

The City Council of the City of Charlotte convened for a Dinner Briefing on Monday, November 28, 2011 at 5:59 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were Michael Barnes, Jason Burgess, Patrick Cannon, Nancy Carter, Andy Dulin, David Howard, Patsy Kinsey, James Mitchell, Edwin Peacock and Warren Turner.

ABSENT: Councilmember Warren Cooksey

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Mayor Foxx called the meeting to order and said the Council has been meeting for about four hours on evaluations and there is still work to get done on that, but we appreciate your patience.

ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Councilmember Carter said I have several, numbers 26, 31, 34, 36, 38, 44 and 46. Item No. 26 is storm drainage and #2, the contract is with Parsons Brinckerhoff, Inc. for Independence Boulevard between Albemarle Road and Sharon Amity Road. That area is going to be targeted with construction for Independence, so I'm wondering if we have looked at the time sequence there. Item No. 31, the Eastway Division Station Design Guidelines. This is an outstanding design incorporating both CMPD and code enforcement. I'm hoping that we move forward on that as we look at other Police Stations such as Hickory Grove and Independence, but I do want to note that \$1 million has been pulled from the general capital investment fund which was reserved for Eastland Mall recommendations project. If we are ever going to do anything about Eastland let's remember that we are pulling money away from that funding. Item No. 34, as we look at water and sewer rate consulting, please let's consider redress for the lower tier. I consistently hear from people on fixed incomes that there is great difficulty for them paying their bills. I would recommend targeting use, how many people use those extra gallons, particularly as you go into environmentally sensitive times when we have to conserve money. Item No. 36, Water Meter Electronic Transmitter Replacement, my question there is, is there a warranty on these replacements. Does the warranty pick up on the old warranty or is there one considering that there are new replacements and are new? Item No. 38, Traffic Signal Controllers, is this synchronization, where are the controllers located and are those locations chosen on safety or congestion or what purpose? Item No. 44, Public Safety Radios and Communications, looking at using our broadband I'm somewhat concerned because that broadband issue has been in Raleigh and in DC and will we be depending on something that is a threatened asset?

City Manager, Curt Walton, said I think the threat is primarily, if not exclusively, broadband cable TV.

Ms. Carter said it is not broadband communications? Alright, thank you very much. Item No. 46, Insurance Broker Services, I was wondering if we consulted with the North Carolina League of Municipalities because I believe they are adding that service.

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MOTION TO RECUSE COUNCILMEMBER HOWARD FROM VOTING ON ITEM 28.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Dulin, and]
[carried unanimously, to recuse Councilmember Howard on Item No. 28.]

Councilmember Kinsey said just two quick note, Item No. 31 – Police Eastway Division, I agree Ms. Carter about combining those two services, I do however want to reiterate the fact that I don't believe the architectural design of the building needs to be exactly like the other police stations and would encourage some originality on a building that will fit into the Merry Oaks Neighborhood. Item No. 34, I have a question about the water and sewer rate consulting. Was an RFP send out and was Red Oak Consulting selected on the basis of qualifications from an RFP?

Councilmember Barnes said I'm going to pull Item No. 29 downstairs just for information to the public.

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ITEM NO. 2: CHARLOTTE INTERNATIONAL CABINET MILESTONES

City Manager, Curt Walton, said International Cabinet asked for this opportunity to present a status report to you so we will turn it over to Sharon Reed who is the new director of the Cabinet.

Mayor Foxx said while they are coming up I want to say we had a very successful visit to China and I think they are going to talk about it some, but I want to say a special word about Tracy Montrose who was very involved in the planning of that effort and want to give her kudos for a lot of coordination in addition to the National Cabinet.

Sharon Reed, Director of Charlotte International Cabinet said I appreciate the opportunity to speak to you tonight on behalf of the Charlotte International Cabinet.

Mayor Foxx said Welcome Aboard as Sharon is the new Executive Director.

Ms. Reed said thank you and I appreciate that. I am four weeks in and have been fully indoctrinated. Tracy can attest to day two, I hit the ground running with the training wheels taken off after the first day. It was a very exciting time to come onboard with the China trip and see a part of that and see the wonderful collaborative spirit of public and private non-profit organizations all working together to promote Charlotte. It is really an exciting time for me personally and I'm honored to be in this role. Also with me tonight is Charles Lansden, our Vice Chair and you will hear from him in a little bit. He was actually on the Mayoral Delegation to China and has some pictures and stories to share with you from that trip. Alexis Gordon, my partner in all endeavors international, our Program Director is also here as well as Dr. Maha Gingrich, our Board Chair and Tim Jones also on our Executive Board.

As many of you know, the Charlotte International Cabinet is the result of a merger between what was known as the Mayor's International Cabinet formed under Mayor Vinroot almost 20 years ago and the Charlotte Sister Cities Program. We've come together under the umbrella of the Charlotte International Cabinet. I wanted to give you a few highlights of who we are and how we are structured and what we do under this new umbrella. It is not so new anymore, but new to me anyway. Our programs and initiatives range from cultural to diplomatic to economic in nature, but our mission remains the same and our primary responsibility is to promote Charlotte as an international city and support the international community both at home here in Charlotte and internationally abroad. We do this in a number of ways. We try and educate our citizens on who Charlotte is as an international community because that is growing exponentially on a daily basis. Try and support our civic and business leaders and support them in their needs in the international community here in Charlotte. We try to encourage exchanges and dialogues whether it be education, business or culture between the City of Charlotte, its citizens and the greater international community and of course continue to build on our Sister City relationships. We currently have 8 Sister City Relationships and a 9th one that has not yet been ratified with Hadera, Israel. A cabinet is made up of 30 appointed members, 20 are appointed by the Council, 10 by the Mayor and there are two paid staff, a whole lot of volunteers and a team of interns without whom Alexis and I could not do our jobs, so we are very, very appreciative to everyone who supports this program, whether directly or indirectly.

One of our roles is to support the Council and the Mayor's office. We serve in an advisory capacity and really serve at your pleasure to the extent that you have questions or issues that arise in the community concerning anything internationally. We are structured as a non-profit corporation, but in many respects we are an extension of the City and we do receive some of our funding from the City of Charlotte as well as from private sources. We are also not only a partner with the City Council and the Mayor's Office, but we are a partner with a larger international community. There are four primate players, there is the World Trade Association, the World Affairs Council of Charlotte, International House and the Charlotte International Cabinet and we are considered the four dominant organizations in the International Community in Charlotte. We work closely with the Chamber and other economic development organizations including Dennis with the City of Charlotte Economic Development's staff. We also serve as the liaison to the Community, the educational institutions and the business community at large. I will now turn it over to Alexis Gordon who is going to touch on some of our key initiatives in 2011.

Alexis Gordon, said as you know we are here every year and we do a lot of different things throughout the year. A lot of it we tailor to the needs of the Council and in the past we've used the International Organizations meeting to approach ideas such as communication that are in kind of a crisis. That happened after the ice storm and many of you remember. This year we used it to really feel what is changing, how the new census numbers had just come out so we used that time to really talk to the community to find out what is changing. This meeting, we invite all 350 plus international organizations. That is everything from the German-American Chamber to the Pilipino Organization to different refugee resettlement groups. They come here to the Government Center and we get to talk as a forum and find out what their needs are. We also have the Mayor's International Community Award which is a wonderful event where we recognize corporate philanthropies of all the foreign forms that are in our region. We focus on Charlotte, but we do include the region because it does help our economy. Another purpose of this is that corporate philanthropy isn't always an ideal that is part of what a corporation does in other countries so we want them to buy into that part of our community so we thank them as this award ceremony. We also have the International Toast because as Sharon said we have to have an army of volunteers and I mean an army of volunteers so every year at the International Toast we get to thank those volunteers. Another thing we do at the Toast is we invite local international restaurants so for any of you in the Government Center is it free so watch out for the calendar. We get local restaurants here in town to come and share their food. They donate in kind and that way it helps to expose them to a new audience. We also have the International Entrepreneurs and Small Business Owners Meeting and I will you a little more detail on that. We also had recently the Mayoral delegation to China and Charles will speak to that in just a moment.

I wanted to give you a little more in-depth on the International Entrepreneurs and Small Business Owners meeting. This meeting is in its second year and this was the second time we did it. We partner with the Economic Development Division and Dennis Marstall has really helped a lot with this. We work him and this year we also worked with the Ben Craig Center. We've also talked with Queen City Ford, a couple economic groups. The purpose of this meeting is to really reach out to the international community. A lot of international business owners don't go outside for help and they try to struggle on their own and a lot of them don't make it. We want to try to help them be a healthier part of our small business community so that is why we have this meeting. It is also a larger part of our initiative to support grown in the small business sector throughout Charlotte. The most prevalent industries this year in attendance were real estate consulting, advertising, marketing, non-profit and then business development. One of the sad things is that only one person out of all our attendees told us that they had ever come and ask the City Small Business Services for help. Most of them don't know that they can come to the City of Charlotte for help so that is another reason to have this meeting to give workshops, to help inform them of what city services do exists. Also the hardest thing for them right now is limited access to capital. About 35% of the foreign born attendees said that they couldn't get access to capital, just to get started. There were actually a couple people who wrote very personal stories about the troubles they have, some even put a lien against his car to get a restaurant started. It is very difficult for them right now. Another problem is also developing a consumer base, customers that keep coming back or just getting them in the door. A lot of them want to get someone in the door at an event, such as Taste of the World, or using the International Toast that we have. They said once somebody comes in they actually have a good time retaining, but it is hard to actually get people there.

Ms. Reed said going into 2012, Alexis mentioned that every year we have the MICA Awards that is the Mayor's International Community Awards. As she indicated it has become an important jester, not only from our perspective but from the community perspective as well and it is a way to recognize and continue to encourage corporate philanthropy in our community, not only from our home grown companies, but to celebrate those that are new to town that are foreign in nature and making a contribution as well as to recognize perhaps some of own home grown. There is a special award for those that are promoting global thinking abroad and in our community as well. It is a wonderful opportunity and we are still accepting nominations through this Friday for the company category so if any of you have a company you would like to nominate a foreign company that has made, in your opinion, a significant contribution to the Charlotte area and would like to have them nominated and recognized, please see any one of us and we can get you that nomination form. This year we are doing it a little bit differently. In the past we've had this award ceremony as a lunch time event. This year it will be a Friday evening

gala, a formal dinner event at the Weston and that is coming up in May. This is a big year for our Sister City relationships. I know that you have heard from Mayor Foxx on the China trip and the visit to Baoding, one of the cities that we have a Sister City relationship with, but we have a number of key anniversaries coming up this next year. We have our fifth anniversary with Arequipa, Peru which is our oldest relationship. We have our 25th with Baoding, China and our 20th with Limoges, France. One of the exciting things for us is not just the opportunity to go overseas and exchange these other cultures and to lead those delegations, but to have them come here and experience Charlotte. I know that just last week there was a basketball delegation in from Limoges, France at the same time we were meeting with some Brazilian investors and there was a lot of international activity going on in Charlotte. Next year we have formal commitments from Arequipa, Baoding and Limoges to visit Charlotte in 2012. I believe Baoding is planning on coming twice and as recently as last Friday, there was an impromptu visit in my office, a Chinese delegation from Lon Fon, so almost on a weekly, definitely monthly basis, we have international visitors coming to Charlotte and really getting to know our community and looking at it as a target for potential investment. It is a very exciting time to be in Charlotte from an international perspective. In order to honor these particular anniversaries as well as our Sister City relationships as a whole, we are planning a special event next October. You will see in the arts community in the month of March for example, there is a Ullis Program and everything will be Russian theme. We have a Sister City in Russia, but toward the end of the year in October we are planning a larger international celebration that will highlight these anniversaries, highlight our Sister City relationships and celebrate the international community as a whole so stay for the details as there is a lot more coming.

Last, but not least, on the slate for 2012 we are still exploring funding options, but I know Alexis and Dennis had worked together to create the framework for something called Global Charlotte. We are envisioning a web portal, not unlike the one that was created for the small business community that would give those in the international community either coming to Charlotte or who are already here a resource through the City of Charlotte to identify all of the players in town, cultural resources, economic resources, business, etc. that can support them as they continue to grow their presence here. Our hope is that we are able to get the funding in place, have this launched in time for the Democrat National Convention. We have a foreign delegation of over 400 and I understand will be in town in addition to all the international press and it will be a wonderful time to really elevate Charlotte on an international scale. Before I turn it over to Charles to talk about Baoding I wanted to say a special thank you to Mayor Foxx, to Tracy Montrose, to Rob Focus and to the City of Charlotte Communication staff who have done an amazing job of supporting the CIC and pulling together what was by all account that I've heard in the community, a very, very successful trip to China. So thank you all, I appreciate it. As Alexis has indicated, none of us can do this job nearly as well individually as we can when we work together so from my perspective I appreciate the collaborative spirit and look forward to seeing that continue. I'd also like to thank those others of you on Council that have supported CIC whether directly or indirectly and make a special point of recognizing outgoing Councilmember Nancy Carter who I know has been on several of our delegations in the past and has continued to be a strong advocate, not only of CIC but of promoting International Charlotte.

Charles Lansden said as Sharon said I had the privilege of joining Mayor Foxx on the Mayoral delegation to China and my first thought was it was another wonderful example of how public private partnerships can work together to promote the greater good of Charlotte and part of that you could even look at the composition of the delegation itself to see that type of partnership. In addition to Mayor Foxx we had Tracy Montrose from the Mayor's Office, Rob Phocas of the City of Charlotte, Eileen Cai of the Charlotte Chamber, John Zhang, Carolinas Asian American Chamber of Commerce, Heather Quinley, Duke Energy, Benjamen DeSollar who is the owner of Sumter Packaging Corporation and three members of the Charlotte International Cabinet, Rory McNicholas who heads our Baoding Chair, Ron Zurinkas who heads out International Business Initiative and myself. There were three components to the trip, one and probably foremost was economic development, how can businesses here in Charlotte be assisted in trying to gain access to the Chinese market whether through direct investment or exports. In addition, how can Charlotte be distinguished from its competitors as a target for foreign direct investment from Chinese firms. Secondly it was to support the eco partnership among the City of Langfang in China, the City of Charlotte, Duke Energy and ENN Group which is an engineering company based in Langfang and finally most important from the CIC perspective, how can we rejuvenate the Sister City relationship with Baoding. I would note that the CIC continues to be involved in

economic development and in fact Sharon Reed will be representing the City of Charlotte on a Department of Energy sponsored trip to China which will occur in December and can look how collaboration energy field can be done for the benefit of those countries.

After taking a day to getting use to being 13 hours ahead of Charlotte time in Beijing we went to Baoding, which is a Sister City of Charlotte since 1987. The City of Baoding had a very nice opening luncheon for us and it was the first opportunity for Mayor Foxx to advocate for the City of Charlotte, its strengths, its opportunities, why it should be distinguished miss competitors as a target of direct investment, particularly in energy fields. As a citizen of Charlotte, I can attest that all citizens would have been proud of Mayor Foxx's representation of the City. I found that he engaged his Chinese host in a witty and a poised fashion and was able to get in the last word on certain discussions, which I believe is a very important note in negotiating across the table with Chinese partners. We were able to visit two Baoding based energy groups, the first is the Tianwei Group. It is a state owned entity, a vast conglomerate that manufactures everything from electric transmission stations to wheel turbine transmitters as well as solar panels. We were able to visit three separate manufacturing facilities to examine how they produced these types of products. I would note that our hotel in Baoding was powered in part by solar panels that were on the exterior of the building, as an example of how Baoding is utilizing its expertise in its green energy initiative. That evening we had dinner sponsored by the Firm of Tianwei and it provided I think an excellent example of how important it is to be on the ground in China, to have a face to taste interaction client

We also visited Yingli Solar based in Baoding. Yingli Solar may not be a familiar word throughout the US but it is one of the largest manufacturers of solar panels in the world. We had the opportunity to visit their manufacturing facilities and also had an opportunity to sit down with the Chairman of Yingli on the one hand to advocate for Charlotte as a potential site of investment, but also to hear what issues Chinese firms face when they invest in the US and giving us an opportunity to get on the front end of those issues and develop strategies to deal with those on the front end of any future engagement with Chinese firms. The highlight of our Baoding visit was the signing of a Memorandum of Understanding between the City of Charlotte and the City of Baoding. The MOU is an aspirational document, it talks in terms of creating more permanent partnerships in economic development to have exchanges in the field of education, government and cultural societies between the countries.

Next we went to Langfang which is important to renewing the EcoPartnership that was first established in June of this year with a signing up in Washington, DC. EcoPartnership is a partnership among the City of Charlotte, the City of Langfang, Duke Energy and the ENN Group which looks at how can existing technology be utilized to create a more carbon free foot print and how it can utilize a more sustainable way of living in both countries. One of the highlights was a trip to the EcoCity being developed by ENN with Duke Energy, again a city being built kind of utilizing up to date technology and trying to minimize our carbon footprint of day to day life in a city. Among our opportunities were to visit schools. Mayor Foxx visited Langfang School and Warren Nicholas and I visited several schools in Baoding and I came away with one interesting observation. It seemed to me that the education field and educators are held in very high esteem in China, they are rapidly developing their human capital in education, but their facilities are rather antiquated by US standards. I think it may give us pause here in Charlotte to say what might be a better use of our limited educational resources. Back in Beijing we had a very important meeting in the Embassy. Ambassador Wak paid a visit to the delegation, giving us a brief update on current Chinese/US issues and being underscored again the importance of our delegation from Charlotte being on the ground in China. We had a very interesting meeting with the Commercial Services Section of Department Commerce there in Beijing. They advised us of contacts in Beijing and throughout China that can be utilized by Charlotte to try and gain access to China, things like market studies, potential partners, the service providers to assist them in gaining access to China and on the other hand they provide us with programs like America Select which provides Chinese investors with kinds of a one stop shop of what are certain economic incentives available to them at the Federal, State and local level in terms of investing in the US and hopefully investing in Charlotte.

The highlight of the visit to Shanghai was the networking reception there Shanghai. It was focused primarily in meeting with Charlotte based firms who have operations in Shanghai. One of the obstacles and issues they have faced in establishing operations there so obstacles can be

dealt with by other Charlotte based firms and try to gain access to Shanghai and the Chinese market in general. We were also privileged to have with us members of the General Assembly there so in China which is always a good thing to have in trying to promote better relationships between we in Charlotte and our patriots elsewhere in North Carolina. Finally, the visit to Jetion Solar, which is noteworthy as you know by having established and manufacturers of the year in Charlotte off of Westinghouse Boulevard. We met with both governmental and business leaders there in Jetion and got the good news there that production will begin at the end of this year at the facility here in Charlotte.

In closing I would like to say that we've got some things to work on in follow up to the visit. One, what are some concrete results from the visit? We've got two delegations from Baoding already scheduled to come in May and October of next year which will comprised for some governmental and industry leaders. We've got to continue to assist Duke Energy and its relationship with the ENN Group and trying to nudge ENN to have a more concrete presence here in Charlotte. And finally, we've got to assist the Economic Development Agencies in the Charlotte region, primarily Ilene Kye at the Chamber who is heading up discussions with some firms we met with in China with the hope of kind of guiding them toward certain investment decisions as they try to gain access to the Charlotte market and that of the US in general.

Ms. Reed said do any of you have any questions for the three of us?

Mayor Foxx said I want to thank those of you who made the journey. It was the longest flight I have ever been on in my life and a lot of jet lag still. The reception we received over there was tremendous and frankly the sense that we got from the State Department officials that we met with was that this was a very unique thing for a city to do and that it actually pays more dividends sometimes than even our federal diplomatic efforts to shine a spotlight on particular industries in other cities. I think we got as much out of that trip as we could. I would ask you as you plan for some of the follow-up activities and as these visits occur in the future, I would really encourage you to involve Mayor Vinroot in some of that follow-up. He was actually a City Councilmember and took the first trip over to Baoding and I look forward to sitting down with him and sharing some of the insights we shared there. I hope that you involve him in some of that follow-up because, not only the International Cabinet was a part of his vision when he was Mayor, but he was actually the first one on our City Council to visit China on an official basis, so I'll ask you to do that.

Mr. Reed said I just wanted to recognize the City of Charlotte for its very progressive effort in becoming the new energy capital. I grew up energy from the original energy capital which is Houston, Texas, but I am excited to see what is going on in Charlotte and I mention this because you know the follow-up trip is in December. The Department of Energy, and I just want to clarify here, had actually invited the City of Charlotte at the Department of Energy's expense to be part of a multi-city Mayoral delegation to China along with Sister Cities International to again promote economic development, to promote cultural exchange between China and the United States as well as to share best practices for sustainable urban development and I think Charlotte should be proud that they are one of eight cities that will be represented. I am very honored that I was ask to go in place of you, the Council, at this time so thank you very much, and I look forward to coming back and sharing with you, not only what they are doing in China but also what some of our competing cities are doing here in the United States.

Mayor Foxx said I think the City Manager made that request of you so that you for doing that.

Councilmember Dulin said that is a good report and it is hard work going over there to do that trip so we appreciate that. Mayor, everybody that I have been in contact with when this was a subject of conversation was supportive of it and I'm glad you were able to go and be successful at it, so thank you for doing it. That is good work and I appreciate the report.

Councilmember Mitchell said I was just going to echo some of the comments Andy made. Thank you for being proactive and the vision to do it. Nancy and I, back in April met with about 90 of them in Seattle and the first thing they said they would love to see your Mayor engage and take a trip and before we could give you the request you made it happen with the International Group, so thank you because I really think it will pay dividends.

Councilmember Howard said I will chime in with all the wonderful things that has been said already. One of the things I've been interested in since I got on Council was the economic development tools that this organization can see and I see that you guys are moving in that direction already and I'd love to share some of those thoughts with you. I think the Sister Cities Program could be a wonderful way to help us connect with people around the world. Who better to do business with than people you have established relationships with and I know that you guys have done the cultural things for years, but I'd love to see us expand the Sister Cities Program to add more cities and even peer cities our size that we can learn from as well from the land use and economic development standpoint. I'll get your card before you leave, but thank you for what you do.

Mayor Foxx said I'm trying to recall, has there been a trade mission like this done?

Mr. Walton said not that I know of.

Mayor Foxx said it is evolving, but this was not a very easy trip to plan, but it got done and it got done very well, so Tracy you are to be commended. Thank you very much and we will catch up with you at the follow-up.

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ITEM NO. 3: WATER METER UPDATES

City Manager, Curt Walton said Mayor we are about out of time. We have that on here in case you had questions for the Consent Items so we can do that downstairs if requested. We can either do Consent right quick or we can do Consent downstairs as well.

Mayor Foxx said why don't we do Consent downstairs and try to get started on time.

The meeting was recessed at 6:36 p.m. to move to the Council Chambers for the regularly scheduled Business Meeting.

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BUSINESS MEETING

The Council reconvened at 6:44 p.m. in the Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Council members present were Michael Barnes, Jason Burgess, Patrick Cannon, Nancy Carter, Andy Dulin, David Howard, Patsy Kinsey, James Mitchell, Edwin Peacock and Warren Turner.

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INVOCATION AND PLEDGE

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

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CITIZENS' FORUM

POLITICAL ISSUES

Deborah Lee, 11520 Laurel View Drive, said Mayor Foxx, I did vote to put you back in because why mess with excellence, you are doing an excellent job of running Charlotte. I am not a native Charlottean, I came from Richmond, Virginia. Chief Monroe was my Chief before coming here. Mayor Dwight Jones is my Pastor and I came here with the expectation of something different. Charlotte is a beautiful city with a lot of potential, but what I ran into was difficulty on employment. One of the things that I encountered was that it was very, very hard to get a job here. Either I was over qualified or under qualified and I was denied everything across the board. I didn't fit the category of social services and then I began to meet a lot of

Charlotteans in my situation and they've lost everything. This is one of the wealthiest and most powerful countries in the world. I ran my own political organization in Richmond and former Governor Tim Cane is my friend and I thank you Tim. I worked very diligently on Welfare Reform. I came down here to finish my last year of college, but it has been very difficult. There are some issues with immigration that this country really, really needs to address. What got me was that here I am a tax paying, law abiding citizen and I am living in poverty, yet there are people here that have been breaking the state and federal law to be here and I'm not mad at them. I'm more upset with the CEO's and our government for allowing it and they are draining our economy billions of dollars each month and the American people have bit off footing the bill, yet our country also lock up people for a plant and a dog, which makes no sense. I had to speak because I wanted to put a face on what you are doing to Americans and it is not fair. I questioned God why he was allowing me to go through this and He said I need a voice. You all will hear from me gain because like I know a lot of politicians in Virginia, Senator Marsh and all of them know me very well and I want to stay here, but I'm going to have to have some opportunities in order to do so. Mayor Foxx, I want to make an appointment to see you in particular because you went to Washington and I am in support of Barrack Obama's job law. I want to know more about the HealthCare thing thought. You brought some money down here I believe for jobs in this area and there is some stuff I need to talk to you about. Chief Monroe, it was me who came down there to see you and thank you all and God Bless.

Mayor Foxx said thank you and we'll have someone speak to you about that appointment.

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CDOT TRAFFIC CALMING PROCEDURE

Steve Glasgow, 3931 Melchor Avenue, said traffic calming procedures use multi-way stops and speed humps for speed control. My neighborhood has four egress points, three to Randolph and Walker with 8 speed humps and one to Wendover that has a three-way stop. Now there is a proposal for another three-way stop. Because curves and hills obstruct the view of this intersection the required stop is unsafe. How do neighborhoods get these devices? A request from one resident starts the process. If the number of vehicles and speed are met then a petition is issued to that person and that person circulates it within a 600-foot radius. If 60% of those people that live there sign it, then they get the devices. The 600-foot radius is called the impact area. I call it the benefit area because only residents in the benefit area are notified and no-one else has any input. In this case 200 homes are directly impacted, 26 are notified and 16 rule. The impact on the neighborhood as a whole and the 8 humps that cause the problem are never considered, no engineering standards or judgments are made and other code mandated standards like stop signs should not be used or ignored. Also ignored is abundant research that shows stop signs don't work and cause other unintended safety issues. Speed humps cost \$1,700 each and other solutions are never considered because the process doesn't allow for any other solutions. Like it or not the new normal is five miles over the speed limit so to most people 5 over this limit doesn't even register as speeding. If speeding is a problem we could try other matters to reduce the limit, try neighborhood awareness programs, try warning signs, like "slow down children at play" or other and finally we could enforce the limit. I'm told people love calming devices. Personally I despise the pesky humps. They reduce emergency response times, increase maintenance, waste fuel and spill my coffee. I suspect the people who love them really only love the free one on their street. As an older person I've very concerned about emergency response times. Fire, Police and emergency services all find them very problematic, yet year after year they keep multiplying. Currently there are 1,700 with another backlog of 300 more. If they continue multiplying what will response times become? Maybe we should put speed humps on birth control. Current procedures are too narrowly focused, they make it too easy to get the vices and impossible to object. More importantly, current procedures may no longer represent the desires of this body. Mr. Mayor, I would like to recommend that traffic calming be referred to the Transportation Committee for complete review with a goal of updating procedures to make them safe, effective and fair for all. If citizen input is possible, I volunteer.

Mayor Foxx said I'm aware of some specific situations in your neighborhood and I would like to see the staff give us a write-up on those issues.

Councilmember Peacock said thank you Mr. Glasgow and I appreciate you bringing constructed comments to the body and I like your suggestion and I would like to make the motion here on the dais to refer it to Mayor Foxx's new Transportation Committee. I think you bring a worthy subject, particularly about the procedure that you mentioned about how that goes about. I think we can learn something from that and if there are improvements that will be needed, it will come out of Committee, otherwise the next Council will keep it exactly as it is or change it.

Mr. Glasgow said if citizen input is available for that I'd like to volunteer, I really would and will be happy to help in any way I can.

Mayor Foxx said I appreciate the feedback. I've ask for a report and I think that is the first step and once we get a report we can make a decision on making the referral.

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HOMELESS AWARENESS MONTH

Robert Gaffney, said I'm a member of HHH, Home and Helpless Homeless and as we come to the end of another Homeless Awareness Month members of HHH want to see this opportunity of raising again the awareness of citizens of Charlotte Mecklenburg and the fact that increasing of my brothers and sisters find themselves without homes. According to the most recent statistics 6,800 total is 5% higher than last year. This includes more than 3,500 children, a 22% increase over last year. We are grateful to you, the members of the City Council, and your staff, especially the members of the Housing & Neighborhood Development Committee for your work and support of past years. We especially appreciate the work that went into revising the Housing and Locational policy in support of the soon to be Over Moore Place and the work of Charlotte Mecklenburg Housing Coalition, which has been charged with implementation of the ten-year plan to prevent and end homelessness. We also want to recognize the work you continue to do on policies and incentive based inclusionary zoning and assisted multifamily housing at transit stations. We know these are difficult tasks that require the cooperation of a wide variety of groups of individuals, however, we are very concerned that we are now at the half way point of the ten-year to end and prevent homelessness and there seems to be no urgency about this implementation. There have been few published or broadcast status reports of progress. There have been many meetings, lots of talk, several new committees and sub-committees and pounds of new documents generated, but we have found nothing that informs the community of the status of the implementation of the schedule of now five-year plan to end homelessness. Could someone be appointed to give the community briefings about what is happening or goals have changed and why we have replaced them. The spotlight of Charlotte is glowing brighter. What we do we want the world to see and think as they contemplate the Queen City. Attempts to hide the facts will surely be revealed. Condi is reported to have said that the place could be judged by the way it treats its weakest and poorest inhabitants. By that measure, how will we be judged? We want to partner with you in educating our citizens who cry not in my backyard to every proposal for subsidized housing to the fact that we are already in each other's back yard and share the same concerns about safety and successful schools. Let us work together to build a Charlotte that has succeeded where few other cities have because we included those who are poor and homeless or suffering from chronic health problems or have found so many records in the process of making plans for the future. Imagine in Charlotte that in five years time we will be able to abolish this proclamation of homelessness awareness month because we will have ended homelessness in our city and invented effective measures to prevent its re-occurrence.

Mayor Foxx said your points are very well taken and I think it may be in order to ask someone from the Charlotte Mecklenburg Coalition on Housing to respond directly to the concerns you have raised and to share with you information on what is being done. I will point out tonight even in fact, that there is an item on our agenda to repurpose resources that we have to put 75 or 80 families in a position to not be in an emergency situation and we are seeing people drifting into poverty and homelessness because they can't pay basic bills and surfaces. We are going to shift money to the Crisis Assistance Ministry from some money that had been allocated to WISH. I think there is a lot being done, but there is a lot more to do and we've got to make sure we keep working, but thank you very much and we'll get that briefing to you.

Mr. Gaffney said thank you and we look forward to partnering with you in the future.

Councilmember Mitchell said what month is the Homeless Awareness Month?

Mr. Gaffney said that is a good question. We have a Proclamation, but it is not on the agenda.

Mayor Foxx said we do have the Proclamation and I'd be happy to hand it over to you. Because of the schedule I don't want to read the whole thing, but I do want to acknowledge that both Jennifer Roberts and I have acknowledged this month, November, 2011 as Homeless Awareness Month and I also want to point out that we've seen articles in the newspaper and TV about the need for donations to our food pantries, etc. and I really want to urge citizens who are watching to make sure that we share the bounty we have individually and privately with the folks who really need it.

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CIVIL RIGHTS

Melleka Davis, 9913 Ansonborough Square, Huntersville, NC said I want to thank you for this opportunity and I know that there is only three minutes and the topic is a bit lengthy so I tried to edit it down to fit into the timeframe. I want to speak about an awareness that needs to be raised about a situation that has developed in Mecklenburg County Court System, specifically in domestic violence in family court systems where there is a discord and a disconnect that is allowing victims to be put into a cycle of being victimized by the system. The actual guideline was put into place in October 2006. What happens is that if a victim of domestic violence goes into the court system in order to get a protective order. If the person that is abusing her also has a child with her, then it is automatically moved to custody and visitation court. However, because of federal funding, since it is no longer considered domestic violence that victim is not eligible to receive funding from any agency that gets federal funding. You have women that have been battered living in shelters that are not able to afford legal representation and because of this disconnect there is no agency out there to help them. I come to you tonight speaking from a personal aspect. Two years ago you would never have been able to tell me that I would be in this position. In November of 2008 I needed to get a protective order against my son's father. In the order there were 36 counts of domestic violence, with those two were a threat to kill and 14 acts in his history of violence. When I started this process I was in property management and land development. I have my real estate license, I was a single mother and we were having a good life. I was able to get away from his father, but because we shared a child I still suffered a lot of domestic violence which prompted me to get the restraining order. Since then my MS has caused me to not be eligible for unemployment. The disability process is extremely lengthy. I've been waiting two years and I could just have the opportunity to speak to someone about raising awareness of this cycle that women are going through.

Mayor Foxx said first of all, thank you for sharing your story. There are so many people who suffer from domestic violence in one form or fashion who never feel comfortable speaking about it publicly and I want to tell you how much I appreciate your standing up for many people who are similarly situated. We do have a Domestic Advisory Board that periodically reports to us on things that we should be doing on this issue. We've made some progress, but you are absolutely right, there is a lot more that needs to get done. I was just talking to Mayor Pro Tem today about that so I'd like to have someone from staff reach out to you about your particular question and I'm sure that as we go into the next Council this topic will come back up because we are actually seeing it rare its head in homicide rate at a very high level. So thank you very much for coming and we will get in touch with you.

Councilmember Cannon said I want to say thank you for your courage. It takes a lot to come down and to speak out on a subject as such. I do have your information and there will be something forth coming as we talk about raising the awareness much more around the issue of domestic homicides. We are so fortunate that that did not take place with you and we don't it taking place with anyone so we'd like to follow-up with you and to see if you might be a part of some level of a round table of discussion as we move this item forward.

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OCCUPY MOVEMENT

Steven Navarro, 412 Laurel Avenue said thank you for hearing me today. My speech is on Occupy Charlotte and our country's physical situation. My goal is to persuade you to stay the course on how you have treated this spontaneous uprising of other cities and support them in every way to do so in these protest. Ten years ago today and during the 9-11 attacks I was a Sergeant in the 3rd Infantry Division protecting Muslims from genocide. During this spot in history I became very interested in foreign policy, politics, economic, history, philosophy and war fare. It made me dedicate my life to others just like all of you here. Please take in what I'm about to say as far as citizens meeting at the grocery store, a sentiment of your time and trust that I'm sincere and not one just wanting to rant on TV. Full disclosure, however, I'm a Ron Paul supporter. Our country is broke Roman Impair style and big changes worldwide are going to happen in the next few years. Tarp in 07 said just kick the can and the day of reckoning down the road, being the issue of the world's reserve currency allowed the federal government to transition us from a peaceable republic to a military empire and we got cheap goods from abroad. Even thought out country has been in decline and been un-competitive for decades we have been able to print and borrow to maintain our standard of living. The housing bubble was America's last spending spree. This system is rapidly coming to an end. The unraveling of the world wide dollar reserve standard is why there are protest in the Middle East, in Greece and now in our streets. The occupiers are right when chant Banks got bailed out, we got sold out. A lot of people here have to stand for the occupiers because of their apparent flaws, however there are flaws in the protestors simply reflect American's youth today. It is not their fault. This is simply the stock of what America is putting out now a days, taking no child left behind, our bankrupt culture and the fact that we have loss the work ethic. Despite them not being perfect human beings, the occupiers are better than 85% of the people that are home watching football on week-ends. The only problem is they are directing their efforts of Bank of America and the Federal Reserve, the great counterfeiter ironically right across from 600 East Trade Street. As a young American who will be stuck with the bills and face the prospects of a standard of living much lower than they once grew up expecting and you also have enjoyed, this alone should command all of our respects. It was very naive and disgusting that our federal government to coordinate evictions of occupiers around the country as ruining a few tents and cracking a few skulls and make them give up and go home. Thank you for not participating in that. History will be very kind to you. Different cities will be hit differently when inflation starts getting out of hand and for all I know a city like Oakland might get burned to the ground and imagine that an Iraq veteran would actually dive into a gas can. My opinion and only hope is that the tea party and the occupy movement find each other, form an unholy alliance between the antiwar far left and the antiwar far right and force the federal government to end their military empire before it bankrupts. It is well about time. We are the 99% nonsense and not even one has started dialogue with the tea party, but if they did and it happened in Charlotte, we can be the city that restores the republic. They are not protesting you after all. I want to say this cost money and ruins property, what about your frugality when we built NASCAR Museums, Whitewater Center and NBA Arenas, even if it is a small chance of it happening in the Queen City, we should facilitate it.

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RECOGNIZING COUNCILMEMBER TURNER

Donna Cannup, 616 Knight Court, said I thought I was past this on speaking with you folks, but I still had to write it down and please bear with me if I get a little emotional over this subject. I am here tonight on behalf of the people in Yorkmont Park, District 3 to honor and recognize Councilmember Warren Turner. I first met Warren around 2004 and since then myself and others in the community have had the privilege of working with him on many issues in our neighborhood. Let me describe to you Warren, as far as we see him. Warren is a passionate man and when it comes to our city and District 3 he is a walking book of knowledge when it comes to Charlotte and our District. He is an encyclopedia, name a subject and he will talk with you about it. Warren is a man of integrity and he is a leader. He demands perfection in all he does. He is an educator and will always share his knowledge with you. Warren is a man of un-comparable inner strength and discipline and continues to prove this over and over again. He is a versatile person, never meets a stranger. These are just a few of our descriptions. The list goes on. So Warren, for all the many phone calls you answered, for the meetings we have shared with you,

for your part in getting rid of crime throughout our area, for your participation in development throughout the District, for always making us feel vital to the City of Charlotte we thank you. I go home tonight knowing that Yorkmont Park is safer and a more solvent community because of Warren Turner and we feel confident knowing that you will still remain a part of District 3. I also want to thank your family for all their strength, their patience and for sharing you with us. On behalf of myself, my family and the people who live in Yorkmont Park, I would like to present you with a small token of our appreciation and it simply reads: "Councilman Warren Turner, 2003-2011 for outstanding service, Yorkmont Park Community, District 3".

Mayor Foxx said thank you very much for your very kind words and we appreciate you coming forward. Folks up here take a lot of punishment sometimes and it is nice to have citizens say something nice every now and then so thanks a lot.

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PROJECT LIFT

Denise Watts, 220 North Tryon Street, said I am the Executive Director for Project Lift. My goal in speaking with you this evening is to review and update this Council on Project Lift, a very important initiative in this community. To briefly review Project Lift is a fill and profit initiative composed of leaders from Charlotte's largest community and family foundations working in partnership with Charlotte Mecklenburg Schools to accelerate the improvement of outcome for Children in the West Charlotte Corridor. This past year the graduation rate at West Charlotte High School was 53%. A few miles away there are high schools with graduation rates of 90% and above. High quality education should not be defined by the zip codes that a child is born into. A graduation rate that statistically means that half of the students that enter West Charlotte High School cannot academically and socially persevere for four years is unacceptable and it impacts our economy and this city in a negative way. We must have the courage, work correctively and be action oriented to end this debilitating factor in the City of Charlotte. Project Lift aspires to set a bold example and disregard by focusing on West Charlotte High School and seven schools that feed into it. These schools are as follows: Bruns Academy, which is a K-8 school, Allen Brook Elementary School, Statesville Road Elementary School, Druid Hills Academy which is also a K-8, Walter G. Byers Academy, which is a K-8, Thomasboro Academy which is a K-8 and Ranson Middle School. The vision for Project Lift is to increase graduation rates and student achievement to dramatically close the achievement gap to insure that students have the same educational opportunity as students who live in other more affluent zip codes. We will execute this vision by focusing on four areas, talent, insuring that every child in the west corridor has a highly motivate and effective teacher and principal. We will work to recruit, retain and develop the best teachers in Charlotte Mecklenburg Schools by seeking the best talent beyond the boundaries of this district. Time – Project Lift will provide access to top quality after school and summer opportunities to insure that all students get the structure, enrichment and academic support needed to thrive during the regular school day. Technology – Project Lift will work to provide students with the tools needed to enhance engagement, innovation and prepare them for the 21st century workforce. Project Lift also seeks to coordinate community partners and motivate parents and mentors to invest in their child's education, but most importantly in their schools and in public education in general.

Councilmember Mitchell said is there anything else you would like to share with us about Project Lift?

Ms. Watts said I'm very passionate about it. Over the last three months I have met with no less than 150 community organizations, county organizations, service providers and there is no lack of enthusiasm and support around increasing achievement levels in the schools in the west corridor. I would also like to say that while we continue to plan we are still working to achieve the \$55 million goal. We are at \$46 million currently and I'm proud to say that \$350,000 of that has come straight from the community, just regular citizens and we certainly want to reach that goal because that sends credibility to a national landscape that we have credibility and are working together as a community to reach these goals.

Mr. Mitchell said as a proud graduate of West Charlotte I thank you for your passion and I know there are some quiet partners behind the scene who also are assisting you. I know one is with you my classmate, Ms. Anna Spangler Nelson as well as Stick Williams so keep up the good

work in the community because West Charlotte is looking to be a model and if we can accomplish this we are sure we can replicate this for other schools to come.

Councilmember Howard said I'm also a West Charlotte graduate and want to say thank you as well. Probably about a month and a half ago they had a community engagement process over at Thomasboro and I had a chance to go by there and it was amazing. Normally when we've had initiatives likes you can expect a good 30 to 40 people to turn out for any one of those and I want to say it had to be over 200 people in that room which was an amazing accomplishment and says that this community is galvanizing around the effort that you guys are doing.

Councilmember Cannon said as a South Mecklenburg Saber, thank you for being here, but I want you to know in case someone else would like to contribute to the cause, how they might be able to do that. Where might they call and/or make a contribution to?

Ms. Watts said the quickest way to do it if you have access to the internet is to go to www.projectwestcharlotte.org. There is a very prominent if you want to donate button that you can click on, on the home page. Also I can be reached at 980-208-0021.

Mr. Cannon said I would like to challenge members of this body along with the County Commission and our State Delegation here in Mecklenburg County and the School Board and the Congress folks to be about helping this cause as well. Several Council members have made contributions already and I would encourage others to follow that lead.

Mayor Foxx said Denise I want to thank you for your leadership and obviously Anna and Stick for helping guide this process. The last century may have been defined a little bit by how we built things and I think this century is going to be defined by how we build people and there is probably not a more important effort that is going on right now than this, not just because of the kids who directly benefit, but also because what we are trying to do is to figure out ways that other kids can benefit from the learning of this. I just want to say that I don't know why we ended up doing this as a forum item because I think there is a much larger conversation about this that maybe we come back for a workshop, but we appreciate you coming in and we thank you for the work you are doing and we will continue working. I also want to say that despite what is happening in Washington and other places where you have people kind of leveraged against each other, this is a real good example of how a community comes together across lots of different differences because our business community, our philanthropic community, our grass roots community knows that this is an answer to how we move forward, so thank you for your support. I am a graduate of West Charlotte also.

Councilmember Peacock said I guess I will take some partial responsibility for a conversation that I had with Ms. Spangler-Nelson about giving us an update and encouraging her to come to the Citizens' Forum because I wanted to have it on TV and I wanted an update sooner rather than later. I am also excited to announce that she will be speaking at our Sunday School Class as well, so you might want to come. We are very appreciative that you came tonight, thank you so much.

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INVITATION TO MEET WITH CONCERNED CITIZENS

Dave Herald, 10320 Sweetleaf Place, said I actually feel lucky to be the last speaker tonight. I almost was not able to be here to speak and it turns out that just a few hours ago we were made aware of Rule #3 which is not to bring up a topic that has formerly been in public hearing, so I've changed my topic somewhat, but I think you will still get the gist of we are looking to talk about. We are a neighborhood group called Save Lake Wylie's Coves, made up of residents in and around Shopton Road West, south of Wingate Cove where a new fire house now sits. This includes Chapel Cove, Winehurst, Traymore, Woody Point, Hatfield, Hartwell and Sanctuary. We had hoped to be able to bring something to your attention tonight that otherwise has gone unnoticed by the Council and by other Planning entities. I'm told by Stephanie Kelly, our City Clerk, that this is not the proper forum so instead I bring each of you an invitation to a meeting on December 6th, in this building with the Planning Department as our host, a meeting where key people and key elements of our effort will be discussed. We plan to be frank, to praise those who have helped us and to criticize those who have not. In the end you will learn things that shed

new light on a process and a plan that could, if not heard at this meeting, embarrass members of the Council. We don't want that. So I would like to say that on December 12th the Council meets to vote on the Steele Creek Area Plan. New Council members will be seated however on December 5th. We respectfully request that the Steele Creek Area Plan be set back long enough for the new Council to consider our input. I yield my final minute back to the Mayor.

Mayor Foxx said thank you for your feedback and it will be circulated not only to this Council, but the incoming Council.

Councilmember Howard said did you actually participate with the Steele Creek Area Planning Committee?

Mr. Herald said part of the reason we are anxious to be able to meet with you and others in the Planning Department is that the answer is no. We have innumerable instances of how public notice did not get to us, went to wrong entities. There were missed meetings. We find it very curious that a 2000 acre contiguous area had no representation or input to the Steele Creek Area Plan and therefore we believe that next week's meeting will shed light on that.

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Jeff Balek, said in November of 2007 I started taking a Special Transportation System because it is a way for me to be independent and I enjoy going to many different places, but in October of this year they have been cutting back and saying that I couldn't get from my house to any place because of the ¾ mile zone so they are not able to take me from my house anywhere within a ¾ mile zone.

The Mother of Jeff Balek took over to speak for him and said I flew down from Montana to help Jeff with this situation. Jeff is totally blind and has been since shortly after he was born. There is nothing for him in Montana and he moved down here because his sister lives down here. He lives on his own in a condo. We could move him ¾ of a mile and he would get service I guess. I don't know because I can't get anybody from the bus terminal to call me back. I've called Jeff McCullen several times and left a message but he doesn't call back. I have no idea why. This is Jeff's independence, he lives on his own and he does not get a dime from any government agency. Our family chooses to take care of him the best we can. He needs to be independent, he needs to have his bus service so he can go where he wants to go. He never goes anywhere more than 10 miles. He goes to the YMCA three times a week which is a 1 ½ mile from his house. He goes and gets groceries and a haircut, goes to his sisters, goes out to lunch once a week and that is it. He doesn't have a job. We'd like for him to have a job but he doesn't. I don't know what else to do about that, but this is his independence and I don't know why things have changed since October 1 to now. At one time there was a message on the website as well as when you call STS stating that if you were not in a ¾ mile zone you probably weren't going to get service any longer. I know they are giving service to people outside of that zone and I know you have people who have jobs that are on a regular schedule. We don't know what to do so that is why we are here. I don't live here and this is a guy who is trying to live on his own. I don't know what else to do.

Mayor Foxx said Jeff is lucky to have you as a mom and I want to thank you. I don't know the particulars of your situation, but I feel like I can assure you that you are going to get a call back and we will try to connect you with someone before you leave here tonight that you can speak with about your situation. Ron, are you waiting to talk with him? Okay, so we will make sure that connection happens and there has been some service changes based on some budget problems the CATS system has had and some shifting over to the county of some functions and I don't know the particulars of your situation, but we will make sure we deal with it and I appreciate you making the long journey here to look out for your son.

Councilmember Peacock said I want to thank you for coming down as well. I did not speak with you, but I received your phone call and I called back and talked with your daughter at length. Council, I'd reported this to the emerald system to you all to get contact information, messages left with Carolyn Flowers, the CEO's office and I believe things are processing underway so I'm sorry you haven't received a phone call. I believe Mayor Foxx and everybody around this dais recognizes with the importance of the role of government right now is to help someone like you that is trying to find a win/win situation to help him in his situation. We will work with you and

thank you so much for coming down. It touches our heart to see somebody fly from Montana to take care of their son to make sure that government can help him stay independent, so thank you so much.

Councilmember Barnes said I have gotten a couple of phone calls from people who are losing STS service I believe and Mayor Pro Tem and I talked about someone who actually thought was in my district as well who is having problems with either ill or handicapped relatives who have relied on the service. The response that I have received from CATS is that as a result of budget cuts and funding shortage they can't provide the service to everybody the way they have in the past. I hope that funding levels will be restored at some point in the near future so we can respond to those needs because there are a lot of people in the community who have relied on the service and now that it is being altered they are struggling.

Councilmember Cannon said funds are not totally dried up and I'm sure that Mr. Kimble, as he works to get them placed with CATS they are in a position to be able to sign them up to potentially be able to provide services for them. I think the one issue that I ran into happen to be a situation where we couldn't get the people in the system in time and as a result I had to find a private company that would literally have to take this lady to the cardiologists, so thanks to the private sector for engaging with me to try to help her out. We've got to find a better way to make sure these folks are in the system and I think we are going to be able to do that.

City Manager, Curt Walton, said in a nutshell we've always exceeded the minimum ADA requirements for STS so as federal, state and local funding has continued to drop we are now going to the ADA required standard which is the distance issue, a certain distance from a fixed route. It is part of the system wide cuts that CATS has had to undergo for the last several years. We have had two or three good months of sales tax growth in CATS now, but there consistent with the budget that we projected. It at least has seemed to have turned around.

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Joseph Lee, said this is to inform anybody that may be concerned that I have a lot of hamburgers and I have lost a lot of power on the street. Joseph Lee would like to be out of this problem. They say people are getting that for free and this is a lot of stress I've been going through. I want to be myself. I don't want any body else to be me. I have never been to the Caribbean, but I know I saw it on the computer and I like it there. I live in Charlotte, North Carolina and I'm on social security and retirement from the military and I own furniture and stuff like that. This paper I have here I had it stapled by a notary and they have a lot of people going around with papers and I want to know who do they get these papers from. The papers these people have been having has been ruining people's life. They go out and get papers from who and they get papers signed by important people like you all. You are important people with the Council. You can go to religious leaders or somebody like that and they are real important people. In other words, people have to follow these rules, like if you go to church and you get the pastor to sign a paper it is religious and it is real important to them and people have to follow these papers. They have rules and all that, but to me I think rules have been broken and people keep signing papers and they are ruining people's lives. That is what the paper is doing.

Mayor Foxx said sir, your time has expired but maybe we can ask someone from staff to try to answer any questions about this specific paper you are talking about.

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Mayor Foxx said, in the audience we have several in turns from the Democratic National Convention Committee who are joining us for tonight's City Council Meeting. These are young adults who are here to observe Charlotte City Government in action and in all of its splendor and I look forward to seeing them often in the months to come. If you will stand as I announce your names, Douglas Cole, Shelby Wagenseller, Crystal Carson, Nicole Sanders, Schnese Simmons, McGal Ellermillow and the DNCC HR Director, Choca White.

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AWARDS AND RECOGNITIONS

ITEM NO. 5: This item was pulled by staff after the Agenda was printed.

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ITEM NO. 6: MAYOR'S YOUTH EMPLOYMENT PROGRAM SCHOLARSHIPS

Mayor Foxx said we want to acknowledge the Mayor's Youth Employment Program Scholarships and Dr. Mary Gaffney-Jones of Gaffney Health Services and Don Hill, Manager of the Mayor's Youth Employment Program are here to share Dr. Gaffney's experience with hosting my in terns this summer. Two of the five in terns who worked with Dr. Gaffney provided stellar performances and Dr. Gaffney would like to present each of them with a \$150 scholarship so I will ask Don Hill and Dr. Gaffney to come forward. Dr. Gaffney hopes that this scholarship will help to insure the retention of great students interested in medicine and who want to participate in this valuable program. She also hopes the scholarship will help offset expenses for these two students. Congratulations to those two students who are Keona Miller and Verage Patelle. Both students are away at school at this time and I'm happy to see these scholarships awarded.

Dr. Mary Gaffney-Jones said thank you for having us. We've had a wonderful productive summer with the Mayor's Youth Employment Program and a lot interesting information was generated, all positive. We have two awardees that we chose, just stellar performance and I think their family members are here. The first one is V. J. Patelle and Keona Miller.

Councilmember Carter said Dr. Mary Gaffney-Jones has been such a wonderful influence out on Albemarle Road. She has really got a going business out there, it is thriving and we are so pleased and proud of that, but she doesn't care just about children. She wants to know when the trees are going to be planted on Albemarle Road so if we can get some news to her about tree planting I'd be very grateful and I'm sure that Mr. Autry, who is my successor will be pushing for that also.

Mayor Foxx said I want to thank you also as a business owner for signing up for the program. We had a record last year and we've got a lot more work to do, but your help is greatly appreciated so thank you.

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ITEM NO. 7: ANCHOR-RICHEY EVS, INC.

Mayor Foxx said I want to acknowledge Anchor-Richey EVS, Inc. for their contributions to the Pink Lady Fire Truck and the Fire Department's Fight to Extinguish Breast Cancer Campaign. I'd like to welcome Mr. Matthew Richey and Dr. Bill McCormick, co-owners of Anchor-Richey EVS for their support of the Charlotte Fire Department's fight to extinguish cancer campaign. I don't know if those of you at the dais or outside have seen this pink fire truck, but it is an enormous statement about this City's work to try to stamp out breast cancer. I will recognize Chief Hannan.

Chief Hannan, Charlotte Fire Department said Bill McCormick and Matthew Richey own this 42-year old North Carolina Company that employs 21 people. It is nationally recognized for the quality of work they do. They not only turned this wore out fire truck into something that looks like a new quarter at no charge to us. About three years ago we needed a pump cut away, a training prop for our recruits. Water spills our fire pumps and they told us they would do it for \$15,000. Anchor-Richey stepped up and did that for nothing for us since it was a training aid. It is a great company and they have been real good to Charlotte. Thank you for recognizing them.

Mayor Foxx presented Anchor-Richey a plaque for their contributions.

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CONSENT AGENDA

Deputy City Clerk, Ashleigh Price said Item Nos. 27 and 48-G have been pulled by staff and are no longer on the agenda for consideration. Item No. 48-H has a speaker, pulled by Council are as follows: Item Nos. 26, 28, 29, 31, 34, 36, 38, 44 and 46.

[Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve the Consent Agenda as presented with the exception of Item]
[Nos. 26, 27, 28, 29, 31, 34, 36, 38, 44, 46, 48-G and 48-H.]

The following items were approved:

23. Contract to the lowest bidder, Ferebee Corporation in the amount of \$3,049,438.36 for construction of the Shillington Place Storm Drainage Improvements.

Summary of Bids

Ferebee Corporation	\$3,049,483.36
R. H. Price, Inc.	\$3,130,955.30
Blythe Development	\$3,282,495.98
Monroe Roadways Contractors, Inc.	\$3,505,767.30
Sealand Contractor Corp.	\$3,852,130.15
United Construction, Inc.	\$3,988,263.40
Blythe Construction, Inc.	\$4,558,939.55

24. Contract to the lowest bidder, J. W. Grand, Inc. in the amount of \$238,280.64 for the Rozzelles Ferry Road Sidewalk Improvements.

Summary of Bids

J. W. Grand, Inc.	\$238,280.64
Red Clay Industries	\$249,184.86
Carolina Cajun Concrete	\$278,375.48
RJJ Construction, LLC	\$284,943.23
W. M. Warr & Son, Inc.	\$298,728.49
United Construction, Inc.	\$303,439.08
Eagle Wood, Inc.	\$320,937.70
Blythe Development	\$326,697.00

25. Contract for engineering services with US Infrastructure of Carolina, Inc. in the amount of \$300,000; Authorize the City Manager to approve the one renewal of the contract for the original amount.

30. Change Order #2 with Blythe Construction, Inc. in the amount of \$471,534 for additional road improvements related to the US29/NC 49 Phase II Interchange Project.

32. Contract to the lowest bidder Richa Graphics for installation of additional signage in the terminal building.

Summary of Bids

Richa Graphics	\$129,000.00
Signstar	\$136,535.00
L & H Signs, Inc.	\$141,878.20
Architectural Graphics	\$222,808.00
Sign Etc.	\$234,805.00
Sign Art	\$240,358.00
Bunting Graphics	\$257,894.88
Gable Signs & Graphics	\$320,635.00

33. Agreement with DPJJ, LLC d/b/a Wireless Services in the amount of \$1,137,614.43 for the installation and deployment of a Neutral Host Distributed Antenna System (DAS) in the terminal building of the airport.

35. Resolution authorizing the Utilities Key Business Executive to execute a Supplemental Municipal Agreement with the NC Department of Transportation for relocation and adjustment of water and sewer lines along NC 51, from the South Carolina state line to Down's Circle, in the amount of \$106,554.13.

The resolution is recorded in full in Resolution Book 43, at Page 433.

37. (A) Accept a \$204,666 Community Development Block Grant from Mecklenburg County for the design and construction of Phase 2 of the Walkers Ferry Road water line. (B) Budget Ordinance No. 4794-X appropriating \$204,666; (C) Authorize the City Manager to execute an agreement with Mecklenburg County for acceptance of grant funds for the design and construction of the water line.

The ordinance is recorded in Ordinance Book No. 57, at Page 464.

39. (A) Authorize the City Manager to approve a contract with Parking Unlimited, Inc. for Arena Traffic Control Services for an initial term of three years, not to exceed \$113,400 for the initial terms; (B) authorize the City Manager to approve up to two, one year renewal options with possible price adjustments as stipulated in the contract.

40. Budget Ordinance No. 4795-X appropriating \$642,905 in Private Developer Funds for traffic signal improvements.

The ordinance is recorded in full in Ordinance Book 57, at Page 465-466.

41. (A) Infrastructure Reimbursement Agreement with 1200 South Blvd, LLC for improvements to the intersection of South Boulevard at Carson Boulevard and Lexington Avenue in the amount of \$425,500; (B) Amend the Resolution authorizing the abandonment of Palmer Street, South College Street, and a portion of Carson Boulevard.

The Resolution is recorded in full in Resolution Book 43, at Page 452-462.

42. (A) Contract with the following companies for Road Call and Related Services for an initial term of three years in the aggregate estimated annual amount of \$125,000 Bradley's Truck Service, Carolina Auto, Truck and Coach; (B) 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.

43. (A) Contract with Cabitrac Associates, Inc. for Video Franchise Administration services for an initial term of five years in the estimated amount of \$190,875; (B) Authorize the City Manager to approve up to two additional two-year term renewal options as authorized by the contract.

45. (A) Three-year contract with RM Source, Inc. in an aggregate not to exceed in year one the amount of \$468,000 and in year two through five not to exceed \$200,000 for hosting, managed-services, development services, and professional services for charmeck.org, the City and County public Internet presence, and (B) 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.

47. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$4,032.

The resolution is recorded in full in Resolution Book 43, at Page 434-435.

- 48-A. Acquisition of 3,713 square feet in Fee Simple, plus 106 square feet in Utility easement, plus 4,852 square feet in Temporary Construction Easement at 311 Oakdale Road from Steven D. Hecht for \$22,125 for Brookshire-Hovis-Oakdale Intersection Improvement, Parcel #11.

48-B. Acquisition of 12,136 square feet in Sanitary Sewer Easement, plus 125,679 square feet in Temporary Construction Easement at Starnes Randall Road from North American Islamic Trust, Inc. for \$27,000 for McKee Creek Outfall – Mecklenburg County, Parcel #49.

48-C. Acquisition of 2,580 square feet in Sidewalk and Utility Easement, plus 40 square feet in Utility Easement, plus 3,290 square feet in Temporary Construction Easement at Nations Ford Road from Corporate Trust Properties NC, LLC for \$12,500 for Nations Ford Road Sidewalk/Bike Lane, Parcel #1.

48-D. Acquisition of 179,282 square feet in Fee Simple on Mulberry Church Road from TNT Development, LLC for \$102,000 for Wilkinson Boulevard/Mulberry Church Road Watershed Enhancement, Parcel #39.

48-E. Acquisition of 78.78 acres at 7101 Wilkinson Boulevard from BT Property, LLC for \$2,520,000 for Airport Master Plan Land Acquisition.

48-F. Resolution of Condemnation of 60,928 square feet in Fee Simple, plus 3,359 square feet in Storm Drainage Easement, plus 91 square feet in Utility Easement, plus 36,046 square feet in Temporary Construction Easement at 5600 Brookshire Boulevard from Robert C. Spivey, Jr. and wife, Patsy C. Spivey and any other parties of interest for \$606,550 for Brookshire-Hovis-Oakdale Intersection Improvement, Parcel #1 and 9.

The resolution is recorded is in full in Resolution Bok 43, at Page 436.

48-I. Resolution of condemnation of 725 square feet in Temporary construction Easement at 1126 Dresden Drive West from Devises of Clyde Maxwell Ward, et al and any other parties of interest for \$325 for Eastway/Sheffield Neighborhood Improvement Project, Parcel #14.

The resolution is recorded in full in Resolution Book 43, at Page 438.

48-J. Resolution of condemnation of 765 square feet in Temporary Construction Easement at 3700 Dresden Drive East from Gloria J. McNeill and Sheila Prince and any other parties of interest for \$750 for Eastway/Sheffield Neighborhood Improvement Project, Parcel #38.

The resolution is recorded in full in Resolution Book 43, at Page 439.

48-K. Resolution of condemnation of 549 square feet in Temporary Construction Easement at 3742 Dresden Drive East from WR Norwood Family, LLC and any other parties of interest for \$375 for Eastway/Sheffield Neighborhood Improvement Project, Parcel #44.

The Resolution is recorded in full in Resolution Book 43, at Page 440.

48-L. Resolution of condemnation of 843 square feet in Temporary Construction Easement at 3748 Dresden Drive East from WR Norwood Family, LLC and any other parties of interest for \$425 for Eastway/Sheffield Neighborhood Improvement Project, Parcel #45

The resolution is recorded in full in Resolution Book 43, at Page 441.

48-M. Resolution of condemnation of 483 square feet in Temporary Construction Easement at 3752 Dresden Drive East from WR Norwood Family, LLC and any other parties of interest for \$325 for Eastway/Sheffield Neighborhood Improvement Project, Parcel #46.

The resolution is recorded in full in Resolution Book 43, at Page 442.

48-N. Resolution of condemnation of 3,098 square feet in Storm Drainage Easement, plus 1,633 square feet in Temporary Construction Easement at 3401, 3407, and 3413 Biscayne Drive for \$8,025 for Eastway/Sheffield Neighborhood Improvement Project, Parcel #148.

The resolution is recorded in full in Resolution Book 43, at Page 443.

- 48-O. Resolution of condemnation of 57 square feet in Sidewalk and Utility Easement, plus 880 square feet in Temporary Construction Easement on Pangle Drive from Reynolds Walk Property Owners Association, Inc. and any other parties of interest for \$200 for Nations Ford Road Sidewalk/Bike Lane, parcel #15.

The resolution is recorded in full in Resolution Book 43, at Page 444.

- 48-P. Resolution of condemnation of 1,728 square feet in Sidewalk and Utility Easement, plus 25 square feet in Utility Easement, plus 6,788 square feet in Temporary Construction Easement on Joshua Lane from Reynolds Walk Property Owners Association, Inc. and any other parties of interest for \$25 for Nations Ford Road Sidewalk/Bike Lane, Parcel #16.

The resolution is recorded in full in Resolution Book 43, at Page 445.

- 48-Q. Resolution of condemnation of 779 square feet in Fee Simple, plus 156 square feet in Existing Right-of-Way, plus 933 square feet in Storm Drainage Easement, plus 5,168 square feet in Temporary Construction Easement at 3428 Arvin Drive from Dennis E. Black, Unknown Heirs of Phillip L. Black; and Lynn Michelle Black, Administratrix and any other parties of interest for \$1,675 for Nevin Neighborhood Improvement Project, Parcel #5.

The resolution is recorded in full in Resolution Book 43, at Page 446.

- 48-R. Resolution of condemnation of 1,184 square feet in Temporary Construction Easement at 3916 Arvin Drive from Dawn Regina Jameson and any other parties of interest for \$250 for Nevin Neighborhood Improvement Project, Parcel #40.

The resolution is recorded in full in Resolution Book 43, at Page 447.

- 48-S. Resolution of condemnation of 1,836 square feet in Storm Drainage Easement at 5416 Datha Avenue from Kamelot, LLC and any other parties of interest for \$1,675 for Nevin Neighborhood Improvement Project, Parcel #44.

The resolution is recorded in full in Resolution Book 43, at Page 448.

- 48-T. Resolution of condemnation off 587 square feet in Storm Drainage Easement at 3511 Durham Lane from Lisa Michelle Smith Quinn; Paul Michael Smith; Jacob Scott McIntosh; and Robin Camille Smith Adams and any other parties of interest for \$100 for Nevin Neighborhood Improvement Project, Parcel #47.

The resolution is recorded in full in Resolution Book 43, at Page 449.

- 48-U. Resolution of condemnation of 587 square feet in Temporary Construction Easement at 3442 Durham Lane from Chetanand Haimchand and wife, Omawattie Haimchand and any other parties of interest for \$1,925 for Nevin Neighborhood Improvement Project, Parcel #48.

The resolution is recorded in full in Resolution Book 43, at Page 450.

- 48-V. Resolution of condemnation of 77 square feet in Storm Drainage Easement at 5420 Datha Avenue from Kamelot, LLC and any other parties of interest for \$75 for Nevin Neighborhood Improvement Project, Parcel #70.

The resolution is recorded in full in Resolution Book 43, at Page 451.

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ITEM NO. 26: APPROVE THE FOLLOWING CONTRACTS FOR ENGINEERING SERVICES FOR VARIOUS STORM DRAINAGE IMPROVEMENT PROJECTS: (1) MULKEY, INC., \$1,000,000; (2) PARSONS BRINCKERHOFF, INC. \$500,000; (3) STV INC., DBA STV/RALPH WHITEHEAD ASSOCIATES, INC. \$1,000,000; (4) ARMSTRONG GLEN, P.C. \$1,000,000; (5) KIMLEY-HORN AND ASSOCIATES, INC. \$1,000,000 AND (5) DEWBERRY & DAVIS, INC. \$500,000; AUTHORIZE THE CITY MANAGER TO APPROVE UP TO TWO RENEWALS TO EACH CONTRACT NOT TO EXCEED THE ORIGINAL AMOUNT.

Councilmember Carter said this issue deals with the storm drainage improvement projects. There is one listed in the Greenhaven Pierson Storm Drainage area. It is east of Independence Boulevard between Albemarle Road and Sharon Amity Road and I am simply questioning the timing of this project because there is going to be so much disruption of the traffic out in that area with the development Independence.

Assistant City Manager, Julie Burch said Councilmember Carter, we will be coordinating all of that storm drainage work with the work along Independence Boulevard and will be working very closely with NCDOT to insure safety and as much convenience as possibly can be.

Ms. Carter said thank you for your sensitivity and I hope it works well.

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

* * * * *

ITEM NO. 28: REIMBURSEMENT AGREEMENT WITH DOUBLE OAKS DEVELOPMENT, LLC IN AN AMOUNT NOT TO EXCEED \$175,000 FOR STORM DRAINAGE IMPROVEMENTS ON DOUBLE OAKS DRIVE.

Councilmember Mitchell said I pulled this one and first I would like to make a motion to recuse Councilmember David Howard from participating in this item.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Carter, and]
[carried unanimously to recuse David Howard from participating in this item.]

Mr. Mitchell said this is strictly a reimbursement agreement for the Double Oaks Drive. Thank you Charlotte Mecklenburg Housing Partnership for providing the infrastructure.

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

* * * * *

ITEM NO. 29: CONTRACT WITH PARSONS BRINCKERHOFF, INC. IN THE AMOUNT OF \$413,088 FOR ENGINEERING DESIGN SERVICES FOR THE BACK CREEK CHURCH ROAD FARM-TO-MARKET PROJECT.

Councilmember Barnes said this is a contract for engineering design services for Back Creek Church Road and a number of my constituents in that area have asked me about our progress with our farm-to-market projects and I just wanted folks to know that we are making progress with the engineering design phase of that project.

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

* * * * *

ITEM NO. 31: (A) BUDGET ORDINANCE NO. 4793-X APPROPRIATING AN ADDITIONAL \$1,000,000 IN CAPITAL INVESTMENT PLAN FUNDS TO THE EASTWAY POLICE STATION PROJECT BUDGET TO FUND THE INCREASED SPACE REQUIRED TO HOUSE THE NEIGHBORHOOD & BUSINESS SERVICES NORTHEAST SERVICE PLAN TEAM, AND (B) AUTHORIZE THE CITY MANAGER TO NEGOTIATE A CONTRACT WITH C DESIGN, INC. IN AN AMOUNT NOT TO EXCEED \$500,000 FOR ARCHITECTURAL SERVICE TO DESIGN A NEW OFFICE FACILITY FOR THE POLICE EASTWAY DIVISION AND NEIGHBORHOOD & BUSINESS SERVICES NORTHEAST SERVICE AREA TEAM.

Councilmember Carter said is about the Police Eastway Division Station Design services and this incorporates both Police services and our code enforcers for that area, which are now coordinated with the divisions and I think this is an outstanding coordination of services. I am hoping that same design will be used for the Hickory Grove and the Independence Divisions as they are refurbished, but there is one difficulty that I would like to note to our Eastsiders. There was one \$1,000,000 allocated for a substation at Eastland in the recommendations project and it is now be allocated to this Police station. I understand that it will serve the same people, but it is not in the same area and that is my concern. We are moving some money from one area to another and that was my simple statement of notice to our folks that we need to be aware of what is going on with our money and if we want it invested at Eastland that is one thing and if you want it invested further to the center of the city that is another. I do commend this project because of the combination of the Police and Code Enforcement.

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

The ordinance is recorded in full in Ordinance Book 57, at Page 463.

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ITEM NO. 34: (A) CONTRACT WITH ARCADIS USA, INC. (RED OAK CONSULTING) FOR RATE ANALYSIS REGARDING FY2013 WATER AND SEWER RATES IN AN ESTIMATED AMOUNT NOT TO EXCEED \$85,645; (B) AUTHORIZE THE CITY MANAGER TO RENEW THE CONTRACT FOR FIVE ADDITIONAL ONE-YEAR TERMS WITH POSSIBLE PRICE ADJUSTMENTS AS STIPULATED IN THE CONTRACT.

Councilmember Carter said this is the water and sewer rate consulting, and we are bringing in some consultants to look at our rates and I would like to advocate for two things. Number one, redress for the lower tier. I am consistently receiving calls that this rate is very difficult to pay for those who are on fixed incomes and I hope council will be very sensitive to this issue as we move forward. Also I hope that use will be targeted, increased rates for higher use because that is a conservation issue to me as we have decreased water supply we need reward those who use less water and penalize those who use more. I do encourage us to be sensitive to this issue.

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

Councilmember Kinsey said I just had a question whether or not the company that was awarded the contract was awarded based on qualifications from an RFP?

Assistant City Manager, Julie Burch said yes, there was an RFP done last year, 2010. This is an extension of an existing contract with this particular contractor. It went through a qualification process last year.

Ms. Kinsey said I didn't see that in the write-up and it would be helpful if that was put in there and most of the time I think it is.

Councilmember Cannon said it is noted here that there are five additional one-year terms. Is there some sort of risk that we should be made aware of in terms of why there are five one-year terms? Why not two-year terms or three with an additional two years or something like that?

Ms. Burch said I'm going to ask Barry Gullett to address that question.

CMUD Director, Barry Gullett said we use a consultant each year to help us compile the rates and make the projections that are needed for the upcoming year. We picked five years more as a matter of convenience. We aren't sure that we will continue to use the same firm for five years, but we would like to have the option to do that.

Mr. Cannon said then why not up to five years?

Mr. Gullett said I believe it is up to five years.

Mr. Cannon said the way it reads is five additional one-year terms. It reads like it breaks down after each year, but maybe not.

City Manager, Curt Walton said that is right. It is a choice after year two or three of not going with that company. If we did one five-year term we would be locked in.

Mr. Cannon said it allows you some flexibility, very well.

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

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ITEM NO. 36: (A) AGREEMENT WITH ITRON, INC. FOR THE NO COST PROACTIVE WARRANTY REPLACEMENT OF ITRON WATER METER ELECTRONIC TRANSMITTERS; (B) APPROVE THE DISCOUNTED, SOLE SOURCE PURCHASE OF REPLACEMENT MECHANICAL WATER METER REGISTERS FROM BADGER METER IN AN AMOUNT NOT TO EXCEED \$175,000.

Councilmember Carter said my question for Council is whether the warranty is based on the new age of the new replacement electronic transmitters for the Utilities Department or is it based on the age of the ones that they are replacing?

Assistant City Manager, Julie Burch said the short answer is it is based on the ones that are being replaced – the new ones. Once the new one go a new warranty period starts and that will be a total of 20 years.

Ms. Carter said that is outstanding. Thank you very much for negotiating.

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

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ITEM NO. 38: (A) CONTRACT TO THE LOWEST BIDDER, INTELIGHT, INC. IN THE AMOUNT OF \$129,729,05 FOR PROVIDING TRAFFIC SIGNAL CONTROLLERS FOR AN INITIAL TERM OF ONE YEAR; (B) AUTHORIZE THE CITY MANAGER TO EXTEND THE CONTRACT FOR FOUR ADDITIONAL ONE-YEAR TERMS WITH POSSIBLE PRICE ADJUSTMENTS AS STIPULATED IN THE CONTRACT.

Councilmember Carter said are these traffic signal controllers for synchronization, if so where are they located? Is the location based on safety, on congestion or on what other issue?

Assistant City Manager, Julie Burch said controllers are part of the installation of virtually every traffic signal in the city so of course when the signal goes in, and lots of time it is indeed based on congestion and safety, when a signal goes in a controller goes in with it. These particular controllers are to replace and provide repair to those controllers which might fail at some point. This is strictly a routine maintenance to be able to repair and replace existing controllers.

Ms. Carter said so it is not synchronization?

mpl

Ms. Burch said controllers certainly tie into how signals are synchronized, yes.

Ms. Carter said we are moving on some of those computerizations on some of the main boulevards and I was wondering if they were tied in.

City Manager, Curt Walton said that is a different project.

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

Summary of Bids

McCain, Inc.	Non responsive
RGA, Inc.	\$164,350.00
Naztec, Inc.	Non responsive
Intelight, Inc.	\$129,729.05
Econolite	\$136,204.55

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ITEM NO. 44: AWARD THE LOW BID UNIT PRICE CONTRACT FOR PROVIDING PUBLIC SAFETY RADIOS AND COMMUNICATION EQUIPMENT FOR A TERM OF THREE YEARS TO THE FOLLOWING: MOTOROLA SOLUTIONS, LLC; TWO WAY RADIO OF CAROLINA, INC.; RELM WIRELESS CORPORATION AND GLOBAL TECHNOLOGY SYSTEMS, INC. ; (B) AUTHORIZE THE CITY MANAGER TO EXTEND THE CONTRACTS FOR TWO ADDITIONAL, ONE-YEAR TERMS WITH POSSIBLE PRICE ADJUSTMENTS AT THE TIME OF RENEWAL AS AUTHORIZED BY THE CONTRACT. THE FY2012 EXPENDITURES ARE ESTIMATED TO BE \$2,500,000.

Councilmember Carter said my questions have been answered.

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

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ITEM NO. 46: (A) CONTRACT WITH WELLS FARGO INSURANCE SERVICES USA, INC. FOR INSURANCE BROKER SERVICES WITH AN INITIAL TERM OF THREE YEARS IN THE AGGREGATE AMOUNT OF \$900,000' (B) AUTHORIZE THE CITY MANAGER TO APPROVE UP TO TWO, ONE-YEAR RENEWAL OPTIONS FOR AN ADDITIONAL \$300,000 PER YEAR, AS AUTHORIZED BY THE CONTRACT AND CONTINGENT UPON THE COMPANY'S SATISFACTORY PERFORMANCE.

Councilmember Carter said I wonder if the North Carolina League of Municipalities had been solicited for a bid.

Assistant City Manager, Julie Burch said yes, we have consulted with them but we have found that we can actually do better on our own. We have definitely talked with the League and believe this is the best way to proceed.

Ms. Carter said outstanding physical responsibility. Thank you very much.

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

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ITEM NO. 48-H: RESOLUTION OF CONDEMNATION OF 1,508 SQUARE FEET IN TEMPORARY CONSTRUCTION EASEMENT AT 1645 WATERSTONE LANE FROM SHEILA EDWARDS SMITH F/K/A SHEILA E. CUNNINGHAM AND ANY OTHER PARTIES OF INTEREST FOR \$2,475 FOR CITY BOULEVARD EXTENSION, PHASE II, PARCEL #40.

The speakers signed to speak to this item did not show up.

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

The resolution is recorded in full in Resolution Book 43, at Page 437.

ZONING

DECISION ON PROPOSED REZONING PETITION 2011-067 BY DARRYL RAMJOHN FOR A CHANGE IN ZONING FROM CC, COMMERCIAL CENTER, TO MUDD, (CD), MIXED USE DEVELOPMENT DISTRICT: CONDITIONAL, FOR APPROXIMATELY .326 ACRES LOCATED ON THE NORTH SIDE OF BERKELEY PLACE DRIVE AND NEAR THE INTERSECTION OF WEST MALLARD CREEK CHURCH ROAD AND BERKELEY PLACE DRIVE. DENIED

Tammie Keplinger, Planning said the petitioner has requested a deferral of the decision on this petition until the January 17, 2012 City Council meeting.

Councilmember Barnes said I think we all received this communication today. This Council heard this matter in the public hearing back in October and there have been several weeks that would have allowed for additional feedback from the public hearing. The hearing has ended.

[Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, and]
[carried unanimously, to deny Petition No. 2011-067, and includes the Statement of]
[Consistency.]

Ms. Keplinger read the State of Consistency: The petition is consistent with the Northeast District Plan, but is not reasonable nor in the public interest.

ITEM NO. 10: ORDINANCE NO. 4789-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .10 ACRES LOCATED ON CHARLOTTETOWN AVENUE AT THE INTERSECTION OF FOX STREET AND CHARLOTTETOWNE AVENUE FROM R-22MF, MULTIFAMILY RESIDENTIAL TO O-1 OFFICE.

Tammie Keplinger, Planning said the City Council asked staff to go back and talk with the petitioner on Petition No. 2011-070 to see if they were willing to convert to the conditional application. We have talked with them and they are willing to do that. They will have to go back through a new public hearing, filing a new application and it would be back in front of you in January or February.

Councilmember Kinsey said I had asked that this be deferred and I have found out some additional information since that time and I'm very comfortable with this.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Mitchell, to]
[approve Petition No. 2011-070 by Hunter's Affordable Bonding for the subject change in]
[zoning.]

Councilmember Barnes said because they are apparently going to have to spend more money, can we either waive the fees in light of the fees they have already paid since they are making a conditional essentially at our request? How does that work?

Ms. Kinsey said I'm moving to approve it as written.

Mr. Barnes said without going back through the process?

Ms. Kinsey said exactly.

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

The ordinance is recorded in full in Ordinance Book 57, at Page 448-449.

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ITEM NO. 11: CITY MANAGER'S REPORT

City Manager, Curt Walton, had nothing to report.

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ITEM NO. 12: ENVIRONMENT COMMITTEE'S RECOMMENDED REVISIONS TO THE POST-CONSTRUCTION CONTROLS ORDINANCE: REMOVE NATURAL AREA (TREE) REQUIREMENTS.

Councilmember Peacock said the Environment Committee met, we debated, we discussed, Dr. Burgess was present and he voted and the result came as I predicted, three in favor of staff's recommendation and two opposed, myself and Vice Chair Carter. The issue is before the Council and there is no further comment unless Vice Chair Carter would like to speak up.

Councilmember Carter said I am very much opposed to the passage of this ordinance because I think we have moved forward significantly in our actions with the environment in Charlotte. This is a step back. It is an ordinance that targeted certain areas of our town for development and this preferential treatment, it succeeded in economic advances in these development targeted areas. I think we are having two strikes against us if we pass this ordinance. We are not protecting our trees in the fashion that we had suggested and we are no longer targeting these economic development zones for development.

Mayor Foxx said because it did come with a negative recommendation from the Tree Advisory Committee and with a negative recommendation from the Storm Water Advisory Committee and the question I have on this is one side of the argument is this is the natural save area, fairly limited amount of land mass within the area and there are some who say regardless of what we do there is a negligible impact on the tree canopy. On the hand, as I understand it, two standards that have been adopted, one under the Post Construction Controls and one under the Tree Ordinance and the incongruity creates process problems on the development end and also creates some confusion as to which standard really ought to apply. I'm trying to figure out on the one hand it seems like what is all the fuss about if it is a small land mass, on the other hand I understand from the tree advocates that slippage on a tree canopy that has slipped over many decades now is slippage. Can someone try to help me understand the thinking that you've had at committee?

Ms. Carter said there is a story about a little boy who is walking along the ocean and there is a whole raft of starfish washed up on the shore and there are so many of them, but he throws one back into the ocean, then he throws another one in. His grandfather says to him, you can't throw them all in, but it makes a difference to that one starfish. It makes a difference to the one tree, and there will be 200 acres of trees affected by this differentiation.

Councilmember Dulin said we have gone round and round and round on this Mayor and Council. This is a small correction to the Post-Construction Controls Ordinance and the trees are still covered by the Tree Ordinance. I still think it is too oppressive to try and redevelop this

community and to grow jobs. We can grow trees and plant trees, but you can't just plant a job, something has to be built and capital has to be put at risk and then you grow jobs. Trees make property more valuable and that is a fact, but this is a small correction in the Post-Construction Control Ordinance that is not tree oriented. The Tree Ordinance is tree oriented and I would urge us to clean this up a little bit to get rid of redundancies and to make government more efficient, which we all say we'd like to do. I plan to vote to support this and would love for you all to consider supporting it as well. It will make us more efficient and it will end some redundancy and give us a little bit of an opportunity to try to grow jobs.

Councilmember Turner said the change has the worst case of potential to reduce tree protection by .43% of the city and its ETJ, or approximately 1,050 acres of trees. That is not a small and insignificant amount of canopy. I will not be supporting this as I stated prior.

Mayor Foxx said I know there are two standards we are trying to harmonize. Why are we going with the lower standard between the PCCO and the Tree Ordinance?

Mr. Dulin said staff can help us with that if one of them wants to stand up and help us with a couple of questions. The Tree Ordinance covers the tree canopy, what you can plant, when you can plant it, what you can take down, why you can't take it down. The Post Construction is about storm run-off, creek beds etc. We talk about staying in your lane, this gets storm water in one lane and trees in another land and it keeps things more simple and more efficient.

Councilmember Burgess said I just wanted to piggyback on what Mr. Dulin was talking about. My understanding was, and of course we didn't have the Tree Ordinance when we made the Post Construction Control Ordinance and it was also my understanding when we passed the Tree Ordinance that there would be some overlap and we would change one or the other. The other reason why I thought we should go with the Tree Ordinance to talk about trees and the Post Construction Control to talk about run-off is that my understanding is that the tree canopy has nothing to do with run-off. That is what staff tells us. Yes, the Tree Ordinance it is a little bit less oppressive, but if the Post Construction Control is supposed to be about run-off and the Tree Ordinance is supposed to be about trees, then – you are shaking your head no.

Councilmember Barnes said I don't believe that.

Mr. Burgess said that is what the staff tells us.

Mr. Barnes said I still don't believe it.

City Engineer, Jeb Blackwell said did I understand two questions, one is why did we go with the lesser standard and the answer is that the Tree Ordinance is in virtually all cases the higher standard. There is this instance though on very low density development where the PCCO has a higher requirement. The reason we didn't feel like that was going to be sufficient, much detrimental is that a 25% tree save on a site that was 75% undeveloped, by definition it has to be 25% or less developed to qualify as low density. So the only time you have the 25% tree save is when they were developing only a quarter of the site. On those sites where we have that low development we already have a 60% or more tree canopy so that is why we don't know that it would actually would cost any trees because most of the sites we have a lot of tree canopy, beyond 25% anyway, even without a regulation. We can regulate it, but we are tending to get great tree protection there anyway.

Mayor Foxx said if you don't know if it is going to affect any trees, why would you change the standard?

Mr. Blackwell said because we don't believe that it will have much impact on trees and having in two places adds that complexity to the process and that redundancy. Anything we can do to make our process easier, we believe is worthwhile. We understand that when you do an ordinance there are two difficult things about it, anybody who has done taxes know one is filling out the forms and doing the work and the other is the requirement and we try to minimized the complexity and difficulty part of it as much as we can. Our concern is that we are not adding much value here and we are adding a lot of complexity so that is why we felt this would be a good change.

Mayor Foxx said I understand the complexity piece but you could resolve the complexity by adopting the higher standard. Why aren't you doing that?

Mr. Blackwell said if we wanted to reopen the Tree Ordinance and make that change we could do that also. The second question, I wouldn't say that tree have no impact on runoff. Certainly there is less runoff on an area with trees than there is, but the Post Construction Control Ordinance, if you think about cleaning up water off a runoff site that is where we were indicating that this tree area really doesn't help to clean that water leaving a contaminated site because when it falls from the sky it gets filtered by the trees. Once it hits the pavement is where it gets the heavy metals and all that in it. That water is not routed through the trees and when it goes through the trees it digs ditches and is damaging to the trees and doesn't really clean them. That water goes into Post Construction Control measures like wet ponds and things like that that lets those heavy metals settle out. They aren't really removed once it is contaminated by hitting pavement, it is not cleaned by these natural areas and the Post Construction Control Ordinance is concerned with cleaning water off when it is contaminated by development. That is why we indicated that the Post Construction Control Ordinance is really about water quality.

Mayor Foxx said is there a risk of increasing the level of contamination in ground water and other adverse aspects of the storm water by a reduced tree canopy? Other than the water hitting impervious surfaces, if there is less trees for the water to hit during a normal rain storm, is there an impact on ground water?

Mr. Blackwell said certainly no development would be the best for water quality. Everything that you pave is bad for water quality and even if you use Post Construction Control we are looking for 85% removal of total suspended solids, so even with the measures and all when you put in pavement, when you develop land it is detrimental to water quality. Certainly, the more that stays trees and the less that stays developed, but of course we are trying to encourage density and discourage sprawl so we are trying to balance those.

Mayor Foxx said are there other inconsistencies between either the Tree Ordinance and Post Construction Controls or Post Construction Controls and any other ordinance that you all are looking at?

Mr. Blackwell said I'm not aware of any, no.

Mayor Foxx said I've been trying to figure out sort of where I'm going to land on this and I think where I am at this point is I agree that we need to harmonize the two rules, but I don't agree that we need to harmonize them in favor of the lesser standard.

Councilmember Mitchell said in the write-up you have a comment in here about low density development. Give us an example when you talk about low density development. Are we talking about development with 30, is that single family, multifamily? What is your definition?

Mr. Blackwell said the definition is under 25% impervious when the project is complete. One reason when we talk about this, while we say it could be up to 1,000 acres and the worse case is that if all the area that is zoned for that type of density, that low a density was done it would be 1,000 acres, but in 2007 we pulled out eleven representative projects and only one had developed it below that density, so even R-3 – that is why we think it wouldn't be 1,000 acres. We don't think it is that much acreage because most people are developing even R-3 at higher densities than that, so we think that the actual impact is a very few sites that this requirement end up being made on and those that were made on would probably have plenty of tree canopy anyway. The ones with that low a density, it is just not that much impact.

Mr. Mitchell said the Mayor touched on earlier that the Tree Advisory Council and Storm Water Advisory Council both would not position. We don't have that write-up in our agenda. Can you share with us some of the discussion why they were opposing it?

Mr. Blackwell said I will refer to Daryl Hammock, Head of Water Quality Program. He was in the meetings.

Mr. Peacock said Mr. Mitchell said you read my mind. We did ask staff in the last Committee meeting to summarize the time in which each of those bodies took the subject up and I believe we had one representative from Storm Water Advisory Committee that was there as well in one of our two committee meetings. If you could share with us all what the time was they spent and obviously any of the subject content.

Daryl Hammock, Head of Water Quality Program said I will first start with the Storm Water Advisory Committee. That committee dug into this topic quite thoroughly and talked about it for a couple of meetings. There was some concern about loss of trees and there was possible reluctance over believing staff's characterization that this would be a small impact. At that time, back in the summer we had not done the rigorous analysis that you've seen in your packet with calculations to actually quantify the level of difference between the changes. We said it was a very small impact, so we proved that later only doing a more rigorous analysis and we've shared that with you. You didn't have the benefit of that analysis. There was discussed during the Storm Water Advisory Committee, there were some speakers who came to the meetings and were much in opposition and very vocal against this change, believing that it was reducing tree protection from 25% down to 10% and that that was a very significant change. What they didn't realize was that it really doesn't apply to very many developments at all and it was a very insignificant change in our opinion. As far as the Charlotte Tree Advisory Commission, I visited with them very briefly one afternoon, sort of a last minute invitation to speak with them. There was no presentation given and there was a short conversation. We talked for 20 minutes perhaps and what was revealed was that again the tree requirement was going to be reduced from 25% to 10% which is true, and once that comment was understood there was very little discussion at that point. There was a very sudden vote. It was unanimous and the meeting was over.

Councilmember Kinsey said I'm sure all of you are aware of this, but I would remind you that there is a group of citizens out there who plant thousands of trees along our creeks. Ms. Carter and I participated last year along Little Sugar Creek. This year I went over and provided some cheering affect along Briar Creek and they were planting 2,000 trees so it seems a little strange to me that we are out there and the City supports that, and volunteers are out there planting all these trees along creeks and yet we are advocating for something that frankly I'm not really sure about. I figured if I'm going to err I'm going to err on the side of caution and I'm going to vote no against this.

Ms. Carter said if you look at the map that has been provided us, the area that has potential zoning is something of ark from southwest all the way over to the northeast and the east. This area is highly populated by streams so the streams have been declared polluted in our area. The pollution, the runoff, I understand that there is stabilization of our boundaries by these trees so by removing stabilization, we have to go into artificial stabilization, and that to me is a matter of concern because that will cost the city money as well. For me it is an economic factor as well as an environmental factor, as well as private versus public investment of funds. There is a heavy weight on the negative to me rather than that single positive developer friendly statement of there will be more development because we are removing this. It makes it easier to develop in this area. For me, looking at the eastside, the treasure that we have is the larger lot and these wonderful mature trees and where there are streams, there are trees along those streams. As Ms. Kinsey has pointed out we worked very hard to preserve those trees and if we don't have them then we have to replant them. I've seen stubs planted along our streams as replacements and some of those are successful and some are not, so our efforts have to be reduplicated if they are not successful. That requires staff time and that requires investment. I think we are getting into a cycle when we take down the natural. We are getting into the artificial and that is always more costly. If you want to talk about money, we are saving ourselves money by leaving it natural.

Councilmember Howard said you mentioned that it only affects an area that is developed with less density. In some of those same areas where you are talking about and I want to point this out to Council. Staff is saying that it potentially would affect .43% which is less than half of 1% of all the land mass in Charlotte. I wanted to make sure I understood it so when you say less density, that area right now is covered and somebody came in and they just wanted to do R-4, which one of the requirements would kick in, the Tree Ordinance or Post Construction?

Mr. Blackwell said it would be medium density which would be Post Construction Control which is 17.5 for medium.

Mr. Howard said I'm talking about if we make this change.

Mr. Blackwell said if we make this change, if it was medium density without Post Construction, Tree Ordinance.

Mr. Howard said so the Tree Ordinance would be the more restrictive one on an R-4? What I'm trying to get across to Council is the majority of what we see with rezoning, and I hate that there is nobody here from the Planning Department, the majority of what we see, we rarely see anybody rezoning to R-3 so when these areas come in for development that is what they are saying when they say it is not going to affect most of the land, it is not going to be that high because people don't develop at R-3. They develop at R-4 and above and it usually because of density. This is almost mute because really what is going to happen is people are going to develop at higher densities and that means that the Tree Ordinance is going to be the more restrictive anyway. This was really not about taking trees down, this was about cleaning up language between the two ordinances. That is why I'm going to stay consistent and stay where I voted in Committee.

Ms. Carter said that difference is 17% - 10% so that is a 7% difference.

Mr. Howard said just to follow up my point was that what we normally see in this community is people trying to make land more dense. So in that situation, it still would kick in with the Tree Ordinance because it would be a more dense development. We rarely see people developing land at R-3 is my point to you. It would only kick in when people are actually doing the development.

[Motion was made by Councilmember Howard, seconded by Councilmember Dulin, to]
[approve the Committee's recommendation.]

Mayor Foxx said if this fails I would suggest that we ask staff to come back with another change to harmonize these two rags, but to do it in favor of the higher standard. That is an option that we can consider.

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

YEAS: Council members Dulin and Howard

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

Mayor Foxx said can we ask the staff to come back and help us resolve it in favor of the higher standard?

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ITEM NO. 13: APPROVE THE 2012 FEDERAL LEGISLATIVE AGENDA RECOMMENDED BY THE GOVERNMENT AFFAIRS COMMITTEE.

Councilmember Carter said I do want to express appreciation to the Committee again and Mr. Kimble is our staff resource with this and Dana Fenton, our able lobbyist. We discussed transportation, storm water and competitive grants. The grants include discussions about job training, job funding, small business capital, public safety and gang intervention. This is to me where the City Council needs to be highly involved with both Raleigh and Washington, DC. It is an excellent chance to make our case and Mr. Fenton, would you like to lead us off in this discussion.

Dana Fenton said the proposed agenda consist of four items, the Blue Line Light Rail Extension, the Extension of the Surface Transportation Program, EPA Storm water Rulemaking and Competitive Grants. I think you were trying to make the point on the last one that we need to engage our Congressional Delegation on trying to get more competitive grants here at the City. They can be a great resource for us in achieving that.

Councilmember Mitchell said I know in this agenda item there is no reference to the Streetcar. Was there any discussion in your Committee about including that as part of our Federal Agenda? I know we now have the leg, we are now doing to CPCC and we should have a leg of West Trade Street/Beatties Ford Road. Can you share if there was some discussion, the reason it was not included?

Mr. Fenton said as far as the Streetcar I believe it may have been included in terms of trying to build out the 2030 Transit Capital Plan. We might not have enumerated that in particular, but it would be included under that broad category. I'm trying to find that right now in our Federal Surface Transportation Program. I can't find it in the quick read I'm doing, but we will be glad to include it in some fashion in that position statement.

Mr. Mitchell said the 2030 Plan? Wow that seems a long way out. Why 2030?

Mr. Fenton said I may have misspoke, it may have been the 2020 Plan.

Mr. Mitchell said I guess I feel a little different and I know you want us to vote on this tonight. I would like to know if it is in the 2020 Plan, hopefully it is in the 2020 Plan as it relates to Streetcar as opposed to 2030.

City Manager, Curt Walton said I believe the 2025 Plan is the one on the table and the 2030 Plan is under discussion at the MTC. So 2020 is in the rearview mirror now so 2030 would be the update. That is for the whole system build out, not just Blue Line, so that would be Streetcar, Red Line and everything in the 2030 Plan. The funding changes have made the 2025 Plan unattainable so the funding will have to be readjusted for 2030.

Ms. Carter said the other issue that I would like to point Council's attention to is the CDBG effort. The National League of Cities is very heavily involved in lobbying for the continuation of CDBG funding and I hope we will be supportive of that also because the CDBG money has been very effective. It is gang intervention as well as neighborhood and business services.

Mayor Foxx said thank you for mentioning that because that is one of the things I wanted to mention as well. We are facing cuts in the CDBG that impacts our housing programs and things like after school programs. This list of things is not necessarily exclusive of further additions as we go along and I would like to see us consider at least putting a pitch in for CDBG funding as well as quite frankly I think there is a ground swell out of Washington on this comprehensive deficit reduction situation and I think at some point the Council should consider weighing in on that because that is an issue that is impacting all of us and I will also remind the Council that there are some things that are coming up in the next month and a half such as the expiration of the extension of unemployment benefits and other things that end up having an economic impact on things like CATS and other things because citizens won't be in a position to support the sales tax that we use for those things. I think there is probably a longer conversation about that. We don't have to do it now, but I think this list is good for now. Also want to thank you Dana and Curt and the entire staff team because outside of preparing this Legislative Agenda they have done an incredible job of pushing for things like the security grant for the DNC and I want to just say publicly thank you for your effort on that.

[Motion was made by Councilmember Carter, seconded by Councilmember Cannon, and]
[carried unanimously, to approve the Federal Legislative Agenda as presented.]

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ITEM NO. 14: ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATION TO PROVIDE A LETTER OF SUPPORT (NON-FINANCIAL IN NATURE) FOR THE VISION AND MISSION OF THE CATAWBA RIVER DISTRICT.

Councilmember Mitchell said I would like to thank Edna Cherico for her leadership and Ron Kimble for staff and the reason we are submitting support letter is that we recognize that the goals of the Catawba River District aligns with several City Council policy areas, including Economic Development, Housing and Neighborhood Development and Environmental. Mayor, thank you for signing this support letter and I ask for a motion to approve it.

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

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ITEM NO. 15: ORDINANCE NO. 4790 AMENDING CHAPTER 22, ARTICLE II, SECTION 22-287 OF THE PASSENGER VEHICLE FOR HIRE ORDINANCE AS RECOMMENDED BY THE COMMUNITY SAFETY COMMITTEE.

Councilmember Cannon said as Mayor and Council will recall, this was an item where the body decided that they wanted to take back to the Community Safety Committee the issue of looking at what would essentially deal with age limits for Black Cars. We went back and took a look at this item and I do want to acknowledge members of the Committee in that of Vice Chair Patsy Kinsey, Council members Barnes, Dulin, and Peacock. It is at this meeting that we will come to make Council aware that the Committee has already taken actions that deal with the 14 window of drug testing, also the recommendation that the Council not reinstate the probationary driver's permit. Surrounding the issue of age limit, what the Committee discussed was that we would leave the age limit relative to taxis where it is, but as it relates to Black Cars that there will be a new 8-year age limit that would apply to Black Cars only and that it would be effective July 1, 2012. Any Black Cars older than 8 years would need to be removed from service. That is what is currently on the table as we ask you to approve the Community Safety Committee recommendation, however there has been some level of discussion about what we would like to recommend to the body and one of the things I would suggest that we move, Mr. Mayor, is to establish a ten-year limit of Black Cars effective 2012 and that we also address adding a definition for how we define what will be classified as unique vehicles. The City does recognize the distinct business model of the taxi cab industry of course and the Black Car industry in the current PVH ordinance. There is a clear difference in the two and as it relates to the vehicle definition, because you might ask what is actually going to constitute what a unique vehicle might be. A unique vehicle shall be, but should not be limited to either of the following: One is that it is registered as an antique vehicle with the North Carolina Department of Motor Vehicles, manufactured at least 35 years prior to the placement into Passenger Vehicle for Hire service, manufactured in a limited or small quantity, determined by the PVH Manager, based upon the vehicle's historical and sentimental value and also that such other vehicles as determined to be unique, vintage or classic in nature as determined by the PVH Manager. Also this would relate to luxury shuttle vans or 8-passenger limousines that may be able to accommodate 8 passengers or more.

[Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, to]
[approve the subject ordinance.]

Councilmember Howard said the definition that you read included the regular Town Cars as well? They don't necessarily hold 8 and that is why I was wondering.

Mr. Cannon said yes let me acknowledge staff and thank our Attorney, Thomas Powers for being here. He has been very instrumental along Tracy Evans with the Charlotte-Mecklenburg Police Department. She is an attorney there and Officer Daniel Buckley, who happens to be with the Passenger Vehicle for Hire Ordinance.

Thomas Powers, Attorney's office said in regards to the question, the Black Car would still be subject to the proposed now 10-year limit. In regards to unique vehicle definition they would not be subject to that. The unique vehicle definition allows a car that qualifies to not be subject to the vehicle age of 6 years for taxis or 10 years as proposed tonight.

Mr. Howard said I was talking about the 10-year piece. The Black Car industry includes normally vans and Town Cars. Is that in that definition?

Mr. Thomas said for limousines and vans it would include also SUVs that are being used by the Black Car industry.

Councilmember Barnes said I actually feel more comfortable with the Committee's original recommendation which was to keep taxi cabs at a 6-year age limit and Black Cars at an 8-year

age limit and as I thought back on the Committee's deliberations and discussions it was apparent early on in the discussions that the Black Car industry wanted a 10-year limit. There was some talk in the Committee about matching somewhere around 6 years with the taxi age limit. We settled at 8 and I felt comfortable as a fair compromise at keeping it at 8. I'm open to hearing other people's thoughts on this, but I haven't been persuaded that we need to move beyond the 8-year limit, so I can't support the motion as made.

Councilmember Dulin said Mayor Pro Tem did a good job of walking us through this and leading these discussions. We learn on this job all the time and this has been a learning process. We learned about how the "Black Car" industry and their own self imposed restriction and maintenance of their cars, we've also learned of their great support for our new PVH management, although temporary, but you know we had a PVH manager in there that wasn't doing the job and I'm pleased to report that he is gone. Now we got a new guy who is doing his job well and knocking it out of the ballpark and the industry is supporting him. He's got things moving in the right direction. I've come to the point now where I'm going to support the motion of course for the 10-year extension for the Black Car industry and I'm comfortable with that. It has almost become a joke now about my secret shopping of this industry, but I've done the homework and I've put my feet on the ground and my butt in the seats so I'm going to support the motion as is and would like for Council to consider doing the same.

Councilmember Turner said I have a question of the Chair as to why we made this decision. There is such a differential in timeframe. I look at the 6 years for taxicabs and we are going to move the limousines to 10 years so you've got 6, 8 and 10. Can you explain to us why there is such a differential between the taxi and the others?

Mr. Cannon said one is because we are talking about a different type of vehicle. There is a clear distinct difference between the taxi cabs and the Black Cars, not to mention the price of the vehicles, not to mention usage, mileage and as we talk about the type per se, you heard me mention earlier that the City does recognize that there is a clear distinction between the two. One the City, through the PVH Board set fares for taxi cabs but doesn't set fares for Black Cars. Two, the City classified taxi cabs from Black Cars based upon the type of service. What that would typically mean is that the taxi cabs, they basically cruise for fares and make instantaneous pick-ups if you will. The other part of that is Black Cars require pre-arrangement to provide service. The other thing is that there are taxi stands that are made available for taxi cabs but the Black Car industry of course doesn't have that luxury. As you talk about the clear distinction, that is largely in part why and also to make sure that we are minimizing impacts on small businesses who also fall in the category as well.

Councilmember Barnes said I have a question for Officer Buckley. In your experience as our current PVH Manager, describe for me the appreciable difference between a 10-year old Black Car and a 6-year old taxi.

Officer Buckley, CMPD said they are significantly different. A lot of the cabs that you will find are usually purchased through auctions and things like that. They are retired Police cars and things of that nature. They have been fixed up to make it look better, so if you are looking at something like that the resale value is probably only going to be three grand when most of these luxury vehicles they are buying, even used whether it be an SUV or the actual sedan your base is going to be in the \$20,000 range and on up just to put that on the road.

Mr. Barnes said what I have heard from my colleagues is that the decision isn't being made based upon the price of the vehicles, but what you just described was based only on value. Can you give me some other objective information about why a 10-year Black Car is any different from a 6-year old taxi?

Officer Buckley said just the maintenance to take care of. While I've been out doing my own inspections I've not come across any vehicles that would considered Black Cars that have damages and are in disrepair like I do when I'm inspecting taxis individually.

Mr. Barnes said in that regard should we allow the Black Car to be older than 10 years?

Officer Buckley said I wouldn't say more than 10 years and I think 10 years is fair. I believe once we reach that 10-year point that is when we're going to find people that may try to take advantage of the system, depending on what kind of car they pick out and things like that.

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

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

NAYS: Councilmember Barnes.

The ordinance is recorded in full in Ordinance Book 57, at Page 450-458.

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ITEM NO. 16: ORDINANCE NO. 4792 AMENDING CHAPTER 15, ARTICLE VII OF THE CHARLOTTE CITY CODE ENTITLED "OFFENSES AND MISCELLANEOUS" TO CHANGE PROVISIONS OF THE YOUTH PROTECTION ORDINANCE, EFFECTIVE FEBRUARY 1, 2012.

Councilmember Cannon said this item again is something that the Community Safety Committee addressed. The action item is to approve the Community Safety Committee's recommendation to adopt an ordinance amending Chapter 15, Article VII of the Charlotte City Code entitled "Offenses and Miscellaneous" to change provisions of the Youth Protection Ordinance effective February 1, 2012. What we have learned and actually what our charge was, was to be able to determine if indeed we may be able to increase the age limit from where it is now up to 16 and 17. What we learned through that process in Committee happens to be that State law the way it is currently written will not allow us that flexibility. Largely in part because the State of North Carolina, like only two other states throughout the entire country, can try 16 and 17 year olds as adults. What that means is relative to being able to fine a guardian or parent in this case is not permissible. You typically would have to find a way to fine the child which we know of course is something they don't have the means to being able to pay, etc. The other idea and suggestions that were discussed in Committee happen to deal with whether or not we could actually tie the youth in as a means of their level of community service to something that they could get an education from. We didn't want to see one out there just being able to say okay, you've violated the curfew and we want you to be out here picking up paper. Instead there was some talk and discussion about how we could actually tie those youth into maybe a and/or corporation to let them be able to gain some skills and apprenticeship and still take out the trash if they needed to do that or wanted to do that. What we have found in short, the State law will not allow us to be able to move forward and the court system does not have the resources in order for us to be able to enact such a curfew or enforce such a program if we wanted to do that. That is a pretty bad situation. Our youth in my opinion, they deserve to be kept out of harm's way and we should all we can to protect them, but it appears that the way the laws are written now, we can't do that. That is unfortunate, but yet we are still at least able to make some other recommendations that have come forth from staff. We have Major Vickie Foster here, Tracy Evans, the Attorney for the Police Department, Eric Campbell, Assistant City Manager and has been staff resource on this issue. What we are bringing to the Council are two things, one is a tiered curfew where basically the hours for those youth that are 12 and under it would be from 10:00 p.m. to 6:00 a.m. seven days a week. For those that are 13 to 15 it would be 11:00 p.m. to 6:00 a.m. seven days a week. The other suggestion is that right now a youth can be with one who is 18 years old so as it relates to that guardian and/or somebody at a more mature level, through some other discussions it has been suggested that we raise the age limit from 18 to 21 for the person to be the guardian or the responsible person. I will say relative to the tier curfew, staff did go through a best practice process. They went throughout the country and looked at who was doing what with the tiered curfew hours and they would have included cities like Columbus, Ohio, Indianapolis, Indiana, Memphis, Tennessee, San Jose, California. I want to comment them for their level of work and expertise and we would suggest that we move forward with the ordinance in the way of the revisions for the tiered curfew hours as well as increasing the age of the adult responsible for the juvenile to age 21. The last piece of that would be that we allow this ordinance to become effective December 15, 2011.

[Motion was made by Councilmember Cannon, seconded by Councilmember Dulin, to]
[approve the subject ordinance.]

City Manager, Curt Walton said subsequent to the Committee meeting Chief Monroe has requested that if you approve this that it go into effective December 15th of this year instead of February 1st of next year so it is in place for New Years if you decide to move ahead with this.

Councilmember Barnes said I want to speak as the lone descending vote on the Committee and the reason why I voted against the Committee's recommendation was that as I read youth protection, I thought that there was some fundamental flaws in what we were doing and staff essentially corroborated some of the issues that came up. For example, as we understand it, the current ordinance is rarely ever enforced because even if CMPD brings a charge under this ordinance there is very little follow through or any prosecution that takes place, so there is really no accountability on the other side. Additionally, because I view it as a youth protection ordinance, we've called it a youth protection ordinance I think that it should apply to any child under 15 in terms of those persons under 15 being in by 10:00 and there are exceptions for work and school related activities with kids 15 and older, I think the way they are treating them the ordinance is fine and also I thought the only piece I really agreed with was the increase in age for the responsible adult from 18 to 21. It just concerns me that it is not really being enforced to begin with and we are not really treating children who are 13 and 14 in a fashion that provides greater protection. So that is why I voted against it and I will likely do so again in a few moments.

Councilmember Turner said I have a question for the City Manager that if this passes tonight that the Chief wants the effective date to be December 15th. My question would be how do we plan to get this information out and in a timely manner to the citizens that this is going to affect and to their parents that is going to be responsible for them. Basically what I'm getting out of this is all we are doing is creating a tier and we moved from the old clause that no longer will it be an exemption that I think was Friday and Saturday and there is no longer no such thing as a 12:00 midnight curfew. We are basically going from 11:00 standard hour for those that are older than 12 and under 12 is 10:00 p.m. to 6:00 a.m. I hear a lot of rationale behind this and I've looked at it and I'm not for sure what it is that we are going to get out of this. I'm still concerned what is our main objective here and do we have any data that supports what we are trying to do will be successful.

Councilmember Carter said I think you all just prevented me from marrying my husband. Dating at 15, he was 18, going to a movie and the movie gets out at 11:00, how do you get home?

Mayor Foxx said go to a 7:00.

Ms. Carter said if you go out to dinner and he has been work. I'm serious. For a 15-year old I think this is a bit restrictive and I would request maybe a half hour permission slide on the 15-year old on week-ends. I really do like my husband.

Mr. Cannon said let me start with the question about enforcement that Councilmember Barnes raised. If it was something that truly the Chief of Police did not want to enforce I don't think he would have suggested this ordinance become effective December 15, 2011. That clearly sends a signal to us that the Chief takes it seriously enough to want to be about the program of keeping our children safe. That is number one, number two relative to how to get the word out, which is a very good question raised by Councilmember Turner, one of the ways is what we see before us right now. It happens to be the media and we work on an awareness campaign to make sure that they are tied into understanding how it works, how it is less than confusing to be able to move the agenda forward. Again in the wake of trying to do something positive for youth in this community to either keep them out of harms way or not have them to be put in a situation where maybe even they become a menace to someone else. The third thing, relative to how do you get home, if you want to go see a nice movie, Councilmember Carter, the way the ordinance is currently written, if you have a designated destination that you are going to the ordinance allows you to be able to do that. In other words you could be out until 1:00 a.m. and that is an extreme, if you have the ability to be with someone. Let's say for instance that you happen to be in Greensboro, NC and you went to a night football game and you are on your way back to Charlotte. If that car is stopped and there is a youngster in that vehicle, as long as that youth is

going directly to a certain designated place there are no issues that Police would harass or give them a hard time about where they are trying to end up. You could still go ahead at 15 with your husband to be at 18, go to that movie and as long as you all have a planned destination point you get a pass for that basically. The ordinance is relaxed enough to be able to do that, so it not so strenuous there isn't any flexibility there to allow people to have some room to continue to still be out.

Mr. Barnes said to an issue the Mayor Pro Tem raised, I would like to ask Major Foster a question. It concerns the enforcement of the current ordinance. I'm thinking back to the discussion we had during the committee meeting. Could you describe for us the history of the enforcement of the current ordinance?

Major Vicki Foster, CMPD said currently we use it typically for large scale events. Obviously, if someone calls about a group of kids at a movie theatre or a mall or something we would also enforce it there, but we don't go into random enforcement of the curfew ordinance. It is typically for large scale events and things that are downtown where we have an influx of kids.

Mr. Barnes said I think you even provided us data over the last two or three years regarding the enforcement. Do you recall the history of enforcement, the number of citations?

Major Foster said I don't recall the exact numbers but I think one of the questions was asked as far as how many people were charged and actually went through the court system last year. We had 9 people charged and 8 people took the actual parenting class and one is still pending. It is not large numbers when it comes to the actual charges.

Mr. Barnes said we also had a discussion regarding why the charges aren't necessarily brought and what happens in term of people paying fines, the inability to pay fines. Could you elaborate on that please?

Major Foster said currently they go to a parenting class if the parent is cited. If they take the parenting class the class is \$75 and if they pay for the class and actually take the class the citation is dismissed. If they do not they will go to court and then whatever the judge orders in reference to the corrective action is what would happen.

Mr. Barnes said in your experience what typically happens once people are cited if they can't pay the \$75, out of those 9 cases that were brought a year ago?

Major Foster said 8 of them actually went to the class and paid so their case was dismissed.

Mr. Barnes said and with that other one, was that someone who went into the system?

Major Foster said yes, the one case is pending.

Mr. Barnes said prior to 2010 do you recall how many of these charges were filed in 2008 and 2009?

Major Foster said I don't recall exact numbers, but I can say it has never been a large number and that is primarily because use it situational, so usually New Year's Eve, big events downtown throughout the summer is really the time that we'd use it the most. It is not to say that officers don't use it during other times, but that is when the focus is on the curfew ordinance. We've never had very large numbers.

Mr. Turner said Mayor Pro Tem indicated that we hope to use the media and I appreciate that, but I think we'll have to take a little more responsibility than that and I know we have ways of doing certain things on the Council to get information out. I'm going to encourage us to get a working relationship with the Charlotte-Mecklenburg School System in the next 2 ½ weeks these children will be getting out of school for the Christmas Holiday and we are talking about 9th graders who are attending high school so you are going to have to get that to the resource officers and I not going to sit here and try to formulate how you do it, I'm just going to tell you that is important that you do it. You are going to have some of these kids that is not going to follow this new policy and they are going to look at your and tell you we didn't know that, and their

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parents are going to tell you that. Let's be prepared that either we are going to get the work out in a timely manner and efficiently, or we've got to make some exceptions.

Major Foster said that would be a part of our educational campaign that we would do.

Mayor Foxx said I think the basic point has been made that perhaps putting on different curtains but it is the same window in terms of the enforcement issues. I think what is concerning to me is that even if this ordinance passes the deeper issues that we are dealing with in this community are still exposed. As much as we've been talking about how to engage youth in various things, and I agree that engaging the school system is part of this, the challenges are outrunning our efforts and frankly I think they are only going to become more complex with time if we don't engage on the front end. Officer Foster, if I were to ask you how many youth we arrest on an annual basis, do you have a sense of what that number is?

Major Foster said in reference to the Youth Protection Ordinance or just in general?

Mayor Foxx said overall.

Major Foster said I don't know on an annual basis, I would say hundreds.

Mayor Foxx said this is not an issued confined to kids staying out after 10:00. There are some deeper issues related to parenting, there are different issues related to personal responsibility. I bet if you looked at the kids that get arrested or brought home because of this ordinance is it probably a correlation between educational attainment and lets of other things. I'm going to continue prodding us and I think there is a lot of feeling around the dais that there is more to this than just expanding the scope of an ordinance. We've got some action to take and there has been a motion and a second on this.

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

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

NAYS: Councilmember Barnes

Mr. Cannon said I would hope that going forward that we might come together as a body and make a point to be known to our delegation to help us in the way of relaxing some of the laws so that we can have more flexibility in controlling what happens right here on this level as it relates to our youth. Currently we are hamstrung and we can't do anything. Here is a prime example of that and because of it there was some level of concern about not moving this forward by some, but how can you move anything forward if you don't have the level of support that we need from our delegation. This isn't just about Mecklenburg County, to the Mayor's point. It is also about Rowan, it's about Cleveland, it's about Union, Iredell, Gaston and you name it. It is a North Carolina issue and we need to do something to be able to change the law.

The ordinance is recorded in full in Ordinance Book 57, at Page 459-460.

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ITEM NO. 17: RESTRUCTURING GOVERNMENT COMMITTEE'S RECOMMENDATION THAT DEFINES THE PROCESS FOR EVALUATING THE PERFORMANCE OF THE CITY MANAGER BEGINNING JULY 2012 AND CONTINUING EACH JULY THEREAFTER.

Mayor Foxx said Chairman Cooksey is ill tonight and is not here but I know there has been time spent on this item. Who is the Vice Chair?

Councilmember Cannon said the members of the Committee of which Councilmember Cooksey is Chair, and I'm Vice Chair, are Council members Kinsey, Mitchell and Turner. The item is to approve the Restructuring Government Committee's recommendation that defines the process for evaluating the performance of the City Manager beginning July 2012 and continuing each July thereafter. Our staff resource is Cheryl Brown and if you would like to come make any

further comments, we will tell you that we are in the midst of doing the evaluation right now for the City Manager. In fact I think we may be continuing the discussion after this meeting. This is to help us continue the process and hopefully to improve it more so than what we have already.

HR Director, Cheryl Brown said we've acknowledged that the FY12 process will be a transition year and in moving forward after the City Council conducts its retreat in I guess early February. In late February or early March the Council will meet with its new members to discuss the transition plan for the FY13 fiscal year and in late July they will meet at the end of the month to evaluate the performance of the City Manager for this past fiscal year and set performance goals for FY13.

Mr. Cannon said that is where we are and we would ask for the Council's permission to continue to move forward as we try to create a better evaluating process for the City Manager.

Mayor Foxx said I want to thank the committee for taking the time on this. I know It's not the most centilating thing to focus on, but the evaluation process is really an important process and I think the work you are doing to give us a pathway to create even more clarity around expectations is going to be very useful. I do want to point out the schedule that is set out here ends up meaning that the new evaluation process doesn't really happen until 2013 because we are really not changing the process this year, really not changing the process for the next year but the year after is when you start to be able to measure those expectations. I think this motion is fine as far as it goes. I think it would be useful for the next Council to take this issue up a little bit early in the process, maybe before the Retreat and start talking through whether we want to accelerate some of the timing on this. I think it is an improvement over what we've had and let's go ahead and do this and if we want to talk about it later we can.

Mr. Cannon said Mr. Mayor, let us thank you for your level of interest and support in wanting to move this item forward understanding that we do need a better process and it is within that spirit that we of course again make this recommendation.

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

ITEM NO. 18: (A) AMEND THE RESOLUTION AUTHORIZING THE SALE OF THE JONAS FEDERAL COURTHOUSE TO QUEENS UNIVERSITY OF CHARLOTTE TO ALLOW THE BUILDING TO BE USED FOR ADULT AND HIGHER EDUCATION PURPOSES; (B) AUTHORIZE THE CITY MANAGER TO AMEND THE OPTION AND PURCHASE AGREEMENT AND THE MEMORANDUM OF OPTION WITH QUEENS UNIVERSITY FOR THE JONAS FEDERAL COURTHOUSE.

[Motion was made by Councilmember Dulin, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve the amended resolution.]

The resolution is recorded in full in Resolution Book 43, at Page 431-432.

ITEM NO. 19: (A) ALLOW THE PURCHASE AND SALE AGREEMENT FOR THE CAROLINA THEATRE WITH CMP CAROLINA THEATRE, LLC (CMP) TO EXPIRE AS SCHEDULED ON DECEMBER 1, 2011; (B) AUTHORIZE THE CITY MANAGER TO ENTER INTO NEGOTIATIONS WITH CMP FOR A PRIVATE SALE OF THE CAROLINA THEATRE SITE WITH A REQUIREMENT TO RENOVATE THE THEATRE BUILDING, WHICH WILL BE OPEN TO THE GENERAL PUBLIC.

[Motion was made by Councilmember Peacock, seconded by Councilmember Kinsey, to]
[approve the subject matter.]

Councilmember Dulin said this has got me a little bit perplexed. Can somebody explain this real estate transaction to me? I think it is us getting out.

Peter Zeller, Neighborhood & Business Services, said the RCA in front of you allows us to end the current deal that we have, the development agreement that we've negotiated and executed. We have not taken that development agreement through to completion and this would allow that option period and agreement to expire.

Mr. Dulin is this site on the tax rolls already?

Mr. Zeller said it is not.

Mr. Dulin said it is not and we own it, but after this it is going to the tax roll?

Mr. Zeller said if we sell the parcel to a developer, yes.

Mr. Dulin said do we have them on any type of development schedule?

Mr. Zeller said what this motion does it takes the existing development agreement that is set to expire on December 1, 2011 and allows that to expire and gives us 90 days to look to negotiate a new deal with the same development firm. If we are unable to negotiate that new agreement for your approval in the next 90 days we will bring back a new work plan on how to dispose of the parcel.

Councilmember Kinsey said I guess I'm the responsible person for worrying about Carolina Theatre and I have for years, but I want to make a note that if we accept this and the negotiations work out it does save the theatre and that is my goal. I ask for your support.

Councilmember Carter said how do we contractually assure that this is saved and how it will be used?

Mr. Zeller said we would likely use similar mechanisms that we used in the sale and disposition of the Johnston and Mecklenburg Mills. There would likely be some sort of title or deed restriction on the property.

Mr. Dulin said I've always been for the development of the corner and with all due respect I remember going to that theatre too, Ms. Kinsey, but I still just don't see that thing being salvageable and we've got folks that have worked, for some of them, it seems like a lifetime to save that thing. I've voting against the redevelopment of that thing a couple of times over the years and I'm going to vote for this tonight because it doesn't get it anywhere close. I want to have an opportunity to vote against it later, but for purposes of moving this forward to see if we can't get it off the City's rolls and put it back on the tax rolls I'm going to support it tonight.

Councilmember Barnes said I have a question and that concerns something Mr. Zeller referenced which was the way we treated the Mecklenburg and Johnston Mills and I made a note to myself when I read this over the week-end, questioning why we couldn't open the private sale price up to anybody with the restriction to maintain historical status.

Mr. Zeller said we could do that and what we are looking for with this 90-day negotiation period is to recognize the fact that the development team has spent a significant amount of money and a significant amount of effort on the building already, has a lot of knowledge about the building and there may be something that we can get to in a development deal that makes sense for the changed economy. This is a very different world and a very different market than what we were in when we first executed the agreement. This gives us a chance to start from scratch.

Mr. Barnes said is the sales price based on upon an appraisal? How did we arrived at the essential value?

Mr. Seller said the sales price I think will be probably be based upon what the original deal was focused around and in recognition of the fact that there would likely be some additional costs incurred to get to a public restoration of the building.

Mr. Barnes said the reason I asked that question is that with regard to Mecklenburg and Johnston Mills, my goal was to maximize return for the taxpayer and I think we did that in that particular
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case and I'm wondering whether we should open up this process to essentially the highest bidder who is willing to maintain the historical character of the property. Is that feasible, is it appropriate and no offense to the CMP, but we've going through this for about 6 years and they have yet to perform for one reason or another. I'm wondering if we should open it up to whoever could pay the most and agree to keep the historical requirements in place, or at least honor those.

Mr. Zeller said that could be one approach to do it. At this point I think we were trying to find a way that we could get back to what a sales price was originally agreed upon and whether that original sales price was still valid and whether that project could still go forward. This would give us a 90-day period to work through that \$1 million sales price that we negotiated a while ago and see if there is a way we can maintain that price and see if there is a way we can get the project moving forward without some of the hindrances that are on the building now.

Mr. Barnes said is your sense that it is worth more or less that it was when this started 6 years ago?

Mr. Zeller said that is a good question and I don't have a good sense one way or the other. Mr. Dulin said you mentioned a minute ago that we are trying to work to where we can get it to a public restoration.

Mr. Zeller said by public, I mean public use, not a publicly funded restoration.

Mr. Dulin said thank you very much and by the way they do have \$250,000 paid to the City, non-refundable already. These folks have been going to their hip and paying on the thing so they are believers.

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

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ITEM NO. 20: AUTHORIZE A TRANSFER OF UP TO \$111,000 OF SAVINGS FORM THE CHARLOTTE FAMILY HOUSING TO CRISIS ASSISTANCE MINISTRY TO PROVIDE ADDITIONAL HOMELESS PREVENTION ASSISTANCE.

[Motion was made by Councilmember Barnes, seconded by Councilmember Mitchell, to]
[authorize the subject transfer. The vote was recorded as follows:]

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

NAYS: Councilmember Dulin.

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ITEM NO. 21: (A) AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE A CONTRACT WITH TYLER TECHNOLOGIES FOR ENTERPRISE RESOURCE PLANNING (ERP) SOFTWARE AND MAINTENANCE AND SUPPORT DURING IMPLEMENTATION IN AN AMOUNT NOT TO EXCEED \$2,320,550, CONTINGENT UPON REACHING AN ACCEPTABLE SCOPE OF WORK WITH THE VENDOR FOR IMPLEMENTATION SERVICES; (B) AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE VARIOUS OTHER CONTRACTS THAT SUPPORT THE ERP PROJECT IN AN AMOUNT NOT TO EXCEED \$19,074,433 FOR SERVICES SUCH AS SOFTWARE IMPLEMENTATION, CHANGE MANAGEMENT, DATA CONVERSION, HARDWARE, INDEPENDENT WORK REVIEWS, AND OTHER SPECIALIZED IMPLEMENTATION SERVICES; (C) AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE CONTRACT AMENDMENTS TO SOFTWARE, IMPLEMENTATION SERVICES, MAINTENANCE SERVICES, AND OTHER RELATED ERP CONTRACTS TO ADDRESS CHANGES IN SCOPE AND OPPORTUNITIES FOR PRODUCTIVITY ENHANCEMENTS AND (D) BUDGET ORDINANCE NO. 4792-X APPROPRIATING \$21,394,983 FOR ERP FROM PAY-AS-YOU-GO CAPITAL, TECHNOLOGY INVESTMENT CAPITAL, AND ENTERPRISE FUND CAPITAL INVESTMENT PLANS.

Mayor Foxx said we've had a presentation on this recently.

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

Scott Robinson, 4525 Elderberry Court, Matthews, said on behalf of Lawson Software Public Sector Industry management team, I would like to thank you for the opportunity to speak to you regarding the City's upcoming Enterprise Resource Planning software implementation project. I am a Practice Director of Lawson's Public Sector Consulting Service Practices. I worked as a member of the Lawson Team who worked very closely with the City's ERP evaluation team throughout the entire RFP process. I have also been a proud citizen of Charlotte for the 17 of the 25 years I've lived in this metro area. Lawson wants to acknowledge the City's ERP evaluation team for the incredible amount of effort and time that they invested into the decision regarding a partner for this project and for seriously evaluating Lawson as one of the two finalists for that partnership, however we have significant concerns about the evaluation process. After due consideration on November 16, 2011, we submitted a letter of protest regarding the potential RFP award and a follow-on letter on November 21st. I would like to emphasize that protesting an RFP award is not Lawson's practice or policy. In fact none of us can remember having done this in the last 10 or more years, so we do not do this cavalierly or lightly. Specifically our major areas of concern including the fairness of the contract negotiation process whether both vendors were given the same amount of time to respond to some specific billing requirements which were critical to this city and also the extent per section 2.12.1 of the RFP that the selected solution meets the City's stated desire for out of the box software solution to fulfill its requirements versus one requiring potentially significant modification and customization in key areas such as procurement. Lawson's requested documentation related to these points and we received the first of those documents late afternoon today. We also received a letter from the Senior Assistant City Attorney commenting on Lawson's concerns regarding the contract negotiation process. The letter covers many points and it states one thing specifically, "on one occasion I did inadvertently e-mail a proposed Lawson red line to Tyler's Attorney", and provided some elaboration on that. While we certainly do not believe there was any ill intent in this inadvertent action, it underscores our concerns about the contract negotiation process, particularly given the significant weight that the contract played in the decision process. Lawson is respectfully requesting the following: First that prior to this Council approving a \$21 million contract we request that the Council appoints an appropriate individual or committee that was not part of the evaluation process to independently review Lawson's area of concern and the documents related to them. Second, we request that the Council not act upon the evaluation team's recommendation until both the City and Lawson have been able to review the concerns and related documentation. Lawson understands the City's desire to move forward with this project and will perform our review evaluations as quickly as possible.

Councilmember Carter said there are three statements in our write-up that give me concern about this. The indication is that we are a guinea pig, that no-one else has a system such as this, that we are the flagship account and Tyler is the only firm which provides this service and that potential changes and unknown challenges may be in the offing. All of this language I have never seen in 12 years and I am concerned about it. It is an enormous investment of money. It is moving us ahead technologically I hope, but the judicial system tried out a similar technological effort and failed miserably because of the promises in the RFP. What measure of confidence can we draw down when we invest \$21 million?

City Manager, Curt Walton said let me address the broader issue and then Jeff Stovall can address those specific issues you raised. I think one reason those are in there as I stressed when we did the Dinner Briefing, is the inherent risk of a project of this complexity. I just wanted to make sure that everyone understood the risks and there is really no way to mitigate that risk up front. I don't think that is a function of which ever company we go with because those risks are there for something, for an organization of this size and for a financial system, which is the most pervasive system throughout any organization. We just wanted to make sure that the risks was known and understood.

Jeff Stovall, Office of the Chief Information Officer said the software that we are putting out is certainly not a guinea pig software. Tyler has been in business for many years and has perhaps one of the largest deployments of public sector software of any company available today. The

software that we are looking to deploy is tested and proven in over 80 different public sector uses here in North Carolina alone. What we will be doing is making changes to the software, additions and enhancements to the software that are over and above what is in the base software, so that does represent for us an opportunity to enhance the capabilities of the product beyond the current packaging. As far as being a flagship, we are going to be the largest implementer of this particular software in a public sector organization, but with that being said, with Tyler's extensive experience in deploying to the public sector, its use in North Carolina, and again we have over 80 agencies in North Carolina that use this particular type of software for their financial management purposes, we believe that is a risk that we can clearly mitigate.

Councilmember Turner said can you tell me why it took us so long to respond back to them?

Mr. Stovall said we received the notice on the 21st, which was just a few days before Thanksgiving so our initial response came on the day before our Thanksgiving break and we had a more detailed response today.

Mr. Turner said you indicated that we sent, was it your bid or information with regards to your bid?

Mr. Robinson said my understanding it was a red line of the contract that was in negotiation, inadvertently sent to the Tyler attorney. That is information from your City Attorney that was provided to us in open communication.

Senior Assistance City Attorney Cindy White said I would very much like to address that. As we have explained to Lawson in a letter, I don't think you heard quite the whole story with that. What was sent was the City's markup of a Lawson redline where we were proposing additional changes. I did accidentally send it to Tyler's Attorney. It was 8:30 at night and I hit "reply all" on an e-mail without checking and completely by accident he was on there. I realized it the next morning, but before I could even contact him he contacted me and said "I see you've sent me this and I assume that you do not want me to read it". He confirmed by e-mail that he did not open it and did not read it. Lawson has been made aware of this. Furthermore, there was no trade secret or inappropriate information ever at risk. All of the product and pricing information had been stripped out of that contract. It was just the City's response to the latest Lawson legal terms, and at that point in the process the terms that were proposed by Tyler were a lot more favorable than the terms that Lawson was proposing. There is no way the process would have been prejudice even if Tyler had read it. What Tyler would have read is that they were giving us much more favorable contract terms than Lawson was. We do not see that as any basis for prejudice or unfairness whatsoever. Frankly, no other valid basis for that prejudice or unfairness have been raised before tonight.

Mr. Turner said you said it was in their favor but if another bidder received that information and they were not at that point, did they change their position?

Ms. White said no they did not and they would have had no incentive to because their position is more favorable to the City than Lawson's position was. If anything they would have said, gosh we should back track on some of what we've promised, but that has not happened.

Mr. Turner said can you give me one other thing that I have not asked in regards to what you find to be another concern of yours, in regards to the process since you appealed it?

Mr. Robinson said the additional letter of protest was on November 16th and we provided more detail at the City's request on November 21st. Certainly a very prompt response given the holidays so the first information we received in terms of documents regarding the evaluation process at 4:48 p.m. today. We've obviously not had time to review those and that is really what this is about. It is not questioning the integrity of anyone involved in the process saying that in the interest of the citizens of Charlotte and the City for a \$21 million process, and in fact where we are at a lower costs, based on the information that was provided to this Council, we believe we are the lower costs. We feel that it is appropriate for the due process to be implemented and some additional time, expeditiously, to review this. To give you one example, and again this was from a very cursory review of documents just before 5:00 today, there was a document in there that I believe if you looked at about the evaluation of the services component of the bid, which is

actually far more than a software component, three or four times, depending on whose bid it is, very detailed line items in there which did not appear in the RFQ in terms of areas or evaluation that column for both vendors and one column for Tyler was completely filled out. There was an incredible amount of PVD in the Lawson column. We originally submitted our draft SOW back in the middle of August after the onsite demonstration, we submitted a revised version of that in the middle of September as part of the RFQ for the services, which was a follow-on to the software RFP, had a subsequent call or two after that requesting some specific clarification so that we could come up with the very best most cost effective proposal for the City. We had multiple on site contract negotiation meetings with the City's team and we received written answers to those questions that originated some weeks before on the morning of the final contract negotiation session. I had to do the best I could to incorporate those and do a best and final number. Again, it is the timing of the thing and it may have worked the same way for the other vendor, but we have repeatedly tried to get additional information to come up with a final bid. That is just something I picked up in the brief review of the documents received so far.

Councilmember Mitchell said Jeff, in the write-up you had Tyler's technology, they are the only firm that provides this service. The statement made by staff that Tyler is the only one to provide this service, but you are bidding. Are we comparing apples to apples?

Mr. Stovall said I think I need to clarify that point. In this particular case the vendor who actually manufactures the software is the only one that actually does the implementation service, that configures it for us. They configure their own software and they don't allow other vendors to do configuration on their behalf so when we talk about the implementation services, it just simply means that they don't have anyone else that they subcontract with or otherwise contract with in order to perform those functions.

Mr. Mitchell said how will you implement the software. Will you subcontract that out?

Mr. Robinson said it is a completely different software solution. It is our intellectual property, Lawson Software for our services industries and we have a consulting service as part of our organization, which is what I represent and work for, where we typically use our own employees. We may, if there is a special need or to meet the small business or minority requirements, we may use a partner for some aspects of that.

Mr. Mitchell said the terms on the second bullet point, this is a little disturbing because it says if the City Manager is unable to successfully negotiate the detailed implementation terms with Tyler, staff will return back to Council. Why do we think it might be an issue with Tyler?

Mr. Stovall said we want to preserve the right to be able to go back and renegotiate if we were to encounter a problem. It is not with the anticipation that we would have a problem, but we do want to be able to come back if there were a problem and say we tried our best to work things out, something that we did not anticipate occurred and we would like to go with the second place vendor.

Mr. Mitchell said in lieu of doing an RFP all over again?

Mr. Stovall said correct. That is what that is intended to do.

The vote was taken on the motion to approve the subject action and adopt the subject ordinance and was recorded as follows:

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

NAYS: Councilmember Dulin.

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ITEM NO. 22: MAYOR AND COUNCIL TOPICS

Mayor Foxx said let me say by way of congratulations that we have newly engaged member of City Council, James Mitchell and he is grinning from ear to ear and we are very happy for you and Jonie, so congratulations.

Councilmember Cannon said I just wanted to make the body aware that the HUD Director of the office of Sustainable Housing happened to be here last week along with Congressman Mel Watt to make a major funding announcement and essentially the Centralina Council of Governments was awarded nearly \$5 million to develop the Connect Vision, which basically is connecting vision to a plan where folks come together throughout the region to make sure we are moving forward in a positive direction to be about the issues of transportation, economic development, etc. here in the region. It was a very good event and it is something we want continue to support. That grant has hit this county and several others so we are really pleased about that.

Councilmember Peacock said three subjects – I wanted to pick up on Ms. Kinsey's comments earlier about creek relief which I followed you Ms. Kinsey just after you with my children and we participated for the second time in this great program. It is a public/private effort with 500+ volunteers of all ages, planted over 2,000 trees within four hours at the Briar Creek Area over in Myers Park. It was very impressive as we talk about tree ordinances and all the minute issues. This was really about citizens getting out and doing something so it was fun to be a part of that.

The second subject was about a document, I was looking to get an update from the Manager's office, but really just to reference Mayor Pro Tem Cannon, you were not on Council at the time but on October 1, 2009 then Deputy Chief Ken Miller came to us with a pretty detailed outline of what he was proposing and staff was proposing that we ultimately adopted as it related to the rental property ordinance. If you will recall about four months ago we heard some pretty revealing numbers from Police staff and really what struck me was when they gave the real numbers. We had been given projections that I would like to see staff respond to. We had been given estimated first year cost of \$229,000. They gave a breakdown of personnel services, salary, merit increase, social security tax, insurance, North Carolina retirement, 401-K contribution and I would like to see what we projected and what was actual. What we heard from CMPD is that we expected over \$200,000 in revenue from this program and we've gotten less than \$30,000. I think it really merits the next council to really take a very close look at that and trying to find ways to keep it affective, but those aren't numbers that I think anybody from this dais would be proud of.

The third subject that I want to bring up, about a year ago I somewhat threw a curve ball at this dais about the subject of City/County consolidation. I brought forth a memo that was really projecting some of the key questions that I felt like that had not really been addressed. They have been addressed, but not from a begin with the end in mind type approach. The Mayor and myself on record had some very good dialogue that just around the subject and I realize every decade we get to this subject and we approach it, but ultimately it is the political will of the two bodies and what they would like to see the political composition of the two bodies be on how that moves forward. It was just more of a reminder for this body about that, political consolidation, I'm neither for it and I'm neither against it but I think it ultimately boils down to us addressing the key questions. Mr. Mayor, one point I wanted to make and it really goes hand in hand with something that we saw in the public sector as it relates to the large merger that is underway with Duke and Progress. You will notice that when Duke and Progress decided to merge, they were in private and then they announced on a Monday that they were merging. They now have been through the process of having their shareholders and the stakeholders, which are of course the regulatory bodies as well, consider this approval, but we all know that when Duke came out of that room they knew what the name of the body was going to be. They knew who the CEO was going to be. They knew how many members of their Board of Directors were going to be on each body and that was really the spirit of what my memo was about last year, was to address that first. This body, the County Commission and of course the other parts of this are the six towns and municipalities, very important. The Mayor's point at the time was let's simply get all these characters together and let's have an open dialogue about it. I think that is absolutely what needs to happen first because when you read Manager Walton's response, clearly our energy has been spent on this dais on a very important convention that is coming, but what I think what I heard very loud and clear from him was the staff resources to think about it

and talk about it and study it and do all those things really don't take shape until the two bodies come together and have an open dialogue about what would political consolidation look like, who would be in charge, what would we call the body and what is its ultimate purpose. Full-time, part-time, four years, two years, we took four years/two years over this past two years and that was not brought out of committee. I just thought it was important to talk about this as this Council concludes before next week's ceremonial meeting and also just to amplify my interest in the subject, as many people have had. I think it is literally four decades that we've looked at this. I think Mr. McCarley, who is retiring, has probably got the most time invested as well as Carol Jennings as well as some other staff members have been involved in it. I think from both staff's perspective you all would feel a lot of better if the body was really serious and we really were going to consolidate politically.

Mayor Foxx said thank you very much and points are all well taken. I suspect we will be having some conversation very soon about the points that you raised and I hope that your interest in that subject sustains because I think there is a lot of valuable perspective that you have on it.

Councilmember Mitchell said I have four items and one is very important. This is about the mobile food vendors and on September 29th the ED Committee heard an update by staff regarding our mobile vendor ordinance. The original mobile vendor ordinance was a result of stakeholder process which brought forth together representatives, vendors and staff. As part of our update from the ED Committee Councilmember Carter representatives of the vending industry asked the Committee to consider potential revisions to the ordinance including three areas, permit duration, permissible location and hours of operation. You charged the ED Committee just to get an update, we wanted to bring it back to the full Council for you all to give some direction if you are interested in exploring those three provisions. We need some direction to the ED Committee as to whether you want to explore those three issues as the mobile vendor ordinance.

Councilmember Carter said I had thought this was going to be a delayed report until next time so I'm not as prepared as I would like to be because this is an area that I think is an area of small business, it is an economic development issue, but it also has impact on Neighborhood and Business Services and on the environment and on public safety apparently in the minds of our citizens. I think this is an education process. As we went to the National League of Cities they had a whole session on food and mobile food vendors and it was an absolutely stellar meeting. On the west coast food vending is the in thing and it is a service to the people who need food at a certain point. It is a festival, it creates place. There was suggestions of having a conglomeration of food vendors in one area, say a vacant area, and it is a way to enliven a neighborhood to serve a neighborhood. People wanted to come and speak tonight and I was told that this was not going to be brought up tonight so I didn't ask them to come speak on it. To me it is a public issue that needs debate because the whole climate to me is changing. We've been talking about the demographics of Charlotte changing and they are and there is a different push for different services. For us as an outgoing Council it would be looking forward to having the new Council engaged and listen to the debate on this area.

Councilmember Turner said I was the Chair person when this came through. The staff worked very diligently and hard on this. We had all the stakeholders and I hear my colleague's comments, and I hate to do this, but I don't believe you would feel that way if you experienced the negative side of it. I believe the proof is in the pudding. When we went down that road it wasn't because this Council wanted to take on it was because of the constituents was filing complaints and concerns with law enforcement. When you live in that environment it is different. It is different on the west coast and I have spent time out there and I have relatives that still live there. I am not concerned about what happened on the west coast, I'm only concerned with what happens in Charlotte and Mecklenburg County and when I look at areas where we as a city have improved and cleaned up and gave piece of mind to our constituents they are happy, we have not seen the influx or the repeal of those that operate these vendors in those areas. What we did get is a solution that I think was a win/win for everyone and I think it is unfair when the last two gentlemen that came before this Council, they didn't even live in Mecklenburg County. They lived in Gaston County, asking us to appeal something and I ask them a direct question, where were you guys during the stakeholders and they admitted that they didn't even come, they didn't even bother. First of all they were more than welcome because just not living in Charlotte was not a criteria. I question the intent here and what the results would be. I think if you look at

our data and you ask the folks who filed the complaint or saw that there was some influx and there was really some serious quality of life concerns and safety, today they will tell you that they have enjoyed having that ordinance in place and it is important that we continue to allow that to play out. I don't see a need at this point to change it. It won't be for me to make that decision, it will be the new Council, but I can assure you one thing. I will be standing right over there when this comes back and I hope that this Council will not consider that and will allow to evaluate this process even further if that is a concern of this Council, but I have yet to see or get those complaints, other than thank you, thank you, thank you, and they were not thanking me, they were thanking this Council and thanking the staff Mr. Manager, because staff put a tremendous amount of time in dealing with this issue. It was not an easy topic because race came into play, economics came in to play, location came into play. It was a lot of things moving, but I commend them for the work that Ms. Young brought to us and the rest of the staff, and Willie Ratchford and we've moved this thing because it has some race tones to it and they brought a lot of other issues that we were able to get away from and get back down to the salt of it. I think today we will be making a serious mistake to bring that back unless you can show me or provide this Council where there is truly a huge support to do that. I don't believe you would feel that way if it was on Providence Road because you would experience it versus hearing about it and having an opinion from the outside. You have to be there. You have to live in those conditions where they thrive, where they take advantage of a condition which is not conducive for that environment. I respect the fact that other people come in here and of course we are changing. We had that very conversation tonight during the City Manager's evaluation. We are changing, but you still have to have some integrity about upholding the quality of life of those that live here and have invested and live in our community and pay taxes every day and work. They need a decent nights rest and they shouldn't have to worry about whether they are going to have a shoot out, we shouldn't have to worry about whether it is drugs that is happening there. This was not a stereo type, this was not to say that every vendor in the City of Charlotte was doing because it is not about race, it was about resolving and coming up with a policy that we thought could help us.

Mayor Foxx said I think that what is being ask here is really, and I think there is a lot of good feedback on all sides of this thing, but I think what is being ask is now that the ED Committee has done their review, do we want to ask them to take any further steps or do we want to kind of leave it where it is. I think given the fact that the ED Committee and there will be a new one coming in, and to Ms. Carter's point, that we probably should bring this conversation back to the next Council and not make a decision on that tonight.

Councilmember Cannon said I would like to if we could get staff to get back to us the best practices that Councilmember Carter talked about that happened to be used in Phoenix at the NLC as a point of reference if at all possible.

Mr. Mitchell said the second was a thank you to Jeb Blackwell. We had an issue with a new retail that wanted to up Thanksgiving. Jeb, you solved that issue in about four hours and they were able to open and take advantage of that. My last one and this is my token of appreciation. Mayor, you didn't get a chance to join us at NLC because you were making sure that internationally Charlotte was going to develop, but I gave a token of my appreciation to all of the NLC Dream Team Basketball Players so I'm going to give you the Holly Farms Player of the Year for participating in the NLC Dream Team. You scored 18 points, so here is my way of saying thank you for participating.

Mayor Foxx said I appreciate getting the Holly Farms Award. It didn't come with any smoked sausage.

Councilmember Dulin said the other good thing about that is the Mayor gets 8 fouls.

Mr. Turner said I just wanted to thank the Yorkmont Community for this wonderful award. I was not able to do that as they caught me by surprise. I have never Donna emotional other than when she is telling you what she wants. That was a side of her I had not experienced so I do want to let them know I thank you for doing that.

Mayor Foxx said this is our last public piece before next week. We've had probably the hardest two years I can think of. We've had life and death, we've had lots of issues coming up, we've

had to corrupt poor Jason into city politics, we've had staff changes in various places and I want to say to the staff, I know we've pushed you guys pretty hard these last two years, but your efforts are appreciated and I also want to say to the Council, I know that we deal with difficult issues all the time and we don't always agree on things but every single one of you have put your heart and soul into trying to make the best decisions for this community and I want to thank you for that.

We have a closed session that we recessed and we need to go back into it. Do we need to read the motion again?

City Attorney, Mac McCarley said just to be safe you would want to motion to go into closed session to consider the performance and compensation of your direct employees.

[Motion was made by Councilmember Cannon, seconded by Councilmember Barnes, and]
[carried unanimously, to go into closed session to consider the performance and compensation]
[of direct employees.]

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ADJOURNMENT

The meeting was adjourned at 9:53 p.m.

Ashleigh M. Price, Deputy City Clerk

Length of Meeting: 3 Hours, 53 Minutes
Minutes Completed: January 25, 2012