

The City Council of the City of Charlotte convened for a Dinner Briefing on Monday, November 14, 2011 at 5:19 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Patrick Cannon presiding. Council members present were Michael Barnes, Nancy Carter, Warren Cooksey, Andy Dulin, and Patsy Kinsey.

ABSENT UNTIL NOTED: Council members Jason Burgess, David Howard and Warren Turner.

ABSENT: Mayor Anthony Foxx and Council members James Mitchell and Edwin Peacock

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ITEM NO. 1: CONSENT

Councilmember Dulin said Item No. 17 is a damn improvement and as I normally do, I plan to bring that up and plan to vote against that agenda item so I would like to pull Item No. 17 so I can vote against it. Item No. 42, Airport ATM Agreement with Bank of America, if council would like to have some discussion about that I'd like to hear what others are thinking. I haven't had time to call my colleagues on it.

Councilmember Barnes said I want to get some additional information on Item No. 30 which is a \$1.9 million contract to purchase 8 garbage trucks. What I want clarification on is under the explanation piece. It indicates that we are replacing some 5 to 7 year old vehicles that have about 111,000 miles on them which in today's terms don't seem to be a lot of mileage and we are paying about \$250,000 each. Also Item No. 41, I wanted to applaud staff. This is an improvement to the Lynx Blue Line Parking Guidance System. I think that is a great idea Mr. Manager and I hope we will look to extend that to the future stops.

Mayor Pro Tem Cannon said Councilmember Barnes is that an item you want to pull or just congratulate them?

Mr. Barnes said I will for the sake of saying what I just said, I will be happy to say what I said and leave it alone and I hope the Manager took that as good feedback. Also with respect to Item No. 42, the ATM Contract at the Airport, I do want to pull that for conversation regarding the level of competition, convenience for the customer's choice.

Mr. Dulin said as far as Item No. 42, I'm not against having it done, but I'm looking forward to the conversation.

Mr. Barnes said same here. My question concerns the competition piece, the choice piece and convenience piece.

Mayor Pro Tem Cannon said just for the record I will be pulling that same item, No. 42.

City Manager, Curt Walton, said before we move to the first dinner topic, tonight is the Blue Star Recognition Ceremony and I'd like for Keith Richardson to give you an overview just as a logistic since that involves about 10 employees that will be recognized tonight.

Keith Richardson said tonight we will be awarding 16 Blue Star Awards, 10 of the employees were able to attend this evening, but 6 could not due to other obligations and what I thought we would do is we would start with Mr. Cannon kicking off the opening remarks, giving the basis, the origins for the Blue Star Award and why we give it out. Then he will take a moment to recognize all our previous Blue Star Award winners who we have invited to a reception tonight in honor of Veterans Day which was Friday. There are going to be in the audience and he is going to ask them to stand and be recognized. Then he will kick off the new first time recipients by awarding the Blue Star Award to Mr. Gathers. When you call their name they will come up to you, will accept the award from you and then they will turn around and stand in front of the dais so we can take photographs and so they can be seen on camera. After you finish their write-up they will move off the camera and we will go to the next recipient. I thought we would start with Mr. Cannon and then go around the dais, going clock-wise. Mr. Cooksey has a little

different take because he is awarding to people who could not make it so he will be awarding to their Key Business Executive tonight.

Mayor Pro Tem Cannon said logistically we will start off where there will be an opening for recognition and then once we get through that process, beginning with me then we will start with Councilmember Dulin and just circle around and of course you will be next recognizing the next person, reading what is going to be before you when you get down to the dais.

Councilmember Burgess arrived at 5:25 p.m.

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ITEM NO. 2: NORTH CORRIDOR RED LINE REGIONAL RAIL PROJECT OVERVIEW

City Manager, Curt Walton, said the Red Line Task Force has worked for several months and this has been part of the MTC's agenda for that same several months so we wanted to give you a status report of the Task Force recommendations and the next steps going forward.

Councilmember Howard arrived at 5:26 p.m.

Chief Operating Officer, CATS, Carolyn Flowers, said in November 2010 CATS conducted a workshop with MTC to review the 2030 Plan in light of the impact of the economic downturn on the ability to deliver projects within the adopted timeline. CATS also engaged a Financial Consultant whose analysis concluded that CATS did not have the financial capacity to fully implement the remainder of the 2030 Plan within the current economic climate. MTC voted to continue to pursue funding for two priorities, the Blue Line Extension and the Red Line. The BLE would continue through the traditional financing model and funding for the Red Line would be sought through a combination of innovative financing techniques, public/private partnerships and alternative project delivery mechanisms. Subsequent discussions with the state resulted in their committing resources to assist us in developing a plan to address the funding gap on the Red Line project. The state hired a consultant to develop the strategic policy and financial direction for the Red Line project. Paul Morris was the consultant who led the effort and will be presenting to you tonight and Paul has recently been appointed to the Deputy Secretary of Transportation with NCDOT. That is my report and Paul will give you the presentation.

Deputy Secretary, NCDOT, Paul Morris, said I appreciate the opportunity to be before you this evening and talk to you about the status of the Red Line project and I want to start by indicating to you that over the last year as the work of the MTC and the Red Line Task Force has progressed there has been a somewhat evolutionary but important transformation of the project from what had previously been thought of as primary a transit purpose to one that is now both for benefit of transit, meaning passenger movement and freight or goods movement. I'll talk a little bit more about that distinction, in addition to that, the scope of the project in its long-term view has been expanded to really think more regionally about the role of this project as it relates not only to this part of the state, but across the state. The efforts of the Department on behalf of Secretary Conti, are really here for both the benefit of supporting the ongoing planning and programming of the Red Line, but also at the same time to assess the potential impacts this might have in terms of statewide significance. While I was still a consultant and now in my capacity as Deputy Secretary I admittedly find myself wearing two hats and I continue to remind myself and all those involved that whatever we do here has the potential for what could be characterized as precedential influence on other interests of this kind across the State of North Carolina.

As Carolyn mentioned, prior to 2010 the plan had been for the Red Line to be funded largely through a combination of local and federal funds and for a number of logical reasons that was no longer viable. In addition to that I think everyone came to the realization that it wasn't really possible for commuter rail in this context to qualify for federal new start study, which has been one of the past things considered. That is largely what resulted in the 50% gap that opened up in 2009. In 2010 when the study report out of Jeff Parker and the MTC resulted in what we call the Parallel but concurrent Blue Line and Red Line Pursuit, the discussion was suggested that it would be possible if the resources could be allocated for future development to actually serve as the economic catalyst to make this kind of project go forward. As a result a study that had been

prompted in 2006, again updated in 2007 and a third time at the end of 2009 by what was first Charles Lesser's Company and then Todd Noel, looked at the actual development market, continued to recalibrate it to account for the changes in the economy. That report was scrubbed for a final time and the results of which were produced early this year indicated that for the most part development in the North Corridor will proceed as envisioned, however at a much slower and long-term pace. The demand for the kinds of uses, whether they were employment, commercial, office, retail, industrial or residential still remain, but the impact on the economy has really altered the schedule for that kind of improvement and that will have a meaningful affect on how revenues could be generated. The Red Line Task Force kept that in their sight as they formed two working groups, one is called the Finance Working Group, who are really charged with looking technically at what it would take to put in place the financing mechanism as well as the funding stream to pay off any debt or financing that would be generated. The second thing they did was form an economic development working group, which I will get more into, but was really a turning point in the project that moved it from what had largely been a transit discussion to one which had to do with the larger purposes of the Charlotte Mecklenburg/Iredell County region and its role and its play in the statewide, the national and even the global markets for logistics and freight movement. As was said, a number of studies have been done. They are listed on the slide and I will briefly snapshot some of the key themes that have come out of that tonight.

As Carolyn said, this notion of using the development community, private investment as the trigger to help fund this kind of project, is somewhat new in the State of North Carolina, although it has been done for anywhere from over 100 years in special assessments to over 50 to 60 years in tax increment financing across the country, but it is new to North Carolina. We don't have a lot of experience in it and the experience we do have has had somewhat of a colorful past even in its short time. A lot of research needed to be done to look at what was actually the rational relationship between the improvement of infrastructure and the unique extraordinary development that would occur as a result of that. Not the natural development that would otherwise occur, but that which was uniquely stimulated. It is that development that can logically and rationally attribute value and ultimately claim and allocate future revenues to help support that construction. As we think about these kinds of projects and the public realm, we often focus our attention on the little image in the center, that oval of the jackhammer finishing the design and construction of the project. We look at the project, but not necessarily on its impacts. We don't look at whether or not it actually stimulated the actual value that is being created. In a value capture world you actually have to start with the value first. You can talk about the project, but you have to say what project would we do that would stimulate the kind of development we want in all its forms and all its scale and all its intensity. That will result in an identification of what we call the unique development that is attributable to that particular public investment. Once that unique development benefit is identified, we can then actually stimulate and target value that is not only created, but can be captured. That value, that unique benefit translates into special assessments, joint development proceeds, negotiated agreements and even tax increment financing, the allocation of future revenues of that new scale of development. With that new revenue targeted we can then say that provides us with the budget we need to justify the construction of the project. So we are three steps into it before we actually talk about the project and this is admittedly somewhat of a departure from the way projects have been thought about in the past. It is at that point, once the project is executed that the development will follow so there is a lot of speculation that has to be scrubbed out of the equation in order to only result in what is rationally viable and ultimately physically defensible. That takes it all the way through to the bond market, the private investment roles and those who would ultimately be underwriting any financing mechanism for this to determine only that portion which they believe will largely and likely happen.

Councilmember Howard said are you counting on getting any assistance from the federal government?

Councilmember Turner arrived at 5:40 p.m.

Mr. Morris said we are not. This whole model is built on a local program. One of the things the consulting team did, spent several months on and ultimately captured was kind of the state of the practice nationally on the value capture world. There are essentially 8 different categories, four different categories in two groups that fall into all of the various value capture tools that are used

around the United States for these kind of different purposes. You've heard a lot of different descriptions for some of these, some people will say there are 30 different examples of them, but they largely fall under these two categories. One is what we call the one time funding sources or lump sums and these are generally relationships with development, the projects that happen on the ground, generally sight specific. They are transactions between a local government or a regional entity and the development community itself. On the other side are what we call the incremental or ongoing revenue streams. The value capture mechanisms that are tied more to the land which is largely the beneficiary as well and it looks at more of the increment over time that is uniquely benefited and captured incrementally over time. These are important because the way they are generated and ultimately the way they are captured and expended, changes the relationship of the project, the timing of the project and ultimately the financing of the project. After a lot of analysis, looking at what best practices in the industry, what actually generates the kind of return for the effort involved and ultimately what the State of North Carolina will permit. The four that rose to the top were joint development in negotiated actions on a one time side and tax increment financing or TIF as many people have heard it and special assessment districts on the incremental or ongoing revenue side. Joint Development, and I will quickly reference these because many of you are familiar as Charlotte has a great history in a lot of these ways, it is largely a relationship between a particular project and a local government where real estate is involved, vertical development is envisioned and there it is a direct nexus between the development and the infrastructure and in this case the transit or rail project. When that relationship occurred that developer, if they can attribute significant value to it, can underwrite their project and actually provide funding to that project, and more importantly where public land is involved, pay a premium for that land in order to gain access to it so they get access proximity to that investment.

Under the Negotiated Exactions site it is similar to the Joint Development but instead of the land being bought it is essentially a contract hand shake agreement. We will build the station, we will build the parking, we'll contribute \$5 million to the project because we can find that that is worth more to us than that amount of money or that effort that is involved in it. On the Tax Increment side I need to explain a little bit of this because there is some misunderstanding and confusion around how TIF works and how it works in North Carolina particularly. I think it is important to remember that this is not new taxes. There is a lot of confusion that people think that TIF is somehow raising taxes. All this is doing is saying that future unique revenue that raises the income stream on the taxes that are there can be allocated or steered for some benefit to this project. But the base is protected and the tax rate is the same so it would only be if that development happened that the TIF would actually be generated. Essentially this kind of conceptual diagram shows that the blue on the bottom is what you might see in any community, the base of what is there today. That is existing development or even to some degree projects that are already underway and in construction and any TIF scenario, that is protected and untouched. The kind of gold area that escalates over time is just a conceptual diagram of the growth of development that occurred between the time that the project starts and the time that any bonds for that TIF generation expire. When that happens, this is the whole world of TIF generated revenues. It is not saying whether they should all be spent, it is just saying all that development that would occur. When you do that the local government always has to protect what we call the background game, development that would otherwise occur. Some increments that would need to be protected for social, emergency and public services, schools and other functions, that any development would need the support. That leaves a smaller wedge that could be attributable and attachable to any future growth. Then in addition to that, depending on how the project happens and over what time frame the development occurred to line up with the construction of the rail project, you have finance income which depending on whether you go public or private, it could be modest or significant and that takes even more funds out of the TIF. Ultimately what you have over the life of the TIF which is approximately 25 years, according to North Carolina law, is that smaller increment of available money to work with. Whether or not that is what you elect to spend, that is really what you have to play with, so it is not even the whole increment, let alone all of the tax that you can steer when that growth happens. At the end of 25 years the TIF closes and all future revenues 100% now go back on to the local tax rolls. A lot of communities that have TIF see what they call the windfall effect of suddenly having all of this future revenue coming onto their tax rolls at the life's end of the bond. The special assessment is different in that in North Carolina, special assessment doesn't go with the land, not a tax on the real estate, it is not a hand shake relationship with the developers or joint venture on public/private partnerships, but in fact is a self imposed fee that the developer, business owners

or what is called income producing property allocate upon themselves. So they basically petition the local government and they say we believe if you will build this it will bring significant enough benefit to us that we are willing to assess ourselves a small increment on top of our current fees and taxes to contribute a portion to the project. They have to vote to do that and in the State of North Carolina it requires 50% of the affected property owners and 2/3 of the affected real estate value to vote yes in order for the assessment to happen. What this gives you is four very viable value capture streams that can contribute to what would otherwise be the public side for the other 50% gap that is needing to be addressed. In order to do that the project has to shift because as it was constructed the project really wasn't fully representing all the beneficiaries so what ended up coming out of this was the kind of evolution after talking from Mooresville to Charlotte, or Charlotte to Mooresville, depending on your disposition, with what would happen and how development would occur and who ultimately would be the true beneficiary of this rail investment and it ultimately is concluded that this had regional if not statewide implications. Improving a 25-mile corridor of rail service when rail freight is rapidly becoming the preferred mode for mid to long-range freight movement, was going to have a direct impact on statewide logistics and other purposes. It really meant not only looking at the transit component, but more importantly the freight component and its idea of goods and people movement emerged. It turns out that there is a market for this, there is a series of studies and research models getting involved in the freight industry where they have actually started creating what they call freight villages or freight oriented development, not unlike what we see in transit oriented development on the transit side, where they locate next to the freight rail line and they consolidate collective operations among many vendors in order to make the most efficient use of limited real estate and to be able to leverage assets and not have to carry a lot of debt. These two things became new value, an economic regional perspective and a dual benefiting purpose, but the final piece of this which was really the pitted point for future discussions was a recognition that past efforts which had really focused on every local government doing its own thing, working to get us to the finish line. Largely that is because this was a larger regional purpose, no single unit government, including the City was actually the beneficiary or the attributor for the need for the project, nor could there be any way to create parity or proportionality in benefit, let alone costs. So the notion of creating a network benefit relationship became the kind of policy concept around which a unified approach and the establishment of a joint powered authority emerged.

To be more specific and I won't get into this, but this is a lot of what you have been talking about for a very long time and a lot of the other towns, the two counties and even Mooresville, I think have come to the realization that the Charlotte Mecklenburg and Iredell County region is part of a much larger equation going on in transportation and goods movement and it goes to global logistics and panamax coming out of the Panama Canal over the next several years. With that in mind, this really was about saying if we are going to make this kind of investment it needs to be for the purpose of advancing that large a mission. Secondly, as we talked about the dual benefit precedent and the freight rail purpose it recognized that the North Corridor is uniquely positioned right now in the region to be the next tier of development outside of the central CBD and the reason for that is that has been where largely the non-office worker jobs have occurred over the last decade and according to marketing analysis, it has found that outside of the CBD the North Corridor has been the second largest economy of the region and that future opportunity continued to move in that direction, suggest that that wedge will continue to be the second largest part of the economy if it can solve pressing infrastructure challenges, so that is their caveat. They attribute some of the challenges to lack of sufficient freight capacities in the manufacturing and distributions sector.

The Passenger Precedents are equally important and what I want to share with you is where we are talking about dual benefit, we are talking about heavy rail corridors where freight and passenger movement happen together. A lot of people have said that won't work, even the Class I Railroads have said that is a separate work for us and yet there are between 30 and 50 operating facilities like this in the country today. Largely successful, efficient, well metered, they are dispatched properly and the freight and the passenger movement actually work in concert with each other. Many of these are not operated by local governments or even regional institutes. They are private third party because the private sector recognizes this is a part of the economy, so openly this involves really partnering more actively with the freight and rail companies and more importantly with private partners in the construction, project delivery, operating and maintenance sectors. We have to manage potential and I would be dishonest if I didn't tell you

that there is push back and concern. If you want to see how this work, I can send you to other states where it has been messaged and refined into some pretty sophisticated dealings. The State of Pennsylvania probably the most sophisticated and they have really fine tuned it and they've figured out what those touch points are that make it work successfully for the freight industry and for the railroad while protecting and preserving the integrity and quality of life for local communities. That is the rough, how do you make those things work together? This involves development a unique shared use agreement and you have to start from the beginning so even now we have begun conversations with the development community, with business owners, with industrial sectors and with Norfolk Southern, who is the owner and operator, of this particular railroad. The purpose of which is to figure out before we get to the final plan and delivery approach, how best to serve both parties needs so we get balanced objective out of the dual benefit approach. There is another part of this which gets at the unified vs. segmented philosophy and the best analogy we have been able to come up with is the car. In the early stages of the Red Line project, many people looked at this as segmented approach. Every town and jurisdiction from Charlotte up to Mooresville, the counties in between could take their little piece, a portion of their responsibility, contribute that part and everybody would be happy, and if everyone didn't play we would still have a successful project. The problem with that is this isn't everybody getting their own car. It is in fact everybody contribution to one car and the idea being if Charlotte doesn't provide the engine, even if Mooresville provides the tires and Davidson provides the steering wheel, we don't have a car. If Cornelius doesn't come forward with the chassis and Huntersville doesn't provide the frame, we don't have a car. What we are saying is that because of the fact we are looking at this as a unified project and it just happens to have jurisdictional boundaries that intersect with it, what we are really saying is the jurisdictions are there as fiduciaries to insure that the entire network serves all benefits to the highest level, regardless of the contribution, regardless of their needs. The approach to this has evolved from one where everybody did their little piece and somebody was to somehow figure in the gaps to one where we are actually creating a unified governance structure. This is allowed by state law, it is called a Joint Agency Agreement and what it does, it essentially allows all the formal partners, in this case the four towns, the City, two counties, CATS and the state to enter into the equivalent of like a series of interlocals, but essentially one agreement where each of the local governments have as their authority, their ability to transfer rights for the purpose of actually creating this single purpose limit authority entity to create the project, treat it as a single regional investment of statewide significance, fund it, deliver it, finance it, operate it and maintain it over time. There are pros and cons to a unified JPA approach. The pros are there and it is actually much more inviting and enticing to the bond market. They don't want 7 to 9 different entities coming with different transactions and trying to cobble them together in some locally syndicated approach. Secondly, it streamlines a lot of the negotiations and administration of a project like this instead of everybody piece mealing their own individual part and hoping it gets to the finish line. It addresses some of the cross jurisdictional complexities that really slow down and even stalled the previous version of the project and most importantly it actually increases the likelihood that the project can actually happen. It does require more cooperation and in a different way than you've ever done it, so we want you to be cognizant that we are asking you to step out of your comfort zone a little bit as your personal responsibilities guides you and to look at this project in unique way, several family members all building one house. You all have to participate to get to the finished product, but for different purposes and benefits to each of you.

The enabling legislation, you can read this at your leisure as it is in your packet. I just want to highlight the part in the middle where it says the units may confer on the joint agency any power, duty, right, or function needed for the execution of the undertaking, except as that legal title to real property is involved and which means the joint powers, the party can't own real estate. That has to retain itself at the local government level and that becomes kind of a characteristic of these kinds of entities. They are the local governments that retain control and establish only those rights they wish to have the joint powers participate in and conduct on their behalf. It only works by total mutual agreement. If anyone of the local governments opts out the project falls apart. It requires that bonds be issued solely by the joint power authority and not by the local government so the local government can have recourse issues protected out the equation so you don't have to fall back and carry the debt load in the future. What is more important than anything else is that this is not a special district. It has a different kind of authority and requires general assembly legislation to provide. This is allowed as it exists today. One of the best examples in the country is called the Capital Corridor between Sacramento and San Francisco, its passenger and freight service along 170 miles of Union-Pacific Railroad corridor, has both

dual benefit in it, through the railroad actually handles all dispatch which means passengers are protected in their time slots and freight gets everything else. So you are not having to give up 16 hours of the day in order to protect it for passenger rail when they only need it between the peak hours. More importantly this particular project has six transit agencies in 8 counties with a 16 member board. Largely bigger than anything we are talking about here. It is only to suggest to you that some more complicated examples are out there and what is more interesting than anything else is that for a long time contract functions went to Amtrak and more recently Bart has been asked by the JPA to take operations to improve service. That is one of the beauties of the JPA, they can continue on behalf of the Board and member entities to insure that the best performance is provided regardless of who the project operator is. In this particular project, this is a quote from the recently retired Executive Director of the Capital Corridor. It is a wonderful story of someone who had to work through a very contentious political environment to make this happen and by his view it is judged as a success by users, legislators, State Administrators and transportation officials of both parties because it really was about improving the economic life line and vitality of that entire Sacramento Valley/San Francisco Bay area. This is of critical concern to the State and I wouldn't be here on behalf of the state and I wouldn't have served as a consultant had that not been the case. As a result of that the JPA and ultimately the entire project is dependent on mutual participation of multiple counties. It also recognizes that there is leverage to be had where multiple entities work together for good that extend beyond their jurisdictional boundaries. These are critical to us, they are some of the considerations we will be looking at as we evaluate the proposal from the state's perspective, but we can only do this when it is through a consolidated regional entity. It doesn't work if every single town and the two counties and the City do their own thing. I just want to highlight for you that as the governor's logistic task force continues its work, this particular area is part of the seven portals program, is right in the cross hairs of importance to making sure that this area not only works for the Metropolitan area here, but that it feeds into the Ports Authority, it feeds into national rail and it ultimately connects to global markets of China, Europe and South America. You know as you have seen this map for a lot of years, it is important to keep that regional perspective in mind and recognizes this project contributes to what you are trying to do. It is important to understand that as the project has now been cast by the Red Line Task Force and the local constituents that the real success of this project will be predicated on its ability to understand that unique network benefit, unify the project in a way that captures both local development opportunity and ultimately gets to the regional objective. The Red Line Task Force and the MTC have now reviewed four policies and approved them for incorporation into the business plan. This will come as no surprise I hope to you now that you have listened to most of my presentation.

The first is that this project should be only pursued as a regional economic development focus and this is the specific language that the Red Line Task Force and the MTC reviewed and concluded would be necessary for this project to move forward. This materially changes the dynamics of what you are trying to do. It changes the benefit properties, it changes what kind of projects within station areas or freight lines and development areas are appropriate for inclusion and it ultimately changes who is at the table in terms of partnering. Secondly, that this has to serve a dual benefiting strategy, that both freight and passengers need to both be served in a way that it advances them, improves them and makes them a better part of the region's function, not only in its unique operation, but in its contribution to relief on I-77. As a result this project, while it is conceived in its first stage as from Mooresville to Charlotte and back from Charlotte to Mooresville, the long-term vision now recognizes that for it to really succeed it must go all the way to I-40 and Lowe's Global Distribution Center. In doing that you will get not only the optimum transit use but you will get the optimum freight use. The further north we go the more we feed into the regional and global logistic side of distribution and freight purposes. This is the conversation that we are now beginning to have with Iredell County. Third, that the Unified Benefits Approach must be established to maximize the regional value, create and capture the value and distribute that value very strategically and purposefully to those things that will make the project happen effectively and quickly. Fourth, that the State would play a leadership role and that is still evolving, but it is clear that for many purposes that the State has the experience and the responsibility, not only to work with Norfolk-Southern, but to address cost jurisdictional issues and ultimately joint powers authority legislation to insure that this kind of project can actually be successful for you. What that means in terms of a day to day relationship is going to be discussed by the Task Force, the MTC and ultimately decided upon by you and all the other entities involved. What does that mean going forward? As I have outlined for you this concept, what we are talking about is a project that would essentially be in business plan form by the end

of this month, on November 30th the Red Line Task Force and Metropolitan Transit Commission will review the final business plan recommendation. That set of recommendations which already has a project that has been cast and has been scrubbed to its finest cost estimates, meaning it is at 90%, it works, it is on an operating railroad, these are basic functions that everybody know how to perform on, it has been third partied analyzed to insure that there won't be any unknowns. The project itself is set, the benefit district is being defined and ultimately the financing and the funding streams are being set up with the idea being that CATS would contribute 25% for capital and L & M, the state would be asked to contribute 25% for capital and L&M and the local, the four towns, City and two counties would be asked to value capture, generate through future development revenues the 50% local match to get to the 100% for capital O & M. That business plan is in the works, on November 30th it will be presented, it will be referred at that point on to a summit December 13th where all of the elected, both sitting and now new, will be asked to go to Mooresville for a four-hour work session where everything that you've heard in 30 minutes and has been conducted over the last year will be laid out, whether it is the history of the project, the value engineering, the final design, the value capture study work that has been done, the freight oriented development analysis and market potential, the policies how they are formed and what they are intended to accomplish, the joint powers authority and what its purpose will be and then finally and more importantly for many people, how we are going to cover the 50% local mach through value capture mechanisms. After that December 13th briefing the project will then be sent out for action by each of the local governments and CATS and state, so that between January and June of next year each of them will be asked to review the Busines Plan and its recommendations as well as to recommend adoption and formation of the JPA and the institution of any value capture mechanisms under their control such as TIF, joint development and negotiated agreements or exactions and accept a petition so that local businesses and income producing property owners can essentially approve this special assessment. If that is approved at the end of June by all of the seven local, CATS and nine being the State, then between July and December all of those mechanisms will be put into place so that at the beginning of January 2013, the JPA would launch. Its formation deemed defined by all the participating entities, it will then have the authority to receive the revenue that will start coming in, put it out to the markets for bond, commission the design, build, operating and maintaining agreement and deliver the project, with the hope that anticipation that between 2014 and 2016 the project will be built and that it will come on line in time to meet up with the great separation project that is being pursued here in Charlotte so that by the end of 2016 roughly we have the potential to have the Red Line Regional Rail Project underway.

Mr. Howard said first I would say thank you to Mr. Morris as well as the State for your incredible work on this project as well as Ms. Flowers and her staff. The Mayor asked me to serve on the Red Line Task Force and actually when I couldn't be there Councilmember Carter has been filling in for me. This has reached I felt a critical point where we needed to bring it to this body to start talking about the reality of this project. I have a few questions for you. You mentioned the capital costs, is there a reason why we wouldn't apply for the small starts program?

Mr. Morris said we wouldn't be able to generate enough from it to help and we actually wouldn't right now qualify for it. In addition it would delay the project anywhere from 12 to 24 months on the short end and up to 3 to 4 years on the long end.

Mr. Howard said the operating costs, I think you just said the local dogs would be looking for 25%?

Mr. Morris said right, what we've recommended that is the total budget for this project for capital is set at \$452 million. That is largely driven by the fact that CATS in their very fine tuned fiscal analysis was able to conclude that they could contribute up to 25% or \$113 million as a limit. With CATS being asked to ultimately participate at 25%, you can do the math, that gets us to \$452 million. As recent as two months ago we were at \$500 million and we have scaled back and fine tuned the purpose and intent of the project to get it down to \$452 million. Going forward that will be the capital costs so the distribution of capital will be shared proportionately by each of the funding parties. On their own inside, this is somewhat unique, where O and M is actually being built into the business plan from the outset. That is often the piece of the equation that is not talked about and it is largely the thing that makes most

jurisdictions struggle over time so we have actually brought that up forward and said the project can only succeed if we can figure out a way to fund both capital and O and M from the outset.

Mr. Howard said do we qualify for that federal money?

Mr. Morris said yes we will. There is a particular formula fund match that if you are able to get this project going you will be uniquely positioned to get what is called forward monies that will add to your revenue that would otherwise not be able to come to Charlotte. The reason for that is because regional rail doesn't increase capacity to your current residents, it extends your reach to passengers and residents who would otherwise not have this kind of service available and the federal government acknowledges that and recognizes that within a year and a half to two years of opening that money will automatically start to be available to you.

Mr. Howard said expanding the scope of the project out to I-40, is that included in your number or is that some additional?

Mr. Morris said is that revenue stream built into it? The capital costs are set up for a 2018 delivery schedule so the \$452 million actually includes escalation of total capital and carrying costs of 2018. At that point you are into debt management and the financiers would be carrying the note so you would be relying entirely on whatever revenue streams are still not received. If CATS and the State who are likely to bring in the largest lump sum payments make their installment prior to 2018 or even up to 2018, if would be built into the financial model the underwriters would say we are getting those big lumps at this point and then we are relying on incremental revenue from the locals over the next 25 years. That is how the formula would be set up and the financing would be matched.

Mr. Howard said is this the same amount of money you had set aside for the Red Line already or will there be some savings that we can use?

Ms. Flowers said we actually do not have any funds set aside for the Red Line. Those would be future funds. At this point we are relying on sales tax revenues so based on the financial analysis last year, CATS does not have the funds set aside at this point.

Mr. Morris said in the business plan that Jeffry Parker Associates did, they concluded the earliest that CATS would potential have their match would be 2018. If for any reason over the next 12 months that that changes, that would be fed into the financial model and ultimately any underwriters, whether it is private markets or bond markets would build that into their revenue stream and adjust their underwriting accordingly.

Mr. Howard said so doesn't change anything?

Mr. Morris said it might change the interest a little bit and the payment schedule, but the capital would stay the same.

Councilmember Barnes said I want to ask you a couple of clarifying questions and try to develop a better understanding of the proposal. I will say at the outset that typically when folks are proposing that we kick into a \$450 million deal, we have an opportunity to kind of see what is being asked for, where it is proposed to come from.

Mr. Morris said we are not there yet, but you will get that.

Mr. Barnes said according to the schedule you laid out you are kind of going into turn 3 and about to come out of 4 and I haven't seen this until tonight, so I'm at a disadvantage there and I haven't heard any feedback from the Manager about our ability to undertake the commitment. What I do recall is that we've been committed to the Red Line for quite some time and we had some problems a few years ago with Iredell County and Mount Mourne that they were not interested in participating. It seems to me that we almost need to start north of here and make sure that Iredell County is on board in terms of general steps. As you have already met with them and will be meeting with them again, but it would be helpful for me to develop a comfort level in that regard because what you said was if any of the entities dropped out the whole thing falls apart. What I would hate to see is for Charlotte and Mecklenburg County, Huntersville,

Davidson and Cornelius to agree to get involved in this joint effort and Iredell County says, sorry, but we are not interested, or one of the towns says we are not interested. I suppose on December 13th you will lay out in Iredell County what the ask is of us.

Mr. Morris said we will do that on November 30th and now these are the Task Force and MTC and then on December 13th it will be all of the affected elected.

Mr. Barnes said I have to ask Ms. Flowers or the Manager this question, but I believe a good deal of the value that they are looking for comes out of Charlotte, so as a result I kind of want to know more about it here before it is presented to other people because I'm at a disadvantage. I can't really competently speak on this subject right now. I'm fairly familiar with the Blue Line Extension, but this particular concept on the Red Line is fairly foreign to me and I'd like to understand it more to develop some comfort. I saw your pros and cons some of the cons concern me quite a bit. If the Manager would like to address your initial thoughts that would be great.

Mr. Morris said I would certainly defer to Curt, but if I could start by just offering, if it is any consolation or any relief, you are now up to speed as well as all the other elected. No-one is ahead of you. No-one else has gotten to see the financial ask. At this point what is being done is we are in somewhat of an unorthodox way building the plan policy to project. We need that framework in order to have the right set of foundational principles so that is where we are today. You will have the benefit of not only seeing this in November and December, but have the runway of 6 months to really conduct the kind of analysis that your staff needs to and that you need to, to feel fully comfortable. As it relates to Iredell County, I think it is fair to say that you are correct that they were not supportive of the previous project. However, we have been engaged with them in conversation, largely the regional economic development focus and the JPA approach, let alone the deals benefit and purpose, emerged out of conversations with Iredell County and Mooresville and that has continued to kind of color a lot of the conversation in a way that has really fundamentally altered the purpose of the project. We have a lot of work to do there. We are scheduling a briefing with their County Commission within the next two to four weeks to give them this same kind of information. It is possible that that will happen after November 30th and if it does they are going to get the full plan as well. So there is a lot of work still to do. I wish I could offer you the ability to have single control, but this is the unique nature of a partnership like this. Everyone has to kind of come together with what they have to bring and take what they need, and hope at the end of the day all of the needs are fully met. That is not an accident, that will be very carefully calculated in a way that is fair and recognizing of those values. While Charlotte has a lot to give, I want to assure you that they are not the lion share of the gift.

Mr. Barnes said I'll take the liberty of speaking for my colleagues and say that we do not want to be the engine, the transmission, the chassis and have everyone else be a rearview mirror.

Mr. Morris said I can promise you without overly disclosing any of the secrets in this thought, you are a meaningful contributor, but not running this project. I don't mean to talk down to your issue there, but I think it is good to know.

Mr. Walton said I think it is a very innovative approach and it has gotten a lot further than it was 6 months ago. I think there is a tremendous amount of due diligence to do for us and some of the assumptions, we need to test the assumptions, for example what is the level of development in say Derita or Eastfield or even in the center city that has to generate the numbers for a special assessment. We have to see if it matches up with your vision for the community and for the stops that are along the Red Line. We also have to really understand the impact of the debt on the City of Charlotte if it has impact and who backstops that debt because likely in this context it would be us. I think after the first of the year if it is something you want to pursue I would say a referral to the Transportation Committee to really dig into it because there are a lot of details to understand. It probably will take the better part of 4 to 6 months to get it done.

Councilmember Cooksey said I appreciate you being here and going through the presentation. I basically got to points to follow up on. On the second slide there are a number of documents referred to in the Noell Report, Freight-oriented development, policy memo, JPA memo. I don't know if those have been forwarded before and I have missed them, but I would like to see them. Are they available?

Mr. Morris said we will be happy to make them all available to you. I don't believe they have been forwarded to you.

Mr. Cooksey said good, that means I didn't miss them, but I would like to see them. That might also provide the answer to my second question, but I'm still going back on that dual benefit, freight rail slide that identified the particular area, the second largest concentration of economic activity in Charlotte after the Central Business District. I've got to admit that was kind of a new thought to me because typically I think of uptown, SouthPark, University, Westinghouse, Arrowood and Ballantyne as the main economic engines of the area. What exactly is the area you are talking about when you define this area as the second largest concentration of economic activity, boundary, size, number of jobs in it, gross regional product and that sort of thing?

Mr. Morris said the market analysis of the entire Metrolina has kind of broken the area up into sub regions. The CBD, which is all of kind of inside I think, the small beltway is one. The wedge going to the north is another and there are multiple others so when the market analysis looks at it they are looking at that wedge and saying within that wedge going up to Mooresville from that CBD core, what does that market look like. At the capture shed, it is an economic engine of its own.

Mr. Cooksey said that would be in one of the documents referred to on the second slide?

Mr. Morris said it is in the Noell Study and actually it was reaffirmed by the ULI report that was done about a year ago and a few other studies have also indicated similar findings.

Councilmember Dulin said I want to break this down and try to get it to where a country boy can understand it. I've always had a little bit of trouble with the Red Line in that I'm not completely sure that people live along the line have understood before that it is not going to be a light rail line, that sure enough they are going to be able to get on it, matter of fact all these pictures of these freight lines, I wonder how much diesel those things are going to be going through. The people are going to ride it and it is literally is a commuter line for workers and at some point during the night going to stop service and the passenger trains will clear and then the freight folks get to use their line. I've been trying to get folks to understand that and they do or they don't, but that is where we are up until now. Tell me is the freight still only going to be at night because we were going to do that anyway, or is now freight going to be coming through during the day and you said in other places it doesn't disrupt passenger service, making it more difficult for people up north in Davidson to come with their wife for dinner or for a ballgame? They can't do that anyway because the games go too late, but try to walk me through some of that and if they are doing it at night and are going to come to these hubs of freight oriented development spots? How disruptive is that going to be to the neighbors that are growing up there? Huntersville is the fastest growing community in this county?

Mr. Morris said I'll try to snap on those quickly. The first issue was wasn't freight going to happen anyway and the answer to that is largely no. There was going to be limited freight focus and even Norfolk-Southern said even with a new \$100 million 25-mile corridor we don't see a lot of freight development going on there and we don't promote freight development even though we serve them. We rely on the freight industry or the locals to promote it so what this is saying is wait a minute, we are going to spend \$100 million to create an international standard freight line and we are going to do anything to capture that value even though all those abutting properties are now beneficiaries of it. So part of this assumes there needs to be a strategic shared use and investment plan to bring more of that freight here. That is part one. The second part is the dispatch will insure that passenger service meets its schedule so freight will be allowed to move in between passenger schedules so that passengers always get to destination according to the clock. It may mean more freight activity during the day when its lowest period. Right now the way the passenger services envisioned is it tends to peak during the peak period, morning, mid-day and evening so there will be lulls in the mid-morning, lulls in the mid-afternoon and even into the late evening. So there will be some movement of freight but these are going to be relatively slow moving, local serving, feeders on what is largely a secondary rail corridor. The other issue I think is real important. That gets at the tension between freight and passenger as well as communities and the freight oriented development memo spells out very specifically the kinds of concerns you raise and gives guidance to all of the local government how to protect

themselves against the rush of freight activity overwhelming their local communities so that doesn't happen going forward.

Mr. Dulin said I'm still a pessimist on that because if they slow down the passenger service during the day.

Mr. Morris said no, they don't slow it down, they go in between.

Mr. Dulin said oh, okay. Early in the presentation you used the term the colorful past of the value capture project. Can you define for us what colorful past means? That has got me nervous.

Mr. Morris said I can tell you there that have been a handful of other true TIFs used in North Carolina as opposed to synthetic TIFs which you guys use and they had problems with their underwriting. They didn't accurately calculate the relationship between value created, value captured, value expended. As a result they ran into financial trouble. This project takes the best practices of people who have been doing this for 30 years around the United States and then relies on third party underwriters to actually scrub the proposal. That means the investment bankers who actually will say yes or no, looking at this and saying whether you've calculated conservatively enough. Things like the Noell Report estimates in the North Corridor over the next 25 years there is the potential to capture up to \$6.9 billion of real estate investment just within the ½ mile area of this corridor. The proposal as it has been going forward is only targeting or capturing those developments that are approved, underway or no and as a result right now it is about \$4.2 billion. According to the market there is another \$2.7 billion of development that isn't even accounted for. That will be comfort to the investment underwriters and it will begin to account for their anxieties, their skepticisms about the viability of a project using those funding sources.

Mr. Dulin said thank you very much and obviously this is going to continue to go, but I do have one more that is too important for me not to ask these questions. You had a slide that said there are 30 of these type projects in the US today and then you used another term that got me nervous when you said they've been largely successful and we've got some projects around here that have been less than largely successful. Can you describe largely successful of the other 30 in the US?

Mr. Morris said what I meant by that is, depending on the way they have been constructed they have either been....

Mr. Dulin said my point is we can't afford to take a risk on something that might be largely successful.

Mr. Morris said what it signals is that there are many good lessons but some bad experiences that we don't want to repeat. So rather than go look at who has succeeded, some of the case studies that were done were to figure out who failed and prevent that from happening here. That is why I used the term largely successful. We actually sought out failures.

Mr. Dulin said good, we've done that pretty successfully around here too. By the way, I would like to come to that meeting when you get the crowd together up in Mooresville.

Mr. Morris said you are all invited, 10:00 to 2:00 on the 13th of December at Mooresville Max Civic Center.

Mr. Howard said the towns have been strategic and they have been understanding while we are trying to figure out why the sales taxes are going down, how do we keep this project going. I know a number of them in the room and I want to thank them for being steadfast as we try to find a creative approach to this.

Mr. Cannon said we want to thank Councilmember Howard and Councilmember Carter for their level of involvement and we certainly appreciate that.

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ITEM NO. 3: PROPOSED 2012 FEDERAL LEGISLATIVE AGENDA

Councilmember Carter said I'd like to express appreciation to our Deputy City Manager, Ron Kimble, to our Lobbyist Dana Fenton and to our Assistant Alisa Huntley who really made our Committee function very well this year. We had a wonderful discussion about Transportation, Storm Water Grants and the perspective calendar for the coming year and our Holland and Knight Representative was with us discussing these issues. I want to express more particular appreciation to Mayor Pro Tem Cannon for his discussion about the possibility of Congressional Grants and to Councilmember Dulin for his willingness to participate and interface with our delegation, particularly during these micro sessions with the State Legislature that are coming out. We also discussed issues that were debated at the NLC and when Council members Mitchell, Kinsey and myself went to Washington, D.C. and had a four-hour briefing with cabinet members, so this has been a robust committee this year and I'm very grateful to them for their participation and support. I'd like to turn it over to Mr. Fenton.

Inter-governmental Relation Manager, Dana Fenton, said I'm here to present the 2012 Federal Legislative Agenda, but before I begin I just want to say that we will be coming back to you in two weeks for formal consideration of the agenda. We are not going to be asking for you to approve this tonight, but we did want to give you an overview of what the Governmental Affairs Committee had been discussing for the last few months and go over the separate issues as well. The Governmental Affairs Committee met in September and October and discussed various legislative issues. They also met today as Councilmember Carter said. Last month they voted 3 to 0 to advance what you see here tonight to the Council for its consideration. I would also add that the Metropolitan Transit Commission did adopt similar positions on the Blue Line Extension and the Surface Transportation Program at its October 26th meeting. There were some slight differences, but for all intense purposes they are identical.

The first issue in the proposed agenda tonight is the Blue Line Extension, which is something that has been in your agenda for several years now. We are reaching a critical point next year in this program. Again as you know the Blue Line Extension is a 9.4 mile, 11 station extension and is projected to carry 25,000 daily riders and when it is completed it will complete a 19-mile Blue Line Light Rail System with 26 stations serving up to 50,000 daily riders.

Mayor Pro Tem Cannon said let me have you go back for a moment please, we had this discussion earlier Councilmember Carter with regard to the 45,000 to 50,000 daily riders. Would you please confirm if that is actual riders or actual trips please?

Mr. Fenton said I would ask Ms. Flowers to explain this. We did check it out and riders is the correct term to use and there is a difference between that and trips.

Mayor Pro Tem Cannon said if that happens to be the case whether it is 45,000 or 50,000 riders how was that number derived at, with what data?

Chief Operating Officer, CATS, Carolyn Flowers, said riders are derived per trip on an individual vehicle so if a rider takes a round trip that is counted as two riders. We get two rides out of that. Ridership is based on a count on unlinked trips so if a rider starts on a bus then transfers to rail, each of those are counted as a rider so that is how our ridership is developed in the transit industry. Generally ridership is about 45% of the number of trips that are taken. If you are measuring trips it would be a much larger number.

Mr. Fenton continued by saying there are three things that we need to concentrate on in 2012 for the Blue Line Extension. The first is a request to the Federal Transit Administration for an Administrative Grant, hopefully very soon the US Congress will approve appropriations bill for transportation that includes funding for new starts and from then we can develop a request to go to the FTA to help with the final design in right-of-way acquisition that needs to be done in 2012. We are also going to need help from our delegation with respect to entering into final design. That is a formal process you have to go through with the Federal Transit Administration, they need to give approval for you to enter final design before it can begin. Finally in late 2012 we expect to execute a full funding grant agreement with the Federal Government. Before that grant agreement is executed, however, it has to go to four congressional committees for review up to 60 days. We are going to need to get our delegation to write to the leaders of those

committees signaling their support to this project. Again, we expect the full funding grant agreement with the Federal Government in late 2012.

The second issue I would like to bring to you tonight is the Surface Transportation Reauthorization and this has been one that has been going on for a little while now. The Program did expire in September 2009, and there have been 8 temporary extensions of the Bill. The latest one will extend it through March 31, 2012. What is really important for the Federal Government to do this year is to enact a long-term program. Six years is the normal and what there needs to be is a recognition that there is not enough revenues in the Transportation Program. Both Houses are looking at additional revenues to fund it. Right now some of the revenues are backed up through the General Fund of the United States. It was also important that new starts/small starts receive sufficient funding as well. As you know we not only have this project, the Blue Line Extension, but also the Street Car Project and other projects as well planned. We are also looking for changes for the criteria for entry into the New Starts/Small Starts Program. As Mr. Morris talked about a few minutes ago, the Red Line does not qualify for New Starts right now. We think on a long-term basis it would be a good idea if it were to qualify and there are some criteria in there that could be changed to help make it qualify. We are also looking at Streamline Project Delivery. There are some steps in the process for building these systems that could be combined or taken out altogether. An example was the alternative analysis that it is done at the beginning of all of these projects. We are also looking for additional funding for high speed and freight rail. Again high speed rail is money that is being given to the State of North Carolina for improvements here in the Charlotte area and other areas of the state and that money has dwindled in the last couple of years. Also Mr. Morris did talk about the commuter rail floor funding funds and we'd like to make sure those continue as well in the event the Red Line gets going.

Moving to the next issue, this is a new one that we've been tracking for the last year and Engineering and Project Management Department has been doing a great amount of work on this. The US Environmental Protection Agency is promulgating new storm water rules and these are going to go beyond what is required now to include possibly post-construction development and redevelopment. Right now before development occurs that is when the rules take effect and this might also include the after construction activities. What is really important for us here is the redevelopment, there is a lot of redevelopment potential here in Charlotte and if there are tougher rules for private developers and public developers to overcome it could price a project out of the market, there is also talk about retrofit requirements. That is not just taking new construction projects but also existing infrastructure and make you put in new infrastructure. Also the use of green infrastructure, they may be requiring things like rain gardens, green roofs, permeable pavements and things like that which are pretty expensive infrastructure. The draft rules, EPA has indicated will be released next month with implementation ready for November 2012. Again we need to engage our delegation in support of some rules that really meet the needs here in Charlotte. Some of these rules may be too tight for us to follow, but what we don't want to see happen is more and more development go out to green field areas and leave redevelopment areas behind.

The final one is Competitive Grant Opportunities. In the past several years we have been very aggressive in asking for earmarks for specific projects. The US Congress has now said no more earmarks. You have to go through the administrative process so what the Congress has done is appropriated a bucket of money for different programs. There might be some program conditions attached in the appropriation bill and then the Federal Agencies under the guidance of the President have to determine who qualifies for these projects. We do not want to lose the support of our delegation for these types of grants. They have been very helpful to us in the past in getting earmarks and we would like to see that continue in the future with competitive grant opportunities. We have highlighted a few of the things here that the City could be pursuing next year. That completes the agenda and the next steps will be in front of you on November 28th for approval. The Metropolitan Transit Commission will visit with the Congressional Delegation in January during the United States Conference of Mayors Winter Meeting and then of course when the Council comes up to the National League of Cities from March 10th through the 12th that is when we usually visit with our Congressional Delegation.

Mayor Pro Tem Cannon said in the area of public safety I would like to see if we can't press the button with Holland and Knight to help us with anything that can be found that will allow us to go after any dollars that might be made available for domestic violence. As we talk about

domestic homicides which is a very, very important issue to all of us, I'd like to see what might be available in that area as we move forward to try to address an education campaign for whatever it might be in terms what to expect, what are the assigned that can help an individual, a community to be able to recognize when something like this may take place. If we can get Holland and Knight to take a look at that a little bit deeper and further for us in DLJ that will be great.

Ms. Carter said we need to recognize the efforts of Holland and Knight in putting together Charlotte and Tampa to address the issues of security funding for the National Convention. I think it was a unique effort and we are very grateful to them for this.

Mayor Pro Tem Cannon said I concur with that and as a matter of fact in Councilmember Carter's GAC Meeting Rich Gold did call in and was a part of that meeting and had what I think to be some favorable comments about where we are headed in terms of a good direction for the security grants that are needed for something that we know is coming up that we will need those dollars for.

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ITEM NO. 4: ENTERPRISE RESOURCE PLANNING (ERP) UPDATE

City Manager, Curt Walton said I'd like to introduce Jeff Stovall, our Chief Information Officer, but let me make a couple of introductory comments. This is one of the largest internal projects we have ever undertaken and it has taken us a long time to get here, about 15 to 20 years or so and it is also one of the most expensive projects we will do. It will involve several hundred City employees implementing this, but it will have a very high yield for us financially in procurements really across the board. I want to thank Council for helping us to reserve money over the last five years so it is something that we have been putting money away for and Jeff can tell you the specifics of this. I just wanted you to know it is a major, major work effort inside the organization for us that will have a lot of benefits for the taxpayer and with all projects it involves technology, business process and human behavior. There is a good chance of risk here but there is also a greater chance of risk if we do nothing. With that I will turn it over to Jeff.

Chief Information Officer, Jeff Stovall, said given that we have abbreviated time here I will be moving through the slides rather quickly and I will be skipping some slides that you have seen before. We have had the opportunity to discuss what our intent is around this Enterprise Resource Planning on at least two other occasions. If there is some additional information that you would like to get in the course or if I'm moving too fast please let me know.

Just as an overview I want to make sure that we discuss what is Enterprise Resource Planning System, why do we need it, what are the specifics about the project and what are the next steps that we have to go through. In a nutshell an ERP is a tool to manage an organization's resources. Primarily it is our financial and procurement resources, but also our assets, people, services, the things that we use to deliver services to our constituents. At the core of this really what we are talking about is replacing the existing financial management system. The financial management system is the engine of what we are looking at here for the ERP. We are looking at trying to replace what we have, a 30 plus year old system with off the shelf software so we are not customizing this. From an internal perspective we are going to use software that is provided by an outside provider. The biggest part of this effort really is in people, it is not in software. Even though we are going to talk about this as part of the technology project, the real emphasis as you will see, when we will get into some of the costs of the project, really isn't in labor, it is in people. It is how to make people more efficient when you are executing a project that is necessary to get rid of a system that you've had for over 30 years. So why are we looking at this ERP system, why are we going down there? As I have indicated before we've had this system since the 1970's. Our current system runs on a mainframe that is hosted by the State of North Carolina. We don't have a lot of flexibility in a 30-year old system. We don't have the ability to be able to report and capture information the way that you would expect for a modern operation. Our vendor that provides the system as well as our staff support represents operational risk in that we have a system that is so old, it is very difficult to continue to maintain it over time as well as replace the resources. The way I would characterize the system that we have right now, it is outdated, it is insufficient and it is inherently risky in the way that we operate today. The

procurement functionality is definitely outdated and limited. We can't track vendors across departments within the system, we can't readily flag contracts that come up for renewal or rebidding and we can't do a lot of the SBE reporting within the mainframe based system. We have to go outside of that system in order to create and generate information to bring back to you about a myriad of procurement activities. We don't have today a citywide cost accounting system for our projects or a grant accounting system. All of our Business Units have to create that capability on their own within the Business Unit because the mainframe base system does not support it. The replacement of this system is something we've been looking at for many years and we've had many outside groups to give us their advice on how we should proceed in replacement so we've had consulting groups like Deloitte & Touche that have come in and looked at this as early as 1997 and we've even had some of our own committees such as the PCAC as well as the Mayor's Budget Task Force that have also looked at this and said this is right for replacement.

Mr. Stovall said I'm going to skip these next couple slides (pages 6 and 7) because this is information we've seen before. I want to get back to the mission. What is the mission we are trying to get accomplished here? We are going to replace the finance, procurement, project and grant accounting portion as capabilities that we don't have today. We are going to mitigate the risk of having a 30-year old plus system and the inadequate functionality that comes along with it. There are a lot of sub-systems. There are hundreds of shadow systems that exist inside our organization. That is one of the slides I skipped and it shows you a picture of that, but there are hundreds of shadow systems that exist inside our organization and it drives a lot of inefficiencies in the way that our employees work. We are targeting a mid-range system so we are not targeting at top of the line, most expensive system nor are we targeting something that is bare bones that only replaces exactly what we have today. We are trying to make sure we get a mid-range system that gives us the capabilities that we need as a modern city. So we are going to integrate some of the existing systems, our HR/Payroll system, our Budget system and other key organizational systems so we are not replacing everything. We are going to keep a lot of what we already have that works well, but replace what is old and out dated.

In terms of Business Value, there is lots of examples that we have over the past 30 years of things that we can't really do or we can't really do as well as what we'd like. On-line vendor registration and being able to have automatic notification of our city vendors, that is something that we don't have today. Smart purchasing and payments, allowing us when a contract is coming up for renewal or when the expiration dates are so that we can proactively seek out new contracts before they become due and before we have a problem with a contract expiring. Reducing the amount of time it takes just to create simple purchase orders, providing real time financial information. Today our information comes in arrears, it comes many days after the fact because we have a mainframe based system. It has to operate overnight, it is not real time at all, and even as we look at the mainframe based system, a lot of times the information that we have is in transit because of our old paper based ways of managing. It doesn't get reflected in the financial system several days after the fact. It makes it very difficult to know exactly where your position is at any given time and again the grant and project costs account, we have many different ways of doing that across our Business Units today. This will allow us to unify our processes across the entire City so that we have single way of looking at how do we manage grants and projects.

I'm going to skip the governance structure, but I will talk about our RFP responses. We got four responses from industry vendors to our RFP. Two were selected for onsite demonstration, Lawson Software which is used by the City of Greensboro, the City of High Point. Tyler Technologies which is used by the City of Durham and the City of Ashville, but we did get a good response from our technology partners but we decided that we would only look at two for the onsite. Of the two that we looked at onsite, Tyler Technologies was the selection and there were a number of issues that came into why we would choose Tyler versus Lawson. The core product is dedicated to local government. That is all the business that they do with this product so it is not extended to the private sector. It has functionality that is specific to the public sector and to local government. They are committed to supporting the federal, state laws and GASBY standards. They will put in writing that they will support GASBY standards while other vendors have not be able to make that commitment. The business model that they have is conducive to the long-term success of the City.

Councilmember Barnes said you go back one slide and let me ask you a question. Regarding the four vendors on the right side there I see you've got Oracle and Infor. Did either of those two provide a similar service to a city the size of Charlotte or a comparable size city?

Mr. Stovall said Oracle certainly. Infor withdrew their bid. Oracle provides services to many other large cities, particularly they have their own product which is called Oracle EBS which is used by several large cities as well as People Soft, which is also used in many other large cities. We also use People Soft today for our HR and Payroll systems so we are very familiar with the capabilities around People Soft.

Mr. Barnes said as you probably gleaned from my conversation last week, this is not my area of expertise. I'm curious though as to whether it would be advisable to use a vendor that has actually worked with similar size cities, or does it matter?

Mr. Stovall said there are risks either way so what we have chosen to do is to mitigate the risk in favor of what we think is going to be most successful for the city. In using a vendor like Oracle the costs tends to be a lot greater than the costs associated with mid-tier vendors. Oracle does not have a specific dedicated focus to local government. They serve a lot of governments, they serve Federal Government, state government in some cases, but also matching up the resources that is required to actually implement versus the software itself is also an issue. It is almost always an issue for every entity that is using software from Oracle where they are not sourcing from Oracle the implementation services. There are inherent risks in going that way. We think that the risks are mitigated better by going with the mid-tier vendor that is more focused for government.

Councilmember Howard said I was thinking the exact same question and I was going to ask it another way. The one that you are recommending going with, can it be expanded as the city grows? You talked about the one we had since 1979 and the City grew probably from 200,000 to almost 800,000 during that time. When you said the cities it serves I started to think well if it will do for Greensboro, will it do for two Greensboros which is what Charlotte will be eventually, if it is not there already.

Mr. Stovall said yes, we believe the software will be scalable over time. Given Tyler's focus on local government and their capabilities specifically in providing ERP solutions for local government, we know that as we are working with Tyler we are going to get a solution that really best meets the requirements that we have defined for the City and the growth over time quite frankly, our needs grow less quickly than the market expands. So if you were to look at Tyler as a vendor ten years ago they may not have been able to meet our requirements. Today they can. You've all heard of Moore's Law and the ability to be able to expand the capabilities of technology over time. What we clearly see happening with some of the vendors is that Moore's Law has taken affect. Some of the vendors that used to be low level vendors have become much strong vendors because the technologies have grown so fast over the past decade in particular. From Tyler's perspective, with Tyler we know that we will be a flagship customer for them so there will be a significant focus on making sure that our needs get met so that they have the ability to sell to other customers of similar size.

Mr. Barnes said where are they headquartered?

Mr. Stovall said Tyler's Corporate Headquarters is in Dallas. This unit is based out of Maine actually.

Mr. Stovall continued with Project Budget on Page 13 of the PowerPoint. The key item that I wanted to get to out of this Project Budget is that as far as the funds go we don't need to find additional money. This money has already been programmed into our budget. This is part of what the Manager was talking about in being able to save for this type of project over time. That is a very key point. The second point that I want to make is that people have a tendency to think about these types of projects as being technology projects, as being software projects. You can see that the software is a relatively small part of the overall project. Most of the project is going to be driven by the labor that it takes to put in a system like this and having to rip out 30 years of processes, 30-years of how we've done things and re-architect how we run financially so the large portion of the work that is to be done is actually building new processes and managing

those new processes in a new environment. It is labor, it is not strictly capital in terms of both the hardware and the software components.

The other point I want to make is that point that is in the white box. We are not asking for additional positions to be authorized. We anticipate being able to support the system with the position count that we already have with the City. We are reallocating positions from other parts of the City in order to be able to provide the support staff that is going to be necessary for the new system.

Mr. Howard said where is training? Is that embedded in some of those costs?

Mr. Stovall said training is in the business processes because in order to introduce new business processes we also have to train people in how does that work, how does that come about in a completely new system, something that they haven't seen before. You will see the training in the business processes and there is also a component of training in the vendor implementation where the vendor is going to be providing us with resources to train the trainer as we go through.

Mr. Howard said are you going to run a dual system while you switch over to lessen the impact on the citizens?

Mr. Stovall said yes, we will not go live on this system until we are absolutely sure that it is going to work for us effectively. We will continue to run the mainframe based system probably a few months after we actually go on just to make sure that we have availability to that system if something were to go in a direction that we didn't anticipate.

Councilmember Dulin said this Council about two years ago voted \$800,000 to have a budget technology upgrade. That upgrade has already happened I take it. Does this supersede that or does this add to that? What happens with that \$800,000?

Mr. Stovall said we are going to keep the budget system that we have implemented and just add to it, so we will interface the budget system that we have procured with the new system that comes in for ERP.

Mr. Dulin said it will do that for us?

Mr. Stovall said yes, we are planning to, not send them past each other, but work together.

Mr. Dulin said the County had a relatively famous failure trying to upgrade their technology a couple years ago so that has got me a little skittish. I know we've been planning for this but please tell me that that is not Tyler Industries.

Mr. Stovall said no, it wasn't Tyler in terms of the failures they've had. Tyler has had in particular with this particular ERP system, Tyler hasn't implemented with the County.

Mr. Walton said I believe that was the Criminal Justice Information System so it was outside of this stuff, but you are right.

Mr. Barnes said if someone in my constituency base asks me what we are getting for \$21.3 million and I imagine it may be a little over from here or there, could you help me quantify the value of this? Is there a way to quantify it?

Mr. Stovall said the way that I would quantify the value is that we are replacing a 40-year old system that inherently needs to go. Now this system was not meant intentionally as a primary reason for it exist for the purpose or reducing costs. We expect that we could get secondary cost reduction as we implement the system, but the base of the system is replacement cost. This is what it costs to replace a 30-year old financial system for a top 20 city and there are certain costs and as you can see the labor that is associated with it is really not going to change no matter who else you use and it doesn't get any cheaper.

Mr. Barnes said they will say is the Police going to come any quicker, is the water going to be any colder, is my phone calls going to go through any quicker because you know we are
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responsible for everything in Charlotte. Are the lights going to come on any brighter, are the schools going to open any earlier, so what I'm saying to you is when we say we've spent \$20 million on the weave project they see that, we spend \$20 million on Rear Road they see that. Is there a way for us to say other than we are just replacing a 30-year old computer system?

Mr. Stovall said I think it sufficient to say that if we don't have a way of managing our money we cannot deliver services for the City of Charlotte.

Mr. Barnes said let me suggest this to the Manager and it is the same thing I said about utilities. I would encourage you guys to find a way to help us articulate the spend. It makes sense to me, but a lot of people don't really pay attention to things the way we pay attention to things so it would help to have some way to describe kind of in Apple Computer type terms what we get for doing this.

Mr. Stovall said I do have an analogy that you might want to consider. We are looking at a replacement that represents about 1.3% of our total annual budget. So if you were to take that to a median household of about \$50,000 a median household spending 1.3% would be about \$650 to get a new computer, quickened software, excel in order to maintain their finances. That may or may not be something that is directly applicable but if you will look at the ratio in terms of how large a budget we have versus what we are trying to spend, versus how long we've had this system and what risks we are at because they don't make Cobol Programmers anymore.

Councilmember Cooksey said getting rid of this chart is good enough for me, particularly since Mr. Dulin referenced the county. I think while we are on this topic, back office operations, IT being one of them is from time to time a topic brought up for City/County Functional Consolidation. Are we missing an opportunity here by doing this on our own or what obstacles exist, if any between us and the County having some kind of unified IT system?

Mr. Stovall said I will speak to a couple of items. One the vendor for the County system did decline to bid on our RFP saying that they could not meet the technology requirements required for the City. The technology requirements and the business process requirements that we have in the City are significantly different in terms of the details of how we operate the city, the types of ways that we manage enterprise funds, the types of ways that we have to interface with multiple systems across the City are significantly different from what they face at the County. So the vendor said we are not going to bid. We don't think it is something that we can really meet in terms of the capabilities that you are looking for. In terms of trying to expand this system to try to eventually match up with the County's system or meet County's needs, theoretically that is possible, but I think in practicality what you will find is that the expenditure in order to meet all the range of business processes that the County does on top of the business process that the City does would incur so much costs that there would not be any synergies there to speak of. You would end up spending more to consolidate those two systems than you would by operating them separately.

Mr. Stovall said the next steps – we are coming to the Council on November 28th with a Request for Council Action for approval to move forward on this project. Pending that approval to move forward on the 28th, we will be working with our selective vendor, Tyler to make sure we nail down all the aspects of the Statement of Work. What we clearly communicated to Tyler that even though we have chosen you, if you are not working in good faith with us around finalizing a contract we will go to the second choice vendor. We want to make sure that we are getting the best value out of Tyler and they are continuing to work with us in the same proactive way that they have up to this point. As we work toward that statement of work we anticipate that will be done in the first quarter of next calendar year. Implementation of the project would start roughly in the April 2012 timeframe with an expect to go live in financial year 2014 with a target date tentatively set at January of 2014. That would be something that we would want to continue to refine as we go through the project, particularly through the statement of work to make sure we know exactly what the right timing to implement the system.

Mayor Pro Tem Cannon said thank you for your presentation along with Manager Walton, who is to be commended highly for this. This is a big deal. It won't make headline news, but it should. It is a big deal really. You have departments with a different format with nothing as fluid as it could be and essentially it just slowed down the work that could normally be done.

This is another way to drive at a level of efficiency. It is almost as I see it a way of functionally operating much better inside of our own departments than what we currently have. Curt, I hope to see this in your performance review at some point because it is a big deal and hopefully it will go very smoothly.

Mr. Dulin said and the fact that we've had the leadership. We've been buying this on layaway. You set us up to be successful.

The meeting was recessed at 7:04 to move to the Council Chambers for the regularly scheduled Zoning and Business Meeting.

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ZONING AND BUSINESS MEETING

The Council reconvened at 7:19 in the Council Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Patrick Cannon presiding. Council members present were Michael Barnes, Jason Burgess, Nancy Carter, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, James Mitchell, Edwin Peacock and Warren Turner.

Mayor Pro Tem Cannon said the Mayor sends his regards. He is overseas conducting business on behalf of the City and will be back accordingly to continue doing business here. We had a few items prior to coming down, we started a little bit late, but we were in workshop discussing some other items that are really, really important to the City of Charlotte and where we continue to go from here. We will be going through the Zoning Items first which typically happens at a standalone meeting, but we will combine it with regular business this evening.

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INVOCATION AND PLEDGE

Councilmember Barnes gave the Invocation and the Daisy Brownie Troup #2218 led the Council in the Pledge of Allegiance to the Flag.

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AWARDS AND RECOGNITIONS

Mayor Pro Tem Cannon said in honor of Veterans Day, which was last Friday, we will take time to honor several City employees who also serve in the Military Reserves. We will award each one of them with a Blue Star Award. The award stems from the Blue Star Flag itself which came during World War I when an army captain with two sons serving on the front line wanted to make sure he was showcasing his pride for his sons so when people would pass by they would see this flag. He developed the Service Flag which is also now known as the Blue Star Flag, the flag eventually just caught on and became the official banner authorized by the Department of Defense to basically symbolize a family member in military service. Organizations also can display the flag for many of the same reasons as families would do back then. In our case, to honor members of the City Family, now in Military Service, of course we are doing that same thing so each star that you will see reflected on these awards that we give out will represent a City employee who has been deployed, which is awarded to these employees in a ceremony like this one upon their return. This will be the 7th ceremony hosted by the City of Charlotte with the first one beginning back in 2008 I believe. It is with that that each member of the Council will recognize those persons that we will honor here today, but before we get to the new recipients we also want to recognize several previous Blue Star Recipients who are here with us this evening, and who attended the reception earlier today in their honor and who are in the audience tonight. We ask them to stand when their name is called. They included Tracy Miller, Brian Alberson, Matthew Blanchet, Bruce Picket, Lance Thompson, Mark Cook, Maurice Moore, Sharon Holmes, Dwayne Hayward, Michael Marver, Richard Jones, and Wayne Armstrong.

Mayor Pro Tem Cannon said it is my honor to recognize and read the first recipient that comes before us this evening, then we will pick up with Councilmember Dulin and go all the way
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around the dais for everyone to read the information so that the general public is well aware who we are referencing today.

This is for Jerome Geathers. Jerome Geathers has worked for Business Support Services for six years and currently serves as a Senior Automotive Technician at the Light Vehicle Maintenance Facility. Jerome is also a staff sergeant with the 371st Chemical Company. Over the past two years, Jerome has undergone intense homeland security training that includes responding to weapons of mass destruction, decontamination operations and mass casualty contamination procedures. Jerome's wife Brenda, has joined him here tonight. Jerome, thank you so much for the service that you have rendered to this community as well as our country.

Councilmember Dulin read Larry Johnson and also recognized his wife, Sharisse. Larry has worked for Charlotte Douglas International Airport for 5 ½ years in the Maintenance Department. He also holds the rank of equipment operator first class with the Navy's Construction Battalion Maintenance Unit 202. During his deployment to Kuwait and Iraq, he served as the leading petty officer for both his unit and transportation division. A major part of his mission required him and his team to provide support for Army convoys out on patrol. Mr. Johnson you are as good a man as we have working for the City of Charlotte and Sharisse, thank you for letting us have him, the City and our nation and thank you Larry for your service to this community and country.

Councilmember Barnes said I have the privilege of introducing you to Jay Kettren. Jay has worked with the Charlotte-Mecklenburg Police Department since 2007 and is currently assigned to the North Division. Jay's most recent training at Fort Knox, KY prepared him for a major role in shaping the future of our military. Jay, a staff sergeant currently serves as a drill sergeant with B Company, 3rd Battalion, 518th Regiment where he molds young recruits into soldiers, who are ready to serve our country. Let's all thank Jay for his service to our community and to our great country.

Councilmember Turner said it is indeed an honor to introduce Officer Evan Nabb. Evan is an 8-year veteran of the Charlotte-Mecklenburg Police Department and is currently assigned to the Steele Creek Division. Evan recently earned his commission as a second lieutenant from Officer Candidate School at Fort Benning, Georgia. He is currently assigned to the 812th Transportation Battalion here in Charlotte, where he leads soldiers of the 2nd Platoon. It is an honor to present you with this award and Thank you Officer Nabb for your great services and your great services to the Steele Creek Division.

Councilmember Peacock said before we recognize Brandon Overcash I would like to recognized his wife, Cara and his three children Annabelle, Caitlyn and Ella. Brandon is a 5-year veteran of the Charlotte-Mecklenburg Police Department and works out of our North Tryon Division. He is also a sergeant with Detachment 1, Headquarters and Headquarters Company 30th Brigade. He serves in the position of team chief of a Combat Observation Lasing Team. From December 2008 to February 2010, he was deployed with Alpha Battery 1 – 113th Field Artillery to the Southern Province of Baghdad. His mission was to work with local Iraqi government and military to provide stability and security to the region. Brandon, we want to thank you for your service to our community and especially to our country.

Councilmember Burgess read Michael Peacock. Michael is a detective with the Charlotte Mecklenburg Police Department's Criminal Investigation Bureau and has worked with the department for 17 years. When in military uniform he serves as a chief petty officer in the US Navy Reserve. Recently Michael was deployed for over a year in Afghanistan where he worked hand in hand with the local population to strengthen their government, economy and military training, as well as to curtail Al-Qaeda's efforts in the region. Even though they can't be with him tonight, Michael want to thank his wife, Melanie, and his daughter, Sydney, and son Ryan for their support during his deployment. Thank you Michael, for your service to this community and country.

Councilmember Howard said I would like to recognize Kurt Rex. Kurt has been with the Charlotte Police Department since 2005 and is currently assigned to the University City Division. Kurt is also a petty officer in the US Navy Reserve. He recently was activated locally to serve as the Command Health Services Leading Petty Officer for the Navy Operational

Support Center in Charlotte, during which he supervised mobilization preparations for helped ensure the medical readiness of navy reservists. He is joined tonight by his wife, Harmony. We'd like to thank you for your service to this community and to our country.

Councilmember Carter said this is for Lakese Toatley. Lakese has been a customer service representative with CharMeck 311 for 4 ½ year. Like everyone else, soldiers need dental care, and no one knows that better than Lakese, a sergeant in the Army Reserve, who recently completed training as a dental technician. Congratulations! She is currently assigned to the 806th Medical Company in Augusta, Georgia. She and her unit help ensure the dental health of soldiers here and abroad. Her sister, Quandine is here to help us celebrate with Lakese and welcome her home. Thank you Lakese for your service to this community and to our country.

Councilmember Mitchell said I have the pleasure of introducing Mr. Lee Thompson and before I do would his wife Cassie and daughter Natalie, who have joined him tonight please stand. Lee has been a Charlotte Firefighter for 6 years, and is currently assigned to Station #6, Engine #6. He is a major with the 145th Logistics Readiness Squadron in the NC Air Guard. He was deployed to the US European Command Headquarters in Stuttgart, Germany where he directed logistical movement of personnel and equipment from Iraq and Afghanistan. Thank you Lee, for your service to this community and country.

Councilmember Kinsey said I would like to welcome Terrell Washington and I also want to recognize his wife Nichole. Terrell has served with the Charlotte Fire Department for 7 years and currently works out of Station 18, assigned to Ladder 18. He is also a staff sergeant with the 145th Civil Engineering Squadron in which he also serves as a firefighter. On a recent deployment to Kirkuk Airbase in Iraq, he and his unit provided fire suppression and flight line protection for the airbase. Thank you Terrell for your service to this community and country and welcome home.

Councilmember Cooksey said several of our honorees could not be with us this evening, 6 in total and two are Jamie Hamilton and John Marotta with Charlotte Douglas International Airport. Aviation Director, Jerry Orr will come and accept the awards on their behalf. With the Charlotte Mecklenburg Police Department we have Terry Boag, Jason Passafiume, Stan Cook and Yassir Basulto and accepting on their behalf Chief Rodney Monroe.

Mayor Pro Tem asked all the recipients to come down front so they could get a photo of the group. He said these folks have made the sacrifice and they made it back to us when a lot of others didn't make it back home. We want to make sure that we keep the prayers that we send up for them and for their families accordingly because all of them made a sacrifice and we are so fortunate that our own City employees went without hesitation and made it back here safely to continue to be of service in another way to the general public here in the City of Charlotte. Again, thanks to all of those recipients that came today and thank you to your loved one for allowing you to make the sacrifice for each and every one of us. Without you, where would we be, so thank you again. I think Brenda, wife of Jerome Geathers has already left, but I want you to know that she is really the staff sergeant of that family.

Mr. Turner said in respect to Veteran's Day, I know my dad is watching and I haven't had an opportunity to see him but I want to say to him Happy Veteran's Day dad. My dad served two tours in the Korean War as a staff sergeant.

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ZONING DECISIONS

Mayor Pro Tem Cannon introduced staff person Tammie Keplinger and we have several items to Discuss.

ITEM NO. 2: PETITION NO. 2010-080 BY CHARLOTTE-MECKLENBURG PLANNING COMMISSION FOR A TEXT AMENDMENT TO THE CITY OF CHARLOTTE ZONING ORDINANCE TO MODIFY THE REGULATIONS FOR “OUTDOOR SEASONAL FRESH PRODUCE SALES” BY (1) RENAMING THEM TO “OUTDOOR FRESH PRODUCE STANDS”, (2) EXPANDING THE ZONING DISTRICTS IN WHICH THEY ARE PERMITTED WITH PRESCRIBED CONDITIONS, AND (3) MODIFYING THE PRESCRIBED CONDITIONS. DEFERRED

[Motion was made by Councilmember Howard, seconded by Councilmember Carter, and]
[carried unanimously, to defer Petition No. 2010-080 to January 04, 2012.]

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ITEM NO. 3: ORDINANCE NO. 4767-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 62.70 ACRES LOCATED ON THE SOUTH SIDE OF WEST MALLARD CREEK CHURCH ROAD BETWEEN CLAUDE FREEMAN DRIVE AND LEGRANGER ROAD FROM RE-1 TO RE-3(O), AND 5-YEAR VESTED RIGHTS.

Tammie Keplinger, Planning Staff, said since the Zoning Committee meeting there has been 8 changes to this petition. Since this was done after the Zoning Committee meeting the Council is required to determine if these changes are significant and if it needs to go back to the Zoning Committee for further discussion. I put a copy of this on your desk earlier this evening, but for the record I will read them.

1. The petitioner has agreed to reduce the number of residential units from 330 to 320.
2. They have limited the number of drive-through lanes associated with a bank to no more than four with an ATM lane.
3. They have agreed to add a median and on-street parking on one side of Senator Royal Drive as illustrated in their site plan.
4. They have added notes regarding the preservation of trees within the 100-foot setback along West Mallard Creek Church Road.
5. They have added a note that requires the installation of an architectural feature like a cupola on the club house/amenity building constructed on Parcel D.
6. They have added a note that requires the storm water/water quality pond constructed on Parcel D to be designed as a wet pond.
7. They have a note that does not allow the use of the Planned Development Flexibility Option for signs.
8. They have added a note that specifies the design intent for the detached signs on the site.

Mayor Pro Tem Cannon said Council, you have heard your options and this petition is found to be consistent with the University Research Park Area Plan and to be reasonable in the public interest by a unanimous vote of the Zoning Committee.

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, that the]
[changes made were not sufficient to send this back to the Zoning Committee for further]
[discussion. The vote was recorded as unanimous.]

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously to approve the Statement of Consistency and Petition No. 2011-036 by]
[Crescent Resource, as modified, for the above change in zoning as recommended by the]
[Zoning Committee.]

Councilmember Barnes said I want to commend the Petitioner, Crescent Resources and the folks who worked with them on this project, Keith McVean and Elizabeth McMillan and a number of other folks who worked really hard to address the concerns that I had and others had about this project. I think, as I've said about all of the projects I've been a part of since I have been on Council, that this will be an attractive project and will actually add some value to the area. It is consistent with the recently adopted University Research Park Area Plan. The only reservation that I have had, and I will express it tonight because of conversations I've had with other constituents in the area, is the proliferation of apartment homes in Northeast Charlotte. The

Council gave staff direction a few weeks ago relative to that issue and I hope we will be getting some feedback from staff soon on their work. Generally speaking, most of the apartment projects that we've seen recently in Northeast Charlotte have been a part of some larger project, and in this case this is new residential development within the URP which we've never had so it is different in those respects. While I have been and continue to be concerned about apartment development I do believe and at least hope that this project will add value because there is a retail component to it, a hotel, drug store, bank branch, the residential development and also an office component so hopefully it will add overall value to the area. I believe that all of the buildings that they will construct on the site will be attractive and I think they have made some fairly fantastic commitments with respect to infrastructure improvements and the architecture itself so I appreciate their efforts and would ask people to support the petition.

Mayor Pro Tem Cannon said process wise the Council is required to take a vote on whether or not to send this back to the Zoning Committee due to the changes that have been laid out, so we need to entertain a motion for that first.

Mr. Barnes said I made that motion too.

The modifications are as follows:

1. All notes have been placed on Sheet RZ-3.
2. Amended the third paragraph under "General Provisions: (formerly Note 2 on Sheet RZ-2) to state that all changes to the Schematic Plan will be reviewed and approved as allowed by Section 6.207).
3. Amend Note 5© under "Access and Transportation Design" formerly Note 3 on Sheet RZ-1 to state "The number and locations of driveways connected to the interior public streets is not limited by what is indicated on the Technical Data Sheet. The location and number will be determined during the Land Development process".
4. Amended Note 8© (ii, iii iv, and v) under "Architecture and Design Controls" (formerly Note 6© (ii), (iii), (iv) to specify how interconnectivity will be provided between buildings and through parking areas; explain that architectural compatibility will be achieved by using similar or compatible architectural styles, building materials, landscape elements, plants and signage treatments; and specifically the variety of building materials to be used and provide a minimum percentage of brick, stone, synthetic stone, precast stone or precast concrete for each building façade on Parcels A, B C and D.
5. Amended Note 8© (vii) under "Architectural and Design Controls", (formerly note 6© (vii), to state that final building elevations will be reviewed and approved by the Planning Department to assure that the proposed buildings are consistent with the specified design.
6. Amended Note 9(b) under "Connectivity" (formerly Note 7b) to explain that a network of streets and pedestrian walkways or paths will be provided as depicted on the Technical Data Sheet.
7. Amended Note 4(b)(i) under "Permitted Uses" to state that retail and restaurant uses must be integrated into buildings that contain at least 25,000 square feet of gross floor area other than retail and restaurant uses. Retail and restaurant uses will be limited to the ground floor of buildings and to no more than 10,000 gross square feet per building. In the aggregate, no more than 25,000 square feet of gross floor area of retail and restaurant uses may be developed on Parcel C. The square footage of any retail and restaurant uses developed on Parcel C will be part of the maximum allowed square footage of gross floor area allowed on parcel C.
8. Amended Note 8©(viii) under "Architectural and Design Controls", (formerly note ©(viii), to specify that if breezeways are included in the proposed multifamily buildings the breezeways shall be framed with architectural elements such as columns and brick quoining, creating a dominant central element of the architectural façade. Other proposed architectural elements include entry portals with an engaged classical portico integrated with modified window screens above to combine into one refined, cohesive architectural feature to provide the appearance of an enclosed breezeway.
9. Amended note 14 under "Phasing" to specify that a building permit for 25,000 square feet of gross floor area of office uses must be issued on Parcel C.
10. Placed Notes 13 and 14 in numerical order.
11. Added tax parcel 04742106 under the Site Data Table on Sheet RZ-1.
12. Corrected the subject tax parcels listed under Development Data Table on Sheet RZ-3.

13. Amended Note 8(a)(i) under “Architectural Standards”, (formerly Note 6(a)(i), to reflect a 35-foot side or rear yard requirement.
14. Deleted Note 9 under “Streetscape and Landscaping”, (formerly Note 7(a).
15. Multi-use path/trail shown and labeled. ‘
16. Amended Note 4(a)(iv) to indicate that the only restaurants providing the following types of food and beverage: ice cream, yogurt, coffee, juices, bagels, muffins, pastries and similar items are permitted a drive-through service window.
17. Amended Note 4(a)(v) to delete restaurants with accessory drive-through windows as a prohibited use.
18. Amended Note 13 under “lighting”, (formerly Note 12(a), to clarify that all lighting fixtures will be full cut-off, with the exception of lighting that is not visible from residentially zoned or used property.
19. Amended Note 11© under “Parks, Greenways and Open Space”, (formerly Note 9c), to state that links from adjoining properties to the six-foot wide multi-use path/trail will be allowed to provide for an eventual connection to the Greenway located within the University Research Park as shown on the Schematic Plan, Sheet RZ-2.
20. Added Note 11(b) under “Signage” to state that a sign identifying the University Research Park may be placed on the Site as recommended by the adopted University Research Park Area Plan.
21. Amended Sheet RZ-2 to provide a label for urban open space and open space, as defined in the Zoning Ordinance.
22. Amended Note 4(b)(i) to clarify that the square footage of any rental and restaurant uses developed on Parcel C will be part of the maximum allowed square footage of gross floor area allowed on Parcel C. Amended Development Data Table on Sheet RZ-3 to refer to conversion rights specified permitted for Parcels A and B.
23. Deleted the following notes:
 - a. Notes 1, 2 and 3 from Sheet RZ-1.
 - b. Notes 1, 2 and 3 from Sheet RZ-2.
 - c. The fifth paragraph under Note 2 on Sheet RZ-3.
 - d. Note 4©(ii).
 - e. Note 5(f).
 - f. Notes 6(a)(iv) and (v)
 - g. Note 6(b)(i) and (ii).
 - h. Note 10 Note 12b as it does not meet ordinance standards.
24. Addressed CDOT comments as follows:
 - a. Amended Note 5(e) to state that the petitioner will construct a public street that will connect Legranger Road through Parcel D to Senator Royall Drive.
 - b. Amended Note 5(a) to state that a five-foot bike lane, curb and gutter, and eight-foot planting strip and six-foot sidewalk will be provided along the site’s West Mallard Creek Church Road frontage.
 - c. Amended note 5(a) to remove the provision for bike lanes in either direction on Senator Royall Drive.
 - d. Added note 5(g) to state that three raised pedestrian refuge islands within the two-way left turn lane on Senator Royall Drive will be provided.
 - e. Added Note 6(d) to reflect continuance of the existing southbound outside travel lane from Mallard Creek Church Road to the second access point on Senator Royall Drive.
25. Added Notes 6 and 7 to address the timing and completion of road improvements and right-of-way.
26. Added Note 4© to state that no more than 24 three bedroom units will be developed on Parcel D, added to address concerns expressed to the petitioner.
27. Added Note 4© regarding gross floor area.

The following changes have been made since the Zoning Committee has made their recommendation:

1. Amended number of multi-family dwellings from 330 to 310.
2. Note 8(a)(iv) added verbiage in bold below to the existing note: Trees may be removed to allow the installation of required roadway & streetscape improvements as well as allowed signage.

3. Added Note 8 c ix "The club house/amenity building constructed on Parcel D as part of the development of proposed residential units will be designed to include a cupola or similar roof top architectural feature to create additional interest and enhances the character of the community."
4. Added Note 10(b) "The storm water/water equality pond constructed on Parcel D will be designed as a wet pond."
5. The elevations submitted with the 110311 submittal are the same as submitted with the 092611 submittal. Dated the same, showing a revision made 092311.
6. Note 3(iii) requesting an optional for signage will also be deleted.

The ordinance is recorded in full in Ordinance Book 57, at Page 417-418.

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ITEM NO. 4: ORDINANCE NO. 4768-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.55 ACRES LOCATED ON THE NORTH SIDE OF NORTH ALEXANDER STREET AND EAST OF THE INTERSECTION OF EAST 37TH STREET AND NORTH ALEXANDER STREET FROM I-2 TO R-5.

[Motion was made by Councilmember Peacock, seconded by Councilmember Howard, to]
[approve the Statement of Consistency and Petition No. 2011-060 by Ronald E. Shaver for the]
[above zoning change as recommended by the Zoning Committee.]

Mayor Pro Tem Cannon said the petition is found to be inconsistent with the North Charlotte Plan but to be reasonable and in the public interest. The Committee voted unanimously to recommend approval of this petition and staff also recommends approval of this petition.

Councilmember Dulin said this one has got me a little confused. I went over there and found it today and it is a great little corner of NoDa, but the site I found at the corner of Alexander and 37th Street has about three little cute North Davidson kind of houses on it already. One of them is very nice. In our write-up and the page showing the site I'm confused whether that is the actual site because just 100 yards from there behind the brick house that has the fence around it, is where the zoning notice is Tammie. That particular board didn't have a complete zoning number on it. That one said 12-1.

Ms. Keplinger said we actually have had two rezoning recently. The property just immediate south of Alexander Street was rezoned last month so it possibly could have been that rezoning sign. Sometimes the rezoning signs don't actually make it to the property. We get them in the area where most people can see them, but the property that is shown in the red hatching on your map is the correct property to be rezoned.

Mr. Dulin said then I saw the right property today and I'm more confused now because the railroad track that goes through, it is a very dangerous railroad crossing, but the house literally 30 feet from the railroad crossing is a very nice home. Is this rezoning to swipe those three houses away and build five back?

Ms. Keplinger said they are going for a conventional request so we don't have a site plan and we don't know what their intentions are, but with the I-2 zoning it could possibly make it hard for financing or things of that nature. This is a small pocket of I-2 that really R-5 residential is something that is compatible with the existing land use and the surrounding land use. We didn't have an issue it.

Mr. Dulin said there are multiple property owners and I would only assume that Ronald Shaver and Mark Shaver are owners of one of the houses, but have we heard from the people that own the other houses because they are getting ready to rezone their property also.

Ms. Keplinger said the only other person we've heard from is the lady that owns the property to the south that we rezoned last month, south of North Alexander Street. We haven't had anyone call in about this rezoning that I'm aware of.

Mr. Dulin said I assumed that it was going to be vacant or run down, but I found three nice little North Davidson homes. This motion tonight would rezone property for two houses that we haven't heard from. Are we positive we've communicated with them?

Ms. Keplinger said I thought I heard you say that we were rezoning two houses that we haven't heard from.

Mr. Dulin said there are three houses on this piece of property.

Ms. Keplinger said that is correct and they are all owned by the Shavers.

Mr. Dulin said thank you, that helps. Our write-up doesn't say that.

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

The ordinance is recorded in full in Ordinance Book 57, at Page 419-420.

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ITEM NO. 5: ORDINANCE NO. 4769-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.46 ACRES LOCATED ON BROWNE ROAD AND ACROSS FROM AMBER GLEN DRIVE FROM R-3 AND INST(CD) TO INST(CD) AND INST(CD) SPA.

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2011-061 by]
[Robert D. Smith, as modified, and as recommended by the Zoning Committee.]

The modification are:

- The Class C buffer abutting residential zoning to the south and east is shown on the site plan.
1. The scale is noted on the site plan.
 2. The un-required tree save shown at rear of the property has been deleted.
 3. Hatching as delineation of rezoning area has been removed.

The ordinance is recorded in full in Ordinance Book 57, at Page 421-422.

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ITEM NO. 6: ORDINANCE NO. 4770-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.69 ACRES LOCATED ON THE EAST SIDE OF STATESVILLE ROAD BETWEEN CINDY LANE AND NEVIN ROAD FROM B-1 TO B-2.

[Motion was made by Councilmember Howard, seconded by Councilmember Mitchell, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2011-062 by]
[Kempo Corporation , as recommended by the Zoning Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 423-424.

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ITEM NO. 7: ORDINANCE NO. 4771-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.99 ACRES LOCATED ON THE NORTH SIDE OF YORKMONT ROAD BETWEEN OAK LAKE BOULEVARD AND WEST TYVOLA ROAD FROM I-1 TO NS.

[Motion was made by Councilmember Turner, seconded by Councilmember Barnes, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2011-063 by]
[Tyvola Oak Lake, LLC for the above rezoning as recommended by the Zoning Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 425-426.

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ITEM NO. 8: PETITION NO. 2011-066 BY 52 EIGHTY, LLC FOR A BD(CD) SITE PLAN AMENDMENT FOR APPROXIMATELY 4.15 ACRES LOCATED ON THE SOUTH SIDE OF CROSS BEAM ROAD BETWEEN BEAM ROAD AND ROSE LAKE DRIVE, DEFERRED.

[Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, and]
[carried unanimously, to defer the subject petition until January 4, 2012.]

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ITEM NO. 9: PETITION NO. 2011-067 BY TWILIGHT CARIBBEAN RESTAURANT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.32 ACRES LOCATED ON THE NORTH SIDE OF BERKELEY PLACE DRIVE NEAR THE INTERSECTION OF WEST MALLARD CREEK CHURCH ROAD AND BERKELEY PLACE DRIVE FROM CC TO MUDD(CD), DEFERRED.

[Motion was made by Councilmember Howard, seconded by Councilmember Carter, to]
[defer Petition No. 2011-067 to January 4, 2011. Motion amended to November 28th.]

Councilmember Barnes said I would remind my colleagues that this matter came before us at our last public hearing and there was, in my opinion, some misinformation had occurred with the petitioner. As you all recall there is a neighboring business owner who expressed some concerns to us about the impact of this particular business on his business and at that time I thought we had hoped to vote tonight on the petition. I understand from staff that because there were not at least 30 days between the night of the public hearing and the night of the vote that we cannot vote on it tonight and I'd hope that this Council would be able to take action it because everyone here saw and heard what happened that night. At a minimum I'd like to vote on it in December at our Zoning meeting.

[Substitute motion by Councilmember Barnes to vote on this on December 20th.]

Councilmember Dulin said we will have a new Council then.

Mr. Barnes said that is right, Mr. Dulin and Mr. Turner helped me out a bit here. We have a Business Meeting on November 28th. Could we vote on it that night and it would be this Council voting.

Mr. Howard said I will accept that as a friendly amendment to my motion.

Mayor Pro Tem Cannon said there is no need for a substitute motion and this item will come up at our November 28th meeting for a decision. Ms. Keplinger are there any issues that staff might have with that request?

Ms. Keplinger said that will work.

The vote was taken on the motion to defer Petition No. 2011-067 until November 28th and was recorded as unanimous.

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ITEM NO. 10: ORDINANCE NO. 4772-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO ESTABLISH B-2(PED) ZONING FOR APPROXIMATELY 0.43 ACRES LOCATED NEAR THE SOUTHEAST CORNER AT THE INTERSECTION OF PECAN AVENUE AND COMMONWEALTH AVENUE.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Mitchell, and]
[carried unanimously, to approve the Statement of Consistency and Petition No. 2011-069 by]
[Charlotte Mecklenburg Planning Commission for the above zoning request as recommended]
[by the Zoning Committee.]

The ordinance is recorded in full in Ordinance Book 57, at Page 427-428.

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ITEM NO. 11: PETITION NO. 2011-070 REQUESTING A CHANGE IN ZONING FOR APPROXIMATELY 0.10 ACRES LOCATED ON CHARLOTTETOWNE AVENUE AT THE INTERSECTION OF FOX STREET AND CHARLOTTETOWNE AVENUE FROM R-22MF TO O-1, DEFERRED TO NOVEMBER 28TH.

Councilmember Kinsey said this bothers me, backing up to a neighborhood and I probably will not be able to support this.

[Motion was made by Councilmember Mitchell to deny Petition No. 2011-070 by Hunter's]
[Affordable Bonding requesting the rezoning of 10 acres from R-22MF to O-1. Council]
[member Barnes seconded the motion.]

Councilmember Howard said I was wondering from a staff standpoint, what was it about this one that was okay with you?

Tammie Keplinger, Planning Staff, said this house is a house that has very little yard. It is right in front of Auto Bell at Charlottetowne and Fox Street. Over the years this house has been used for multiple uses, from office to some retail. It has never been rezoned and the Bail Bonding office has gone in there and they were issued a notice of violation and they came in and have gone through the rezoning process. In looking at the site it is inconsistent with the Cherry Small Area Plan, but we are doing a Midtown/Morehead/Cherry Plan update and it is consistent with that draft, so staff felt it was appropriate for approval.

Mr. Howard said so this bonding company is presently in the building?

Ms. Keplinger said yes sir, they are currently in the building and it is a straight up conventional request so it is very difficult for me to talk about the different types of uses because it would allow any time of office use to locate in the building.

Mr. Howard said any type?

Ms. Keplinger said anything that is allowed in the office district.

Mr. Howard said have there been any conversations about restricting it?

Ms. Keplinger said no sir. I think it is self restricted because of the size of the property. The house is very small and they are very limited on parking.

Mr. Howard said is there any chance that if this was deferred do you think you could go back and get some restrictions?

Ms. Keplinger said that is up to the Council, if they would like to do that.

Councilmember Turner said my concern is that is a house and it looks like a house and it is being used as a business. Is there any way that we can put any restrictions on the zoning that would keep someone from tearing the house down later and building something that would be non-consistent as far as structural that fits into the community?

Ms. Keplinger said you could always do that through the conditional rezoning process, however this is 0.10 of an acre. It is such a small site that for someone to come back in and build anything new on the site and meet parking standards and buffer standards, it would be extremely difficult unless they combined it with some adjacent property.

Mr. Turner said but it is not impossible and I understand what Ms. Kinsey is concerned with. We drive by this house everyday and I understand her concern there. I think if we could help by assuring them, by putting some restrictions that it would require someone to have to come back before the new Council to make those decisions, or in the future. I just hate to lose the integrity of lot that there that does not conform to what is currently there in the community and it has

always been that way. I would just hate to leave it open so someone could sell it and then ends up something else.

Ms. Keplinger said we could certainly have that conversation with the petitioner if the Council wants to defer and then bring it back next month and let you hear what the petitioner had to say.

Ms. Turner said I will defer to the District Representative Ms. Kinsey.

Ms. Kinsey said this house has been restored to some extent. I'm assuming the current owners did that. It looks very nice and it would certainly fit into the Cherry Neighborhood but it backs into the Cherry Neighborhood. I think when they widened what used to be Independence Boulevard it took most of the property. I don't want to close down a small business and I think they've done a good job with the restoration of the home, but I am concerned backing up to the Cherry Neighborhood which is fairly fragile right now. That is my only concern, but I have to say that it really could not be a single family residence situated where it is. It is the type of business that concerns me a little bit.

Councilmember Cooksey said if we don't pass this rezoning I think the more likely occurrence is the house gets rolled in with an adjacent property and torn down to build R-22MF because that is the default zoning on the ground now. We can't tell because it is a straight up but it would appear to me that O-1 is the better chance to preserve the existing structure than to leave it alone at R-22MF, which will force the office use out of the building vacate the parcel and require the owner to figure some way to make some money off of it. Sitting as it is adjacent to R-22MF, it is across the street from B-2 and kind of backing up to multifamily. Absent this rezoning I think the future of this parcel is multifamily.

Councilmember Carter said my concern is also the small business, if it is alright in the neighborhood and my question is could you limit it by hours of usage? To me that might address the situation.

Ms. Keplinger said if the petitioner were willing to do that through a conditional rezoning, that is something that could be done.

Ms. Carter said that would be my suggestion and a way to address the residential nature of that area.

Mayor Pro Tem Carter said is there any legal opinion from the Attorney on this?

Deputy City Attorney, Bob Hagemann said no sir.

Mayor Pro Tem Cannon said there is a motion on the floor to move approval of it unless there is going to be a withdrawal of that motion for another suggestion or recommendation.

Councilmember Mitchell changed his motion to defer this matter until November 28th, Mr. Barnes, the seconder, of the motion concurred with the change.

Councilmember Burgess said what are we hoping to gain in the interim? Are we going to see if we can made this a conditional, is that the plan, with limits on the time of operation?

Ms. Kinsey said maybe we could just explore that with the owner.

Councilmember Howard said would that be a material change that you have to go back to the Zoning Committee?

Ms. Keplinger said it probably would make us to back to public hearing so we could get them back on the agenda just as quickly as possible, probably in January.

Mr. Howard said could you meet the 7-day requirement of going back to whatever that time period is that we have to have been their decision and our decision?

Ms. Keplinger said you don't have to do that on this one because when it goes from a conventional request to a conditional request it is a significant change and it would be required to go back to public hearing.

Mr. Howard said so it won't come back on the 28th?

Ms. Keplinger said you can bring it back on the 28th if you defer the decision, bring it back on the 28th and we will tell you what we talked to the petitioner about. If the petitioner agreed to go with the conditional rezoning then we could bring it back up at the next possible zoning meeting for a new public hearing.

Mr. Howard said all we could really get is an update on the 28th?

Ms. Keplinger said yes.

Mr. Cooksey said if we are deferring this for additional information, since to the best of my recollection nobody spoke on this subject, are there any existing concerns now about hours of operation. Again we are talking about being across from an Auto Bell and down the road from a daycare center. Anyone have any complaints now about it would be one thing I would like to know by the time we see this again.

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

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BUSINESS MEETING

CONSENT AGENDA

[Motion was made by Councilmember Mitchell, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve the Consent Agenda as presented with the exception of Item]
[Nos. 17, 30, 42, 51-A, B, E, F, G, I, and J, and 54-A.]

The following items were approved:

11. Contract to the lowest bidder, W. M. Warr & Son, Inc. in the amount of \$243,183.60 for the Boyce Road Sidewalk Project.

Summary of Bids

W. M. Warr & Sons, Inc.	\$243,183.60
Red Clay Industries	\$245,843.09
Carolina Cajun Concrete	\$247,035.96
Burney & Burney Construction	\$266,174.86
RJJ Construction, LLC	\$265,714.56
On Time Construction Company, Inc.	\$288,718.56
Blythe Development Company	\$291,465.00
Site Work, Inc.	\$300,961.54

12. Contract to the lowest bidder, Blythe Development company in the amount of \$957,000 for the South Tryon Street Conversion Project.

Summary of Bids

Blythe Development company	\$ 957,000.00
Sealand Contractors	\$1,052,578.89
United Construction Company	\$1,284,271.73
Blythe Construction, Inc.	\$1,390,094.70

13. Contract to the lowest bidder, Ferebee Corporation in the amount of \$1,262,061.68 for the Commonwealth Avenue and The Plaza Business Corridor Project.

Summary of Bids

Ferebee Corporation	\$1,262,061.68
United Construction	\$1,318,023.31
Sealand Contractors Corp.	\$1,338,517.21
Bullseye Construction, Inc.	\$1,349,106.56
Blythe Construction, Inc.	\$1,395,776.80
Siteworks, LLC	\$1,414,927.95
Pedulla Trucking, Excavating & Paving	\$1,420,518.88

14. Contract to the lowest bidder Ferebee Corporation in the amount of \$1,975,370.44 for the Coulwood Area Sidewalks Projects.

Summary of Bids

Ferebee Corporation	\$1,975,370.44
United Construction Company	\$2,023,270.52
Bullseye Construction, Inc.	\$2,086,185.10
Carolina Cajun Concrete	\$2,091,243.31
Blythe Development Company	\$2,134,591.15
Sealand Contractors	\$2,256,782.74
Blythe Construction, Inc.	\$2,419,304.24
W. M. Warr & Son, Inc.	\$2,528,610.63

15. Contract to the lowest bidder, Champion Landscapes, Inc. in the amount of \$147,094.20 for the Fred D. Alexander Section B – Phase 2 Landscaping.

Summary of Bids

Champion Landscapes, Inc.	\$147,094.20
Ingle & Son Landscaping, Inc.	\$147,336.80
The Byrd's Group, Inc.	\$177,484.37
Superior Seeding, Inc.	\$186,755.80
Taylor's Landscaping Service, Inc.	\$180,859.03
North American Lawn & Landscape	\$221,971.20
Skyline Design & Landscape, LLC	\$263,622.70

16. Contract to the lowest bidder, Onsite Development, Inc. in the amount of \$165,496 for the drainage repair to light rail bridges.

Summary of Bids

Onsite Development, Inc.	\$165,496.50
Blythe Construction	\$271,693.25

18. Contract to the lowest bidder, Brooks-Berry-Haynie and Associates, Inc. in the amount of \$299,543 for construction of a concrete encased electrical duct system.

Summary of Bids

Brooks-Berry-Haynie & Associates, Inc.	\$298,543.00
Watson Electric	\$302,088.00
Edison Foard, Inc.	\$308,525.00
Starr Electric Co., Inc.	\$341,700.00

19. Contract to the lowest bidder, Moretti Construction, Inc. in the amount of \$97,401 for the sound insulation of nine homes in the vicinity of the Airport.

Summary of Bids

Moretti Construction, Inc.	\$97,401.00
The bowers Group, Inc.	No Bid
Camps Construction Company	No Bid
C. A. Scism Construction	No Bid
Barrows Construction	No Bid

20. Contract to the lowest bidder, Blythe Development Company in the amount of \$398,588 for Improvements to Wilson Air Center Entrance.
21. Contract to the lowest bidder, Baker roofing Company, d/b/a Baker Renewable Energy, in the amount of \$453,095.47 for installing a solar power system at Fire Station 41 on the Airport.

Summary of Bids

Baker Renewable Energy	\$453,095.47
Horne Brothers Construction, Inc.	\$534,058.43
NARENCO	\$557,000.00
MV Momentum Construction, LLC	\$749,000.00
Sundance Power Systems, Inc.	\$779,359.00
Southern Energy Management	\$869,708.65

22. Budget Ordinance No. 4774-X appropriating \$145,091,681 of 2011 General Airport Revenue Bonds.

The ordinance is recorded in full in Ordinance Book 57, at Page 430.

23. Budget Ordinance No. 4775-X appropriating \$60,295,000 of 2011 Airport Special Facility Revenue Bonds and appropriating \$33,336,852 of Contract Facility Charge (CFC) fund balance to the Airport Capital Investment Fund.

The ordinance is recorded in full in Ordinance Book 57, at Page 431-432.

24. Contract to the lowest bidder, Archer Western Contractors, LTD in the amount of \$120,920,000 for the construction of a new parking deck and approve a contract with AMEC E&I, Inc. in the amount of \$957,960 for the construction materials testing services for the new deck project.

Summary of Bids

Archer Western Contractors, LTD.	\$120,920,000.
Yates Construction	\$123,682,000
China Construction America of SC	\$124,379,000
PCL construction Services	\$125,990,000
Hunt construction	\$126,939,300
Manhattan Construction Company	\$129,291,000
Shelco-Austin (Joint Venture)	\$131,283,000
Edifice	\$131,008,000
Messer Construction Company	\$134,879,000
Donley's – D. H. Griffin (Joint Venture)	\$134,859,000
Walbridge – Edison Foard (Joint Venture)	\$135,642,000
JEDUNN Construction	\$137,711,000

25. Contract to the lowest bidder, Gilbert Engineering Company in the amount of \$107,300 for replacement of heating water pipe lines at Irwin Creek Wastewater Treatment Plant.

Summary of Bids

Gilbert Engineering Company	\$107,300.00
Kemp, Inc.	\$129,742.00
BW Solutions	\$131,250.00
State Utility contractors	\$134,065.00

26. (A) Contract to the lowest bidder, B.R.S., Inc. in the amount of \$4,084,698 for the construction of the Mecklenburg County section of the McKee Creek Sanitary Sewer Outfall; (B) Contract in the amount of \$597,700 with Woolpert North Carolina, PLCC to provide construction administration services for the Mecklenburg County section of the McKee Creek Sanitary Sewer Outfall; and (C) contract in the amount of \$338,000 with Terracon Consultants Inc. for material test, pre/post blast surveying, and blast monitoring services.

Summary of Bids

B.R.S. Inc.	\$4,084,698.50
Monroe Roadway Contracting	\$4,640,726.58
Sanders Utility Construction	\$5,417,294.28
John D. Stephens, Inc.	\$5,431,750.33
Dellinger, Inc.	\$5,459,963.25
Buckeye Construction	\$5,479,095.09
Triangle Grading & Paving	\$5,555,525.05
Don Moorhead Construction	\$6,145,326.34
State Utility Contractors	\$6,175,403.43
S. J. Lewis Construction	\$6,331,500.00
DeVere Construction Company	\$6,768,006.47
Metra Industries	\$7,675,382.02

27. Contract with Terracon Consultants, Inc. in the amount of \$344,400 for construction materials testing services for the three bridges associated with the Airport Entrance Road project.
28. Reject the low bid of \$498,750 from Climate Systems, Inc. for failure to comply with the Small Business Opportunity Program; contract to the lowest responsive bidder, Catawba Mechanical Services, Inc. in the amount of \$519,750 for the construction of the Mint Museum Randolph Chiller Replacement.

Summary of Bids

Climate Systems, Inc.	\$498,750.00
Catawba Mechanical Services, Inc.	\$519,750.00
Cam-Ful Industries, Inc.	\$544,950.00
P. C. Godfrey, Inc.	\$547,512.00
Action Mechanical Contractors, Inc.	\$556,500.00
D. E. Brown Construction, Inc.	\$577,500.00
Cost Effective Maintenance, Inc.	\$626,850.00
Southern Comfort of Charlotte, Inc.	\$647,850.00

29. Purchase of sewer cleaning equipment as authorized by the sole source exception of G.S. 143-129(e)(6); and approve the purchase of two sewer combination cleaning trucks from Rodders & Jets Supply Company in the total amount of \$611,360.
31. Resolution authorizing the Utilities Key Business Executive to execute a Municipal Agreement with the NC Department of Transportation (NCDOT) for design and construction of water and sewer line relocations and adjustments along Sam Newell Road, in the estimated amount of \$199,765; authorize the City Manager to approve the final pay request for the actual cost of the utility construction.

The resolution is recorded in full in Resolution Book 43, at Page 389.

32. Renewal #1 of the contract with Dallas 1 Construction LLC in the amount of \$1,553,300 for replacement of aging water mains throughout Mecklenburg County; authorize the City Manager to renew the contract for two additional terms with possible price adjustments based on the terms of the contract.
33. Professional Services Agreement for \$2,065,200 with Camp Dresser & McKee for construction administration for Briar Creek Relief Sewer Phased II.
34. Renewal #1 of the contracts with The Survey Company, Inc. and Lawrence Associates, in the amount of \$200,000 each and; authorize the City Manager to renew the contracts for two additional terms.
35. Professional Services agreement for \$228,140 with RedZone Robotics, Inc. for pipeline investigation services.

Summary of Bids

RedZone Robotics, Inc.	\$228,140.00
Bio-Nomic Services	\$631,800.00

36. (A) Authorize the Fire Chief to accept a grant in the amount of \$2,132,180 from the US Department of Homeland Security's 2011 Urban Areas Security Initiative Grant Program (B) Authorize the Fire Chief to accept a grant in the amount of \$267,608.35 from the US Department of Homeland Security's 2011 Metropolitan Medical Response System Grant Program; (C) Authorize the Fire Chief to accept a grant in the amount of \$25,000 from the US Department of Homeland Security's 2011 State Homeland Security Grant Program for the Hazardous Materials Regional Response Team 7.
37. Contract with BMC Software, Inc. for software hosting/subscription services in support of the City's helpdesk services for an initial term of two years in the amount of \$425,000; and authorize the City Manager to approve up to two, one-year renewal options as authorized by the contract and contingent upon the company's satisfactory performance.
38. Expenditures with Verint for ongoing software maintenance fees, professional services and feature upgrades in support of the 311 Call Recording and Workforce Management Systems in the estimated amount of \$75,000 annually for three years, and authorize the City Manager to approve two additional two-year renewals with possible price adjustments at the time of renewal based on satisfactory performance, prevailing maintenance rates, and current support needs of the system.
39. One-year contract with Kimberly Laney Consulting, LLC in an annual amount not to exceed \$150,000 to provide project management and support services for telephony infrastructure. The telephony infrastructure includes communications platforms for 311, the city's AT & T Centrex, and other telephony systems that use voice, fax, email, text and mobile, which allow the citizens to communicate with the City using a cost-effective voice-over-internet-protocol technology, and; authorize the City Manager to negotiate and approve up to two, one-year renewal options contingent upon the company's satisfactory performance, and continued project funding.
40. Purchase of four portable video observation units as authorized by the state contract exception of G.S. 143-129(e)9, and purchase of four portable video observation units from Millenium Products, inc., in an amount up to \$132,328.
41. Contract to Watson Electrical Construction Co., LLC for an amount not to exceed \$316,798 for design and installation of parking guidance system at LYNX Blue Line park and ride facilities; and award of a contract to TCS International for an amount not to exceed \$356,083 for technology components (variable message signs, communications equipment and software).
43. Amendment for \$200,800 with McCracken & Lopez, P.A. for mechanical improvement to the chiller/boiler plant in the Charlotte Convention Center Complex.
44. Agreement with the NC Governor's Crime Commission to accept funding from the Maryland State Police via their U. S. Department of Justice grant to maintain the GangNet System until statewide consolidation of the system is completed; Budget ordinance No. 4776-Z appropriating \$152,549 in funds from the Maryland State Police and/or the North Carolina Governor's Crime Commission.

The ordinance is recorded in full in Ordinance Book 57, at Page 433.
45. Three-year lease with Wilmar Leasing for 24 undercover police vehicles at a cost not to exceed \$346,140.
46. Agreement with Intergraft Corporation for software maintenance and on-site system support for the consolidated Public Safety Computer Aided Dispatch System for a period of three years with an option to extend for an additional two years at a cost up to \$3,200,000 for five years.

47. (A) Purchase of street marking tape and reflective traffic sign materials, as authorized by the sole source exemption of G.S. 143-129(e)(6); (B) Contract with 3M, Inc. for the purchase of street marking tape and reflective traffic sign materials in the estimated amount of \$1,500,000 for the term of three years; (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.
48. Infrastructure Reimbursement Agreement for Improvements to the South Boulevard/Carson Boulevard/Lexington Avenue Intersection. This item was pulled from the agenda via Council Manager Memo #85 after the agenda was printed.
49. Resolution approving the donation of surplus computers and related equipment to Goodwill Industries of the Southern Piedmont.

The resolution is recorded in full in Resolution book 43, at Page 390-391.

50. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$14,884.86; Resolution authorizing the refund of business privilege license payments made in the amount of \$11,039.08.

The resolutions are recorded in full in Resolution Book 43, at Page 393-393 and 394-395.

- 51-C. Ordinance No. 4779-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2812 Hold Street, Neighborhood Statistical Area 44 – North Charlotte Neighborhood.

The ordinance is recorded in full in Ordinance Book 57, at Page 436.

- 51-D. Ordinance No. 4780-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1105 Pamlico Street, Neighborhood Statistical Area 51 – Belmont Neighborhood.

The ordinance is recorded in full in Ordinance Book 57, at Page 437,

- 51-H. Ordinance No. 4784-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1720 Taylor Avenue, Neighborhood Statistical Area 23 – Washington Heights Neighborhood.

The ordinance is recorded in full in Ordinance Book 57, at Page 441.

52. Authorize the City Manager to execute a lease with Rozzelles Ferry LLC, a subsidiary of the Charlotte Mecklenburg Development Corporation, to occupy 7,245 square feet of office and storage space in the Greenway Business Park, located at 2730 Rozzelles Ferry Road, for the Northwest Service Area Team of Neighborhood & Business Services.
53. Ground Lease Agreement with Mecklenburg County regarding County use of City property for biking and walking trails at Little Sugar Creek Sewer Treatment Plant Property.
- 54-B. Acquisition of 1,857 square feet in sidewalk and utility easement plus 3,696 square feet in temporary construction easement at 1239 Ashley Road from 3321 Freedom, LLC for \$11,282 for Ashley Road/Tuckaseegee Road Sidewalk, Parcel #3.
- 54-C. Acquisition of 3,631 square feet in Fee Simple, plus 1,472 square feet in existing right-of-way, plus 2,197 square feet in temporary construction easement at 321 Oakdale Road from L & K Development, Inc. for \$12,000 for Brookshire-Hovis-Oakdale Intersection Improvement Parcel #12.
- 54-D. Acquisition of 2,674 square feet in Fee Simple, plus 701 square feet in Storm Drainage Easement, plus 1,908 square feet in Temporary construction Easement at 5539 Hovis Road from JKG Land Development Partnership for \$33,600 for Brookshire-Hovis-Oakdale Intersection Improvement, Parcel #15.

- 54-E. Acquisition of 1.500 acres in fee simple plus single family dwelling at 6400 Rumble Road from Timothy A. Christian for \$120,850 for City Boulevard Extension, Phase I, Parcel #31.
- 54-F. Acquisition of 3,395 square feet in Temporary Construction Easement at 2300 Barn Broad Lane from Charles Edward Gaskin and wife, Althea B. Gaskins for \$20,000 for City Boulevard Extension, Phase II, Parcel #38.
- 54-G. Acquisition of 1,027 square feet in Fee Simple, plus 313 square feet in Sidewalk and Utility Easement, plus 32 square feet in Utility Easement, plus 932 square feet in Temporary Construction Easement at 10204 Ventana Court from Patrick William Tripi and Lee John Tripi for \$10,000 for Community House Farm to Market Road Project, Parcel #43.
- 54-H. Acquisition of 7,766 square feet in Fee Simple, plus 1,640 square feet in Existing Right-of-way, plus single family dwelling, detached carport and storage building at 1616 Merry Oaks Road from Thomas D. Hamlett for \$160,000 for Eastway Police Station, Parcel #6.
- 54-I Resolution of condemnation of 1,736 square feet in Storm Drainage Easement, plus 2,422 square feet in Temporary construction Easement at 1419 Grovewood Drive from William Edward Smith, Jr. and any other parties of interest for \$1,375 for Allenbrook/Westridge Stream Restoration and Flood Control project, Parcel #12.

The resolution is recorded in full in Resolution Book 43, at Page 396.

- 54-J. Resolution of condemnation of 1,412 square feet in Storm Drainage Easement at 1301 Grovewood Drive from Heirs of the Estate of Morris Edwin Sylver, Sr. and any other parties of interest for \$1,000 for Allenbrook/Westridge Stream Restoration and Flood Control Parcel #32.

The resolution is recorded in full in Resolution Book 43, at Page 397.

- 54-L. Resolution of condemnation of 1,321 square feet in Storm Drainage Easement at 1201 Grovewood Drive from David A. Stogner and wife, Debbie H. Stogner and any other parties of interest for \$400 for Allenbrook/Westridge Stream Restoration and Flood Control Project, Parcel #41.

The resolution is recorded in full in Resolution Book 43, at Page 398.

- 54-M. Resolution of condemnation of 6,673 square feet in Sanitary Sewer Easement, plus 22,368 square feet in Storm Drainage Easement plus 4,790 square feet in Temporary Construction Easement at 1124 Marbel Street from East Coast Properties, LLC and any other parties of interest for \$33,875 for Allenbrook/Westridge Stream Restoration and Flood Control Project, Parcel #88.

The resolution is recorded in full in Resolution Book 43, at Page 399.

- 54-N. Resolution of condemnation of 103 square feet in Sidewalk and Utility Easement, plus 436 square feet in Temporary Construction Easement at 2116 Beatties Ford Road from Beatties Ford Road Development, Inc., and any other parties of interest for 1,675 for Beatties Ford Road Business Corridor Improvements, Parcel #6.

The resolution is recorded in full in Resolution Book 43, at Page 400.

- 54-O. Resolution of Condemnation for 2,810 square feet in Sidewalk and Utility Easement, plus 8,985 square feet in Temporary Construction Easement at 2120 Beatties Ford Road from Beatties Ford Road Development, Inc. and any other parties of interest for \$41,075 for Beatties Ford Road Business Corridor Improvements Parcel #7.

The resolution is recorded in full in Resolution Book 43, at Page 401.

- 54-P. Resolution of condemnation of 1,552 square feet in Sidewalk and Utility Easement, plus 917 square feet in Temporary Construction Easement at 2506 Beatties Ford Road from Dalebrook Professional Center, Inc. and any other parties of interest for \$11,600 for Beatties Ford Road Business Corridor Improvements, Parcel #21.

The resolution is recorded in full in Resolution Book 43, at Page 402.

- 54-S. Resolution of condemnation of 893 square feet in Temporary Construction Easement at 1230 Dresden Drive West from Michael Stewart Shook and any other parties of interest for \$475 for Eastway/Sheffield Neighborhood Improvement Project, Parcel #26.

The resolution is recorded in full in Resolution Book 43, at Page 403.

- 54-T. Resolution of condemnation of 851 square feet in Temporary Construction Easement at 3706 Dresden Drive East from Gloria J. McNeill and Sheila Prince and any other parties of interest for \$850 for Eastway/Sheffield Neighborhood Improvement Project, Parcel #39.

The resolution is recorded in full in Resolution Book 43, at Page 404.

- 54-U. Resolution of condemnation of 1,331 square feet in Temporary Construction Easement at 3766 Dresden Drive East from Gloria J. McNeill and Sheila Prince and any other parties of interest for \$625 for Eastway/Sheffield Neighborhood Improvement Project, Parcel #48.

The resolution is recorded in full in Resolution Book 43, at Page 405.

- 54-V. Resolution of condemnation of 774 square feet in Temporary Construction Easement at 3945 Winfield Drive from Design Construction Services, Inc. and any other parties of interest for \$400 for Eastway/Sheffield Neighborhood Improvement Project, Parcel #87.

The resolution is recorded in full in Resolution Book 43, at Page 406.

- 54-W. Resolution of condemnation of 83 square feet in Storm Drainage Easement plus 803 square feet in Temporary Construction Easement at 1239 Dresden Drive West from Helmuth Pavel Hernandez and any other parties of interest for \$275 for Eastway-Sheffield Neighborhood Improvement Project, Parcel #144.

The resolution is recorded in full in Resolution Book 43, at Page 407.

- 54-X. Resolution of condemnation of 54 square feet in Storm Drainage Easement, plus 84 square feet in Temporary Construction Easement at 1943 Optimist Lane from Zaide Haile and Negesti Gebreselasie and spouse, Alem T. Sertsu and any other parties of interest for \$175 for Eastway/Sheffield Neighborhood Improvement Project, Parcel #156.

The resolution is recorded in full in Resolution Book 43, at Page 408.

- 54-Y. Resolution of condemnation of 1518 square feet in existing right-of-way plus 1,540 square feet in Storm Drainage Easement at 6020 Milhaven Lane from Heirs of William F Station and any other parties of interest for \$250 for Milhaven Lane Sidewalk Improvement, Parcel #47.

The resolution is recorded in full in Resolution Book 43, at Page 409.

- 54-Z. Resolution of condemnation of 426 square feet in Storm Drainage Easement plus 1,203 square feet in Temporary Construction Easement at 3626 Arvin Drive from Crosby N. Pierce and any other parties of interest for \$650 for Nevin Neighborhood Improvement Project, Parcel #12.

The resolution is recorded in full in Resolution Book 43, at Page 410.

54-AA. Resolution of Condemnation of 1,042 square feet in Temporary Construction Easement at 3712 Arvin Drive from Tou T. Thao and wife, Ka Vue and any other parties of interest for \$425 for Nevin Neighborhood Improvement Project, Parcel #17.

The resolution is recorded in full in Resolution Book 43, at Page 411.

54-AB. Resolution of condemnation of 999 square feet in Sanitary Sewer Easement, plus 411 square feet in Temporary Construction Easement at 9608 Old Dowd Road from PMP Enterprises, LLC and any other parties of interest for \$425 for Old Dowd Road Sanitary Sewer Project, Parcel #2.

The resolution is recorded in full in Resolution Book 43, at Page 412.

54-AC. Resolution of condemnation of 4,361 square feet in Fee Simple, plus 9,096 square feet in Existing Right-of-Way at 1124 Marbel Street, from East Coast Properties, LLC and any other parties of interest for \$16,525 for Thomasboro/Hoskins Neighborhood Improvement Project Phase 4, Parcel #63.

The resolution is recorded in full in Resolution book 43, at Page 413.

55. Titles, motions and votes reflected in the Clerk's record as the minutes of July 25, 2011 Business Meeting, August 22, 2011 Business Meeting, September 6, 2011 Tour and Closes Session, September 12, 2011 Business Meeting and September 19, 2011 Zoning Meeting.

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ITEM NO. 17: CONTRACT TO THE LOWEST BIDDER RJJ CONSTRUCTION, LLC IN THE AMOUNT OF \$345,347.50 FOR THE ENCLAVE POND WATER QUALITY ENHANCEMENT PROJECT.

Councilmember Dulin said I wanted put this so I would have an opportunity to vote against this. This is something that I have been consistent with for six years now. I think there ought to be some cost sharing from the pond and damn owners across this community rather than us just coming in and bailing them out. I plan to vote no on Item No. 17, Enclave Pond Water Quality Improvement Project.

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, to]
[approve the subject contract. The vote was recorded as follows:]

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

Summary of Bids

RJJ Construction, LLC	\$345,347.50
Onsite Development, LLC	\$382,867.50
Ferebee Corporation	\$405,950.00
Blythe Development Company	\$410,406.25
United Construction, Inc.	\$493,425.00
Eagle Wood, Inc.	\$595,988.19
Granite Contracting	\$596,827.50
Blythe Construction, Inc.	\$619,903.75
Triangle Grading and Paving	\$684,258.75

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ITEM NO. 30: PURCHASE OF EIGHT AUTOCAR SIDE LOADING AUTOMATED GARBAGE COLLECTION TRUCKS AS AUTHORIZED BY THE PREVIOUSLY BID OR "PIGGYBACKING" EXCEPTION OF G.S. 143-129(g); CONTRACT WITH YOUNG'S TRUCK CENTER D/B/A ADVANTAGE TRUCK CENTER FOR THE PURCHASE OF EIGHT AUTOCAR SIDE LOADING AUTOMATED GARBAGE COLLECTION TRUCKS IN THE AMOUNT OF \$1,987,744.

Councilmember Barnes said this is an item for the purchase of 8 trash trucks at a purchase price of \$1.9 million and the information in the material we have is that each of the trucks being replaced has about 111,000 miles on it and we are paying close to \$250,000 per truck and I was curious as to whether the 111,000 miles is considered high mileage and whether we could refurbish these trucks and continue to use them for some longer period of time. It appears that they are no more than 7 years old.

Assistant City Manager, Jim Schumacher, said that is the approximately the average mileage on the trucks, 110,000 – 111,000 miles and they are in their range of 5, 6, 7 years old. That is a fairly normal time to cycle them out. Remember those trucks operate up to 10 to 12 hours per day so the wear and tear on them is very significant, similar to a police car which is on the road at least 8 hours per day. The wear and tear on a vehicle when you do that is very high and over time that begins to lead to high maintenance costs. These trucks, when they get to that age and that mileage, the maintenance costs gets very significant and can be between \$100,000 and \$200,000 even by that time so when they reach that turning point the maintenance costs begins to compound and become on a steeper curve up so it begins to cost a great deal to keep them in service. Because they are requiring more maintenance they are more prone to a breakdown and when there is a breakdown that causes an interruption or a delay in service. Really in the life cycle scheme of the trucks that age and mileage is fairly typical.

Mr. Barnes said is the purchase price the result of competitive bidding?

Mr. Schumacher said it was a competitive bidding process that another city went through when we did some due diligence and looking around to buy the vehicles, they had already established this price for the vehicle that we had specified.

Councilmember Kinsey said what do we do with the trucks that we are retiring?

Mr. Schumacher said I don't know that specifically, but my guess would be that they go through the vehicle auction process.

Councilmember Dulin said once we auction these trucks off what happens to the money?

City Manager, Curt Walton said it is budgeted revenue in your general fund already so it comes back to the general fund.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Carter, to approve]
[Item No. 30. The vote was recorded as unanimous.]

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ITEM NO. 42: THREE-YEAR CONTRACT FOR A MINIMUM ANNUAL AMOUNT OF \$1,237,500 WITH BANK OF AMERICA TO OPERATE ALL ATM LOCATIONS AT THE AIRPORT; AUTHORIZE THE CITY MANAGER TO EXECUTE TWO, ONE-YEAR EXTENSIONS.

Councilmember Barnes said I had a general question regarding the benefit to the general public of being able to choose a different bank's ATM. I happen to like choice and competition, as well as convenience, and Bank of America has a very large number of customers obviously, but there are people who bank at other banks. What was the process we went through to maximize the income to the City but also to maximize the general public's choice?

City Manager, Curt Walton said 70% of the ATM transactions last year at the Airport were Bank of America so they are overwhelmingly the ATM that is getting the highest usage. The

ATMs that are throughout the terminal, since most people coming there are not necessarily Charlotteans, unless it is one of the national banks, it may not be their bank anyway. They don't tend to look for their ATM, they look for the ATM that is the closest because they are spread out all over the Airport. From the customer perspective, it does reduce choice if you were actually looking for choice, but our sense of it is that choice is not really, it is speed, expedience that the customers are looking for rather than choice.

Councilmember Dulin said I've always loved your Mission Statement, Revenues Up, Cost Down and along those lines I just want to make sure that we get it out publically that you had an RFP process and the banks in a competitive manner bid for our business.

Aviation Director, Jerry Orr, said it was a bid process and every bank had the opportunity to bid.

Mr. Dulin said thank you, and for whatever reason Bank of America out bid everybody else so they can get our Airport business.

Mr. Orr said yes sir.

Mayor Pro Tem Cannon said let me get something clarified on this. I thought this was a proposal and not a straight bid.

Mr. Orr said it was a bid, not a proposal.

Mr. Cannon said there is an annual flat fee of \$1.2 million?

Mr. Orr said that is not a fee that is a guarantee.

Mr. Cannon said it says the bank will pay an annual flat fee of \$1,237,500 to be invoiced monthly as well as a \$.75 per transaction completed at an Airport ATM. Those would be dollars due the City, correct or incorrect?

Mr. Orr said the \$1.2 million is a minimum annual guarantee. They would pay on the basis of the guarantee, but the transaction fee should override that.

Mr. Cannon said that fee to use the ATM is typically going to be what with this particular entity? Is that \$2.50?

Mr. Orr said it depends on your individual deal with your bank.

Mr. Cannon said the point I'm trying to make is that there is a shared amount that the bank will keep and then there is another amount that would go to the City, that \$.75. If all things are equal it would seem to me that what I would like to explore is whether or not they would forego their fee of people who would normally come to the bank whether it be Charlotteans or whomever else, transit folks, but right now we don't know, or at least you are telling me that you don't know what that number is because it might vary per card that person might use. I never understood that to be the case and always thought that there was one particular flat fee that you would be charged per bank per transaction.

Mr. Orr said under the bid specifications they have to charge the same fee to non-customers that they do at their ATMs around the City and that fee is set by the bank and can be whatever the bank and the customer agree on.

Mr. Cannon said I don't know about anyone else, but I don't feel very good about what appears to look like a monopoly of some sort where one entity is running it all and other options not being provided as been pointed out. What do you have out there now? Wells, Fifth Third, First Citizens, who are some of the banks you have out there now?

Mr. Orr said we have four banks out there now. First Citizen's who is leaving the market. They are closing their branch bank for lack of business. Bank of America, our contract is with Wachovia, now Wells Fargo and BB&T. BB&T has about 4% of the business.

Mr. Cannon said and all of that would go away based upon this process?

Mr. Orr said that is right. Bank of America had 70% of the business last year and under this they would have 100%.

Councilmember Cooksey said the write-up says 7 bids received projected revenues on multiple banks \$1.2 million. What are the multiple banks involved in the bid process this go round, on the multiple track, not the exclusive track?

Mr. Orr said it would be Bank of America, PNC, Wells Fargo and Fifth Third.

Mr. Cooksey said as I read this it looks like under the old system, the third bullet point said the Airport was getting nearly a quarter of a million a year for ATM locations. Even if you add the \$425,000 from bullet point 4 on a couple of other BofA locations it looks to me like the multiple bank options still gets us more revenue and at present I'm not prepared to do all in on one bank, but it does look like we are balancing customer access and enhanced revenue with multiple bank options so I'm going to vote no on the single bank option.

Mr. Cannon said let me ask the Aviation Director to respond to that. What is your perspective on what has been shared by Councilmember Cooksey?

Mr. Orr said we put it out for bid, four bank submitted bids and Bank of American clearly has the best bid, and that is the way we award all concessions at the Airport.

Mr. Cannon said the question is are we losing more revenue as a means of going to what has been proposed?

Mr. Orr said no, we are increasing our revenue.

Mr. Cooksey said I'm getting some puzzled expression from my colleagues to my right so I'm looking at on projected revenues, what does it mean when it says projected revenues were multiple banks, \$1.2 million?

Mr. Orr said the bid permitted you to bid for an exclusive or to bid per location. If we award based on the highest bid for each location that would yield the \$1.2 million.

Mr. Cooksey said it would be \$1.2 across four banks, do I understand that correctly?

Mr. Orr said I think it would be across two banks.

Mr. Cooksey said okay, that is a different element there because I've been trying to follow this along and it talked about there were 7 bids received and only 4 banks named so I'm trying to figure out the 7 versus the 4.

Mr. Orr said some of the banks were not the high bidder on any of the spaces.

Mr. Cooksey so our choice in essence then is between one bank or two, not one bank or multiple because the projected revenues on two banks, a Fifth Third exclusive and BofA exclusive?

Mr. Orr said yes.

Mr. Cooksey said since others have their hands up that gives me something to mull over for a bit.

Councilmember Turner said Mr. Orr I think you just answered the question anyway, but I was really trying to get some clarity there because I thought I understood it, but confusion happened and I think we just straightened it out again. My understanding is that Bank of America has over all you think the profit margin will be \$1.6 million or above. Now the guarantee that I'm looking at is \$1.237,500 and \$.75 per transaction which you just indicate to us that that is the base. The \$.75 will probably generate the higher portion of that. Is that correct?

Mr. Orr said yes sir. Fifth Third's transaction is \$.25.

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Councilmember Carter said that was part of my question, thank you Mr. Turner for asking that. The other part of my question is would both of them receive that discounted advertising or free advertising to the amount of \$161,000?

Mr. Orr said the advertising is part of the exclusive deal. Without the exclusive deal the advertising wouldn't mean much.

Ms. Carter said they are not paying that amount for advertising is part of the deal, is that correct?

Mr. Orr said yes, that is correct.

Ms. Carter said so if they did not enter into an exclusive agreement, anyone could advertise in the Airport, correct?

Mr. Orr said yes, they could and still can.

Ms. Carter said even though it is an exclusive agreement with Bank of America?

Mr. Orr said they just couldn't advertise that they are the ATM provider for the Airport.

[Motion was made by Councilmember Barnes, seconded by Councilmember Turner, to]
[approve the contract with Bank of America. The vote was recorded as follows:]

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

NAYS: Councilmember Carter.

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ITEM NO. 51-A: ORDINANCE NO. 4777-X AUTHORIZING THE USE OF IN REM REMEDY TO DEMOLISH AND REMOVE THE STRUCTURE AT 3607 REID AVENUE, NEIGHBORHOOD STATISTICAL AREA 7, REID PARK NEIGHBORHOOD.

Councilmember Turner said I pulled that and would ask Mr. Abernathy to come to the podium. Basically I wanted to acknowledge that over a period of time, I think a lot of people don't understand the process and when we get these phone calls, and even myself when I call them in over my years of service, I have to say that I have not received anything but the most professional level of work with Mr. Abernathy. He knows me and I think this is something that we can save and I think it is worth saving, I reach out, but in this neighborhood and many of these homes that we have been working on for some time now in Reid Park and Enderly Park, it is not something that I wanted people to explain or express their concerns, but when you start having homes with feces and people breaking in and drug use, it is just not good for the quality of life in these communities and these folks have reached out to us over a long period of time and we've done a lot of great work in those communities. I want to commend him for bringing these to us to get these off and I personally want to make the motion to move forward and demolish these homes and I ask that you keep up the good work because we still need it.

[Motion was made by Councilmember Turner, seconded by Councilmember Barnes, to move]
[forward with the In Rem. The vote was recorded as unanimous.]
The ordinance is recorded in full in Ordinance Book 57, at Page 434.

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ITEM NO. 51-B: ORDINANCE NO. 4778-X AUTHORIZING THE USE OF IN REM REMEDY TO DEMOLISH AND REMOVE THE STRUCTURE AT 1700 BERRYHILL ROAD, NEIGHBORHOOD STATISTICAL AREA 13, ASHLEY PARK NEIGHBORHOOD.

[Motion was made by Councilmember Turner, seconded by Councilmember Barnes, and]
[carried unanimously, to move forward with the In Rem.]

The ordinance is recorded in full in Ordinance Book 57, at Page 435.

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**ITEM NO. 51-E: ORDINANCE NO. 4781-X AUTHORIZING THE USE OF IN REM
REMEDY TO DEMOLISH AND REMOVE THE STRUCTURE AT 3906 PLAINVIEW
ROAD, NEIGHBORHOOD STATISTICAL AREA 18, ENDERLY PARK
NEIGHBORHOOD.**

[Motion was made by Councilmember Turner, seconded by Councilmember Barnes, and]
[carried unanimously, to move forward with the In Rem]

The ordinance is recorded in full in Ordinance Book 57, at Page 438.

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**ITEM NO. 51-F: ORDINANCE NO. 4782-X AUTHORIZING THE USE OF IN REM
REMEDY TO DEMOLISH AND REMOVE THE STRUCTURE AT 3018 REID
AVENUE, NEIGHBORHOOD STATISTICAL AREA 7, REID PARK
NEIGHBORHOOD.**

[Motion was made by Councilmember Turner, seconded by Councilmember Barnes, and]
[carried unanimously, to move forward with the In Rem.]

The ordinance is recorded in full in Ordinance No. 57, at Page 439.

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**ITEM NO. 51-G: ORDINANCE NO. 4783-X AUTHORIZING THE USE OF IN REM
REMEDY TO DEMOLISH AND REMOVE THE STRUCTURE AT 711 SELDON
DRIVE, NEIGHBORHOOD STATISTICAL AREA 26, BIDDLEVILLE
NEIGHBORHOOD.**

Anthony Hagan, said I'm here on behalf of Citco Properties and of course Bank of America. This particular house, we were hired to take over the property and start doing complete repairs on the property. We are now about 65% to 70% on everything that needed to be done on the interior of the house. The only thing that was left on the exterior of the house was part of the roof has been completed and the other part was not completed so they want me to tear off the roof and finish that and put some new windows in and fix the boxing. That is what is left on the exterior. It is not a great amount of work and we are at the stage now where we have already completely repaired the interior. We have bought all the cabinets, the sinks and everything to put this house back together and I feel for it to be condemned and tore down and demolished would be terrible for the bank. We are working as hard and fast as we can now since we took this property over. I feel with a little more time, there is no doubt in my mind we can get it back to code where it needs to be.

Mayor Pro Tem Cannon said can you define a little more time?

Mr. Hagan said in my opinion no more than 45 days. I feel we may be able to do it in less than that. My problem with this house to start with, this particular property takes over for HUD, Bank of America and all the area banks, so normally we get these properties and we do X amount of work to these properties to get them to a certain level and then investors come in and purchase these properties. For this particular one it is a total different property and they are asking me go get it in livable condition, which is not typical what the bank is used to doing. They are used to getting it to a certain level and while this going on HUD could take it over or a different bank could buy it out, or an investor could purchase it. Anything could happen so that is where we are at now, but in my opinion, Bank of American has approved up to \$30,000 on this house to get this house in marketable condition.

Councilmember Carter said the pictures we have were taken on the 13th and 11th of October.

Mr. Hagan said I have more pictures if anybody would like to view them.

Ms. Carter said if we could please see them.

Mr. Hagan said the reason this property was like this, we originally went in and started doing point up on the property to get the dry wall addressed. The problem we ran into, the people who originally owned this property had wallpaper behind the plaster so no matter what you did, nothing was going to stick to the wall so we had to completely strip the walls down to nothing.

Councilmember Barnes said is this 711 Seldon Drive?

Mr. Hagan said that is correct.

Ben Krise, Code enforcement, said in summary we started our case back in January of 2011, based on a field observation. We were involved with the case up until April when we were alerted by Sun Trust Mortgage that it was a foreclosed property. We have been engaged with Sun Trust Mortgage since then and we acknowledge that there was no work done up until our re-inspection in mid-October. In mid-October we were back in touch with Sun Trust Mortgage and Safeguard Properties in reference to a tremendous amount of work being done illegally without proper permit inspections. There were permits acquired in July, however not one permit inspection was called in and to this date has been conducted via Building Standards. We would be willing to work with the property owner or property management company in order to save the property, but we would context that right now we have checked off any work according to our records that has been done legally. Our cost estimates remain at 86% of the structure value in order to repair this to minimum standards.

Mr. Barnes said would the District Representative support a 30-day?

[Motion was made by Councilmember Mitchell, seconded by Councilmember Dulin, to move]
[move forward with the In Rem.]

Councilmember Cooksey said we have heard in the past that there are times when staff does not go forward with the demolition even though Council has authorized it because sufficient work does get done by the time you are all ramped up enough to do that. Is that still a practice?

Mr. Price said yes, if a citizen would do enough work to bring it out of demolition criteria, we would not be able to proceed.

Councilmember Howard said so this would not be owner occupied, you are an investor improving the property to rent?

Mr. Hagan said no, originally the property was just being rebuilt to bring it up to marketable condition so the property could be sold by Bank of America. Nobody is living in the property right now. I'm not 100% sure whether I should say this or not, but I'm not sure what he means by illegal.

Mr. Howard said I was just trying to figure out, so you are improving it to sell, to rent?

Mr. Hagan said it is going to be sold. Once it gets up to marketable condition the property will be sold by Bank of America, no doubt.

Mayor Pro Tem Cannon said I don't think there is any guarantees for something that can be sold. It will be put back on the market for sale, but you can't guarantee. Council you have been looking at some pictures and I think the District Representative, Councilmember Mitchell has had an opportunity to gaze through those. Councilmember Mitchell, does your motion still stand?

Mr. Mitchell said it still stands.

The vote was taken on the motion to move forward with the In Rem and was recorded as unanimous.

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The ordinance is recorded in full in Ordinance Book 57, at Page 440.

Councilmember Dulin said sir, you may come and speak to our staff about precedent. Mayor Pro Tem Cannon said if you don't mind getting with staff and if there is anything that can be done between now and then or we see some big improvements maybe something else can happen along the way from staff's perspective and they can share that with the District Rep.

ITEM NO. 51-I: ORDINANCE NO. 4785-X AUTHORIZING THE USE OF IN REM REMEDY TO DEMOLISH AND REMOVE THE STRUCTURE AT 2319 WEST BOULEVARD, NEIGHBORHOOD STATISTICAL AREA 7 – REID PARK NEIGHBORHOOD.

[Motion was made by Councilmember Turner, seconded by Councilmember Barnes, and]
[unanimously, to adopt the subject ordinance.]

The ordinance is recorded in full in Ordinance Book 57, at Page 442.

ITEM NO. 51-J: ORDINANCE NO. 4786-X AUTHORIZING THE USE OF IN REM REMEDY TO DEMOLISH AND REMOVE THE STRUCTURE AT 5315 A/K/A 5301 WILKINSON BOULEVARD, NEIGHBORHOOD STATISTICAL N/A.

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

The ordinance is recorded in full in Ordinance Book 57, at Page 443.

ITEM NO. 54-A: ACQUISITION OF 1.896 ACRES IN CONSERVATION EASEMENT ON FREEDOM DRIVE FROM JIMMIE D. ALLEN AND WIFE, MARGARET B. ALLEN FOR \$22,500 FOR ALLENBROOK/WESTRIDGE STREAM RESTORATION AND FLOOD CONTROL PROJECT, PARCEL #2.

Councilmember Turner said I just wanted to personally thank staff for their hard work. I met with Mr. Freeman as well as Mr. Allen in regards to this acquisition and it turned out real good. I want to thank staff for their hard work because there was some concern and obviously there was some opposition in regards to his place, but he is a happy client and citizen and I thank staff for reaching out to him in resolving that matter.

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

PUBLIC HEARING

ITEM NO. 2: PUBLIC HEARING ON RESOLUTION TO CLOSE A RESIDENTIAL PORTION OF PIEDMONT ROW DRIVE; ADOPT THE RESOLUTION.

The scheduled public hearing was held on the subject item.

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

The resolution is recorded in full in Resolution Book 43, at Page 414-416.

ITEM NO. 3: PUBLIC HEARING ON A RESOLUTION TO CLOSE TWO 10-FOOT ALLEYWAYS LOCATED OFF OF TENNESSEE AVENUE, ADOPT THE RESOLUTION TO CLOSE.

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

The resolution is recorded in full in Resolution Book 43, at Page 417-422.

ITEM NO. 4: PUBLIC HEARING ON AN INSTALLMENT FINANCING CONTRACT TO FINANCE THE CITY'S ACQUISITION OF CERTAIN EQUIPMENT AND CAPITAL PROJECTS; RESOLUTIONS THAT MAKES CERTAIN FINDINGS ON THE PROPOSED FINANCING AND CALLS FOR THE EXECUTION AND DELIVERY OF VARIOUS DOCUMENTS NECESSARY TO COMPLETE THE SALE.

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

The resolution is recorded in full in Resolution Book 43, at Page 423-424 and 425-430.

POLICY

ITEM NO. 5: CITY MANAGER'S REPORT

City Manager, Curt Walton said he did not have anything to report to Council.

ITEM NO. 6: TRANSPORTATION AND PLANNING COMMITTEE RECOMMENDATION TO ADOPT THE ELIZABETH AREA PLAN VOLUME I: THE CONCEPT PLAN AND RECEIVE VOLUME II: THE IMPLEMENTATION PLAN AS INFORMATION.

Councilmember Howard said we've seen this a couple times already so I thank the Committee for their work, Council members Barnes, Carter, Cooksey and Kinsey.

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

ITEM NO. 6A: CONSIDER CITY SUPPORT FOR BRINGING THE 2016 NATIONAL LEAGUE OF CITIES' CONGRESS OF CITIES TO CHARLOTTE; RESOLUTION IN SUPPORT OF THE 2016 CONGRESS OF CITIES IN CHARLOTTE.

Councilmember Carter said Councilmember Mitchell asked me to make this presentation. He presented to the National League of Cities Board of Directors this proposal and it was most enthusiastically received. We are putting forward the fact that Charlotte might be able to receive \$8.3 million when we host another NLC meeting and we are hopefully in line to do that. It would cost us between \$1 million and \$1.3 million in cash and in kind services and before when we did this it was shared by the City's private concerns who helped sponsor and the North Carolina League of Municipalities and the CRVA. We have a track record for doing this well, it was such as success but this City has changed in the interim and we think that these folks will be very interested in coming back. The Board was very pleased with their Board meeting here last summer so Mr. Mitchell has circulated to council in your Friday packet the resolution that we need to present to the National League of Cities and I would ask for the council's approval of this resolution.

[Motion was made by Councilmember Carter, seconded by Councilmember Barnes, to adopt]
[the subject resolution.]

Councilmember Peacock said the estimated economic impact is \$8.3 million compared to a hosting expense of \$1 million to \$1.3 million in cash and in kind services, I'm confused by what that means.

Ms. Carter said it is the value of the security, the transportation costs, all those things that we do when we host a large or major convention. Knowing that we had partners before, that base line is usually raised within our area by the cities that participate with us and I think Mr. Kimble has planned that before.

City Manager, Curt Walton said I think that bullet is saying that the return on investment is estimated to be 8 to 1 to the cost.

Mr. Peacock said I guess my general question is what makes this conference any different than the number of other ones that the CRVA sees, 3,500 delegates is pretty average or pretty small for conventions that we host here isn't it?

Deputy City Manager, Ron Kimble said that \$8.3 million is economic impact and it is direct delegate spending in the community based on averages that are computed by the CRVA. It is a pretty significant economic impact with direct delegate spending.

Councilmember Dulin said our write-up is \$1 million to \$1.3 million, can we say not to exceed \$1.3 million? I would like to support this but I don't want this creeping up to \$2.3 million.

Mr. Kimble said these are estimates and are based upon what has been happening in the market place with National League of Cities is hosted recently. I think the \$1 million to \$1.3 million is an estimate and we are not assured of getting this, but there would be a final contract that would be negotiated if we were selected as the host city for 2016. I tend to think we would be pretty safe with \$1.3 million, but I don't think I can stand here today and guarantee that. Those are the estimates that we are working off of right now.

Councilmember Cooksey said the \$1 million to \$1.3 million is not the City's total cost, that is the total cost born by the City plus partners etc.

Mr. Kimble said that is correct. It is the aggregate we would fund raise from the private sector, from the towns in Mecklenburg County, from the County itself, from our City coffers, from CRVA and there would be a host of sponsors from the private sector that would contribute toward that goal.

Councilmember Howard said my only thinking is that once you get into this all the numbers could change. The estimate of return could go up too so I like to give them the flexibility of negotiating the whole thing and bring it back to contract if it gets to that point.

Mr. Dulin said I concur.

The vote was taken on the motion to adopt the subject resolution and was recorded as unanimous.

The resolution is recorded in full in Resolution Book 43, at Page 387-388.

Ms. Carter said to continue this celebration of the National League of Cities, Charlotte received an award for 50 years of continuous membership with the National League of Cities. It is an exclusive group and our support of the National League is well paid off by how they support us with the lobbying and the education of our members, etc. It is a very fine glass award that I would like to pass along to our Mayor Pro Tem, hopefully for demonstration in our halls.

, it goes without saying that we thank current and former management that has been here doing a terrific job for the City, but also on behalf of the Mayor and members of the City Council, Councilmember Carter, we want to thank you so much for your level of service. Councilmember Carter actually served on the National League of Cities Board and did an

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outstanding job. This would have been her last meeting per se officially when she was out there on City business continuing to work the halls and Convention Center and every place else to do what she felt would be in the best of interest of, not just the City of Charlotte, but this country and we so thank you for your level of dedication and your level of support. We are going to miss you and I know we have time to cry and hub and all that other stuff, but Nancy, thank you so much, you've been a major, major instrument for us and we cannot thank you enough. We would also be remiss if we didn't mention the now President Emeritus Councilmember James "Smuggie" Mitchell and his dedicated level of service, serving as President of the National League of Cities. He made his core efforts surrounding economic development, small businesses specifically and also building membership of the organization. He did a wonderful job of representing the country and representing the City of Charlotte and its citizens in Washington, DC with the President and beyond, having meetings across the country about what can be done to help generate or jump start our economy back. We want to thank you for his level of involvement and engagement. He did an extraordinary job and he too is to be commended.

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BUSINESS

ITEM NO. 7: (A) AUTHORIZE THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH THE SOUTHEAST ENERGY EFFICIENCY ALLIANCE TO ACCEPT AND ADMINISTER UP TO \$400,000 IN ENERGY EFFICIENCY FUNDS FORM THE U. S. DEPARTMENT OF ENERGY; (B) BUDGET ORDINANCE NO. 4773-X APPROPRIATING \$400,000 IN ENERGY EFFICIENCY FUNDS.

[Motion was made by Councilmember Howard, seconded by Councilmember Carter, to]
[approve A and B. The vote was recorded as follows:]

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

NAYS: Council members Cooksey and Dulin.

The ordinance is recorded in full in Ordinance Book 57, at Page 429.

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ITEM NO. 8: APPOINTMENTS TO BOARDS AND COMMISSIONS

Bicycle Advisory Committee - The following nominees were considered for two appointments:

1. Christopher Gladora, nominated by Council members Burgess, Carter, Kinsey, Mitchell, Peacock and Turner.
2. Jonathan Harding, nominated by Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell and Turner.
3. Dick Perimutter, nominated by Council members Dulin and Peacock.
4. Keith Sorensen, nominated by Councilmember Cannon.

Results of the first ballot were recorded as follows:

1. Christopher Gladora, 3 votes – Council members Burgess, Howard and Peacock
2. Jonathan Harding, 9 votes – Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell and Turner.
3. Dick Perimutter, 2 votes – Council members Cooksey and Dulin
4. Keith Sorensen, 3 votes – Council members Cannon, Peacock and turner.

A second ballot was taken between Christopher Gladora and Keith Sorensen.

1. Keigh Sorensen, 0 votes
2. Christopher Gladora, 9 votes – Council members Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey and Peacock

Jonathan Harding and Christopher Gladora were appointed.

Business Advisory Committee – The following nominees were considered for one appointment for an unexpired term beginning immediately and ending April 28, 2013:

1. Lisa Crawford nominated by Councilmember Howard
2. Chris Moeller, nominated by Councilmember Kinsey
3. Saeed Moghadam, nominated by Council members Cannon and Cooksey
4. Craig Murden, nominated by Council members Peacock and Turner
5. Anu Murthy, nominated by Councilmember Burgess
6. Jaime Palacio, nominated by Councilmember Carter
7. Thomas Vinson, Jr., nominated by Councilmember Mitchell
8. Thad Walton, nominated by Councilmember Dulin

Results of the first ballot were recorded as follows:

1. Lisa Crawford, 1 vote – Councilmember Barnes
2. Chris Moeller, 1 vote – Councilmember Kinsey
3. Saeed Moghadam, 3 votes – Council members Cannon, Cooksey and Mitchell
4. Craig Murden, 1 vote – Councilmember Peacock
5. Anu Murthy, 3 votes – Council members Burgess, Howard and Turner
6. Jaime Palacio, 1 vote – Councilmember Carter
7. Thomas Vinson, Jr., 0 votes
8. Thad Walton, 1 vote – Councilmember Dulin

A second ballot was taken between Saeeg Moghadam and Anu Murthy and was recorded as follows:

1. Saeeg Moghadam, 6 votes – Council members Barnes, Cannon, Cooksey, Dulin, Kinsey and Peacock
2. Anu Murthy, 0 votes

Charlotte Housing Authority – The following nominees were considered for one appointment:

1. Joel Ford, nominated by Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard and Mitchell
2. Christopher Lackey, nominated by Councilmember Dulin
3. Richard Payne, nominated by Councilmember Peacock
4. William Scurry, nominated by Councilmember Turner
5. Robert Szymkiewicz, nominated by Councilmember Kinsey

Results of the first ballot were recorded as follows:

1. Joel Ford, 7 votes – Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard and Mitchell
2. Christopher Lackey, 2 votes – Council members Dulin and Peacock
3. Richard Payne, 1 vote – Councilmember Turner
4. William Scurry 0 votes
5. Robert Szymkiewicz, 1 vote – Councilmember Kinsey

Joel Ford was appointed.

Charlotte Mecklenburg Development Corporation - The following nominees were considered for one expired term beginning immediately and ending October 31, 2012:

1. Jerry Hwang, nominated by Council members Burgess, Carter, Cooksey and Peacock
2. Charle'on Macon, nominated by Council members Cannon and Turner
3. Anthony Parker, nominated by Councilmember Mitchell
4. Thad Walton, nominated by Council members Dulin, Howard and Kinsey

Councilmember Howard said I actually serve on this Board as representative of Council and the leadership of that body actually requested support for Mr. Walton, so if you will factor that in when you are thinking. There were trying to find specific skill sets that would fill voids that we have on the Board right now and they are advocating for him.

Results of the first ballot were recorded as follows:

1. Jerry Hwang, 3 votes – Council members Barnes, Burgess and Cooksey
2. Charle'on Macon, 2 votes – Council members Barnes and Cannon
3. Anthony Parker, 3 votes – Council members Mitchell, Peacock and Turner
4. Thad Walton, 3 votes – Council members Dulin, Howard and Kinsey

A second ballot was taken between Jerry Hwang, Anthony Parker and Thad Walton

1. Jerry Hwang, 0 votes
2. Anthony Parker, 0 votes
3. Thad Walton, 9 votes – Council members Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey and Peacock.

Charlotte Mecklenburg Public Access Corporation – The following nominees were considered for one appointment for an unexpired term for a member of the General Public beginning immediately and ending June 30, 2013:

1. Eric Rowell, nominated by Council members Barnes, Burgess, Carter, Cooksey, Dulin, Kinsey and Peacock
2. Bernadine Simmons, nominated by Council members Howard, Mitchell and Turner
3. Thomas Vinson, Jr., nominated by Councilmember Cannon

Councilmember Kinsey said the Director of Charlotte Mecklenburg Public Access Corporation did recommend Mr. Rowell.

Results of the first ballot were recorded as follows:

1. Eric Rowell, 5 votes – Council members Burgess, Carter, Cooksey, Dulin and Kinsey
2. Bernadine Simmons, 4 votes – Council members Barnes, Howard, Mitchell and Turner
3. Thomas Vinson, Jr. 1 vote – Councilmember Cannon

A second ballot was taken between Eric Rowell and Bernadine Simmons.

1. Eric Rowell, 9 votes - Council members Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, and Peacock .
2. Bernadine Simmons, 0 votes

Eric Rowell was appointed.

Housing appeals Board – The following nominees were considered for one appointment for a three-year term for an at-large member beginning January 1, 2012:

1. Charles Assenco, nominated by Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell and Turner.
2. Foti Kanos, nominated by Councilmember Peacock

Results of the first ballot were recorded as follows:

1. Charles Assenco, 9 votes – Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Kinsey, Mitchell and Turner.
2. Foti Kanos, 1 vote – Councilmember Peacock

Charles Assenco was appointed.

Keep Charlotte Beautiful – The following nominees were considered for two appointments beginning immediately and ending June 30, 2012 and 2013:

1. Bryan Bishop, nominated by Council members Carter, Kinsey and Mitchell
2. Richard Flanagan, Jr., nominated by Council members Burgess and Carter
3. Christopher Lachey, nominated by Council members Cooksey, Kinsey and Mitchell
4. Craig Murden, nominated by Councilmember Peacock

5. ReGinae Reynolds, nominated by Council members Burgess, Cannon, Howard, and Turner.

Councilmember Barnes said Mr. City Attorney, how do we account for the vote of Mr. Turner and Mr. Mitchell. They were not excused, they are yeses, but where do the yeses apply?

Deputy City Attorney, Bob Hagemann said you are voting on an election right now so I don't consider their votes to count. It is not a yes vote or a no vote so their votes will not count. It takes 6 votes to appoint someone.

Results of the first ballot were recorded as follows:

1. Bryan Bishop, 5 votes – Council members Barnes, Cannon, Carter, Howard, and Kinsey
2. Richard Flanagan, Jr. 1 vote – Council members Burgess
2. Christopher Lakhey, 2 votes – Council members Cooksey and Kinsey
3. Craig Murden, 2 votes – Council members Cooksey and Peacock
4. ReGinae Reynolds, 5 votes – Council members Barnes, Burgess, Cannon, Howard and Turner.

A second ballot was taken

1. Reginae Reynolds, 5 votes – Council members Barnes, Burgess, Cannon, Howard and Peacock
2. Bryan Bishop, 5 votes – Council members Barnes, Carter, Cooksey, Howard and Kinsey
3. Richard Flanagan, Jr., 1 vote – Councilmember Burgess
4. Christopher Lachey, 2 votes – Council members Cooksey and Kinsey
5. Craig Murden, 2 votes – Council members Dulin and Peacock

A third ballot was taken

1. Bryan Bishop, 6 votes – Council members Barnes, Burgess, Cannon, Carter, Howard and Kinsey.
2. Richard Flanagan, Jr. 0 votes
3. Christopher Lachey, 0 votes
4. Craig Murden, 0 votes

Ms. Reynolds and Mr. Bishop were appointed.

Passenger Vehicles for Hire Board – The following nominees were considered for an unexpired term for a person with a disability or a representative from an organization that represents persons with disabilities beginning immediately and ending July 1, 2012:

1. Twila Adams, nominated by Councilmember Mitchell
2. Hung Chau, nominated by Council members Kinsey and Peacock
3. Monique Stamps, nominated by Council members Burgess, Cannon, Carter, Cooksey, Howard and Turner.

Results of the first ballot were recorded as follows:

1. Twila Adams, 2 votes – Council members Barnes and Mitchell
2. Hung Chau, 2 votes – Council members Kinsey and Peacock
3. Monique Stamps, 6 votes – Council members Burgess, Cannon, Carter, Cooksey, Howard and Turner.

Monique Stamps was appointed.

Small Business Enterprise Loan Fund – The following nominees were considered for one appointment:

1. Nigel Long, nominated by Council members Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell and Peacock
2. Austin Scott, nominated by Councilmember Turner

Results of the first ballot were recorded as follows:

1. Nigel Long, 10 votes – Council members Barnes Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell and Turner.
2. Austin Scott, 1 vote – Councilmember Peacock

Nigel Long was appointed.

Tree Advisory Commission – The following nominees were considered for three appointments:

1. Matthew McLaren, nominated by Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Mitchell and Peacock
2. Oliver Sharman, nominated by Councilmember Kinsey
3. J. Martin Sondey, nominated by Council members Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell and Turner
4. Joe Zuyus nominated by Council members Burgess and Kinsey

Results of the first ballot were recorded as follows:

1. Matthew McLaren, 9 votes – Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard, Mitchell Peacock and Turner.
2. Oliver Sharman, 1 vote – Councilmember Kinsey
3. J. Martin Sondey, 11 votes – Council members Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey, Mitchell, Peacock and Turner.
4. Joe Zuyus, 3 votes – Council members Cooksey, Kinsey and Peacock

A second ballot was taken between Oliver Sharman and Joe Zuyus.

1. Joe Zuyus, 9 votes, Council members Barnes, Burgess, Cannon, Carter, Cooksey, Dulin, Howard, Kinsey and Peacock.
2. Oliver Sharman, 0 votes.

Matthew McLaren, J. Martin Sondey and Joe Zuyus were appointed.

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ITEM NO. 9: MAYOR AND COUNCIL TOPICS

Councilmember Dulin said we had an extended break from work and in the past three weeks there has been a lot of communication and talk about the Occupy Charlotte folks across the street at the Old City Hall. This Board tweaks things all the time whether it is sidewalks or trees or bike lanes or bridges or whatever it might be that we need to tweak and it was amazing to me that there was not an ordinance on the City of Charlotte's books for all these hundreds of year that protected city owned land. I would stand in front of a freight train to protect the First Amendment Rights for citizens of the United States and for folks United State Constitution Rights to protest, but I also need to stand in front and stand out loud and raise my hand up and say I'd like to protect the City of Charlotte and the City of Charlotte's property. There is no ordinance now so there is nothing to look at, but I'd like to make a motion to send to Public Safety Committee and study what other towns are doing, study what options we have to protect and we can assist the protestors if we want to, but I think they need to go home at dark, but that will come out in the Committee. I would like for the Public Safety Committee to look at a possible ordinance tweak or a possible new ordinance to protect City owned land. What has bothered me about not having an ordinance is that as it now, people can go to a City owned piece of property and live there for infinity, forever. That is something that got past us for 150 years or 200 years and we need to look at it and work on it. That would be good work by this Council and I don't think we can get it done by the 28th, but if we could get something back to us by the 28th and let this Council vote on it and take care of the business that is in front of this Council I'd like that.

Councilmember Peacock said I'd like to a little bit more specific than Councilmember Dulin, although I'm just echoing the sentiments that he said. I'd like to make a motion to place an item on our November 28th agenda which would be to discuss the existing ordinances that we have in place right now for anybody that is going to trespass or occupy any type of property in the City
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of Charlotte. This would include people that are homeless in the City of Charlotte and how do the Police address that. Secondly address the proposed draft ordinances that were shared with us several weeks ago by Manager Walton. I'd like to specifically address demonstrations and protest within the confines of public city spaces. I'd like to put that on the agenda for Council to discuss on November 28th and at that point we could determine whether or not we want to defer it to Committee for further discussion, but my dialogue with Deputy City Attorney, Hagemann, Police Chief Monroe suggest that we can have this open discussion and I think it should be an open discussion in front of the public and not in a committee meeting, even though that is open, but it is an important subject and one that this City needs to address and especially this Council needs to address.

[Motion was made by Councilmember Peacock, seconded by Councilmember Dulin, to place]
[an item on the November 28 Council Agenda to discuss the existing ordinances that we have]
[in place now for anybody that is going to trespass or occupy any type of property in the City]
[of Charlotte, including people that are homeless in the City of Charlotte and how the Police]
[address that, address the proposed draft ordinances that were shared with Council by City]
[Manager Walton and specifically address demonstrations and protest within the confines of]
[public city spaces.]

Councilmember Barnes said I am not going to support either motion because there is a bit of history here that is important for us to keep in mind and that is that after Charlotte was awarded the Democrat National Convention (DNC) our staff began to assess and evaluate our ordinances and they have been working on the ordinances all year long. I think if we give them an appropriate amount of time and I believe the Manager can speak to this as well, they will actually come to us with recommendations consistent with the concerns that some of us have. The fact of the matter is that what we have looked at from an ordinance perspective has had nothing to do with Occupy Charlotte because it started at the beginning of the year after the DNC was awarded. It would be important to me to make sure that we are not abridging people's constitutional rights. I think that is first and foremost and I believe, and I have mentioned this to the Manager in the past, that there is a certain value that occupying public space has and we should account for that in some form or fashion, but I am not comfortable asking that this matter be put on the November 28th agenda because I believe there is a set of ordinances that the Manager will be bringing to us for consideration and I'll let him speak to the timing of that if he prepared to, but for us to assume that we are ready to address something like this in two weeks or to have them address it with us is too presumptuous. The fact of the matter is that there are a number of spokes in this wheel and we need to have all of those spokes brought to us at one time, not one spoke on the 28th and two during the next business meeting. Mr. Manager would you be willing to speak to your ability to bring to us a set of solutions?

City Manager, Curt Walton said I didn't want to jump in Councilmember Dulin and Peacock and re-steer where Council might want to go so I appreciate the entree Mr. Barnes. We did work begin work last Spring on a set of ordinances that we knew we would need to deal with and they generally fall under the umbrella of free speech, freedom of assembly and those sort of things that we don't have currently, the things on the books that we are going to need by next September so we have progressing and no camping is one of those. We have been looking at those as a package that we have planned to start briefing you on in January and bring them to you as a package. That is our plan to come forward with them as a group. I don't think we would be ready to bring them as a group sooner. We could bring no camping to you as a standalone per Mr. Dulin and Mr. Peacock's conversation if that is what you prefer. Our recommendation to you is to leave them together and bring them in January. Without direction to do differently that is what our plan is to do.

Councilmember Howard said I agree with Mr. Barnes and I was going to ask for the same update Curt, and thank you for that. I can understand some of the reasoning behind wanting to deal with this issue now, but I'd like to commend our staff and our law enforcement officers for doing a great job already. In other cities this has gotten out of hand and been a black eye for a lot of different places and our staff has done a great job so far of handling this. I think that is because they are making sure they are enforcing all the laws and all the rules and I fully expect that we should keep doing that. I don't want to rush to try to deal with this one issue and not deal with the bigger scope of what we are trying to get done. I agree with the Manager that we should wait and not rush on this one. We should take our time and do this right and if some reason the

ordinance and rules are not enforced management will deal with that. I want to stick with what the Manager is asking for tonight.

Councilmember Carter said we do have a process for an item such as this. It is an orderly one. We present a proposal, there is public hearing, from the public hearing we debate it at the dais, it is sent to Committee to be studied. The Committee debates, deliberates, advises us and we can either adopt at that point or we can send it back to Committee for further consideration. It is a very orderly procedure and I think that is what needs to be involved here. Hearing it is an umbrella looking at particularly protecting the rights of our citizens and that is all of our citizens, not just the ones who live here. That to me is the key. I have been to the site three times, I have talked to people there, I've interacted, there is respect for ordinances. I've talked with the police who are there with these individuals. There is mutual respect and mutual tolerance and I think that is what Charlotte is known for and that is what I want to be perceived as well as to be actually. If we stampede through something I don't that respect is hallmarked, as we usually do. I would recommend letting the new Council debate this, look at it, consider it in the light of their wisdom and then move on the issue.

Mr. Peacock said Manager Walton, why wait until January? We know that the one most contentious issue addresses the word camping and that is in the draft ordinance that has been provided to the media and public media request. Why are we waiting until January to do that? Is there something that you and law enforcement is considering as a part of this?

Mr. Walton said I think two things, first regardless of the group or how long they are there, whether someone is there for an hour or around the clock like this, laws still apply for public health and public safety. Should those be violated then we will enforce those laws. That option is still there should it become necessary, but I think the reason why not bring it forward is all of the ordinances that we want to bring forward are not ready yet and it is just our recommendation to consider them as a package because they basically deal with the same things which are free speech, freedom of assembly, so dealing with those as a package rather than dealing with one specific to camping.

Mr. Peacock said what you see as being a disadvantage of addressing specifically what I've asked to be put on the agenda on the 28th, which is to discuss the existing proposed draft ordinances? What would you see as being the disadvantage of doing that right now?

Mr. Walton said I don't know that there would be a disadvantage Mr. Peacock, I think it is just context. There is a bigger context when you see all of these things taken together and we are going to have to consider how Charlotte is impacted by many, many thousands of these rather than the few that are there with Occupy Charlotte. That context seems to fit better when we look at all of those ordinances together, but you could lift that one out or any of them out and deal with those. To us context is missing if you do that.

Mr. Peacock said would yourself as well as the Chief believe that by waiting somehow we are going to avoid some type of tension of conflict?

Mr. Walton said I can't speak for the Chief, I think to date there hasn't been cause. It's been peaceable. I agree with Mr. Dulin it is odd that we can't regulate our own space, but at the same time it is public space so until we say otherwise that it is public space that we are going to regulate they are not doing anything wrong by being there. I don't forecast what happens but it has been different here than it has been in Portland, Oakland and Denver.

Mr. Peacock said I hope we have peaceable tension Ms. Carter. I think there is going to be tension and I think to Mr. Barnes point I think everybody around this dais very respectfully agrees with the First Amendment Rights and the Rights of Peacefully assembly, but right now we have ordinances and previous conversations with Chief Monroe was that we have ordinances that if you are homeless in this City and you are sleeping horizontally in a public space you can be arrested. I've asked Mr. Hagemann to research it and get back to me, but we have existing ordinances right now that address people that are homeless in our city. I believe that total is a little over 5,000 now in the City and growing. We will have this discussion and what I've put on the agenda is to discuss it, it doesn't mean that it can't referred to Committee and it doesn't mean that it can't get a decision made in January. I appreciate your argument of the advantages and

disadvantages but I would warn this Council that we are incurring costs right now, there is somebody from the Central District that is sitting there 24/7. We have property that is being obviously occupied and there is a cost associated with that as well. That will be part of the debate but I don't understand the reason that this Council would continue to wait. I understand the merits of having the entire package, but I believe that we are going to have tension and I think we need to address it sooner rather than later.

Mr. Dulin said I think we need to talk about it and we don't need to put our heads in the sand and this is healthy debate. We've got three members headed off that I would like to have their input on this and I appreciate it all, but the Constitution says folks can assemble and we ought to make sure they can, but we're in charge of that property over there and we need to have control of it in some fashion. Ms. Carter said she wanted things to go through Committee in an orderly fashion, do you have any problem with the Manager coming up with these ordinances because it is not going to go to a Committee, he is going to bring it straight to us? I'd like to talk about this two weeks from now.

Mr. Howard said I've heard reference a couple times about some proposed language, but I haven't seen it one time. I not only have not seen it, but that is just another reason why we shouldn't rush this conversation. We are talking about long-term effects on the way that we deal with free speech and the ability to assemble. That is not something that we should rush through.

Mr. Walton said the ordinance that is out there is a result of the public records request that I hadn't seen until that time so I'm not even sure that the Chief had seen it at that point. It was a working draft coming from the Police Attorney.

Mr. Barnes said I recognize that there is a cost for what is happening right now. I don't know if there is a price to be paid for free speech and free assembly. Secondly, imagine if Trade and Tryon looked like Oakland or parts of Atlanta or other places in the country, other places in this country and the world that have seen very violent reactions to government intervention. This far the protest in Charlotte have been peaceful and I expect that they will continue to be peaceful. We need to be in a position to enact laws and ordinance that will allow our law enforcement to protect this community. I respect freedom of speech, freedom of assembly, I do not like folks tearing up and that hasn't happened yet and I don't want to do anything that will lead to that. I think if we look at this where it started which was the DNC several months ago the work that Chief Monroe, that Manager Walton and others are doing has much more to do with our preparation for the DNC than addressing Occupy Charlotte so what I'm encouraging with my colleagues Mr. Dulin and Mr. Peacock is that in this particular case waiting a couple of months is actually I think in the best interest of Charlotte. The last thing I want to do, and this is what happened in Oakland, as I understand it, is to set a drop dead date because of some meeting we have in a couple of weeks and then have violent reaction to that. There is no need for that and I don't want to create that environment here in Charlotte. That is why I'm going to wait for the package solution from the Manager. Call the question.

Mayor Pro Tem Cannon said there has been a motion made and seconded. I would agree that you want to be wise in the fights you pick and the time that you choose to try go into them without having all of the facts that are apparently still being worked out. I assume that we should wait to respond and/or react to. I would certainly like to take the issue up sooner rather than later, but I wouldn't want to do anything that is premature to what is currently being worked on in terms of a current ordinance with a host of others that are to follow that started back in the Spring regarding the DNC. We are turning one issue into the absolute and it is not the only issue. We need to make sure that we are operating outside of this one particular issue that we are dealing with one's constitutional rights and in as much as we are saying that we are for that right it sounds like there are some who are trying to challenge it, but then maybe not. We shall soon see.

Mr. Peacock said Mr. Hageman I wonder if you could get the Council a memo back explaining what our current ordinance is as it relates to someone that decides to occupy a space in Charlotte, whether it be a park bench, whether it be one of our other city owned facilities as it relates to that. I'm specifically referencing the brief conversation you and I had earlier with some reference to what the Chief mentioned that we have rules as it relates to someone having two feet on the ground and being horizontal as opposed to vertical and the right of the police officers to

do something about that. I'd like to know what the existing laws are as it relates to that. Second thing I would like to have a cost breakdown of what we are spending right now for the police service that is there, the anticipated cost to repair the grounds. Ultimately if this Council or in this case the future Council is going to make a decision on whether or not to allow the word "camping" to be inserted into the ordinance because that is the critical friction point I think we are talking about. I realize that our package is coming and I realize it is part of the proper context, but at the end of the day it is going to reach that type of precipice and there will be conflict and I want it to be peaceful conflict because I think there is a delicate balance here, but I do want to know what the costs are. A lot of people are asking those questions in the community and I appreciate that.

Mayor Pro Tem Cannon said Mr. Hagemann I think there should be a clear distinction between one who occupies space who may be homeless per se versus somebody who is occupying space that might be protesting per se. I think there is a clear difference and I could be wrong, but please bring that opinion back.

The vote was taken on Mr. Peacock's motion and was recorded as follows:

YEAS: Council members Dulin and Peacock

NAYS: Council members Barnes, Burgess, Cannon, Carter, Cooksey, Howard and Kinsey

Mayor Pro Tem Cannon said the motion fails and we will move forward with the ordinance that will be coming forth at some point for us to take a look at in its entirety, along with the requests that Mr. Peacock has made of management and the Attorney's office.

Mayor Pro Tem Cannon said the Mayor has sent a text and he wants to make sure that all of Council complete your evaluation forms for the City Manager as well as the City Attorney. Make sure you get that in whether it is through technology or other means.

I want to take a moment to congratulate those who were elected and those re-elected back to the body and of course those that did not get back that they will continue to remain engaged and involved in civic responsibilities because there are a lot of folks out there that have some great gifts that could be offered to this community. We don't want to omit or lose out with people with that kind of skill set, be it on this body or those that were not on the body, but chose to run and were not successful.

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CLOSED SESSION

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, and]
[carried unanimously, to adopt a motion pursuant to NCGS 143-318.11(a)(4) to go into closed]
[session to discuss matters related to the location of an industry or business in the City of]
[Charlotte, including potential economic development incentives that may be offered in]
[negotiations.]

Stephanie C. Kelly, City Clerk

Length of Meeting: 4 Hours, 7 Minutes

Minutes Completed: January 3, 2012