

LUNCH BRIEFING

The City Council of the City of Charlotte, NC, convened for a lunch briefing on Monday, February 13, 2012, at 11:55 a.m. in Room 280 in the Charlotte-Mecklenburg Government Center. Council members present were: Warren Cooksey, Claire Fallon, LaWana Mayfield, James Mitchell, and Beth Pickering.

City Manager Curt Walton called the meeting to order and then briefed the Council members in attendance on the agenda for the meeting this evening. There were questions and answers about specific agenda items.

The meeting was adjourned at 12:45 p.m.

DINNER BRIEFING

The City Council of the City of Charlotte, NC, convened for a dinner briefing on Monday, February 13, 2012, at 5:17 p. m. in Room 267 of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Present were Councilmembers Michael Barnes, Warren Cooksey, Claire Fallon, David Howard, Patsy Kinsey, LaWana Mayfield, James Mitchell, and Beth Pickering.

Absent: Councilmember Andy Dulin until noted.

Absent: Councilmembers John Autry and Patrick Cannon.

Mayor Foxx said let's start with consent items. I know there were at least a few discussed at the lunch meeting. Are there any other consent questions that we need to put on the table right now? Hearing none, we can go ahead and jump into the agenda.

ITEM NO. 1: NS/CSXT MAINLINE GRADE SEPARATION PROJECT ADJACENT TO NORTH CAROLINA MUSIC FACTORY.

Deputy City Manager, Ron Kimble, said this is a very complicated project. This is really your first introduction officially as a Council to hear about this project. It's a really big one, real important, and it involves an area around the North Carolina Music Factory. Tim Gibbs, who is from the Charlotte Department of Transportation (CDOT), is here to present this to you along with me. We are going to tag team on this. Also, I want to let you know that Michael Shumsky is in the room. He's the project manager from the N. C. Department of Transportation (NCDOT). And Reid Simons is here from the NCDOT. They're here in case we have questions that we can't answer, but Tim and I are going to try and handle this ourselves and brief you on this project. No action is required tonight. There will be future action items that originate from agreements that will have to be out there among all the parties, but this is really your first big introduction to a very complicated, the biggest project in the high-speed rail stimulus funding that the State of North Carolina received. At this time, I would like to turn it over to Tim Gibbs who will walk you through the first few paces, and then I'll join later and talk about the project itself.

Tim Gibbs, Transportation Planner, CDOT, used a PowerPoint presentation of which a hard copy is on file in the City Clerk's Office. I'll be talking with you this evening about the rail grade separation project that is proposed north of uptown at the junction of the CSX and Norfolk Southern railroads. The Council was last briefed on the project in April, 2010, by Pat Simmons, the Rail Division Director for NCDOT. The railroads, again, intersect under the bridge for I-277, between Graham Street and I-77. Currently, fifty trains a day go through this junction, and Norfolk Southern trains have the right of way which means that as CSX trains approach, they have to see if a Norfolk Southern train is coming through before they proceed ahead. As rail traffic increases, as we know it will in this area, because both railroads are expanding their intermodal capacities in Charlotte. There's a new Norfolk Southern terminal, as you all are aware, at the airport. CSX is expanding its facility in northwest Charlotte. As this occurs, we know that this crossing will be a more severe bottleneck than it already is. Today, what we are going to do is to tell you a little bit about the project's funding, the coordination efforts for the

project to date, we'll highlight some of the key project components, and we'll also discuss the next steps.

In January 2010, the State of North Carolina was awarded \$545 million from the American Recovery and Reinvestment Act (ARRA) for statewide rail corridor improvements to improve first and foremost safety, and also to enhance system wide capacity. About forty-five percent of the funding that the State received was designated for projects in Charlotte. \$129 million was for the mainline grade separation project that we'll be talking more about today. \$23 million was for a passenger service rail facility, which is just west of the Panthers stadium on the other side of Graham Street, between Graham and Summit Avenues. Lastly, \$95 million to double track the NC railroad corridor between a point just north of Eastway Drive to Concord. The stipulation on the ARRA funds is that all the projects must be complete by the summer of 2017.

Mr. Gibbs continued with Page 3 of the PowerPoint presentation. The grade separation project and the passenger service rail facility show up on this slide as No. 1 and No. 20, which is in uptown Charlotte, and again No. 20, which is just west of uptown. As we said, what's going on is that those twenty projects in Charlotte are going to be modernizing existing track infrastructure, improving safety, increasing operational efficiency in the rail corridors. These projects involve a lot of coordination between the City, including CATS, the State NCDOT, and railroad agencies, Norfolk Southern and CSX Transportation. Some of the goals of the mainline rail separation project (Page 4 of the PowerPoint presentation) are to reduce the conflicts between freight and passenger trains within the City at what is the most congested rail crossing in North Carolina, that's for the entire state. This is the most congested rail junction in the state. We also want to provide enhanced service to the proposed Center City gateway station that will be located between the railroad, 4th Street, Trade Street, and Graham Street. It will also help to enhance safety to reduce noise and increase railroad operating efficiency. We hope that it's also going to allow businesses in the area to thrive, both during and after the project is completed construction. Again, the project should be completed by mid-2017. All the accounting and everything for the projects, since we're using our funds for it, must be completed by September 30, 2017. Ron's going to talk a little bit about the partners in the project.

Mr. Kimble resumed speaking at Page 5 of the PowerPoint presentation. There is an excellent map in Attachment #1 in your Council agenda notebook, and that will give you kind of the flavor of the complexity of the project. I'm soon going to walk you through some of the attributes and components of the project itself. But, for the most part, the project partners are, as you see on the screen here, the NCDOT, both the NCDOT road portion and rail portion, the City of Charlotte, Mecklenburg County, Duke Energy, and the N.C. Music Factory owners, Rick and Noah Lazes. This is a very complicated project. It will involve ultimately multiple agreements between and among these parties, and we're just introducing, again, the project tonight, and we'll talk at the end about what some of the next steps are. But, this is the particular schematic that we want to talk about tonight, to walk you through some of the complexities and the challenges of this particular project.

Again, in Attachment #1, it will be even clearer on the map that we've provided there. He pointed out Graham Street, and The North Carolina Music Factory Boulevard, which was formerly Seaboard Street, and Hamilton Street. As you know, Hamilton as it exits goes out towards the Greenville neighborhood. He also pointed out the Silver Hammer Studio, the North Carolina Music Factory, the amphitheater, ADM and a couple of abandoned buildings, cold storage buildings that NCDOT has now purchased as part of this project. I-277 cuts across on the back side of the North Carolina Music Factory. The main part of the mainline grade separation project, this is the CSX line. This is the one that I think fourteen freight trains operate on, on a daily basis, crossing the Norfolk Southern line where thirty-four freight trains operate each day, and they come together at grade at this particular juncture underneath I-277. The key attribute and component of this entire project is to grade separate these. So, starting way back here, a trench is going to have to be dug along the particular alignment of the existing rail line and get down underneath the Norfolk Southern railway at this point, and then gradually come back up out of the trench further down in this location. It is a major, major dig. It's a major, major trench. It's a major, major challenge to make sure that these two railroads are no longer at grade, that they're at grade separation. Elmwood Cemetery is on this side of the rail line, and there's going to be very little opportunity to do anything regarding any part of the project to

occur on the historic Elmwood Cemetery, and that's been confirmed by many people at the State level and at the local level.

So, ultimately, in order to dig the big trench, the existing rail line has to be lifted out and placed in about two of the lanes of Seaboard Street, which is now called North Carolina Music Factory Boulevard, in order to accomplish the project and the new positioning of the rail line underneath the Norfolk Southern rail line. As you know, that is one of the major arteries and major ways in which customers access the North Carolina Music Factory, all the way from Graham Street, down the new Music Factory Boulevard, all the way here and around Hamilton Street. There's about an 1100-car surface parking lot. I don't know if you've been out that recently. It's all paved, and this supports the major concerts, the major activities, the major patrons that come and visit the North Carolina Music Factory. Now, the good thing is, if all goes well, the earliest that we can start construction on this project is in 2013 to begin to find a way to build a loop road that allows patrons to get in and around here. It would not start prior to the end of 2012. Why is that important? Remember what event is here on Saturday night, September 1. I think the 15,000 media from around the world are going to be here for the Democratic National Convention. Nothing will occur in this vicinity until after that into the year 2013. But in order to allow this rail line to be lifted up and placed into portions of North Carolina Music Factory Boulevard, this particular loop road is the solution to try and get traffic in here and then loop around the site while the rail line is being constructed in the trench. This is about a three-year construction period once you start with the project to get the rail line lifted out, get the trench dug, and get the rail line then placed back into the trench. It's about a three-year period. There's about a one-year period lead-in in order to get this loop road in, so it's about a four-year construction, from start to finish. And these funds, the stimulus funds, have to be totally spent by September of 2017. If you notice the time line, and you back that up, that means construction on this loop road is going to have to start in early 2013 in order to get it built, allow the rail line then to be lifted up and placed into a portion of North Carolina Music Factory Boulevard, then three years of construction to get the rail line repositioned and then lifted back in at the end of that construction period. As you might expect, that pinches to a great degree what's going on here at the North Carolina Music Factory, and we have to make sure that we allocate enough time, enough energy, enough solution, in order to provide access to the venue that is known as the North Carolina Music Factory. You've also got to create opportunities to access and allow ADM, which is a major employer and a major economic impact in this region, to function during this time. But at the end of the project, we're going to end up with a grade separation at this location that is going to allow trains to free flow in this location and allow us to grow the kind of trade that we need in our particular community and region.

Councilmember Howard said Ron, that loop road is permanent?

Mr. Kimble said that loop road would be built and would be permanent once it's in place. And, once the rail line then is moved back into the trench, there's a commitment that this road would be reestablished to its existing and current cross-section for the future of the North Carolina Music Factory. This grade separation also was very important to the future operation of the Gateway Center in the Center City of Charlotte. So, this has a great amount of reason why we should be doing this project, because it has great economic advantages to this community, to this region, to this state, and to the southeastern United States. It is a very important project, but as you can see how complicated it is. There's a Duke Power substation right here, there's a huge depression in the ground here which makes the ability to construct a road this direction almost virtually impossible. There is Duke Energy power easements right along here, along I-277, there are setback requirements off of I-277. We spent about a year with NCDOT, the Lazes family, Mecklenburg County, and Duke Energy trying to figure out how this loop road could be finessed into this narrow passageway on the back side of the North Carolina Music Factory.

We are still continuing to work through all the issues. They're very complex, but we have all the parties at the table. At the end of the day, we're going to have to find a way for all the parties to interact with one another, strike the agreements that we need to with each other in order to provide for this very important addition in the rail grade separation in this location. I think you can see the dilemma, the complexity, the complications, and the issues that we have to resolve in order to move the project forward. This is your first introduction to this. There will be things that come back to you for the next year. We'll need to pace those and roll those out, but they all are intended to find a way to make sure that this road which, remember, was built by the Lazes

family because they spent, I think it was around \$2.5 million, to build this road. There is a tax increment financing repayment by the City of Charlotte to them for a portion of that road as certain conditions are met. The economy has gotten this area. They have not been able to build the tax base that allows them to get reimbursed for the construction of this road to date. So they have originally stood the cost of about \$2.5 million to improve North Carolina Music Factory Boulevard in this particular area.

We simply wanted to introduce this to you, answer any questions you might have, but assure you that the team is working as aggressively as they can on moving this project forward, and we've got to pick up the pace, we've got to speed it up a little bit, because we do have only until September of 2017 to make sure this project is spent, done, completed, and opened for business.

Mayor Foxx said Ron, you mentioned this sort of. I want to make sure I'm clear. This solution, which I know has been in discussion for a while, that North Carolina Music Factory folks are going to be okay? I know they're not doing cartwheels over having their major thoroughfare cut off, but this is going to work for them?

Mr. Kimble said I think they might say they wish this project would not have the impact for the four years that it's going to have on their operations. But they understand the need for this project and how important it is to the community. It's our collective job to try and mitigate the impacts on the Music Factory and the other businesses in the area, to make sure that not only can they survive, they can thrive during this same period of time. And it's creating the right amount of access, the right separation between the massive construction that's going to go on in this trench, and screen it off from the major portions of the North Carolina Music Factory so that the noise, the visuals, and all the things that are going on at the construction site are not interfering with what's going on on the entertainment side of the business. So, they're at the table with us. We're working weekly, if not daily, with them on attributes of the project, and we're working through all the variables.

Mayor Foxx said so I can understand the way this works, so someone would come down North Carolina Music Factory Boulevard, get on this new road that would get constructed, move back around that, and that would be a one-way street going across the front?

Mr. Kimble said this is going to be one way out with emergency vehicles passing through with amenities for pedestrians and cyclists, also there at the same location.

Mayor Foxx said so it's closed, it's closed altogether?

Mr. Kimble said it's pretty much closed because of the impact. This trench is so wide that the rail line has to be lifted out further away from its existing location into at least two lanes of North Carolina Music Factory Boulevard, leaving only about 1- ½ lanes in order to do all the work that's necessary, and public safety emergency access has to be preserved, as well as the pedestrian and bicycle along that route.

Councilmember Dulin arrived at 5:35

Councilmember Dulin said excuse me for being late, second time in 6 ½ years. Talk about pedestrian safety as we move that line over into that road. There are a lot of late night activity folks sitting and tired and doing whatever they're doing late night, after 9:00, when I'm in bed.

Mr. Kimble said good question. This barrier that will be created between the Music Factory entertainment and the roadway remaining, separated from this, will be a rather substantial delineation wall that will not allow anybody to jump over it, scale over it, get in there. And we're trying to figure out what kind of treatment ought to be on the North Carolina Music Factory side of that wall in order to make it look more aesthetically pleasing and make sure that people know this is that edge, and you shall not cross this edge and go into the construction zone. But it will be a rather substantial wall here that prevents people from getting into the construction zone. This road is being designed currently as a three-lane road with sidewalk on, I believe it was the interior side of this new, we call it the loop road, I guess we're going to have find a name for the loop road. But it will be a three-lane section. It may be able to have parking on it on one side during the day, but during the event when an amphitheater event is unloading and the cars

are wanting to exit, 1100 cars and exit out this direction, probably parking needs to be removed at that particular time to allow the greatest flow of traffic to exit from an amphitheater event.

Mr. Dulin said on the loop road renaming, could we please have some input from the developers? That father-son team have spent their adult lifetime trying to develop this area, and I'd like for them to have an opportunity to have some input, please.

Mr. Kimble said I think they would more than willing offer that, and we should be in a state of listening for that. This is a current county vehicle maintenance facility that they own, but in an interlocal agreement with the City of Charlotte, we perform the maintenance operations on behalf of Mecklenburg County. This particular facility is going to be impacted by this loop road, and we've been in discussions about how to replace this particular facility, find another location for those vehicles to be maintained. One of those facilities is the new Atando Avenue Vehicle Maintenance Facility where we could open up a third shift in the Atando operations. But, we've got to make sure that we handle this appropriately for the vehicles that, up to this point, have been maintained at this facility and find other ways for those vehicles to be maintained. Ultimately, this is going to create more tax base and job expansion for the North Carolina Music Factory because it will land this particular amount of property into their hands, and they'll be able to expand their operation, creating more jobs, sales tax, food and beverage tax, economic life and economic activity for our community. So, this provides, ultimately, for a better situation for the North Carolina Music Factory after construction; we just have to make sure that during construction that they don't suffer as a result of the construction going on.

Councilmember Fallon said will any local tax money be in it?

Mr. Kimble said the only thing I can think of is we may have to front some dollars to be reimbursed at a later date. But there is no net amount that the City of Charlotte would be incurring as a result of this project at this time.

Ms. Fallon said what about overruns?

Mr. Kimble said this is a State of North Carolina project. They are managing this entire project. It is under their purview. They're responsible for managing it within the budget that its allotted, and I can tell you since it's a federal stimulus project, they will be on time and under or at budget on the project because they must.

Councilmember Mayfield said just so I have a clear understanding, once the project is completed at the end of the 3-1/2 to 4 years, what we're saying is, along North Carolina Music Factory, there is parking that goes almost back to Graham Street. All of that parking is going to be reinstated, as well as parking along the new loop road that's being created for people to have access to get into the North Carolina Music Factory facilities.

Mr. Kimble said almost. All of North Carolina Music Factory Boulevard will be restored to where it is today along this location. There is a little bit of a relocation of the road back here to allow what has to happen for construction here, and the road will be left in that configuration, but it will still have the same number of lanes and the same attributes. In fact, the Lazeses who own this piece of property, with the road relocated can probably have full turning movements, both right turns and left turns out of this, where now there's a median in this particular piece of the roadway, and it would only restrict them to right turn movements. So, they're going to gain even after construction with this particular small relocation of two of the lanes of North Carolina Music Factory Boulevard.

Mr. Dulin said are there any union quotas for work on the roads since it's fed money?

Michael Shumsky, NCDOT, said being the source of funding is ARRA funds, there are Build America requirements. Of course, we're in a right to work state, so we have unions not only with the road, but craft unions with the railroads. We're in the process of evaluating that as far as how would the phasing of the work be done. Specific to the railroads, who would do it? There are certain aspects of the railroad work that would have to be done by the Norfolk Southern or CSX transportation. As far as the other work, likely it will be bid out, and the low bid will be the successful one.

Mr. Dulin said my question there, though, is, I don't mind if a union shop bids and gets the work. Are there quotas of the percentage of the project that has to go to union labor?

Mr. Shumsky said not to my knowledge. There are likely going to be requirements for disadvantaged business enterprise, DBE participation, as part of a federal project. I'm not sure about the union. Again, we're a right to work state so I don't necessarily think you could hold that here.

Mr. Dulin said one quick last question, and Ron, you can help with this, I take it since we're moving there, the tracks toward Music Factory and away from Elmwood Cemetery, we have some assurances that Elmwood, and that border along there is not very populated right now, it's sort of barren, but that there won't be any disruption to the Elmwood property?

Mr. Shumsky said yes, as a matter of fact, the department's taking a pro-active approach. We did some ground penetrating radar for potential grave shafts or graves. Most of the area adjacent to the cemetery is paupers' graves; therefore, records, if they exist, are very sparse. Our impacts are predominantly to the fence that's there, and part of what we're proposing is putting back wrought iron fence similar to what's on the other side of the cemetery. We've had two meetings with the Mecklenburg County Historic Landmarks Commission, the design and review committee last month. We've met with state Historic Preservation Office to talk about the project. Yes, you are correct. This is an historic resource; it's a local as well as national designated landmark. We will minimize any impacts to the cemetery.

Mr. Dulin said that cemetery is one of the jewels in our crown.

Mayor Foxx said Mr. Kimble, Michael and Tim, thank you all very much for your work on this.

Mr. Kimble said I'd like to be on record to thank Michael Shumsky who's managing this project in a fine way. Let me tell you, it is one of the most complicated projects we've seen in Charlotte in a good long time, and we're in a great partnership with all those entities that you saw on the screen. But I wanted to personally thank Michael Shumsky.

Mayor Foxx said I want to go on record, really strongly encouraging you all to continue working with the North Carolina Music Factory. I know you have been, and this is the product of a lot of conversations, some of which I've been a part of, and some of which I haven't. Our goal is definitely to keep that wonderful asset going, so I know you all know that, but we need to keep working at it to make sure we do it.

Mr. Kimble said well stated, Mayor, thanks.

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ITEM NO. 2: DISPARITY STUDY UPDATE

City Manager, Curt Walton, said Item No. 9 on your agenda tonight is the Economic Development Committee recommendation relative to the Disparity Study. We wanted to give you an overview of that agenda item. I think we'll go ahead, Brad, with the presentation, and then Mr. Mitchell can sum it up for us when we're through.

Brad Richardson, Neighborhood & Business Services, said I'll try to stay in my lane on what is admittedly a very complicated topic. I'll stay in my lane and be joined by Cindy White from the City Attorney's Office if you have legal questions and Nancy Rosado for questions about our existing program. What we'd like to do tonight is to prepare you for the vote tonight. It's a complicated matter. We want to make sure you have all questions answered that we can tonight prior to the business meeting. I thought I'd lay out the presentation this way, three things. One is, some background and MGT's findings and recommendations as a reminder. The second thing we'll talk about tonight is the Disparity Study Advisory Committee, a very useful tool. They made some recommendations to the Economic Development Committee back in November. The third thing I'd like to do tonight is to talk about the ED Committee's conversations over four

meetings distilled in just a couple of slides, concluding with a recommendation that you'll find tonight on the business agenda. If we do that, I think we'll make good progress.

Mr. Richardson began a PowerPoint presentation, of which a hard copy is on file in the City Clerk's Office, with the slide on page 1. First of all, background. About a year and a half ago or so, MGT America began work on a second Disparity Study. We did one in 2003, and the same company provided that as well. It's important for you to know that they looked at expenditures this time from the year 2005 to 2010. The goals of the study, we're looking for a disparity, whether disparity exists between MWBE firms that are qualified to perform and then the City's utilization of those firms. Therein lies the definition of disparity. We're often asked what does that mean, and disparity is a function of two things, a percentage of utilization of minority and women owned firms compared against or factored with the percentage of availability of minority and women owned firms in our market area. The second goal was to determine if there was a legally justified need to add components or add an MW, minority women owned business program. Finally, the third goal of the study was to provide recommendations regarding how to enhance our existing program.

The Disparity Study Advisory Committee, by the way, you have as an attachment tonight in your business meeting agenda their recommendation to the Council. It's in the form of a PowerPoint slide; I think slide no. 2 lists who those members are. They were charged by you to review and comment on the sources of data, assist with outreach efforts, meet periodically with the consultants, and review/comment on their findings and provide an input to the committee.

Let me also talk now about the legal framework with which MGT presented their findings. They needed to demonstrate the following in order to implement a race and gender conscious program, they needed three things. You recall this if you were on Council back on September 26. They said these three things are important, statistical evidence of disparity, we'll talk about that in a moment; anecdotal evidence of discrimination, you can read that as surveys, focus groups, listening to the community at public hearing; and finally, evidence that a race and gender neutral program, the one we currently employ, will not be an effective remedy to any disparity found.

Some of you on Council on September remember this, the consultant says we've made these conclusions, we have found statistical evidence of disparity. However, they said there is insufficient anecdotal evidence of discrimination. Finally, they concluded that the City's race and gender neutral program has been effective in increasing the utilization of minority-women owned enterprises.

Mr. Richardson continued with the slides on page 4 of the PowerPoint presentation. To the point of finding significant disparity, these are two helpful slides. Let me explain the next two slides for you. On the left hand axis is the disparity index. This is a function of those two things, utilization divided by availability times 100. The X-axis on the bottom are the ethnic groups under study. The red line at 100, that's parity; there's no disparity. That's an optimal state hard to achieve when you're looking at millions of dollars in contracting and spend, but that's for illustrative purposes, that's parity. The 80-degree mark was significant in this case. Legally, that is called substantial disparity; anything below that might provide grounds for adding minority goals. You've taken just this one factor, so, this illustrates construction subcontracting. I'll show you two slides, construction subcontracting; the following slide, architect and engineering services. You'll see African-American disparity index of 46.11, Hispanic-American 24.93, Native-American 68.48, all below the line of substantial disparity. So there's no argument in this category; MGT concluded we have substantial disparity. You see over-utilization, by the way, for women and Asian-American firms. When you look at the next category which we have subcontracting goals assigned, architect and engineering services, you'll see African-American firms showing substantial disparity at 24.07. There were no available Native-American architectural and engineering firms, so we don't call that substantial disparity, we just say there's no availability. You'll see over-utilization in Hispanic-American women owned firms and Asian-American.

This is the conclusion that we were left with by the end of MGT's work. Some evidence may support the restoration of race and gender conscious subcontracting goals for certain minority groups. However, the study's cumulative evidence did not support a legally defensible race and gender conscious program. I'll point out two words to you, cumulative, that was important to the

Disparity Study Advisory Committee, and legally defensible. All these were running through that criteria of statistical evidence, anecdotal evidence, and how the existing race and gender neutral program has performed. They concluded their work by giving us some recommendations on how to improve the existing race and gender neutral program, the one we currently operate. One of your actions tonight is to authorize staff to dive really deep into each of these. We did a shallow dive already; we worked with the Disparity Study Advisory Committee to do a shallow dive in understanding some of these. We need some more time and your authorization, we feel, to go deep into any one of these. We can talk about these, if you'd like, a little later. Again, these are in the context of a race and gender neutral program, how you might improve performance.

Councilmember Barnes referred to the slide on page 5 of the PowerPoint presentation and said Mr. Richardson, with respect to the fourth bullet point adding SBE subcontracting goals in categories other than construction and A & E, could you tell us what other categories come to mind as valuable components of our contracts?

Mr. Richardson said yes, we typically work in four or five categories. Subcontracting construction, subcontracting A & E, that's what we currently assign subcontracting goals for. On occasion, we set subcontracting goals for three other categories, (1) professional services, (2) goods and services, and (3) a nebulous one, a catch-all, other services. So the policy that you have in place allows us to set goals for those categories when it makes sense, and we do that on occasion when it's appropriate, when there's subcontracting opportunities anticipated. That's what that is speaking to, a mandate to begin to do that in every case.

Mr. Barnes said I like the idea, by the way. What's been the annual spend, say over the last two years, in other services?

Mr. Richardson said I don't know. We could provide that to you if you like.

Mr. Barnes said the value of those three, for me, would be helpful.

Mr. Richardson said the value of the three other categories?

Mr. Barnes said yes, and while you're at it, you may as well add in the two already on the screen.

Mr. Richardson said in terms of annual spend, say for 2010?

Mayor Foxx said piggyback on that, and ask whether under professional services, do we include some of the activity around bond sales and some of the finance-related professional services.

Mr. Richardson said those are examples where subcontracting doesn't make sense, so we do not.

Mayor Foxx said do we score the contracts that are given out in any way in those areas at all? Do we know, for example, that we're using any minority firms in that area at all?

Mr. Richardson said that's a good question that I don't know the answer to. Let me check with staff to see if we have an answer to that.

Cindy White, City Attorney's Office? Said we do not currently. We explore the opportunities where there are known subcontracting relationships in the industry. In the industry where subcontracting typically doesn't happen, then it hasn't been our practice to try to do that, which isn't to say that you couldn't do that.

Mr. Richardson said Mr. Barnes, if I may answer your question at the podium, it might be helpful for the discussion. We're releasing to you next week, if not late this week, our mid-year report on SBE utilization. Our mid-year numbers for A & E \$13 million, construction \$52 million, goods and supplies \$41 million, other services around \$80 million, professional services \$4 million. Look for this mid-year report in your packet Friday or next Wednesday. It will explain sort of the relative size of some of these spends on an annual basis.

Mayor Foxx said Brad, this is a non sequitur because I know we're talking about subcontracting opportunities, but I also would like to know whether there are examples of cities that have some way of measuring utilization on general contracts, not subcontracts, but prime level contracts from the standpoint of its diversity.

Mr. Richardson acknowledged the Mayor's request and then continued with Page 6 of the PowerPoint presentation. The second part I wanted to talk to you about was the Disparity Study Advisory Committee. Their recommendations fall right in line with the Committee's, so this will be reviewed when we get to that point. I should say that it's fair to say Advisory met several times independently with MGT's consultant, and we hosted them over for a couple of work sessions, but it was a lot of data to digest. They also attended each ED Committee meeting. So, the recommendations coming out of their work were to explore setting MWBE goals where evidence supports it, and also to explore implementing certain policy recommendation. This is where they went through the list of thirteen or so and selected a few that they liked more than others. They, however, liked all of them, at least from an exploratory standpoint. I'd like to talk now and distill those four committee meetings into just a couple of slides.

Mr. Richardson referred to Pages 6 and 7 of the PowerPoint presentation. We received a briefing on October 11. We were back in front of the Committee a couple more times, and we discussed the Advisory Committee's recommendations. These are important. These are the themes that emerged out of the meetings and form our recommendation tonight. Adding a minority business enterprise component to the SBO program would require the City to follow the State's MWBE statute. There's a caveat there. If we go to Raleigh and change our legislation, that wouldn't be true. However, as it stands today, we'd follow the State's guidelines. That's important because the second bullet describes their good faith efforts. When we have a contractor fail to meet the goal established by our SBO office, they're often and sometimes awarded the contract through meeting good faith efforts. They need 165 points to do that. We believe that we would have to follow the State's rules. Their good faith efforts are considerably weaker, fifty or so points out of a hundred eligible points. So, we think that is something you should know. Finally, you'll remember the former City Attorney and our current City Attorney recommend that if we want to explore adding a MBE minority component to our program, we recommend hiring a legal expert to review the disparity analysis done by MGT and provide comment to you.

Mayor Foxx said can we get a bit of a primer at this point from Cindy on the state of the law on this issue because it strikes me that what the MGT study says is that if you've got an aggregate proof of non-discrimination, even if you have subgroups within the aggregate on which there is statistical proof of a substantial disparity, what people in barber shops across the City would call discrimination, that we can tolerate that and not do anything about it.

Ms. White said Vince Eagan, the legal expert for MGT, when he came back to talk with the Disparity Study Advisory Committee, acknowledged that this is something that reasonable legal experts can disagree about. He was basing his findings more on the cumulative evidence, and there were two things that made it very difficult for him to find that a race and gender conscious program was warranted. One was that the actual dollar utilization of MWBE firms increased fairly dramatically between the two programs. Now what the Disparity Study Advisory Committee came back and said, as you've just pointed out, is that two things, (1) there was still disparity because availability went up even more than utilization, and (2) when you disaggregate the data and you look at particular groups, then that disparity is even more dramatic. That's something that the Disparity Study Advisory Committee, which was led by an attorney and a very good one at that, Brandon Lofton, and Dr. Eagan disagreed about. That was part of our basis for recommending that if the City wants to consider looking into race and gender conscious parameters more, that we hire a nationally recognized expert to weigh in on that. The other issue was anecdotal evidence. There was a case, which I know many of you heard about before, the Rowe case in 2010. I think MGT was using that as a standard of what you would look for to meet this anecdotal evidence. Anecdotal evidence, for those of you who haven't been through this, is the testimony of people that tell about their experiences with discrimination. It's telephone survey, it's computer survey, it's personal interview, and that's what links the numbers to the actual. That's what turns disparity into discrimination. So, those were his two bases. Once again, the Advisory Committee pointed out that when you disaggregate the data, those comparisons from Rowe to the city are not as striking as when you look at it all combined for all groups.

Mayor Foxx said but in places that do have race and gender conscious programs, what is the basis on which those entities, like other cities and towns and so forth, is it the 14th Amendment? What's the legal basis on which those programs operate? Aside from whether there's evidence of it, is it the Constitutional element?

Ms. White said the Constitution requires that to have any race and gender conscious program, you have evidence of disparity, as Brad was talking about, that justifies disparate treatment based on race or gender. So that's why cities have hired consultants like MGT to perform disparity studies. Legally, you're required to have one. And I will acknowledge that there are a lot of cities out there who are following the State's program who don't have a disparity study. I can't speak for their individual circumstances or what data they have, but without a study like this, you're vulnerable to challenge.

Mayor Foxx said I guess I'm wondering if the 14th Amendment is the basis to have a program, and the State statutes don't give us express authority to have a program, where we would end up legally if we ended up being challenged. You follow what I'm saying?

Ms. White I'm not sure I do. The State statute actually requires that we have a program, and we got an exception for that back in 2003 to have an SBO program when we had our other disparity study and when we had the lawsuit. So, we got an exception to the State statute where we could have this whole different program.

Mayor Foxx said let me try to phrase it differently. Because what I understood was that the good faith effort standard at the State level was lower than the good faith effort standard that we use with our SBO program.

Ms. White said that is correct.

Mayor Foxx said so, if the optimal would be, again, I'll sort of clean up exactly what I'm thinking about this at the end, but let's just say hypothetically, we ended up with a race conscious program regarding those specific areas where substantial disparity had been shown. The optimal there would be to have the stronger good faith effort standard as well, but the State Constitution or the case law says that unless the State tells us we can do that, we can't do it. So my question is, if we were to develop the optimal program using our Constitutional basis to try to correct disparity, what would happen in the courts?

Ms. White said I think a lot of it comes down to the enabling legislation that allowed us to adopt the Small Business Opportunity program. In part because there were concerns that the City might stay with that, and I think at the time it was adopted, no one realized that it would be as strict and as effective as it can be. But, there is a specific exception made that the MWBE Statute would take precedence over that SBO program. So, is it something we can look at and consider? We can certainly explore that further. But, the enabling legislation that allowed us to do the SBO program, which as you pointed out that is authority that we need specifically get, that did say that the MWBE statute, which has the weaker good faith efforts, would trump the SBO program.

Mayor Foxx said I think from what I can gather, based upon the study of MGT, there isn't a basis to chunk out the SBO program altogether because, in the aggregate, it's working. I think the question is, regarding those specific areas where there is a substantial disparity and we know it, I think we've got a responsibility to figure out a way to correct those disparities. Whether that is a race conscious program or something less than that, I think we've got to figure out where we are on it. But, it would disturb me if the City, particularly at a time when our demographics are telling us, the community is making changes that are going in the opposite direction of what these disparities are telling us. We've got to figure out a way to make peace with that.

Ms. White said that is certainly something we will all be working on.

Mr. Barnes said Mr. Mayor, consistent with what you're discussing right now, when I read the materials and looked through the final recommendations that MGT made, one of the reasons I asked the question I asked of Mr. Richardson and looked at the other bullet points was to determine whether we could actually put some meat around those recommendations that might

help address the distinct disparities that we do see. For example, I wonder whether a joint venture program might help address the issues. Putting some more meat into the program by way of these recommendations could perhaps, as we move forward, allow us to address some of those disparities. I think we're both trying to look at it from the legal perspective, and I see the legal issue. I get it. But I wonder whether we might be able to address the concerns by way of these recommendations.

Mayor Foxx said I think they were put in there as a way to try to address them. They may work or they may not, we'll just have to see, but I don't think the goal is to have a race and gender base program. I think the goal is to see that, as contract selection occurs, that there is natural diversity that occurs. We'll have to kind of feel our way through it.

Mr. Richardson resumed with the PowerPoint presentation, pages 6 and 7. The Committee recommendation, as I said before, mirrored the Disparity Study Advisory Committee in this way. They considered a recommendation to explore revisions to the current SBO program, to try to close that disparity gap without a race and gender conscious program with those recommendations, and also to explore the feasibility of adding MBE components to the program. The Committee requested some insight and some work on this, and we recommended, at their recommendation, to contact Franklin Lee, Tydings & Rosenberg, a law firm up in Baltimore. Franklin's not a stranger to our City. He worked with us back in 2003 on some disparity issues. We've got an estimate for his second opinion and review of MGT's data at \$10,000. We estimate, including his travel expenses, wouldn't exceed \$15,000. You will also see in the Council action tonight we've identified, at the Committee's request, sources of funding. There is some money left in the current encumbrance from MGT's contract, about \$4,500. The only other source we brought to the Committee was Council discretionary for the balance. If approved, we anticipate it playing out a little bit along these lines. Mr. Lee would need about three or four weeks to come into the community to review the findings. We think the Committee would engage again in May, discuss his findings, as well as we would probably ask you to help us get the Disparity Study Advisory Committee reconstituted to work with us a little bit further. We think they'd be interested in that as well. We'd be back in front of us May-June with a further recommendation.

Mr. Barnes said the action item in our notebook is A-1-2 and B. Is 2 to be billed the \$15,000, is that to be billed hourly?

Ms. White said he's going to do the initial report for a \$10,000 flat fee that would include all of his fees to actually produce the report. He would then charge us \$1,500. He would make one trip to Charlotte as part of that initial report and presentation. He would charge us an hourly rate of \$1,500, not including expenses for additional trips to Charlotte, all inclusive for one day at a time.

Mr. Barnes said so \$1,500 per day?

Ms. White said yes, for fees.

Mr. Barnes said inclusive of expenses, did you say?

Ms. White said no, well per trip. That would include his travel time and his attendance at a meeting. His billing rate would normally be \$350 an hour.

Mr. Barnes said that's pretty hefty. How long is the report that he's reviewing?

Ms. White said I'm not sure how many pages. It's about that thick.

Mr. Barnes said here's my point. In my opinion, that's a fairly handsome fee to be paid for the review of the document. I suppose that he can charge it because he's viewed as an expert in the field. But I think that fee is, something about it kind of bothers me. Because what you've got is the \$10,000 for reviewing the report from MGT, and then you've got the \$1,500 per day for coming down here, plus expenses. So, is the cap \$15,000?

Ms. White said I think the \$15,000 included a couple of additional trips in case, but we actually expect it to be less than that. We would expect him to have one trip here. We weren't sure, depending on the discussion, the recommendations, whether additional trips would be needed. But if they did, he actually drives here from Baltimore. So, I think he's effectively billing us for, I guess it's about a little over four hours, for his fee-time to come down here, spend the night, meet with us. The report, admittedly that's a significant amount of money, but it is a long report, and it's a complex area, and he is a nationally recognized expert on the subject.

Councilmember Cooksey said when the time comes for this downstairs, heads up now and I'll ask it then, I'd like to divide it, because personally, I can see a couple of separate issues there.

Councilmember Dulin said can you tell us, then, while we're here though, on what the divisions would be?

Mr. Cooksey said divide A-1, A-2, and B. A-1 is a directive of staff to take the report we paid for and received and do something with it, which I think makes sense, personally. A-2 is where we get into paying another consultant to do a review of what one consultant already did for us, and that, to me, is more than we need to be doing.

Mayor Foxx said you all decide whether you want to separate it.

Councilmember Fallon said can't we send it to him so he can stay where he is and read it. Why does he have to come here? Federal Express would deliver it.

Ms. White said we asked him to come here before we thought that you might want a presentation on his findings once he goes through the report and analyzes it. Also, in fairness, he may want to ask questions; he may want to talk to staff.

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ITEM NO. 3: MOTION TO GO INTO CLOSED SESION

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

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BUSINESS MEETING

The Council reconvened at 7:01 p.m. in the Council Meeting Chamber of the Charlotte-Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were Michael Barnes, Warren Cooksey, Andy Dulin, Claire Fallon, Patsy Kinsey, David Howard, LaWana Mayfield, James Mitchell, and Beth Pickering.

Absent: Councilmembers John Autry and Patrick Cannon.

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INVOCATION AND PLEDGE

Councilmember Barnes gave the invocation.

Boy Scout Troop 107 from University Park Baptist Church, with Scout Masters Aaron McCoy and Robert Taylor, and Cub Scout Pack 11, with Den Leader Barry James, led the Council in the Pledge of Allegiance to the Flag.

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AWARDS AND RECOGNITIONS

ITEM NO. 4: RECOGNITION OF THE UNC CHARLOTTE 49ERS MEN'S SOCCER TEAM FOR THEIR SUCCESS IN MAKING IT INTO THE FINAL GAME OF THE COLLEGE CUP.

Mayor Foxx said tonight, we have a very special recognition. We don't do enough to celebrate the good things that are happening in our community, and we had, really, what I would call a fairly magical run by the University of North Carolina at Charlotte men's soccer team. For those of you who were not paying attention as I was, they made it to the NCAA finals and played an incredible game, and we want to celebrate you here today. We have with you your coach, Kevin Langan; Judy Rose, Athletic Director; and the members of the men's soccer team. Why don't you come down and let's hear from the Coach and the Athletic Director.

Judy Rose, Athletic Director, UNC-C, said I am honored to be the Director of Athletics at UNC-Charlotte and for the Charlotte 49er's. We greatly appreciate the invitation that you extended to us to be with you tonight. The community support of our soccer program, and our athletics program in general, is heartwarming and a great sense of pride for us and for everyone at the university. These young men with me tonight have achieved something that no other team at UNC-C has ever achieved. They not only made it to the national championship, but here's what they achieved that none other has done. They made it to the championship game. They won it everywhere except on the scoreboard. I have to put that in. Coach Kevin Langan and these student athletes are also very committed to academic excellence and sportsmanship of which we will all be proud. Most of all, on behalf of the entire university, we thank you for the great partnerships we have within the City of Charlotte, and we look forward to seeing you at football, the other football as well when we welcome that in August of 2013.

Councilmember Howard said before they leave, being a proud alum, I just wanted to point out since we didn't get to do it on TV, I need you to stand back up with your jerseys so the public can see what you got. We fully expect them to wear that to a Davidson game.

Councilmember Dulin said I told a lot of the kids when they came by, my young sons were paying attention to what you guys were up to. They're Charlotte boys, and they're watching a Charlotte team, and they were able to connect that. So you guys have a reach out there that you don't, probably, appreciate or know about. The young kids and the young boys and girls that are watching you, that's hometown to them. That's a big deal. Just keep up the hard work and keep your grades up, number one, but thanks for coming down here tonight.

Mayor Foxx said it really is remarkable. We have residents in our City who have just won a Super Bowl, and we've got some swimmers that are competing internationally in the Olympics that are based here. We really don't celebrate the good people and good things that are happening as much, so we'll try to do more of that.

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ITEM NO. 5: RECOGNITION OF THE MEMBERS OF ENVISION CHARLOTTE, A UNIQUE PUBLIC-PRIVATE COLLABORATION THAT IS LEADING CHARLOTTE TO BECOME A GLOBAL MODEL FOR ENVIRONMENTAL SUSTAINABILITY AND MEASUREABLE COMMUNITY RESULTS.

Mayor Foxx said another good thing that is happening in our City is something called Envision Charlotte. As I understand it, this is the first-in-the-world effort by a city to try to reduce the carbon footprint of its center city commercial buildings. We have been followed since by some other cities that have taken the plunge, but let it be said, we were there first. Michael Smith deserves a lot of credit for thinking of this and helping to kind of shepherd it through. Partnerships involve not only Duke Energy, who's represented by Vincent Davis here today, but Cisco, Verizon, and others.

Michael Smith, President/CEO, Charlotte City Center Partners, said we're proud to be here today to share a little bit about Envision Charlotte. It was on September 22, 2010, that this project began. It was announced at the Clinton Global Initiative's conference. This is a unique, public-private collaborative effort for Charlotte to become a global model for environmental sustainability and measurable community results. The combination of those two is what makes it

incredible. This isn't just environmental sustainability; it's environmental sustainability for economic growth. The way we see it is, as we do better and better through measurable results at improving the environment, we reduce operating costs which makes us a more attractive place to locate businesses. We also demonstrate a real care for the environment and the climate which makes us a more attractive place for tomorrow's work force. We really think it's an economic development strategy. By achieving this, we'll be demonstrating that we're a leader in sustainability, a progressive cost-efficient place to do business. We became a 501-C3. We didn't want this to just be a project; we wanted it to be a movement. We began with energy. There will be initiatives in energy, air, water, and waste. We've hired an intern program director. We've got lots of plans for what we'll do with this from here. Again, it's all about using model programs like Smart Energy Now, which Vincent Davis will describe, using detailed measurements, so this isn't green wash that we're going after specific things. Last, really using our regional strengths and the kind of corporate support that we enjoy here in Charlotte. This is great partnerships. There were a lot of partners that were involved. There are fifty-one people now from twenty-eight different agencies on committees and being a part of this.

Vincent Davis, Director, Smart Energy Now Community Partnerships, Duke Energy, said a few things I wanted to cover with you, again, just to table set this, four key fillers--energy, air, water, and waste. The Smart Energy Now program is the actual, tangible pillar that's up and running today. That program is about connecting the office buildings in uptown Charlotte to real-time energy usage, and then following that installation of the equipment with behavioral change. That's the biggest component of the program that we're talking about. I'm proud to tell you that, once we identified the marketplace, our original goal was to actually sign up eighty percent of the addressable square footage. We actually signed up ninety-eight percent. So the response from the marketplace was tremendous, a lot of enthusiasm and excitement about this program. Now, we have the equipment in. It's the digital meters behind the scenes, the interactive kiosks that you see in the lobbies in a lot of the buildings participating in the program. So, our next step really was to then push out behavioral change programs. That's through our energy champions training sessions that we're conducting. As a matter of fact, the City actually had their training sessions about two or three weeks ago. We trained over a hundred City employees on what they can do to reduce energy consumption in their facilities at no cost. Simple things like using a revolving door instead of a side swinging door. Once you tell someone that using a side swinging door actually wastes eight times more energy, most rational people will decide to use a revolving door. Those are the types of things that this program is about, again, leveraging digital technologies to then push out behavioral change programs. Put the information in front of people, tell them what they can do to impact that number, and then really push out communication through web sites, twitter, social media, and things of that nature. The last thing I'll share with you is that about two or three weeks ago, International Grid Magazine named Smart Energy Now as the best energy efficiency program in the country. So, we have a big target in front of us here in terms of actually achieving our goal of a twenty percent reduction. Jim Rogers actually stated that that's great; it just means that we have to work faster and harder. We can't get there without you, and we appreciate your support.

Mayor Foxx said honestly, I don't think anything that we've done as a City in a while has gotten this much excitement about how we're innovating, and it dovetails nicely with our growth as an energy hub across the country. Thank you very much for what you're doing, we'll keep working at it, and keep coming back with reports as we go along.

Councilmember Mitchell said early today we had the Boy Scouts and Cub Scouts here, but I see a lot of parents out there. Parents, without your commitment to get them to those meetings, they would not be successful. So, would all the parents of the Boy Scouts and Cub Scouts please stand at this time to be recognized.

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CONSENT AGENDA

ITEM NO. 6: CONSENT AGENDA ITEM NOS. 15 THROUGH 38 CONSIDERED IN ONE MOTION EXCEPT THOSE ITEMS REMOVED BY A COUNCIL MEMBER.

Mayor Foxx said Item Nos. 18, 20, 26, 27, 29, and 32 were pulled by Council. Item No. 37-C has been settled. Item No. 34-G has a speaker. Is there a motion on the balance of the items?

[Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and]
 [carried unanimously, to approve the Consent Agenda as presented, with the exception of]
 [Item Nos. 18, 20, 26, 27, 29, 32, 34-G and 37-C. Item No. 34-D was pulled by staff.]

The following items were approved:

15. (A) Unit price, contract awarded to the lowest bidder, Team Charlotte Motorsports, in the estimated annual amount of \$40,000 for a term of two years, for the purchase of All-Terrain and Utility Vehicles, and (B) Authorization for City Manager to extend the contract for two additional, one-year terms with possible price adjustments as authorized by the contract.

Summary of Bids:

Team Charlotte Motorsports

Item #	Description	Unit Price
1	2 Wheel Drive 200 CC ATV	\$4,759
2	4 Wheel Drive 450 CC ATV	\$5,415
3	4 Wheel Drive 650 CC ATV	\$7,575
4	4 Wheel Drive 450 CC UTV	\$9,746

16. Unit price contract awarded to the lowest bidder, Hall Contracting Company, in the amount of \$839,850 for pipeline investigation construction support services.

Summary of Bids

Hall Contracting Co.	\$839,850
Sanders Utility Construction	\$946,528

17. (A) Resolution authorizing the Utilities Key Business Executive to execute a Municipal Agreement with the NC Department of Transportation for design and construction of water and sewer line relocations and adjustments along I-485 in the estimated amount of \$2,161,637, and (B) Authorization for the City Manager to approve the final pay request for the actual cost of the utility construction.

The resolution is recorded in full in Resolution Book 43, page 480.

19. Contract awarded to the lowest bidder, Bio-Nomic Services, Inc., in the amount of \$193,540 for cleanup services at Forest Ridge and Cabarrus Woods wastewater treatment plants.

Summary of Bids

Bio-Nomic Service	\$193,540
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21. Budget Ordinance No. 4821-X appropriating \$1,595,805 from the Airport Fund Balance to reimburse Piedmont Natural Gas for the relocation of underground pipelines under the Intermodal Yard at Charlotte Douglas International Airport.

The budget ordinance is recorded in full in Ordinance Book 57, page 513.

22. Amendment #5 to the food & beverage concession contract with Host International, Inc. in which the City will reimburse Host up to \$495,000 for construction costs resulting from the build-out of additional food and beverage concession space in Concourse E at the Passenger Terminal.

23. (A) Three year contract awarded to Denver Landscape Services in the amount of \$314,010.45 for Landscape Maintenance of Zones 1 and 8, (B) Three year contract awarded to Accolade Design in the amount of \$352,027.50 for Landscape Maintenance

of Zones 2, 4, and 7, (C) Three year contract awarded to Southern Shade Tree Company, Inc. in the amount of \$77,840.40 for Zone 3 Landscape Maintenance, (D) Three year contract awarded to The Grass Is Greener in the amount of \$123,797.68 for Zone 5 Landscape Maintenance, and (E) Three year contract awarded to Tru Green in the amount of \$103,098.45 for Zone 6 Landscape Maintenance.

Summary of Bids:

	<u>Zone #</u>	<u>3 Year Total</u>
Denver Landscape Services	1	\$224,799.30
Accolade Design	2	\$158,878.50
Southern Shade Tree Company, Inc.	3	\$77,840.40
Accolade Design	4	\$185,526.00
The Grass is Greener	5	\$123,797.68
True Green	6	\$103,098.45
Accolade Design	7	\$7,623.00
Denver Landscape	8	\$89,211.15

- 24-1. Introduction and adoption of a bond order, adoption of a findings resolution, and adoption of an issuing resolution to provide for the issuance of General Obligation Refunding Bonds in an amount not to exceed \$150,000,000 to refund outstanding Commercial Paper.

The resolution is recorded in full in Resolution Book 43, pages 481-509.

- 24-2. Introduction and adoption of a bond order, adoption of a findings resolution, and adoption of an issuing resolution to provide for the issuance of General Obligation Refunding Bonds in an amount not to exceed \$55,000,000 to refund outstanding 2002 bonds.

The resolution is recorded in full in Resolution Book 43, pages 510-512.

- 24-3. Resolution for the reauthorization and issuance of General Obligation Commercial Paper in an amount not to exceed \$150,000,000.

The resolution is recorded in full in Resolution Book 43, pages 513-514.

25. (A) Resolutions authorizing the Transportation Director to execute Municipal Agreements with North Carolina Department of Transportation (NCDOT) for preliminary engineering work for the replacement of ⁽¹⁾ Barringer Drive Bridge and ⁽²⁾ Michael Baker Bridge, and (B) Budget Ordinance 4822-X appropriating \$320,000 in federal funding administered by NCDOT.

The two resolutions are recorded in full in Resolution Book 43, pages 515 and 516.
 The ordinance is recorded in full in Ordinance Book 57, Page 514.

28. Authorize the City Manager to execute an agreement with BellSouth Telecommunications, Inc. d/b/a AT&T Southeast ("AT&T") in an amount up to \$175,000 to relocate AT&T infrastructure for the Rea Road Widening Project.

30. (A) Unit price contract awarded to the lowest bidder, RAI Products, Inc., for the purchase of Traffic Loop Sealant for a term of two years not to exceed \$240,000, and (B) Authorize the City Manager to extend the contract for three additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract.

Summary of Bids:

RAI Products, Inc., Charlotte, NC	\$19.63/gal.
Little Hardware Co., Inc., Charlotte, NC	\$23.67/gal.

31. Resolution to transfer maintenance of Reagan Drive from the North Carolina Department of Transportation to the City of Charlotte.

The resolution is recorded in full in Resolution Book 43, pages 517-518.

33. Authorize the City Manager to execute all necessary documents to complete the acquisition of easement rights from the State, within the University of North Carolina at Charlotte (UNCC) campus, for purposes of the Blue Line Extension (BLE) Project.

- 34-A. Ordinance 4823-X authorizing the use of In Rem Remedy to demolish and remove the structure at 7608 Fallow Lane (Neighborhood Statistical Area 101 – Old White hall Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, page 515.

- 34-B. Ordinance 4824-X authorizing the use of In Rem Remedy to demolish and remove the structure at 324 Houston Street (Neighborhood Statistical Area 110 – Wildwood Neighborhood).

The ordinance is recorded in full in Ordinance book 57, page 516.

- 34-C. Ordinance 4825-X authorizing the use of In Rem Remedy to demolish and remove the structure at 10971 Painted Tree Road (Neighborhood Statistical Area 188 – Johnston Rd/McAlpine Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, page 517.

- 34-E. Ordinance 4826-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3328 Amay James Avenue (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, page 518.

- 34-F Ordinance 4827-X authorizing the use of In Rem Remedy to demolish and remove the structure at 7822 Carelock Circle (Neighborhood Statistical Area 146 – Bradfield Farms Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, page 519.

- 34-H. Ordinance 4829-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2209 Hart Road (Accessory Building) (Neighborhood Statistical Area 116 – Harwood Lane Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, page 521.

- 34-I. Ordinance 4830-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2900-4 Seymour Drive (Neighborhood Statistical Area 9 – Ponderosa/Wingate Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, page 522.

- 34-J Ordinance 4831-X authorizing the use of In Rem Remedy to demolish and remove the structure at 100 Walnut Avenue (Neighborhood Statistical Area 24 – Seversville Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, page 523.

35. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$1,311,758.19.

The resolution is recorded in full in Resolution Book 43, page 527.

36. A payment of \$185,000 in full and final settlement of a Workers' Compensation claim for City of Charlotte Equipment Management employee, Frank Barker III.

- 37-A. Acquisition of 5,389 square feet in Storm Drainage Easement, plus 16,476 square feet in Conservation Easement, at 1132 Dooley Drive, from Selena Abraham and Spouse, Christopher Abraham, for \$14,825 for Robinhood/Dooley Storm Water Capital Improvement Project, Parcel #59.
- 37-B. Acquisition of .952 acres at 3101 and 3109 Barry Drive, from Roy and Carole Reeves, Garvin and Jeni Kenner, for \$100,000 for Airport master Plan Land Acquisition.
- 37-D. Resolution of condemnation of 1,514 square feet in Utility Easement, plus 4,384 square feet in Temporary Construction Easement, at South Kings Drive, from the Charlotte-Mecklenburg Hospital Authority and Any Other Parties of Interest, for \$16,075 for Lombardy Circle Proposed 12" Sanitary Sewer Replacement, Parcel #1.

The resolution is recorded in full in Resolution Book 43, at Page 528.

- 37-E. Resolution of condemnation of 417 square feet in Storm Drainage Easement, plus 267 square feet in Temporary Construction Easement, at 6754 Glenmoor Drive, from Richard V. Barber and Wife, Anita N. Barber and Any Other Parties of Interest, for \$2,775 for Pawtuckett Neighborhood Improvement Project, Parcel #127.

The resolution is recorded in full in Resolution Book 43, at Page 529.

- 37-F. Resolution of condemnation of 2,088 square feet in Storm Drainage Easement, plus 413 square feet in Temporary Construction Easement, at 6216 Eagle Peak Drive, from Anthony Nance and Wife, Zina Andretia Nance and Any Other Parties of Interest, for \$475 for Pawtuckett Neighborhood Improvement Project, Parcel #134.

The resolution is recorded in full in Resolution Book 34, at Page 530.

38. The titles, motions, and votes reflected in the Clerk's record as the minutes of:
October 10, 2011 Business Meeting
October 10, 2011 Special Meeting
October 17, 2011 Zoning Meeting
November 24, 2011 Zoning and Business Meeting
November 28, 2011 Business Meeting
November 30, 2011 Special Meeting
December 5, 2011 Oath of Office Ceremony

ITEM NO. 34-G: ORDINANCE 4828-X AUTHORIZING THE USE OF IN REM REMEDY TO DEMOLISH AND REMOVE THE STRUCTURE AT 1609-1, 2 BEATTIES FOR ROAD (NEIGHBORHOOD STATISTICAL AREA 23, WASHINGTON HEIGHTS NEIGHBORHOOD).

Donna Greenwood, 1512 Dean Street, 28216, 704-375-2633, said I requested to be notified by the Code Enforcement at least two weeks in advance of anything dealing with my house going before the City Council. I did not receive a call until this a.m., about 10:30 or 11:45, notifying me, which I don't consider ample time to do any type of presentation. I'd like to say that this home has been in my family for over fifty years. It belonged to my Uncle Charles C. McRae, and he was very active in the community. He was the music teacher. I have cooperated with the City in every possible way. I've always opened the home when they asked to see it. I never tried to hide anything. I've worked on the house for quite some time. I'd also like to say that I filed at a meeting with Mr. Johnson, the inspector, I did respond to his questions and his notice that he sent out to me. I never received a response from him. This house was, I believe, improperly inspected from the very beginning. The first inspector was Melinda MacAllister, and it was handed over to Michael Johnson. I inherited the house from my uncle and the will was in the courts. I did not get the house until two years after he had passed. So, when the Code Enforcement first sent out a notice, there was no owner to the house, and they knew that. I'm requesting that you give me ample time to complete my home.

Gregory Clark, 1512 Dean Street, said Charles C. McRae was my great-uncle. Myself, along with several thousand students in Charlotte over the years, have taken piano lessons from him, and the main agenda that I really wanted to touch on is the fact, as she stated, the inspector by the name of Melinda MacAllister basically came into our home and befriended myself and my brother. She was giving all types of advice, well, you guys shouldn't sell this house, you should redo it, you should do this, you should do that. We thought everything was cool. My brother e-mailed her and said that he was going to put in for an extension. She says no, don't do it; you know, by e-mail. So along the process, you know, they come along and they, all of a sudden, they put in – it was an appeal she told me not to file. We didn't put in the appeal, and the next you know, we get the notice saying that the house is going to be torn down. In the process, every time a demolition order is put in on this, it's cost an excess of \$4000-\$5000 with an attorney, which is money that could be directed towards repairing the house. But we're looking at \$12,000 to \$15,000 just in legal fees, whereas, if as we requested, if they just kind of back off, allow us to at least take possession of the house, the first demolition order went in before she took possession of the house. I don't know whether you guys know it or not, but a bank isn't going to loan money to somebody that doesn't own a house. And then once the banks look at it and they see, well there's a demolition order in here, we can't loan you money on a demolition order. I really feel like things have been unfair, according to what I've read, sixty percent of the home's value. If it costs sixty percent of that home's value to repair it, then it's automatically demolished. But if you look at what's on here, the reason we wanted to be notified is so my contractor could come in and show you that everything on that list is inflated. We were told it would cost \$15,000 to \$20,000 to repair the stairwell on the side of the house, where there is a separate apartment upstairs. In the process, it cost less than \$4,000. Everything on the list is inflated. The door knob missing on a door, to inflate the cost, they say \$300 or \$400 for door hardware. It doesn't cost that much. I understand I'm being told it's an eyesore to my neighbors. All of my neighbors are on our side as far as us trying to attempt to fix the house, it's like so many hardships have taken place along the way, and it's mainly been centered around the City moving forward without giving ample opportunity to actually finish the house. I wanted to bring my contractor here, I wanted to bring my family member, Geraldine Poe, here. She wanted to be here today, but it was such a short notice. It's not a situation where we just have a house setting, and we're not doing anything to it. I'm living in this house every day.

Ben Krise, Code Enforcement Manager, said let me give you a little bit of a background regarding the timeline of what our enforcement action entailed in this case. It dates back to 2008. Code Enforcement originally initiated our case in December 2008. We inspected this location, and we followed through due process. This case came before Council in October 2009. In fact, we received an ordinance to demolish, and it was approved, not necessarily by this Council, but by the preceding Council. Prior to proceeding and moving forward, we noticed an error in our paperwork. We stepped back, and we completely started over our process. We closed out our original cases, and we restarted our cases. That second inspection, or initial inspection, was in August of 2010. Subsequently, we held an administrative hearing where Mr. Clark and Ms. Greenwood attended that hearing in our local district office. We received an appeal in November, 2010, and that case went in front of the Housing Appeals Board. The Housing Appeals Board upheld the order to demolish and gave them ninety days to complete that repair prior to August 15, 2011. The owner, Ms. Greenwood, with her legal counsel, appealed the Housing Appeals Board order to Superior Court. Prior to that being heard in Superior Court, Ms. Greenwood and her legal counsel entered into a judge-approved consent order. That consent order read that the owner would demolish the house no later than December 8, 2011, and the City accepted that. The order was not met, and therefore, we believe the City could have proceeded with an immediate demolition of this property. That's the reason we come before you today. We maintain that it remains in substandard condition, our cost estimates to repair and bring it to minimum standards are 228 percent of the tax value. There's been no permit inspection activity since May of 2011. We think that it's time, based on the duration looking at December of 2008 to today.

Mayor Foxx said what do you say about the claim that there are expenses associated with putting the house back into condition that are inflated?

Mr. Krise said we use cost estimating guidelines, means cost estimating, we have a system, we do training for our staff, we have a training team. We would say that our estimates are conservative in nature.

Councilmember Dulin said do you know that there's a current occupant of this home on a day to day basis?

Mr. Krise said I am personally unaware. I don't know whether or not somebody's occupying it on a day to day basis.

Councilmember Dulin said, Mr. Clark, are we looking at the right one, we've been trying to figure this out, 1609 Beatties Ford Road?

Mr. Clark said yes.

Mr. Dulin said are you living in this home?

Mr. Clark said yes, from the outside it looks worse than it is. We were told at one point in time that the asbestos shingles were basically coming apart on certain parts. We had all of it removed.

Mr. Dulin said does the plumbing work?

Mr. Clark said as of right now, we're kind of back and forth working on it, because the guy that was supposed to come in and put in the new sink fixtures, the new bathtub, and everything, we put him on hold because there was another order being put in.

Mr. Dulin said so the plumbing's not exactly working?

Mr. Clark said it's functional.

Mr. Dulin said are you paying rent to the homeowner?

Mr. Clark said no sir.

Councilmember Fallon said Ben, has the Fire Department looked at it? Because if the plumbing doesn't work, can you have an occupancy?

Mr. Krise said we would classify that and explore emergency housing programs to relocate individuals if there was somebody that was actually occupying it. I have not verified that someone is occupying it on a day to day basis.

Councilmember Mitchell said this is a difficult one for me. I spoke to Mr. Clark, and he's been generous. Went by to actually see it myself today, and Ben, you and I have had several conversations. And I respect the young lady in our community called Geraldine Poe, who is very respected. And Ms. Poe has called some of us on City Council, and I never want to be accused of putting anyone out of a place, but this is tough Council, because you've got two nice brick established homes on each side of this house, and it's been an eye sore for a long period of time. Not a lot of activity, and I don't know if we delayed this, would things get better because of the tremendous cost it would take to bring it up to standard. If you look in our attachment, Councilmembers, particularly the back of the house, I'm kind of speechless on the condition of the home. So, let me try to get my arms around this. Mr. Clark, if we were to delay this, how long do you think it would take to bring it up to standard?

Ms. Greenwood responded to the question. When we went before the Board of Appeals and requested the time that we requested, everybody in there said that's impossible, you can't do that. At that time, I didn't believe it was impossible, but I found out the timing was way off. They knew in the beginning that they were giving us an impossible task. Now, how much time would it take to fix this house? Because of the short time, I was not able to bring with me a contractor, so that's kind of difficult for me to say. What I will say is, I have never hidden anything from Code Enforcement. I've always allowed them into the house, and I have cooperated in every way. I want to fix the house, completely, right. I'm not trying to just do what they have up

there. I'm trying to fix the house complete. As for the time, I would say it would take more than ninety days to fix it right. I don't want to put anything else into it unless you're going to give me a reasonable amount of time to complete the house. It wouldn't make sense for me to continue to spend if you're not going to give me a reasonable time to complete it.

Mr. Mitchell said is your goal after you complete the house to rent it out or for someone else?

Ms. Greenwood said no, it's going to be a family home. You made reference to the houses that are next to it. The house that's on the corner belonged to an ex-contractor; he passed away. His family members own that house as a family house. They come down for CIAA tournaments.

Mayor Foxx reminded to keep the discussion confined to the answers to our questions.

Mr. Mitchell said if someone was staying in the house, living there, does the City pay for relocation?

Mr. Krise said the City has what we call an Emergency Housing Program. It provides assistance for a non-profit organization called Community Link. We move somebody for a hotel for up to a two-week period of stay, talk about security deposits and first month's rent. That is the extent of our emergency housing situation. One point of interest, from May of 2011 until when it was heard in the Housing Appeals Board, they were given ninety days. The condition of the property between May of 2011 and August of 2011, in that ninety day period, the property hadn't changed. There weren't any permit inspections made. So, I would contend that the condition, even in that period of time, was not substantially changed.

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

The ordinance is recorded in full in Ordinance Book 57, page 520.

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ITEM NO. 7: PUBLIC HEARING ON MIDTOWN MOREHEAD CHERRY AREA PLAN

Mayor Foxx yielded to Committee Chair, Councilmember Howard on this. I think we have a staff presentation and some speakers signed up. So, if you will hold your comments until after all that happens, Council will be in good shape.

Councilmember Howard said there's an area plan that covers a good part of the area that is outside of I-277. It covers the Midtown, Morehead, and Cherry area. Because of the fast growth in that area and all the great things that are happening there, the staff felt like we needed to get our hands around some of the plans that are going on there. As Kent comes up to give us the details of that, I wanted to thank the committee, as well as the community, for turning out to help us with this plan. It's an important area where we have the Greenway and some important office development going on in an historic community. We want to get our hands around it to do the right thing. With that, I'll turn it over to Kent, and we'll go from there.

Kent Main, Planning Department, used a PowerPoint presentation of which a hard copy is on file in the City Clerk's Office. This is the Midtown Morehead Cherry Area Plan. I'm going to, very quickly, go through a little bit of background and go through land use, transportation, other recommendations that we have, a bit about implementation, and our next steps. An area plan is a policy guide. It is a document that we prepare with a lot of neighborhood input. It has a particular geographic focus, but it does not give specifics as far as funding for projects, it does not give rezonings. All of that has to come back to you one more time in implementation of that policy. It has two sections, Section 1 which is what we bring to you for approval. Section 2 is an implementation guide which is basically sort of a work program for us and a guide for how we're going to go about implementing those, including rezonings and things like that. The area of this particular plan is just outside of the John Belk Freeway. It encompasses three neighborhood areas which we brought together. Even so, it's still very small by the standards of many of our plans, only 455 acres. Down the center is the Little Sugar Creek Greenway which is new, and which now unites areas that may not have considered themselves a single unit at any

point in the past. This particular slide, PowerPoint page 3, shows the orange as the Cherry area, the green is what we are calling Midtown, and then the purple is what we call the Morehead area. Little Sugar Creek Greenway, again, is the centerpiece of it at this point. The hallmark of the Midtown area is the Metropolitan, but there are a number of other development that has happened along 3rd Street and other places. The Morehead area's centerpiece is the East Morehead Street tree-lined streetscape. The single family neighborhood of small bungalows is the Cherry Neighborhood, which also has a considerable presence of its institutional base as its centerpiece. We've been working on this plan since we kicked it off in the fall of 2010 with a meeting on November 30, a public kickoff meeting. We've gone through about nine different meetings with citizen groups over the winter and spring, and now we're proceeding on through our adoption phase. Our vision, and this is very contracted, we've dealt with it as a sort of a three part, each neighborhood with its own sort of separate vision. It's in the plan, I've not pulled it out here, but then we've got those elements that unite us, which is that diverse community centered around Little Sugar Creek Greenway and our efforts toward a sustainable pedestrian-friendly environment for all of those.

Mr. Main continued his presentation, referencing PowerPoint, page 11. This is the land use, and you can see from the notes of color there, that there are some very strong areas, the yellow being single family residential. You can see where the red is in certain areas, which is retail-commercial. All of that people is essentially office, and the orange is multi-family residential. Our land use policy is to work with that to some extent. But our goal, at least for the commercial areas, is for a much more dense environmental that is much more walkable and focused around things like the Metropolitan, which is a model for how things might evolve. What you see here in the red or pink color is a mixed use that would include retail, the purple would be a little bit less-retailed focus with office and residential areas. We identified a number of transportation elements as a part of the plan. One key element is trying to get across Kings Drive with pedestrian opportunities to connect neighborhood to the Greenway, and also some fixes for traffic through the Cherry neighborhood in a few key locations. Also identified are some key intersections that need major improvements and a number of other things that are also in the plan.

Parks and greenways, they've been our partners throughout this thing, and we're building upon their centerpiece of the greenway. This just shows how it ties in to the overall neighborhood as we continue to work with Parks and Rec on individual opportunities, particularly an opportunity to connect from the Pearl Parkway across into Baxter Street through property that is owned by the Housing Authority as well as Park and Rec and the Board of Realtors. One of our key elements is preserving the tree canopy of the area. The Cherry neighborhood as you can see down in that lower right corner, is particularly proud of its tree canopy that has developed over the years. Also a key element is presentation of that tree canopy along East Morehead Street, even as we see intensification of development there.

Mr. Main referenced page 49 of the PowerPoint presentation. As to the implementation elements of this plan, and again, this is provided for information, but in implementation of those policies, among them are corrective rezonings and some other elements such as that. You can see that red circle around a blue square, that is a strip of single family homes that's actually zoned for multi-family, and that is our one and only conventional suggested corrective rezoning. The area you see in the different shades there is a proposed pedestrian overlay district where we've had considerable discussions with the neighborhood and where we've got a general consensus on doing that in those particular areas. We've also been looking at ways to protect the history of the Cherry neighborhood, the historic resources, and a certain interest in a historic district in that area. So, we are moving forward with studies of how that might happen. We know that there's not unanimity there, so this is a recommendation that we move forward and study that in more detail. Other ways to go about preserving that neighborhood may involve a conservation district which is another form of protection which we may be able to work on in that area.

As we finished up our plan, we did have a number of issues still outstanding. We've been working in detail with neighborhood groups since that time over the last several months. I think we can check off most of these items here, and I believe that we have addressed most of them to the satisfaction of the Cherry neighborhood, as well as other groups in other areas.

This is our public comment opportunity for this plan. We've had that before, before the Planning Committee, and we've gotten their recommendation to move forward. We will presumably be back to the Transportation and Planning Committee for their recommendation, and I believe it's next week, and we'll be back very soon at another meeting to ask for you to move forward on this plan if that's your will.

Mayor Foxx said good presentation. We have several speakers who signed up to speak.

Sylvia Bittle-Patton, 1623 Luther Street, said I'm a resident of the Cherry Neighborhood. I'm here tonight on behalf of the Cherry Community Organization and the Cherry Neighborhood Association to show our support for the proposed MMC Area Plan. I really want to start by thanking Ms. Deborah Campbell and all of the Planning Department staff, in particular Mr. Kent Main, and other City and County staff, including Brian Horton from CDOT, for the exceptional job that they all did throughout the community input process. Also I want to say a special thanks to our district representative, Ms. Patsy Kinsey, for all your support throughout the process. In addition, thanks to the Planning Committee for their willingness to keep their public comments process open until the community had the opportunity to work through several aspects of the plan. We were involved with the process for over a year. As you can see, there were various stake holder groups involved throughout the time period. Many are here tonight. Without a doubt, Cherry was given a tremendous opportunity to provide input and help to shape the plan that's being presented to you this evening. The initial Cherry Area Plan was first approved by City Council in 1993. We are pleased that the proposed MMC Area Plan to a great degree supports the previous Cherry Small Area Plan and helps to promote the overall goals of the community's organizations, namely to protect the residential character of our community and preserve the history and historical integrity of Cherry. This year, Cherry is celebrating 121 years of history, and we'll certainly be relying on the plan to guide our community's position on rezoning requests and future development projects in our area. The great thing is that the planning process brought to light some things that would work against our vision for Cherry as cited in the proposed plan and our existing Small Area Plan. So, we'll coming back before you in the very near future seeking some corrective actions on issues pertaining to such issues as requests for street connectivity and/or street abandonment. As a community, we are committed to being proactive and diligently preserving the historical and residential character of our community, and we're asking you to support us in doing this by approving the proposed MMC Area Plan.

Cynthia Schwartz, 409 Rensselaer Ave., said I'm the chair of the Dilworth Community Development Association's land use committee. The DCDA is pleased to support the passing of the Morehead Cherry Area Plan, which is a continuation of the Dilworth Small Area Plan and addresses the DCDA's request for a plan considering the future development of Morehead Street. The Morehead Cherry Area Plan is a compromise culminating from a collaborative process of negotiations, including the affected neighborhoods, the Planning Department, and perspective developers. The DCDA is pleased with the resulting compromises including the 26-foot setback from the curb, a distance Planning has assured us is sufficient to protect the trees on Morehead. And the PED heights which allow for significant development but also protect adjacent neighborhoods since proximity to single family housing is calculated into the height formula. The PED overlay allows more residential development which forecast modeling says will be in demand on Morehead and limits retail, which will be difficult to sustain in the long term for the same forecast modeling by Planning. Thank you for the opportunity to participate in the process. The DCDA values all the time and effort put forth by the Planning Department and appreciates their consideration of our concerns.

Joe Padilla, 1201 Greenwood Cliff, said I'm the executive director of the Real Estate and Building Industry Coalition here in Charlotte. I'm here tonight to speak also in support of the Midtown Morehead Cherry Plan. I want to commend your staff, and Kent in particular, for their willingness to listen to our industry throughout the process which has been going on for quite some time. I came in toward the tail end of it, but we've had other members who have been involved from the beginning. As many of you may know, our office actually sits right in the middle of the plan area in the realtor building, which is right there at Kenilworth and Greenwood Cliff. We believe the plan's vision for mixed used, pedestrian friendly development is going to be a positive for the area allowing it to become a magnet, or I should say continue to be a magnet, for commercial development while preserving neighborhoods like Cherry, which have

an unique character that needs to be, in some way, maintained and preserved going forward. We're also encouraged by the plan, the efforts to improve connectivity for both vehicular and pedestrian traffic, and to create better linkages to the Sugar Creek Greenway and Pearl Street Park. As you may be aware, we had one concern with the plan, one issue, which was regarding the PED overlay that has been proposed for implementation on much of the plan area. Our issue is not with the PED itself, but with changes that were made last summer that we felt created undue burden on commercial property owners, particularly this area having so much commercial development, retail development. We felt it would be problematic, but again, I want to commend your staff. They have worked with us, and we've started the process of working through some language changes that we believe will be very positive; specifically, regarding change of use provisions in commercial properties that would not be undergoing any type of renovation or modification to their site. We feel that, especially during this tough economic time, asking small business owners to go through and implement very expensive streetscape repairs and improvements while just changing one tenant out for another can be very difficult. Again, we are working with staff to correct those, and I believe changes will be brought to you in the near future. With that, I do want to recommend the passage of the plan. We think it's a good example of what an area plan can do in a small geographic area, and we ask you to consider adoption.

Mayor Foxx said that concludes our speakers. We now have an opportunity if people have questions or if you want to close the public hearing.

[Motion was made by Councilmember Howard, seconded by Councilmember Barnes, to]
[to close the public hearing on the subject item.]

Mr. Howard said I forgot to thank the committee for their work on this as well. That would be Mr. Barnes, Ms. Kinsey, Mr. Cooksey.

Councilmember Dulin said congratulations to the group and to the committee for getting this done. You all put a lot of intentional thought into this. But it seems to me that Cherry, that we know very well, and Morehead Street are sort of different to me. Morehead, to me, if you're going to make an area plan for Morehead, I'd start it down at Kings Drive and take it all the way to Freedom. And that slice of Morehead through there, where there are offices and some housing, etc., to me it doesn't seem, Mr. Chair, that there's much congruency between Cherry and the Morehead office corridor. I was on Baldwin Street Friday meeting with somebody that wanted to meet with me about something, I mean I know Cherry well. But, I'm just curious about that.

Mr. Howard said I'd be more than happy to let Mr. Main to come back up, but I would assume that given the thoroughfares that run through there, the Greenway that kind of divides it, you want to care about what's happening on both sides. At least, that's what I would think.

Mr. Main said that is why we tried and took this on as sort of a three-part plan, and that was an acknowledgement of exactly what you're saying, that the areas are not a uniform kind of area. They're very different in character. We did try to deal with each in its own place. As we had our meetings, we broke down into groups every session to look at the different areas and to consider exactly how one area differs from the other. As I say, all toll, there's still only 455 acres, so that is a very small geographic area. I think we tried to do a good job of working with all of those neighborhoods individually, but as a group as well.

Mr. Dulin said along those lines, at only 455 acres, did you have to add Morehead to it to give it the acreage that it needed to be an area plan? I love the Morehead corridor, but the way that has developed over the years with some renovation of buildings and some new buildings, some retail, a lot of nice restaurants and shops, obviously goes past the Panthers Stadium, then it winds its own way down past the Open Kitchen to Freedom. That section has things in common. Did we need to add Morehead to make the Cherry plan big enough to move forward?

Mr. Main said I can't answer that specifically, whether we needed to add one to another. I would say that we have done a West Morehead Plan sometime past, so this was the piece that remains that had not been dealt with or planned by prior plans.

Mr. Dulin said I'm going to vote to approve, the Chairman of the committee has brought good work to us, but I'm a little bit perplexed that these things don't seem to go together. They feed each other, but I'm just a little bit perplexed by it.

Mayor Foxx said I do want to acknowledge Civics 101. A lot of those folks were here, they've gone; I think I see a couple of more still in the building. But I wanted to acknowledge you all and say hello. Thank you for being with us tonight.

Councilmember Kinsey said all of this is in District 1. I've been through a lot of district or area plans since I've been on Council, and this might have been the easiest one as far as the Councilmembers are concerned, not that we have anything to do with it except maybe talking to people. But I really appreciate the residents and the people involved in the areas being willing to meet and to meet with staff. Staff did a great job, and I have to admit that I have huge partiality to Cherry, so I was watching it from that standpoint. But thank you all for, I think, a good plan. I'm looking forward to voting for it.

A vote was taken on the motion to close the public hearing and carried unanimously.

* * * * *

ITEM NO. 8: CITY MANAGER'S REPORT

City Manager, Curt Walton, said I'd like to recognize Don McSween, our City Arborist, to make a presentation. Last year, the General Assembly restricted localities' jurisdiction to regulate trees in front of billboards. We wanted to update you on that because it becomes effective in March. A lot of these trees now are buffers between freeways and neighborhoods, and we don't know that this will happen, but we know there is a fairly good chance that it will. I wanted Don to give you at least a feel for what we may be seeing, and there is a notification process that we will keep you notified to the degree that we know what's happening. But it will be something different for us.

Don McSween, City Arborist, said I'm going to be talking about current billboard regulations, what the new regulations are that will go into effect on March 1, and then show you some examples of potential sites where trees may be in jeopardy. The current regulations in the state of North Carolina for NCDOT allows them to regulate the cutting of trees from any state-maintained road right-of-way. The billboard companies are allowed to clear a view corridor 250 feet along the right-of-way, and in cases where they have a double-faced billboard, then that in essence, becomes 500 feet. The businesses are allowed to buy a permit, clear lot line to lot line from the state-maintained right-of-ways up to a 1000 linear feet. The current regulations allow local ordinances to supersede NCDOT regulations. So, our tree ordinances, as an example, is considered to take precedent over NCDOT regulations currently, up until March 1. After March 1, NCDOT will still have regulatory authority to govern the cutting of any trees from the right-of-ways of interstates or any roadways they maintain within Charlotte. In Charlotte and the ETJ, billboard companies will be allowed to clear 340-foot view corridor as opposed to the current 250 along a right-of-way of interstates and limited access highways. Other state routes within the City will stay at the 250-foot current view corridor. Businesses will stay at the 1,000 or lot line to lot line or a maximum of 1,000 feet. Some of the things that these two items are of particular concern, legislation specifically prohibits NCDOT from using local ordinances as a means to deny a vegetation removal permit. NCDOT has the option to deny a permit to remove trees from the right-of-way if they were planted, in their determination, for beautification or screening purposes. The billboard companies have three options to mitigate for any tree removal from the state road right-of-ways. They can replant the area with an approved landscape plan. They can remove two non-conforming billboards anywhere else in the state. Or, they can pay NCDOT for the loss of the trees.

Mr. McSween showed slides of the potential sites where trees could be removed. We don't know for a fact because no vegetation permits to my knowledge have been requested yet, but we'll look at sites that potentially we could see trees being removed. This is on East Independence Boulevard. These trees were planted with N.C. taxpayer dollars to screen Plaza-Midwood, and there are three billboards behind them. If NCDOT so determines that they can be removed, then that would pretty much eliminate that entire screen for Plaza-Midwood. These are natural trees,

this is on I-277 near Clanton Road. This is a screen that appears to me to have been planted for the purposes of screening along I-85. On I-277 as you go around past Panthers Stadium, these trees were planted with NC taxpayer dollars in order to screen the industrial areas from I-277. There's a billboard back there. This is on Josh Birmingham Parkway, the entrance to the airport. These trees were also planted with NC taxpayer dollars and have a billboard behind them. This is on Brookshire Freeway, near Beatties Ford. These are natural trees in that circumstance. So, let's look at a before and after comparison that was done in Durham. This is before, two billboards along Durham Freeway, and then that's after.

We've currently set up a review process within the City. We are hoping this is the way it will work. To our understanding right now, this is what the procedure will be. A vegetation removal permit will be requested by the billboard company. They will request it of the NCDOT district office in Albemarle. Then NCDOT sends a copy of that request to the City of Charlotte for a comment. We have thirty days to comment. Within those thirty days, the City will send its comments back to NCDOT, and the City's comments are non-binding. NCDOT makes the decision totally as to whether to allow or deny the permit. If the vegetation removal permit is denied, the billboard company has the ability to appeal to the Director of the Department of Transportation for the state. However, if the vegetation removal permit is approved, the City has no appeal.

Mayor Foxx said not to you. Let me just say this, this is an example of what I regard is reaching into the range of decisions that local governments have typically made. It's interesting that you get a lot of arguments about government sort of intruding on people, and people outside of your area making decisions for you that you can't make yourself. Then, you see something like this that's the product of State law. This is not the City of Charlotte's regulation that is at issue here. And you see the results that we're going to have that are going to impact our tree canopy and the sustainability of our community, but state legislature has made that call for us. I don't have questions for you Mr. McSween.

Mayor Foxx said Mr. City Manager, does that conclude your report?

Mr. Walton said that was it.

Councilmember Barnes said I agree with your comments. I'd be curious to know if there's anyone who supports this legislation who's here and who's willing to speak on their intent with respect to our community.

Mr. Barnes, acknowledging two people present from a local billboard company, said if I might, I would like to have them tell us what their view is, what your perspective is, on this legislation and how you view your company implementing it or pursuing your rights in Charlotte. Because right now, you're the boogie man, and we'd like for you to speak to us if you can. Or maybe the legislature's the boogie man.

Mayor Foxx said my concern about this is, we can argue what the right balance is. But it's the lack of our ability.

Mr. Barnes said they snatched away our authority.

Ms. Karen Price said I am public affairs for Adams Outdoor Advertising.

Blake Custer said I am with Real Estate with Adams Outdoor Advertising.

Mayor Foxx said I think you've been asked to explain your support of this and how you plan to implement it.

Mr. Custer said we appreciate the opportunity to speak. We are in a situation where a lot of our signs are blocked. Obviously, through the NCOAA (North Carolina Outdoor Advertising Association) across North Carolina, there was something that needed to be done so we could maintain our livelihood. So, being that fact, the association entertained opportunities at the state legislature to pursue an opportunity that was outside the jurisdiction, within state right-of-way only. We understand that the City currently has a prohibitive ordinance which has blocked signs

in the City of Charlotte. Over time, that has taken place where trees have grown and created a hindrance to our livelihood. That was something that we were forced to do. As a part of the association, we, being the main player here in Charlotte, are sensitive to that. We reached out to staff, we met with staff, we've spoken to staff about specific sensitive sites. Under the three options that Mr. McSween was talking about, we understand there are sensitive concerns about that. I think the depiction of how that site was going to be laid out in Durham is a visual depiction. Obviously, we're the ones that will be looking at those opportunities, and as we submit applications starting on March 1, we do want to be in dialogue with the City about that. We've talked to Pat Mumford, we've talked to staff, we've talked to Jeb Blackwell in those conversations about looking at those opportunities. I want you to understand a couple of things. One, we want to be sensitive to the community. We also want to be able to be an economic driver for the community. We do reach out to small businesses. We are focused on developing small business. That's what our business is. Being at fair balance between them, we have a very restrictive sign ordinance here in Charlotte, and obviously, working towards trying to mitigate some of those things and balance that so that we can be an equal partner within the City is our goal. I would say to you, Councilmember Barnes, that we are focused on that. We want to meet with you and want to reach out to you. We want to talk about the site on Independence. My background, just so you understand, I have a degree in landscape architecture. I was certified as a landscape architect. So, the point being of what Mr. McSween was talking about, I know what sensitive is, and I understand mitigation, and I understand specific opportunities to put landscaping in that meets the goal of the City, meets the goal of the neighborhood, but also meets the goal so we can maintain our livelihood. We welcome the opportunity to communicate with you and to open that dialogue with you and with staff to continue so that there's a satisfaction for you, Mayor, and your concern that you have, and obviously from our point of view, to maintain our business.

Councilmember Cooksey said not to debate an issue where we don't have any control, but just for perspective, I think it's significant to recall and keep in mind that these regulations apply to State owned and maintained roads. They did not supersede our authority to regulate signage along the roads that we have built and maintained. So, one way, if we wanted to approach it, would be if we went to the State and said give us the roads, we could again regulate the trees around them. Just by way of perspective.

Mr. Barnes said I don't think we want I-277 and I-77.

Mr. Cooksey said exactly, we don't own it so we don't have the last word on regulating it.

Mr. Barnes said I want to thank our guests for coming and speaking. And Adams has been a good partner. I believe you all helped us advertise the new curfew ordinance.

Ms. Price said yes, in December after you passed the new ordinance for the curfew, we donated 17 million impressions between the time that the ads went out, right before New Year's, that last half of December, and there are still signs up in the market for that.

Mr. Barnes said and we appreciate that. We also appreciate you acknowledging that you hear our concerns. I hope, even though you have been given the right to do things that some of us are extremely concerned about, I hope you will be responsive to the concerns of not only the elected officials here, but the people of the City, because we are struggling to maintain water quality, air quality, and overall quality of life. There are a lot of people who live behind those trees who don't really have a voice, and they rely on us to say could you not do this to us, please.

Mr. Custer said we have a position paper we can leave with the Clerk just so you all can see it.

Mayor Foxx said to be real clear again, I think I've said it, but my beef is not necessarily with you guys. It is that there are a slew of things that have happened that have taken local control away. Into redistricting County Commission, that's another example I think making local decisions for us that we can and have historically made ourselves. It's a philosophical argument about the role of the state versus the role of local government, less about you guys specifically.

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ITEM NO. 9: (A) APPROVAL OF THE ECONOMIC DEVELOPMENT COMMITTEE RECOMMENDATIONS TO (1) DIRECT STAFF TO EXPLORE REVISING THE SMALL BUSINESS OPPORTUNITY PROGRAM (SBO) TO INCLUDE ALL OR A PORTION OF MGT'S DISPARITY STUDY RECOMMENDATIONS, AND (2) DIRECT STAFF TO RETAIN FRANKLIN LEE OF TYDINGS & ROSENBERG, LLC, FOR AN ESTIMATED AMOUNT OF \$15,000, TO REVIEW MGT'S FINDINGS AND RECOMMENDATIONS TO DETERMINE IF SUFFICIENT DATA EXISTS TO ADD MINORITY BUSINESS ENTERPRISE (MBE) COMPONENTS TO THE SBO PROGRAM. (B) BUDGET ORDINANCE 4819-X APPROPRIATING \$10,450 FROM THE CITY COUNCIL'S DISCRETIONARY ACCOUNT TO BE COMBINED WITH \$4,550 IN REMAINING FUNDS FROM THE DISPARITY STUDY CONTRACT, FOR A TOTAL OF \$15,000.

Mayor Foxx said Mr. Mitchell is the chair of this committee. Would you like to introduce this item?

Councilmember Mitchell said this is the Disparity Study Findings and Recommendations. First of all, let me thank my committee members, Vice Chair, Mayor Pro Tem Patrick Cannon, Lawana Mayfield, Warren Cooksey, and David Howard, for getting up to speed in a very short period of time on an item that very important to our business community.

[Motion was made my Councilmember Mitchell and seconded by Councilmember Barnes to]
[approve Items A-1 and 2, and B.]

[Motion was made Councilmember Cooksey, seconded by Councilmember Dunn, and carried]
[unanimously, to divide the items, first voting on A-1, and then voting on A-2 and B together.]

Mayor Foxx said let me speak just a little bit for those that were not at our dinner meeting. This is a review of the City's Small Business Opportunity Program. This Disparity Study was done to take a look at how we are faring in terms of the utilization of minority and women owned businesses. The study came back from MGT, and the recommendation was that the findings were, essentially that the study showed that the program was actually working pretty well in the aggregate. We saw overall that the performance of small businesses was pretty good relative to what the opportunities were and what the availability was within what we measure. However, there were also findings within specific demographic groups that suggested a substantial disparity existed. The question the Council is trying to figure out is does the existence of those substantial disparities give rise to the need to revisit the program insofar as those particular groups are concerned. I don't think anyone up here is arguing to abandon the Small Business Opportunity Program altogether because if it's working, it's working. But where it's not working for particular groups, we're trying to figure out whether there is something more than can be done because apparently, the defaults are not working for those groups.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Barnes,]
[and carried unanimously, to approve Section 1-A.]

[Motion was made by Councilmember Mitchell, seconded by Councilmember Barnes, to]
[approve Sections 2-A and B.]

Mr. Cooksey said I'm voting no because we got a consultant study that studied our program, came back with a recommendation that the program was working well, and that the data before them, and this is from one of the top consulting agencies in the country, said that the data don't support changing from a race neutral program to a race and gender conscious program. To me, this going after another consultant reeks of consultant shopping until we get a result that the majority of Council are looking for. That, to me, is no way to run a railroad or run the way these things should go. I voted for A-1 because it makes sense when we've paid money for a consultant that came back with some recommendations, let's take a look at how to implement those recommendations and decide whether we want to do that or not. That's what A-1 will do. But as far as I can tell, the purpose of A-2 is to then second guess the consultant we spent \$40 grand on by spending perhaps as much as \$15,000 on another one, and opening up the door to if we don't like the answer we get from this consultant, are we going to hire a third one. I say the

buck stops with the first one. Let's go forward with what MGT recommended and cut it off at that point.

Councilmember Barnes said I'm going to respond briefly to my colleague. I think anytime you're dealing with an issue that is rooted in so much history and complication, it's going to be difficult to say that one review is enough. The way, Mr. Cooksey, I view A-2 and B is to say that we are going to use an industry expert, a legal expert to help us determine to where we can get at those very fine issues of disparity that we talked about at dinner. Some of what you said is correct, some of it I view a little differently. There are some distinct disadvantages among certain people who do business with us, or want to do business with us, and they can't do that business. The list of recommendations that MGT made to us are recommendations that I think we should explore fully and perhaps implement in some form or fashion. I hope that the work of Franklin Lee will help us to determine how we should go about implementing those recommendations. So, if I'm looking at that wrong, Mr. Chair or Mr. Attorney, tell me, but what I'm hopeful for is that we will get some findings from Lee regarding whether or not we can further implement the MGT recommendations, and if they come back and say guys, there's no way that you can implement those recommendations without further legal complications, then I'd, for one, would probably say that we will have to find other ways to address the disparities. But, the fact of the matter is, there are disparities; the issue is how we address them. So, I'm going to support A-2 and B.

Mr. Mitchell said I think Councilmember Barnes said it very well. I'll just add, Councilmember Cooksey, even MGT said that there is a way to add or to look at some assistance to minorities that, clearly in their evidence, where disparity had occurred. They made more of an argument on the cumulative evidence and did leave it open for the City of Charlotte to look at addressing the minority disparity. I think having a legal expert would help us tremendously.

A vote was taken on the motion to approve Sections A-2 and B of Item 9 and recorded as follows:

YEAS: Councilmembers Barnes, Fallon, Howard, Kinsey, Mayfield, Mitchell, and Pickering.
NAYS: Councilmembers Cooksey and Dulin.

The ordinance is recorded in full in Ordinance Book 57, page 511.

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ITEM NO. 10: (A) ACCEPTANCE OF AN OFFER FROM THE MAY 20TH SOCIETY FOR SPECIALTY ITEMS TO BE PLACED IN THE RIGHT-OF-WAY AS PART OF THE CHARLOTTE LIBERTY WALK AND ACCEPT MAINTENANCE AND RESPONSIBILITY FOR THE ITEMS, AND (B) BUDGET ORDINANCE 4820-X APPROPRIATING \$60,000 IN DISCRETIONARY TOURISM FUNDING TO CHARLTOTE CENTER CITY PARTNERS TO SUPPORT THE INSTALLATION, CONTINGENT UPON PROPOSED FUNDING FROM CHARLOTTE CENTER CITY PARTNERS, ARTS AND SCIENCE COUNCIL, AND THE MAY 20TH SOCIETY.

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

Mayor Foxx said for those who are watching, this is Liberty Walk. It's going to be a trail that will be in the Center City that will mark some of the historic landmarks of our City going back into the Revolutionary Era.

A vote was taken on the motion to approve the subject item and carried unanimously.

The ordinance is recorded in full in Ordinance Book 57, page 512.

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ITEM NO. 11: AMEND THE 2012 MEETING CALENDAR FOR CITY COUNCIL

[Motion was made by Councilmember Howard, seconded by Councilmember Barnes, to]
[approve the subject item.]

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

Michael Zytkow, 9216 Willoglen Tr., said since this particular City Council has taken office, we have seen record levels of citizen participation. Yet today, the City Council and Mayor are proposing to eliminate the Citizen's Forum that allows for unlimited speakers. Normally, there are two Citizen's Forums each month. The first Monday allows for unlimited speakers; the fourth Monday allows for ten speakers. The revised schedule calls for only one Citizen's Forum with only fifteen speakers allowed. In a City of over 700,000 people, you're telling us that only fifteen people have the right to speak each month. They will only have three minutes or less to speak. If they go over their limit, they could be arrested as seen last month. I guess you figure less than fifteen people would want to speak, anyway, as you have scared the rest away under threat of arrest. The timing of these changes could not be more absurd. It is no coincidence that you're reducing our ability to express ourselves after last month where a record number of citizens spoke out against the City Council and Mayor. You all must have been so publically ashamed, you decided to eliminate the opportunity for citizens to speak out against you. You will, of course, say that we can still speak on agenda items, but the point is that you set the agenda. This allows the City Council and Mayor to essentially have full control over the conversation. We will be allowed to speak when you declare a topic worthy of being on the agenda. What about issues which are not on the agenda? The Citizen's Forum gave us a place to speak on any matter that concerns us as citizens. There are more limits. On your website, once a matter has been the subject of a public hearing, persons will not be allowed to address the Council on the matter at a subsequent Council meeting or at a subsequent informal session devoted to hearing from citizens. We also have the limit that if you speak more than once a year, you'll be put on a waiting list. You've also said that this plan will save the City \$10,900. That's quite interesting because last Monday was supposed to be a Citizen's Forum but it was cancelled because you all went on a retreat to Pinehurst, a retreat costing \$57,000 paid for by taxpayers, which I hope you will thank, where the clocks at the hotel were made by Rolex. This is something I would like to talk about, but cannot, because you obviously don't want it to be on the agenda. Democracy cannot function without proper citizen input. If the Council wants to revise its schedule so that they meet twenty-five percent less, than I'm assuming they would all approve a motion to receive twenty-five percent less pay. There are items I would like to discuss, but I'm sure you won't put them on the agenda, like the City Council granting authority to the City Manager, an unelected official, to approve DNC purchases without oversight. The DNC purchases won't face a public vote, and the CMPD will not reveal what they are purchasing. Or how about the Mayor's trip to China, where he received a first-class plane ticket where his aide, on his behalf, contacted the Charlotte International Cabinet and said, if it's not reimbursed, please expect hell with your presentation to City Council at next year's budget. Or how about our City Council approving a \$2.5 million incentive package to ethically-challenged Chiquita. I'll go before I get arrested again.

Jason Bargert, 820 E. 20th Street, said with our Council's new proposed calendar, it will eliminate its first Monday open forum, which will reduce the number of constituents allowed to speak to the City Council from an unlimited monthly to fifteen. It is no coincidence that, as soon as the public begins to widely attend and make use of the public forum, you would again demonstrate your fear of true democracy by eliminating it. I, personally find this absolutely disgusting. I've come to wonder who drives this Council's motives. James Mitchell, Jr., Andy Dulin, and Warren Cooksey, all of you faced no opponents in your campaign for a Council seat, each securing ninety-five percent or greater of the vote against only write-ins. You may as well have shown up and sat down in a Council seat. The rest of you were elected by a disturbingly low voter turnout, in most cases, around ten percent of registered voters. David Howard, recently you said yourself at a Council meeting, you were disturbed when we laughed at the Deputy Chief of Police stating his fear of shaking cans of soda, flame throwers fashioned from markers, and feces. Well, I'm disturbed that you at the same meeting openly stated for these reasons you would choose security over liberty. Claire Fallon, when we opposed Chiquita, you quite angrily spoke and asked where do we want these public funds to come from then. How about \$50,000 Council retreats or weekly dinners with no small price tag? Or perhaps, we could do something about the NASCAR Hall of Fame that has consistently turned a deficit. Patrick Cannon is on the Advisory Board for that; perhaps he could help. Andy Dulin, member of our

local Good Fellows Club which states its purpose as an organization to provide service to the working poor. You might want to correct the Council website as it says you're a member of the Goodfellas Club, which seems more appropriate. Warren Cooksey, on the books for First Union Capital Management Group, Wachovia Wealth Management Group, First Union Capital Markets Group, and the First Union Mortgage Corporation, I think your loyalties are self-explanatory. And Mayor Foxx, are assistants in the habit of extorting first class airline tickets from foreign governments without asking. I find it hard to imagine that would be done without blessing or recommendation. Some members of this Council appear to be teaming with corruption and have continued to deny the outcry of the people and now seeks to deny our very ability to participate in local government and make that outcry. Your corruptions are apparent, and I am not alone in my contempt. You have demonstrated your fear of our voices, and I challenge you to make a valid excuse for your need to shut out the public voice. As a young boy in school, I heard tales of our government meeting for days at a time to work out a public compromise. Do you not have the time or the will? You will serve the people or you will be unseated by our vote.

Councilmember Barnes said I want to respond to a couple of things, and I haven't really said this to a lot of you guys. It may surprise many of you to know that we actually support a lot of the stuff that the Occupy Movement is about. The challenge for us is how we go about conducting ourselves, the structure of our meetings, how we communicate with you all. All of you guys have struck me as good people. Clearly, you care about communication, you care about the value of democracy; so do we. We are not, for example, with respect to the number of speakers, we looked at the average number of speakers in 2010 and 2011. It was five in 2010 and eight in 2011, and that was driven up primarily by the taxi cab drivers and the concerns that they had. We're not trying to stop people from speaking to us. We're not trying to shut people down. It is that when we talk to you, we try to do it with respect. When people come in here and talk to us, we hope that they would do it with respect. Some of what I hear, again, I understand the passion. I'm blessed to live in a country where you can say the things you want to say, we can say the things we want to say. Frequently we don't, but we probably should start saying it. But, for you all to think that we're trying to shut you down and run you out of town is just not true at all. I grew up in a blue collar working class family. I've seen the tremendous disparity in wealth that's developed in this country. I understand exactly what you're talking about. But to just think that we are the problem is, in my opinion, off the mark, misguided. I hope you actually keep coming so you can see what we do, because it's a lot more than just us taking a paycheck and not doing anything for it. One of the benefits of having a Monday off is me being able to spend some time with my children. There are a lot of people up here who will be able to spend time with their kids, their grandkids, and there's some value to that. I give up a lot of time, yeah, I put my hand up, I said I'd run for office, paid the fee, ran, had a contested election last year. I've done this since 2005 because I like serving Charlotte. But do you ask me whether my time with my children is more valuable than putting up with some of the crap I hear out of people up here? Absolutely. I'd rather be at home. But because I want the City to be a good place to live for my kids, for their kids, for your kids, I do it because I love Charlotte, and I love North Carolina. But there's a lot more to this than you guys think, and we're in Pinehurst living with the Rolex watches or whatever you said, on the wall. You know, nothing is ever perfect. There was some debate among us about going to Pinehurst. I wasn't on that committee. But we wound up going there. And I think we got some good work done for the City, and once we get into the budget season, I hope we'll see some of that. But, it's just unfortunate that you guys think we're trying to shut you down and trying to run you out of town because we're not. We're trying to be responsive and trying to do things to actually protect the City, protect you all as well. Because as I said before, the people who those ordinances are meant to address aren't even in town yet. And I guarantee you that a number of you guys will be afraid once they get here. But, I hope you'll keep coming and participate in the process.

Domenic Battistella, 600 E. Trade St., said just listening to the comments from Councilmember Barnes talking about the last two years' average number of speakers at the unlimited Citizen's Forums, 2010 five, 2011 eight, so far in 2012, we've averaged over thirty speakers per public forum. So, I'm thinking 2012 may be a banner year, especially with the DNC coming to town. There are going to be quite a few extraordinary events; quite a few City ordinances being voted on by the Council, and I'm thinking that now is not necessarily the time to be eliminating the unlimited Citizen's Forum. I understand and appreciate your concerns spending time with your children; I have children of my own. I work seventy to eighty hours a week at my job, and so I can appreciate the need to spend time with your children. But also

understand, that the Citizen's Forum is one of the few opportunities that we have to speak directly to our government. We don't have lobbyists, we don't have an unlimited amount of resources to be able to speak to you. So, if I get in line as the sixteenth speaker on an issue I feel passionately about, my voice will be cut off to you. I don't have that means of communication. I may be able to meet with a few of you in your offices, but I certainly won't have the opportunity to speak to the Council as a whole. I don't believe that now is the time to eliminate that opportunity. It's certainly disempowers the individual, especially in my perspective, the individuals in the ninety-nine percent versus those in the one percent that have the power to come and speak to you directly, may have the clout to present their case on an individual basis to all of you. We don't have that kind of clout, so we need this unlimited forum. If you need that time to meet with your families or you feel like you need to save \$10,000 a year, why not extend the fifteen person limit? Just make that unlimited. Cut out the second public forum where you've limited it to ten or fifteen people. Just make it unlimited. That way, everybody gets a chance to address you during the course of a given month. That way, if there's something that's extremely important, maybe an ordinance that's going to eliminate some people's homes, and there's an entire community that wants to speak to that.

Scottie Wingfield, 2004 Atherton Heights Ln. said respectfully, Mr. Barnes, if you're not trying to shut us down, then why did you close down the free speech assembly at 600 E. Trade Street and make it difficult to keep it 24/7 vigil and free speech assembly? Councilmembers, though I moved here in September, 2010, frankly it wasn't until I got involved with Occupy Charlotte in October, 2011, that I began paying attention to you. What you've been up to in the past four months has made me wonder about all of the questionable activity that the Council was up to before I started paying attention. For example, I now know that last February when Charlotte won its bid to host the DNC, the Charlotte Council quickly went into a closed session where Councilmembers voted unanimously to give the unelected City Manager the power to approve all DNC contracts with no oversight from the Council or the public. These contracts are worth millions of dollars and include \$25 million in new police equipment. Other cities that have hosted political conventions have disclosed their purchases, but not Charlotte. Does the Charlotte City Council want to hear what the people say? Just when I began speaking out on local issues, City Council continues to find ways to shut me up. Councilmembers, tonight you vote on this change in the calendar. Perhaps there are budget cuts or time constraints or the City can no longer afford meetings on first Mondays. But which meeting have you chosen to cut out? You cut out the Citizen's Forum which allows unlimited speakers. How can I not see this as an attempt to limit the amount you listen to your constituents? In the explanation, it states that the average number of speakers in 2011 was eight. I am absolutely positive that you will have more public involvement in 2012. There's a democratic awakening going on in this country. Occupy Charlotte and Occupy movements world-wide are inspiring people to become more involved in all levels of political debate. Council, I was hoping that you would welcome and encourage more involvement from your constituents, not that you would work to limit our opportunities to have our voices be heard. You might say, well citizens can always sign up to speak on an agenda topic like this one, and public hearings allow unlimited speakers. But who decides when there's a public hearing? Council. Who decides what topics are on the agenda? Council. What happens when the people's agenda isn't the Council's agenda? It certainly was not the people's agenda or January 23rd to pass controversial and unconstitutional changes to the City code. That was Council's agenda. It was the Council's agenda to shove those ordinances through before the public had adequately learned what was in them. It was the Council's agenda to divert attention from terrible ordinances that limit free speech and limit the activities of regular citizens, to obfuscate and confuse and make the public believe that the ordinances would only affect those activists at Old City Hall lawn. That was the Council's agenda. The Council that is now so tied up in DNC fever that it can't see straight there's so much money and so much potential for climbing political ladders, and there's only one thing in the way, the people. All you have to do is keep ignoring the people. All you have to do is to continue restricting when and where and how the people speak. All you have to do is keep listening to Bank of America, Chiquita, and the DNC. Why listen to the people? They are only the ones you are elected to serve? We can see who really holds the power in this City.

Councilmember Howard said just to add one thing, Mr. Barnes, you did a great job to summarize that. The only thing you didn't point out is that we're changing our schedule on two of meetings, starting at 4:00, not 5:00. So that time that we would normally be meeting on that first Monday, we are still going to be meeting. So, we're not meeting less. We're actually just moving it

around. The other thing, Mr. Manager, I was wondering. You gave us what the average was of the number of speakers that came to us overall. Do we know how many spoke to us upstairs?

City Manager, Curt Walton, said it was five in 2010 and eight in 2011. We had two or three in January.

Mr. Howard said I just had never seen a meeting where we had a lot of people upstairs, because normally, people wait for TV time. And they come down here, and they do the TV time as well as they talk on the agenda items. Again, it would not cut into the time that we work. I wanted to point that out. And I wanted to thank Domenic. You have been the most respectful person that's come through this whole thing. Thank you for being as respectful of the fact that we work real hard at what we do as well. So thank you for that.

Councilmember Barnes said one more thing before I'm done. As I have watched the Occupy Movement develop when I first started following it last fall in New York, the one thing that I kept thinking, and I still think it, is I wish these groups would come up with some political strategies that could be implemented. A lot of what you all are concerned about, as I said earlier, concerns us, too, but it requires change in Washington, not necessarily on the City Council. I see you shaking your head, Ms. Wingfield, but let me finish. What I'm saying to you is, in terms of adjusting trade policy, tax policy, all of those changes start with the Congress, and if you all can, and I'm not necessarily saying Occupy Charlotte, but the Occupy Movement can actually come up with a list of policy points that can be implemented in Washington, I think things would change. I'm reminded of what the Tea Party did. These folks said we're mad, tired of taxes, tired of spending, we're going to come up with some points that people can get behind, and we're going to elect people who believe in this stuff. And doggone, if they didn't take over the Congress, they've taken over state legislatures all over the country. So, perhaps it is that if the Occupy Movement could come up with a platform and planks in that platform that they can find people who will run for office and will support it, the same change could be seen to help the middle class, to help lower income people, to actually bring about some critical changes in the country. I hope you will consider that as you are considering other things.

Councilmember Fallon said I had asked two questions at the dinner meeting. One was, if we start at 4:00, will the Councilmembers who work be able to get here to put in that extra time? And the other question I had asked you, and you answered me, are we shutting citizens down by changing the way we do it? And you explained to me, and I wish you would again, that people will be able to have the time. The other thing is, I have a point for you to go to the Congress with. They had a bill the other day about inside trading. They eviscerated it. That you should be happy at.

Mr. Walton said Councilmember Fallon asked at lunch today if this affected sign-ups to agenda items, and it does not. I think there was a reference earlier to thirty speakers, and that was to the DNC-related ordinances and that would not change this. Just as tonight on the Cherry Neighborhood Area Plan, any number of speakers could sign up to that. The Mayor has certain prerogatives now, and would continue to have, certain prerogatives relative to the time. But it would not change anything about that.

Councilmember Cooksey said just to correct an error of fact, we cast no votes in a closed session. We discussed the proposed agreement last year in a closed session, and those of us who were on Council at the time, then we came out of closed session. Then Councilmember Jason Burgess read the motion, surrounded by cameras. It was probably the most open vote we've ever had. And while I have talked with a reporter with the Observer that I didn't fully grasp the second part of the motion because I was more concerned about taxpayer obligation in the first part of the motion, we can't say it was done in closed session, we did that absolutely openly.

Councilmember Mayfield said Mr. Walton, is there a way of looking at what I heard this evening from Domenic regarding either extending the number to give access, if that means possibly reducing the time to two minutes or keeping it three minutes and averaging. Since we're not looking at the numbers that we have recently had as far as people coming up, but what I'm concerned about is a lot of the interest that we've had with the citizens speaking has really been around one issue. Even though what I've heard from the constituents was that we have a major focus around DNC, it seems like the interest from the community has mostly been around this

one particular event that's happening where we've seen the most community input. Is there a way to possibly continue to have a forum where we can have more than fifteen people to speak? Because, honestly, based on our previous numbers, and including that I was one of the people that used to sign up to come down and speak on a regular basis as much as possible, with knowing that there's a great possibility by the end of this year that number is going to be reduced again. So, maybe instead of fifteen, opening to possibly being twenty or twenty-five with the new time schedule that we're working with to make sure that the community has the opportunity to have a voice, because I do have a concern if we take away completely the opportunity to share whatever your concerns are, whether they're on the agenda or not. Because we do want to have as much transparency as possible, but it does seem like most of our energy the last month-and-a-half to two months really has been around one particular issue.

Mr. Walton said the number of speakers and the length of time for speakers is a Council decision. So you can set those two numbers at any number you choose. I believe the Mayor currently has, even in the Citizen's Forum, the opportunity to group speakers that are on a similar topic to ten minutes. So, that is in place now and that would be in place going forward. One of the discussions about the speakers, it was also in conjunction with the Awards and Recognitions, and that was the Council agenda, the business and policy decisions, getting to those sooner in the evening. But the number of speakers and the length of time are Council choice.

Mayor Foxx said I'll just say a couple of things on this. I, like others, fully respect the feedback. But this is not a discussion that is about the Occupy Movement. This is actually a discussion about how the City Council does business. One of the things that led to this discussion was the realization that over the last four or five years, we've gone from having five or six committees to having seven or eight committees. There's an awful lot of work that's going on between these meetings. What the Council is proposing to do tonight is not to stop doing the work that we do at these meetings. It is actually to reallocate the time to doing some of the stuff we do on a workshop night, like presentations and updates on regular business items, and moving some of that discussion across our second and fourth Monday meetings. The point about the speakers is well taken, and it's something that we can watch as we go along for a little while. But, this isn't about Occupy at all; this is just about trying to figure out a way to give Councilmembers a little of their time back, at least for one Monday. And I'll point out that we are the only local governmental body in this County that meets every Monday of the month. Your County Commission doesn't do it, your school board doesn't do it, and arguably, they have as much or more importance to the issues facing our community than we do. So, that's what this is ultimately about. There's a lot that was said in the course of these comments that was wrong. But I'm not going to spend a lot of time going point to point on that stuff. But suffice it to say that I know how these members of Council, regardless of their political party or their political philosophy, all of them spend an inordinate amount of time, and for most of them, this is not a part-time job. Most of these folks are spending thirty or forty hours a week doing the work that they do. So, we are trying to figure out how to do justice to the community by providing the maximum access that we can, while also respecting the fact that people are putting in an awful lot of time as it is, and to try to give people a way of doing that which allows them to have a life and spend time with their families. That's what this conversation is about. I understand the issues that have been raised. And let me say this parenthetically that I know there are a lot of federal issues, state issues, local issues that you care about. And if we had a conversation about it, I think you'd be surprised that there are some issues that you have that I agree with you on. But, I think the way we handle those things is to try to figure where we can work together. But I have never, not once and still will not, throw rocks and stones at you guys because I respect your right to share your opinions with us. But I do think that some of the things you said tonight were unfair.

Councilmember Kinsey said some of you may remember earlier in a public meeting, I did mention that I had some concern about doing this, but mainly because that workshop is used for our education. Staff comes to us, reports in to us, and makes us aware of what is going on. Here again, it's all in the public. But I also said I'm willing to give this a try, because as it was pointed out, we're not losing any time, so we'll still have time to do the City's business and to listen to our constituents.

[Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes, to]
[adopt the amendment to the 2012 Meeting Calendar.]

Mr. Howard said considering that the only thing we've heard is about the number of participating, maybe it's smart for us to ask the Clerk to monitor the number of people that sign up above that fifteen for a couple of meetings and let's see how we do, and maybe come back in a quarter or so and see if there needs to be an adjustment to that number. I'm not sure I'd put that in the motion; it's just something that I think would be smart for us to do.

Councilmember Pickering said Mr. Howard just took the words right out of my mouth. I think that's a great idea. Let's monitor and reevaluate.

A vote was taken on the subject motion and recorded as follows:

AYES: Councilmembers Barnes, Cooksey, Fallon, Howard, Kinsey, Mitchell, and Pickering.
NAYS: Councilmembers Dulin and Mayfield.

Mayor Foxx said by the way, before we completely this conversation, one bit of feedback we did get from several of you had to do with the rules regarding agenda items versus public hearings. There is some language. I asked after that meeting, it's actually not the first time that issue has come up where people didn't understand the way the rules operated. I asked the City Attorney to come up with some language; we're working through that. But in a future agenda meeting, what I'm going to do is to propose some language that will make the rule as it stands more clear to the public so that people know exactly how that works. We're going to try to do that as well.

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CONCLUSION OF THE CONSENT AGENDA

ITEM NO. 12: APPROVAL OF CONSENT ITEMS WHICH COUNCIL MEMBERS PULLED FOR DISCUSSION OR ADDITIONAL INFORMATION AFTER THE NOON BRIEFING MEETING.

Mayor Foxx said we have several items that were pulled by Councilmembers.

Councilmember Mitchell said Item Nos. 18, 26, 27, 29, and 32 were all pulled by me. I just want to thank the general contractors for meeting the SBE goals. I think a lot of times we complain when our SBE goals are not met, but in these particular five cases, the general contractors met the goal. I just want to thank them for having faith in their SBE.

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ITEM NO. 18: CONTRACT TO THE LOWEST BIDDER, STATE UTILITY CONTRACTORS, INC., IN THE AMOUNT OF \$793,650 FOR CONSTRUCTION-RELATED IMPROVEMENTS TO NINE SANITARY SEWER PUMP STATIONS.

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

Summary of Bids:

State Utility	\$ 793,650.00
Buckeye Construction	\$ 821,474.50
Turner Murphy	\$1,038,962.00
Harris Construction	\$1,117,317.30
Wateree Construction	\$1,468,500.00

* * * * *

ITEM NO. 26: (A) REJECT THE LOW BID OF \$168,900 FROM INTERSTATE ROOFING COMPANY, INC. FOR FAILURE TO COMPLY WITH THE SMALL BUSINESS OPPORTUNITY PROGRAM, AND (B) AWARD A CONTRACT TO THE LOWEST, RESPONSIVE BIDDER, NATIONS ROOF OF THE CAROLINAS, LLC, IN

THE AMOUNT OF \$187,000 FOR THE REPLACEMENT OF THE LANDSCAPE ADMINISTRATION BUILDING ROOF.

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

Summary of Bids:

Interstate Roofing Company, Inc.	\$168,900.00
Nations Roof of the Carolinas, LLC	\$187,000.00
Davco Roofing & Sheet Metal, Inc.	\$191,300.00
Carolina Roofing Solutions, Inc.	\$194,700.00
Roofing Service, Inc.	\$197,981.00
Allied Roofing Company, Inc.	\$204,000.00
Weathergard, Inc.	\$246,160.00
LCM Builders, Inc.	\$294,000.00

ITEM NO. 27: CONTRACT TO THE LOWEST BIDDER, D. H. GRIFFIN WRECKING COMPANY, IN THE AMOUNT OF \$231,000 FOR THE DEMOLITION OF A WAREHOUSE AT 1315 NORTH GRAHAM STREET.

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

Summary of Bids

D. H. Griffin Wrecking Company	\$231,000.00
NCM Demolition	\$257,040.00
Clean Air Environmental	\$375,000.00
Vistabution, LLC	\$418,270.13
RAM Construction	\$447,123.00
Neo Corporation	\$475,020.00
Empire Dismantlement	\$480,564.00
Clear Site Industrial, LLC	\$483,668.00
EHG Demolition	\$519,330.00

ITEM NO. 29: CONTRACT TO THE SECOND LOWEST BIDDER, EDISON FOARD, INC., IN THE AMOUNT OF \$258,880.20 FOR SECURITY UPGRADES AT THE CHARLOTTE MECKLENBURG GOVERNMENT CENTER.

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

Summary of Bids

MV Momentum Construction LLC	\$151,193.00
Edison Ford, Inc.	\$258,880.20
Heard Ratzlaff Construction, Inc.	\$326,931.50

ITEM NO. 32: CONTRACT TO THE LOWEST BIDDER, SOUTHSIDE CONSTRUCTORS, INC., IN THE AMOUNT OF \$1,243,000 FOR THE CONSTRUCTION OF THE ALBEMARLE ROAD PARK-AND-RIDE.

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

Summary of Bids

Southside Constructors, Inc.	\$1,243,000.00
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Advanced Development Concepts	\$1,270,000.00
On-Site Development	\$1,290,241.15
Blythe Development	\$1,393,502.00
MV Momentum	\$1,443,900.00
Site Works	\$1,497,224.30
Show Walter Construction	\$1,502,765.00
Eagle Wood Inc.	\$1,540,000.00
United Construction	\$1,630,785.48
Boggs Paving, Inc.	\$2,088,390.70

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ITEM NO. 20: (A) APPROVAL OF A TWO-YEAR CONTRACT WITH ADVANCED DIGITAL SOLUTIONS IN THE ESTIMATED AMOUNT OF \$1,550,000 FOR AN ENTERPRISE DIGITAL MEDIA CONTENT MANAGEMENT SYSTEM, AND (B) AUTHORIZE THE CITY MANAGER TO EXTEND THE CONTRACT ONE YEAR AND INCREASE THE INITIAL CONTRACT BY \$1,200,000 (FOR AN ESTIMATED TOTAL OF \$2,750,000).

Councilmember Cooksey said I pulled Item 20 just as a procedural one. What we're looking at here is just over \$1.5 million for an enterprise digital media content management center for which there was only one bidder in response to our RFP. I got some clarification on this after asking this afternoon that there were actually up to one point, thirteen vendors were potentially interested, but we had only the one response to the RFP. It's theorized because the City was asking for a very aggressive time table. I brought this up because I don't have a sense on my own whether \$1.5 million is the right dollar figure here, and with only one vendor, the old joke is about something fast, cheap, and good; you get to pick two out of the three. Knowing that fast is one of them, I don't know if we're getting cheap and not so good, or good and not cheap. I would just hope that we could, going forward in our bid processes, not necessarily limit our vendor opportunities based on an aggressive time table. I understand, again, for this one, and I appreciate the response, and I move approval of it, but just going forward, I think we can probably do a better job there.

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

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ITEM NO. 13: NOMINATIONS OF CITIZENS TO SERVE ON BOARDS AND COMMISSIONS AS SPECIFIED.

A. Bicycle Advisory Committee

The following nominations were made for one appointment for an unexpired term beginning immediately and ending December 31, 2012.

Benjamin Baldwin, nominated by Councilmember Fallon.

Haley Beaupre, nominated by Councilmembers Barnes, Cooksey, Howard, Kinsey, and Pickering.

Keith Sorensen, nominated by Councilmembers Mayfield and Mitchell.

A speaker who had applied for two committees, was recognized at this point.

Michael Zytow, 9262 Willowglen Tr. 28215, said I've spoken with many of you before, or I should say recently, about causes near and dear to my heart. I was told by quite a few of you that I should, and recently as of right now, to work within the government to affect change. So, I've applied for two committees. I would hope my involvement in social activism would not preclude my consideration for nomination. I hope that committee appointments are given to those most qualified. I'm neither a Republican nor a Democrat. I have not worked for any of you. I have not contributed financially to your campaigns. I am, as you know, an actively engaged citizen that believes strongly in this community. That's all I really have to say about the matter. If I

could, I would like to address one thing that you said, Mr. Barnes, as far as our participation in the government. You said that the Tea Party did a good job getting people elected. Well, one of the things that is quite disturbing that I hope that you guys and the County Commissioners could address is the fact that if you want to run for City Council or as a County Commissioner as an unaffiliated, you have to collect four percent of the signatures of those registered to vote, either in the City or the County based on what you want to go for. These restrictions are actually more challenging than it is to run for President in North Carolina, which is two percent of the signatures of those who voted in the previous Presidential election; not those who are registered. My point here is that it's incredibly difficult. North Carolina has some of the most restrictive rules as far as ballot access, so I think we'd have a lot more public participation. We'd have a lot more people who would run for office if they had the opportunity because Republicans and Democrats are guaranteed, you all don't have to collect a single signature. You automatically get on the ballot because of how well your Presidential candidate or how well your Governor candidate did at the state and federal level. If you guys really want to do a better job of getting people more involved, I think you guys should consider changing those restrictions. I think you would obviously understand that that would probably mean that there would be people who would challenge you. I think we all see that, and that might be a reason why you personally, probably, would not want to change that. But if we're really trying to make a government or a democracy that is really more open to the people, democracy that allows anybody, regardless of their political persuasion to run for office, I think that's something you should strongly consider. As a last note, I called the Mecklenburg County Board of Elections. I've spoken with them almost on a regular basis now, and I tried to ask them when was the last person who was unaffiliated ran for office who collected that many signatures. They couldn't find out. They still have yet to get back to me with a response. So, that fact alone tells us a lot about the system. And 20,000 signatures, that might not sound like much; four percent, that might not sound like much. But like I said, it's easier in twenty-nine states to run for President than it is to run for City Council or County Commission in Mecklenburg County.

Mayor Foxx said interesting question, because we actually have at least two School Board members who are unaffiliated, so they got on there somehow. It's non-partisan, but they are elected.

Councilmember Fallon said but they aren't our rules are they, it's State Law?

Mayor Foxx said yes, it is State law.

Councilmember Cooksey said the historian in me just has to point out that in 1989, Al Rousso ran for mayor as a write-in and came in second.

Councilmember Howard said I think Hoyle Martin did as well, he got signatures.

Councilmember Cooksey said he didn't get enough signatures, he tried.

Councilmember Barnes said and to that point, that's an opportunity, I think, to galvanize people around candidates who run for State legislature in this state to change the law, and if they start in Mecklenburg County, Wake County, wherever it may start, but getting people in office who believe in what you just talked about. I actually agree with you on that issue. It's very difficult. You talk about barriers to entry, that's quite a barrier to entry. But getting people in office who can implement the policy changes that you want to see. Again, there are things we have control over, but so much of what concerns people in the movement is in Raleigh and D. C.

The Mayor then transitioned back into the nominations for the Business Advisory Committee.

B. Business Advisory Committee

The following nomination was made for one appointment for an applicant recommended by the Charlotte Chamber of Commerce for an unexpired term beginning immediately and ending April 28, 2014. Tunis Hunt resigned.

Jonathan Utrup, nominated by Councilmember Barnes, Cooksey, Fallon, Howard, Kinsey, Mayfield, Mitchell, and Pickering.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Cooksey, and]
[carried unanimously, to appoint Mr. Utrup by acclamation.]

C. Charlotte Housing Authority

The following nominations were made for an unexpired term for a resident of public housing beginning immediately and ending December 17, 2012.

Linda Morant, nominated by Councilmembers Barnes, Cooksey, Fallon, and Kinsey.
Marcia Simpson, nominated by Councilmembers Howard and Pickering.
Tawanna Wilson, nominated by Councilmember Mayfield.

D. Charlotte International Cabinet

The following nominations were made for two appointments for unexpired terms in the open category beginning immediately with one ending June 30, 2012, and the other ending June 20, 2013; and one appointment for an unexpired term in the education category beginning immediately and ending June 30, 2013.

Douglas Bowman, nominated by Councilmember Dulin.
Ronnie Devine, nominated by Councilmembers Barnes, Mayfield, and Mitchell.
Molly Hedrick, nominated by Councilmembers Fallon and Howard.
Tamara Johnson, nominated by Councilmember Fallon in the open category.
Charle' LaMonica, nominated by Councilmembers Cooksey, Fallon, Howard, and Pickering in the education category.
Sherry Li, nominated by Councilmembers Cooksey and Kinsey.
Joseph Mercier, nominated by Councilmember Barnes.
Scott Mickle, nominated by Councilmembers Cooksey and Pickering.
Troy Pelshak, nominated by Councilmember Dulin.
Charles Prendergast, nominated by Councilmember Kinsey.
Nancy Carter, nominated by Councilmember Howard.
Sara Smith, nominated by Councilmember Dulin in the education category.
Bahiyah Walker, nominated by Councilmember Mayfield in the education category.
Jian Zhang, nominated by Councilmember Pickering in the open category.
Jian Zhang, nominated by Councilmember Barnes, Kinsey, and Mitchell in the education category.
Xin Zhang, nominated by Councilmember Mayfield.

E. Charlotte-Mecklenburg Coalition for Housing

The following nomination was made for one appointment for an unexpired term for a financial services representative beginning immediately and ending June 30, 2014.

Nancy Crown, nominated by Councilmembers Barnes, Cooksey, Fallon, Howard, Mayfield, Mitchell, and Pickering.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Howard, and]
[carried unanimously to appoint Ms. Crown by acclamation.]

F. Charlotte-Mecklenburg Development Corporation

The following nominations were made for one appointment for an unexpired term for a non-profit organization representative beginning immediately and ending October 31, 2012.

Charle'on Macon, nominated by Councilmembers Barnes, Cooksey, Kinsey, Mayfield, and Pickering.
Cedric McCorkle, nominated by Councilmembers Fallon and Mitchell.

G. Citizens' Review Board

The following nominations were made for one appointment for an unexpired term beginning immediately and ending July 31, 2012.

Trevor Fuller, nominated by Councilmembers Cooksey, Fallon, Howard, Mayfield, and Pickering.

Sonnie McRae, nominated by Councilmember Kinsey.

H. Community Relations Committee

Michael Zytow had also signed up to speak on this item, but he declined since he had already spoken on 13-A.

The following nominations were made for one appointment for an unexpired term beginning immediately and ending June 30, 2013.

Robin Baldwin, nominated by Councilmember Barnes.

Veronica Jones, nominated by Councilmember Mayfield.

Sue Korenstein, nominated by Councilmember Kinsey.

Melvin Lowery, nominated by Councilmember Howard.

Kathleen Odom, nominated by Councilmembers Cooksey, Fallon, and Pickering.

I. Historic District Commission

The following nomination was made for one appointment for an unexpired term for a resident of Wesley Heights beginning immediately and ending June 30, 2013.

Bradley Norvell, nominated by Councilmembers Cooksey, Fallon, Kinsey, Mayfield, Mitchell, and Pickering.

[Motion was made by Councilmember Cooksey, seconded by Councilmember Kinsey,]
[and carried unanimously, to appoint Mr. Norvell by acclamation.]

J. Keep Charlotte Beautiful

The following nominations were received for two appointments for unexpired terms beginning immediately with one ending June 30, 2012, and the other ending June 30, 2014.

Richard Flanagan, Jr., nominated by Councilmembers Barnes, Cooksey, Kinsey, Mayfield, Mitchell, and Pickering.

Christopher Lachey, nominated by Councilmembers Cooksey, Fallon, Kinsey, Mayfield, Mitchell, and Pickering.

[Motion was made by Councilmember Mitchell to appoint Mr. Flanagan and Mr. Lachey by]
[acclamation.]

Councilmember Kinsey said I'm trying to do the math here.

Mr. Mitchell said there were two open positions.

Ms. Kinsey said I know, but either some people nominated and you didn't mention it, or some people just didn't nominate.

City Clerk, Stephanie Kelly, said some people did not nominate.

Ms. Kinsey said so those were the only two nominated, nobody else got one or two?

Ms. Kelly said no.

Councilmember Barnes said I move to keep this one open. We're missing two members tonight.

Mayor Foxx said you want to keep the nominations open?

Councilmember Fallon said you mean to go back again and nominate other people?

Mr. Barnes said I'd like to allow Mr. Autry and Mr. Cannon an opportunity to be heard. And to your point, somebody clearly didn't nominate or vote for anybody. Something strange happened with that.

[Motion was made by Councilmember Barnes, seconded by Councilmember Howard, to]
[keep the subject nomination open.]

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

AYES: Councilmembers Barnes, Cooksey, Fallon, Howard, Kinsey, Mayfield, Mitchell, and Pickering.

NAYS: Councilmember Dulin.

Mayor Foxx said we will have nominations for that one again.

K. Neighborhood Matching Grants Fund Review Team

The following nominations were made for one appointment for an unexpired term for a business representative beginning immediately and ending April 15, 2012, and then continuing for a full two year term ending April 15, 2014.

Wofford Boyd, nominated by Councilmembers Barnes, Fallon, Mayfield, and Pickering.

Kim Graham, nominated by Councilmembers Howard and Mitchell.

Karen Labovitz, nominated by Councilmember Kinsey.

Jason Tuttle, nominated by Councilmember Cooksey.

L. Passenger Vehicle for Hire Board

The following nominations were made for one appointment for an unexpired term for a representative of the hospitality and tourism industry beginning immediately and ending July 1, 2012.

Susan Schwint, nominated by Councilmembers Barnes, Cooksey, Fallon, Kinsey, Mayfield, Mitchell, and Pickering.

Robert Walker, nominated by Councilmember Howard.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Howard, and]
[carried unanimously, to appoint Ms. Schwint by acclamation.]

M. Tree Advisory Commission

The following nominations were received for one appointment for a three year term beginning immediately and ending December 13, 2014.

Charle'on Macon, nominated by Councilmember Mayfield.

Oliver Sharman, nominated by Councilmembers Barnes, Fallon, Kinsey, Mitchell, and Pickering.

Scott Mickle, nominated by Councilmember Cooksey.

Fred Dodson, nominated by Councilmember Howard.

MAYOR AND CITY COUNCIL TOPICS

Councilmember Barnes said I want to take a quick moment to talk about something that's not ordinarily under our sphere of influence, but you all made have seen the story about the school bus driver who had a bus that caught on fire, there were six kids on that bus. She's says she's not a hero; I'm sure the parents of those children think that she is a hero. I believe Chief Hannan

was with her today to recognize her efforts. I believe her last name is Richardson. I think Ms. Richardson did a wonderful service to those children, to herself, to CMS, and to this community, and I'd like to thank her for doing what she did to save those kids. That bus, as you saw on the news probably, burned up. By the way, one of our firemen actually got into the bus while it was on fire to put the fire out. The driver got the kids out before the fire. But thanks to the fireman as well.

Mayor Foxx said I have one topic which is, I think I can say this, I hope so--Chiquita. We did the business incentive plan. There was a request that there be a job fair associated with it. There will be one on Saturday, February 25 from 12:30 to 4:00 p.m. The event is by invitation only, but one can go to chiquitacharlotte.com, I think, and find information about how to apply, and they will call those applications and interview people February 25th. So that's a direct result of some of the work you all did to make sure those jobs get advertised and people have a chance to apply.

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ADJOURNMENT

The meeting was adjourned at 9:10 p. m.

Stephanie C. Kelly, City Clerk

Length of Meeting: 3 Hours and 15 Minutes
Minutes Completed: March 22, 2012