350.06 FOR THE PURCHASE OF THE TASERs.**

[ Motion was made by Councilmember Barnes, seconded by Councilmember Howard, to ]  
[ approve Items A, B and C. ]

Mayor Foxx said those that are watching, we received a report from Chief Monroe at dinner.

**Beverly Corpening, Box 562561**, said I'm not here to advocate that you give or not give money for the TASERs. I am here to ask that in whatever way, you push for more training. I think that the TASERs were brought in as a way to deter aggressive behavior to negate the use or excessive use of guns, but I think that somewhere they have become overused and I think that if there is more training, it has to be extensive and it has to be individualized. The physical evaluation and training, the mental and emotional and the humanitarian. The physical I say because if you are going to use a TASER and you are going to use it on someone's bear skin, you should know what it feels like so that may help you when you decide to take the TASER out and use it on somebody else. I don't want somebody to say is she advocating that they take guns and use guns to see what it feels like also. The TASERs were brought in to negate the use of guns, but I think it is important that a Police Officer, since they are toughed as being safe, they should know what it feels like. The emotional and mental, Police Officers by virtue of putting on these uniforms take on a superman effect, meaning that they feel like they can do almost anything that they have extra confidence and I think that other people look at them and say they can do almost anything. We call them do things that we normally wouldn't do ourselves or wouldn't even think about doing. At the same time, the mental, sometimes the training or the evaluation can uncover if there are any blatant, any hidden, any undiagnosed or maybe any unknown prejudices, illnesses, behavior concerns of the Police Officers. The humanitarian, which motivated me to come, even with an excruciating migraine headache, those in the community of the mentally disabled. That humanitarian part to me is that when these people are confronted by Police Officers they live in a world all their own. They are not even in the same reality that the Police Officers are in and sometimes Police Officers will approach them and they don't even know they are being approached by somebody with a uniform on. I think that training in all these areas is going to somehow help. I think if you don't give them the money, they are going to find the money somewhere else because they really believe that they need them. I have to close by saying that I have the utmost respect, I have the greatest admiration, I have the highest regard for these men and women who put on these uniforms and put their lives on the line every day. It is something that I would not do. It is something that I could not do, but I just think if they are going to use these instruments that do cause devastation and it does cause death, that they should be better trained. I think the only way they are going to do that is if somebody says I'm going to give you this money, but.

Mayor Foxx said I think all of us agree that the training aspect of it is a very critical aspect of this type of equipment and what the Chief shared with us today is that these new TASERs will actually be a lot safer than the previous versions that did not have a time limitation on the charge and I know that is very sensitive in this community.

Councilmember Cooksey said I would like to add, and I know the Chief will correct me if I'm wrong, but I've seen it. In training CMPD recruits do get tased, they also have pepper spray sprayed in their faces. That is the part of the training of the CMPD recruit.

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

The ordinance is recorded in full in Ordinance book 57, at Page 372.

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**ITEM NO. 17. THE CHARLOTTE MECKLENBURG COALITION FOR HOUSING RECOMMENDATION TO PROVIDE A HOUSING TRUST FUND GRANT IN THE AMOUNT OF \$1.8 MILLION TO HOPE HAVEN, INC. TO RETIRE THE SECTION 108 LOAN ASSOCIATION WITH THE VILLAGE OF HOPE HAVEN PROJECT.**

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

Councilmember Barnes said I have a question that applies to both Item Nos. 17 and 18 and it concerns the true functionality of the Charlotte Mecklenburg Coalition for Housing. I and some of my colleagues have believed that that coalition was charged with administering the HTF Housing Trust Fund. It seems it has become a homeless advocacy function and there is some confusion among some of us about that. I'm on the Housing and Neighborhood Development Committee. I'd like to get staff's response, not tonight, but in a memo on that issue. With both these items we are being asked to either forgive a City loan or to convert a City loan to a grant and it is not clear to me that there is any accountability for doing that. People have borrowed public money and are saying we can't pay it back so forgive us, which is not how things work in the real world. One of the questions regarding No. 17 for a response in a memo is what will the balance in the Housing Trust Fund be after this \$1.8 million grant and with regards to Item No. 18, if I might asked this question, the ask is to convert a million dollar loan into a grant. I want to know if the residents pay nothing regardless of whether they make 60% of AMI or 30%. I believe according to the attachment that under federal rules the residents can't pay anything if they live in Strawn Tower, but I would like a clarification on that. In spirit I support it, practically speaking I have some concerns because it puts us in the business of people thinking they can come to us for a loan and it be converted to a grant and be forgiven. I don't think that is where we should be in all of these arrangements.

**City Manager, Curt Walton,** said we will be glad to answer that.

Mayor Foxx said Mr. Barnes, to your point about the confusion you are mentioning, if the Chair of the Committee doesn't have a problem, maybe having the Coalition come to the Housing Neighborhood Development Committee and maybe do a presentation on what they are doing and try to close that loop a little bit. Can we do that Mr. Manager?

Mr. Walton said yes sir.

\* \* \* \* \*

**ITEM NO. 18: THE CHARLOTTE HOUSING AUTHORITY'S REQUEST TO RESTRUCTURE THE STRAWN TOWER HOUSING TRUST FUND (HTF) AWARD FROM A LOAN TO A GRANT; RESOLUTION GRANTING THE CHARLOTTE HOUSING AUTHORITY'S REQUEST TO INSURE MULTI-FAMILY HOUSING REVENUE BONDS TO FINANCE THE ACQUISITION AND RENOVATION OF STRAWN TOWER.**

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Howard, to ]  
[ approve the subject request and adopt the resolution. The vote was recorded as follows: ]

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

NAYS: Council members Barnes and Dulin.

The resolution is recorded in full in Resolution Book 43, at Page 334-337.

\* \* \* \* \*

**ITEM NO. 19: (A) APPROVE A ONE-YEAR CONTRACT WITH MECKLENBURG COUNTY EMERGENCY MEDICAL SERVICES AGENCY (MEDIC) FOR MEDICAL RESPONSE SERVICES IN THE AIRPORT TERMINAL IN AN AMOUNT NOT TO EXCEED \$500,000. (B) BUDGET ORDINANCE NO. 4742-X APPROPRIATING \$500,000 FROM THE AVIATION FUND BALANCE AND (C) AUTHORIZE THE CITY MANAGER TO EXTEND THE CONTRACT FOR TWO ADDITIONAL ONE YEAR TERMS WITH POSSIBLE PRICE ADJUSTMENTS AS STIPULATED BY THE CONTRACT AT THE TIME OF RENEWAL.**

[ Motion was made by Councilmember Howard, and seconded by Councilmember Carter ]  
[to approve Items A, B and C. ]

Councilmember Barnes said this is a request to allow the Airport to sign a \$500,000 contract with Mecklenburg County MEDIC for services at the Airport. There is an indication that approximately 2,200 calls for services are made at the Airport for MEDIC service. Again I almost wish we could talk about this at dinner, but one of the thoughts I had was why we don't lease space to Urgent Care in the Airport where they are paying us to be on site as opposed to us paying MEDIC to be on site. I don't know whether that is a great idea or a bad idea but I wish we could get a response from somebody at the Airport. It seems like a revenue generating opportunity for us as opposed to us simply spending \$500,000 to station an ambulance at the Airport, or a MEDIC team.

**Jack Christine,** said that is a good question and we actually do an Aero Clinic Office in the Airport on the third floor and they do a lot of the same things that Urgent Care does. We did that contract two years ago, so they are already there.

Mr. Barnes said then explain to me what the MEDIC team will do. What is the name of the clinic?

Mr. Christine said Aero Clinic. Aero Clinic does more of give flu shots, they can do X-rays for broken arms, etc. EMT or MEDIC will actually do first response throughout the whole terminal complex, 1.9 million square feet. They will be mobile and they will be able to respond directly to an incident wherever that may happen. Aero Clinic is just an office that has a couple nurses and a doctor on staff in the office itself. They don't move around.

Mr. Barnes said have we had an occasion to have an ambulance be delayed or some other timing problem?

Mr. Christine said no sir. Typically our Airport Police in the past have provided initial first responder services and we dispatch 911 anytime we need an ambulance. This team will do some of the same things by being the primary response for that same function and our Airport Police will back them up. We often have multiple medical calls at one time so it will be good to have two.

Mr. Barnes said if MEDIC is there on site and there is an emergency, they will respond and at that same time, let' say there is another emergency, will our Police Officers respond to that until the MEDIC folks can get over to it? It seems to me there should be a better way to address this without us spending \$500,000 per year on paying MEDIC to be there. I'm uncomfortable with that.

**City Manager, Curt Walton,** said the shift is the first responder service, as Mr. Christine said, are currently being provided by security officers. The security officers need to focus on security, they don't need to focus on first responding because that is something that MEDIC can do just as well and more cheaply than having security forces do it. It is to augment security and replace that increment of time with MEDIC.

Mr. Barnes said do you think that we could tweak our arrangement with Aero Clinic to require them to provide a more robust set of services?



Mr. Walton said I don't think so because that is a different business model. They are a stationary doctor office, kind of like a CVS mini clinic and they are in the office. These folks will have responsibilities for the whole terminal, all of the grounds. I don't think so, but that is something we could look at, but I don't think we could do it in a time that would shift these responsibilities away from security officers in the time limit that we need them.

Mr. Barnes said I was going to ask you how time sensitive this item is?

Mr. Walton said I think this one is very time sensitive.

Mr. Barnes said when are we hoping to have it in place, at the beginning of 2012?

Mr. Walton said you mean calendar 2012?

Mr. Barnes said yes sir, to which Mr. Walton replied, if not before.

Mr. Barnes said I'm not going to vote for it because I just think there may be some other ways to address the expenditure.

Councilmember Cannon said this is coming out of the Aviation fund balance, correct?

Mr. Walton said yes sir.

Mr. Cannon said do we have a general idea about how much we have in that fund balance right now?

Mr. Christine said that number is somewhere in the range of \$16 million.

Mr. Cannon said there has not been a second to the motion that was made. Would the maker of the motion consider having A stand as it is, B stand as it is and C authorize the City Manager to extend the contract for one one-year term with possible price adjustments as stipulated by the contract at the time of renewal, instead of two years?

Mr. Cannon seconded the motion.

Councilmember Howard said I wanted to talk about it. My take on it is when you call 911 regardless of what is going on, these are the folks that are going to respond. To me this is about making sure that the services that respond are closer to the Airport, just like we've done with the Fire Department. These are the first responders, so for me this was actually about increasing the service and the quickness that MEDIC can get to issues and not have Airport staff have to deal with it and we can make sure that people who come through the Airport get service quicker. I like it the way it is because it makes sense to me.

Mayor Foxx said do you agree with the one-year or the two-year?

Mr. Howard said I would like to leave it like it is.

Councilmember Carter said this is not a 24-hour service is it?

Mr. Christine said no ma'am, MEDIC will supply their team from 6:00 a.m. to 10:00 p.m. which is a 16-hour day and on the off hours the Airport Police will continue to provide that service.

Mr. Barnes said in response to Mr. Howard, the primary concern is, I thought about what you said Mr. Howard, and I've seen ambulances stationed or parked at fire stations around the community which I think is a great idea because it reduces response time. I don't know if we pay them to be there. Do you know the answer to that question Mr. Manager?

Mr. Walton said we do not pay them to be there. MEDIC uses a different service model, it just happens to be where the wind up.

Mr. Barnes said my concern is that we are spending a half-million dollars a year to get something that is currently not costing us a half-million dollars per year. I understand why we are doing it because of the Police Officers having to do that work now. My question is whether we could repurpose the Aero Clinic function to have someone in there provide these services?

Councilmember Peacock said can you tell us more how the current operations work right now for the Airport Police? If you receive 2,200 calls I suspect those are not calls from someone that gets off a plane and says I'm having trouble with the flu. These are people that are having actual incidents. Can you define incident and what they are responding to?

Mr. Christine said yes, it can be some of both. We can get calls from someone who is having severe abdominal pain when they arrive in Charlotte and they end up getting transported to the hospital or it could be something as big as somebody having a heart attack. We see it all.

Mr. Peacock said maybe you are not an expert on what the Police do there, but I would suspect that our current Police unit at the Airport is going to the incident.

Mr. Christine said depending on what it is. Right now when a call comes in anywhere on the Airport or comes into our operation center they dispatch Airport Police to go to the site as first responders. If it is a security incident they will dispatch additional officers to deal with that piece of the puzzle. The first responders right now, their primary job is to tend to whoever needs that service.

Mr. Peacock said that you, you've answered my question and I can understand better and more clearly what the logic is here behind the Manager's recommendation. This is about security, this is about redeploying current resources that are there primarily for security to do that function. This action we are taking tonight, which I'm supportive, not of one-year, but up to two-years as mentioned in Item C is to take this service to professionals that are also first responders. Why one of these Urgent Cares are not sufficient is that they do not have the equipment, they do not have the training and furthermore they remain stationary in the third floor. They are in the center part of the Airport and if I was on Concourse E, that would be a little bit of a tough trip for them to make it to me, even if it was a cough or if it was a heart attack, they may not be necessarily as well trained. I will support A, B and C as recommended by the Manager.

Councilmember Turner said my question, just to make sure there is no overlap here, if this is approved, the purpose as my understanding, is to keep the current Airport Police from having to respond to medical emergencies as first responders, correct? What happens when the EMT people that we are going to have out there from a medical standpoint? They still will end up having to respond if they are busy.

Mr. Christine said if they are already on a call, then Airport Police will respond as back-up to the second call as first responders.

Mr. Turner said we don't know how many times or how often that happens?

Mr. Christine said it is infrequent, but it does happen.

Mr. Turner said can you tell us approximately how many people we are talking about with this contract?

Mr. Christine said it is one team, which is one Paramedic and one EMP. There is room within this contract to augment that for special circumstances if we have a very large week for some reason where we needed to augment and add a second group we could do that. Primarily, it is one team of two people that will be here 16 hours per day, 7 days a week.

Mr. Turner said at any point do our law enforcement agency at the Airport get involved in the medical report itself, the incident report that has been reported when they have to go and see a patient?

Mr. Christine said as far as when they are first responders?

Mr. Turner said yes, in someone on a flight has abdominal pain, they get there and the MEDIC goes but does that require any of the law enforcement officers to do a report?

Mr. Christine said no sir. That report can be filled out by the MEDIC staff.

Mr. Cannon said two years is not a deal breaker. This essentially is going to be a three-year contract unless we see something just out of the blue and alters the Manager to do something different. I was merely suggesting a two-year contract, one year plus an extension, largely in part because of trying to be efficient. We'd still have time to go back to do what needed to be done, but just in the name and the sake of efficiency I was suggesting that do two-years instead of three, which is where I think we will be going.

Mr. Barnes said I understand that Aero Clinic is not currently equipped to do this function. What I was suggesting is that we would either renegotiate or alter our agreement with them so that there would be people there prepared to do this work and have whatever apparatus the MEDIC team would have on site to move from the clinic to whatever area of the Airport they were needed in. I appreciate the dialogue.

Mr. Peacock said I don't think the explanation gives a lot to this, but Council will remember that this body and this City came under a lot of scrutiny outside of the City of Charlotte as it relates to our security procedures at the Airport. A lot of what Mr. Orr has been doing had been questioned in multiple areas about our security detail as it relates to the case that we all were made very aware of. It was very unusual and I suspect that this has something to do with your intentions to make that stronger. Is that a correct assumption, because that is primarily where we are getting a little bit off focus here. We are trying to deal with this like it might be an item as it relates to cost savings. I don't think this is about cost savings from a standpoint of this was just something you found and this was a new idea. This relates to security and it relates to deploying the resources to the area that is most in need which is to make Police, police and make MEDIC medic. That is primarily why I'm in support of the way the Manager has written this.

Mayor Foxx said I want to thank everybody for the vigorous discussion of this item. This makes me think that in addition to having the conversation we are having that it would be useful for us to reconsider something that previous Councils have done, which is to set an agenda review meeting. I think that some of these types of questions and issues can get vetted and resolved and talked about before we get to this point, but what happens right now is that we are talking about operational issues and everybody has a right to ask those questions, but it might be more productive to have the ability to have that conversation in a different form. I would suggest that we think about that going forward.

Mr. Cannon said I will not change and will stick with the write-up as it reads and let my second remain. Inasmuch as we want to make sure that we are making all areas of Charlotte safe, in this case the Airport, we still must be and we have to be cost conscious going forward. That is something that comes with where we are right now and the way the economy is, as we know that it exist.

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

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

NAYS: Councilmember Barnes.

The ordinance is recorded in full in Ordinance Book 57, at Page 373.

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**ITEM NO. 20: AUTHORIZE THE CITY MANAGER TO SUBMIT A THIRD APPLICATION TO COMPETE FOR FUNDS FROM THE FEDERAL NATIONAL INFRASTRUCTURE GRANTS PROGRAM (TIGER DISCRETIONARY FUNDS), WITH THE CITY OF CHARLOTTE AS THE LEAD AGENCY; RESOLUTION OF SUPPORT FOR THE THIRD PROJECT.**

[ Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, to ]  
[ approve the subject authorization and adopt the resolution ]

Councilmember Barnes said is Norfolk/Southern on board? There is an indication that they need to be, but it doesn't say that they are.

**City Manager, Curt Walton,** said yes they are.

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

The resolution is recorded in full in Resolution Book 43, at Page 338-339.

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**ITEM NO. 21: AMEND THE CITY COUNCIL MEETING CALENDAR TO RESCHEDULE THE CITY MANAGER'S EVALUATION FROM THE CANCELLED MEETING OF NOVEMBER 21, 2011 TO EITHER NOVEMBER 28, 2011 FROM 3:00 TO 5:30 P. M. OR NOVEMBER 30, 2011 FROM 11:30 TO 2:00 P.M.**

Mayor Foxx said I have one request relative to this. I think we should definitely look at one of these two dates as a date to make a decision on that, but I think we had Restructuring Government Committee taking a look at the process of doing the evaluation. Has it come back yet?

Councilmember Cooksey said the last conversation we had on that Mayor was that you were going to restart the Council/Manager.

Mayor Foxx said I also got a response from staff that this was on the agenda for Restructuring Government so I held off on that.

Mr. Cooksey said we cancelled the September meeting, but we can take it up at the October meeting in time to provide a framework.

Mayor Foxx said I would like to set a time in early October, maybe our first business meeting, to have conversation about the process so that can have an exercise that needs to be very thoughtful and methodical.

Mr. Cooksey said may I suggest perhaps the November Workshop. This is an end of November evaluation and that would give Restructuring Government Committee the time to have that conversation at the October meeting.

**City Manager, Curt Walton,** said you don't have a November Workshop. It is the night before the election.

Mayor Foxx said I think we need to do it in October and if you all can get to it, fine and if not we will have discuss at the full Council level. With that change we are talking now about having our first Business Meeting for discussion on process and if we need further review we will do it, but the end date will be one of these dates. Is there a motion to do that?

[ Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, and ]  
[ carried unanimously, to discuss the process as it pertains to the City Manager's evaluation at ]  
[ the first business meeting in October. ]

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**ITEM NO. 22: MAYOR AND COUNCIL TOPICS**

Councilmember Kinsey said I just wanted to let everybody know there are millions of people out there watching us tonight that there will be a meeting, Thursday, September 29<sup>th</sup>, from 6:00 until 8:00 p.m. in Room 267. This is the Citizens' Advisory Group for Incentive Based Inclusionary Housing policies, a long name for an important group. This action stems from actions that we took in June to adopt consideration for the Inclusionary Housing Plan and citizens will have the opportunity to comment on possible regulatory incentives. The process will take several meetings. There were very good attendance at the first public meeting on September 15<sup>th</sup>. We anticipate the Housing and Neighborhood Development Committee will review staff's

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recommendation and citizens' input early next year with Council action in April. Those of you who are interested please come this Thursday night, room 267 in this building from 6:00 until 8:00 p.m.

Councilmember Peacock said we just voted for Item No. 21 which is the discussion around moving the schedule to accommodate our discussions regarding the City Manager. I know I've mentioned this before, Mr. Chair of the Budget Committee, I felt this is something that we need to spend a little bit more time on and I was seeking on the dais gage if you all wanted to have the Budget Committee revisit that subject. I know we spend an inordinate amount of time as it relates to dealing with financial partners and what I noticed in that process was they have a process, it has been very thorough, they use consultants, they were very deliberate in how they evaluated it.

Councilmember Cooksey said Restructuring Government has your initial referral. We got a little hiccup about it and now we will get to it.

Mr. Peacock said are you going to call me sometime Mr. Cooksey to let me know when my referral gets attended to?

Mr. Cooksey said certainly.

Mr. Peacock said I look forward to my phone call and look forward to visiting your committee again and hope you serve on it.

City Manager, Curt Walton said Mr. Mayor, on Item 21, I'm not sure you picked a date.

Mayor Foxx said I thought the idea was to coordinate schedules and to find the one that works best for everyone. Was that not the case?

Mr. Walton said I thought it was to pick a date, we can check.

Councilmember Carter said the best advertisement for east side is going to happen on October 6<sup>th</sup>, Taste of the World, 6:30 Van Landingham Estates. It will absolutely blow you away. Meet your neighbors, get on a bus, have good food. Come and join us. It is almost sold out.

Councilmember Dulin said I had a conversation with James Mitchell and he has a good point about the Crop Walk. I've decided today to join James Mitchell Crop Walking Team in honor of our Colleague Nancy Carter. The Crop Walk has been a passion of Nancy's for years and years and so I will join James and Nancy on Sunday, October 16<sup>th</sup> at Presbyterian Hospital. I would like to have as many of our Council Colleagues and Mayor and wives and children who would like to come. We will have a good time and support Nancy.

Mr. Dulin said Young Mr. Cannon, Patrick's son PJ has a heck of an arm on him and I don't think he was actually paying for those softballs he was chunking at the dunking booth, but he put me in the water at the realtor function the other day about five times and it was fun and all in good humor.

Mayor Foxx said the Disparity Study that we had a report on tonight, Mr. Manager, I'm just wanting to make sure I'm clear on this. The copy that I have says it starts with .07 findings and recommendations. Does that mean that there are sections 1, 2, 3, 4, 5, 6, that go to this report or is this everything?

Mr. Walton said I can't answer that Mayor.

**City Attorney, Mac McCarley,** said the answer is yes, what you have there is the recommendations chapter.

Mayor Foxx said is there more to the report?

Mr. McCarley said yes sir, and it is posted on line. It was posted this afternoon at 5:00.

The Mayor said I would like to have a physical copy of the whole thing.

mpl

Mr. McCarley said it will be done.

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#### **ACKNOWLEDGMENT**

Mayor Foxx said we have an Acknowledgment that Mac McCarley was just given the Charles S. Rhyne Lifetime Achievement in Municipal Law Award. The International Municipal Lawyer's Association presents its highest award, which is the award I just described, to City Attorney, DeWitt Mac McCarley in a ceremony held on September 13<sup>th</sup> in Chicago, Illinois. The ILMA awarded this award to Mac, this is a lasting commemorative to Charles S. Rhyne who has a significant role in founding and nurturing this organization. The Rhyne Award is given by the organization and it is not intended to be awarded on a regular basis, only occasionally, and then only to a truly uncommon individual. The Award was created to honor the recipient's lifetime achievements in the field of Municipal Law. Kim Hubbard, Mac's nominator stated that the best synopsis of Mac's philosophy is a lesson he learned early in his career and never forgot, always run to a problem and not away from it. Such leadership qualities and the ability to communicate effectively are common threads in all of Mac's contribution to Municipal Law and public service. Mac has mastered the leader's art as a commitment needed to marshal the available resources toward greater goals. And most importantly he has the wisdom and humility and good sense of humor to recognize that a leader is most effective when he serves those who he leads. Finding all these traits in one individual as with Mac, is truly uncommon.

Mac, we want to congratulate you, not only on this award, but on a career that has been very distinguished and great work. Thank you.

Mr. McCarley said I was fortunate enough to get to work for very good elected officials.

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#### **ADJOURNMENT**

The meeting was adjourned at 9:22 p.m.

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Ashleigh M. Price, Deputy City Clerk.

Length of Meeting: 4 Hours  
Minutes Completed: November 7, 2011