

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, March 26, 2012 at 4:03 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, Claire Fallon, David Howard, Patsy Kinsey, LaWana Mayfield, James Mitchell and Beth Pickering.

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#### **ITEM 1: CLOSED SESSION**

[ Motion made by Councilmember Cannon, seconded by Councilmember by Councilmember ]  
[ Kinsey and carried unanimously, to go into closed session pursuant to GS 143-318.11(a) (1) ]  
[ in order to prevent the disclosure of sensitive public security information protected by GS ]  
[ 132-1.7) and pursuant to GS 143-318.11(a) (9). ]

The Council reconvened at 5:39 p.m. for the Dinner Briefing.

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#### **ITEM NO. 2: BLUE LINE EXTENSION UPDATE**

**City Manager, Curt Walton,** said as you know when we were in DC a couple weeks ago, the Blue Line Extension is moving along through the federal process and it is the only project moving along through the federal process this year. Before we go into final design, Carolyn wanted to update you on the schedule moving forward.

**CATS CEO, Carolyn Flowers,** said I am going to give you an update on the status of the project as well as the scope and the cost and the budget. Just to give you some background, we have a dual governance responsibility first to the MTC because they make decisions on the financial and budget oversight through an interlocal agreement based on the disbursement of the sales tax receipts. With regards to our service we provide bus service, ADA service and van pool and we are also North Carolina's first and only passenger light rail service. We do have a regional responsibility to provide services within Mecklenburg County and to York County in South Carolina as well as other neighboring counties. The current ridership is at 26 million riders and we've been growing on an annual rate of 6.3% and this past year we have seen a significant increase in ridership. We are attributing that to good weather as well as the fuel prices. There has been major support in local investment in transit. We have ½ cent sales tax that has gone through two votes. In 1998 it passed by 58% then there was a recall effort and it was reaffirmed in 2007 by 70%. We utilize the sales tax funds to leverage both federal and state funds for the capital investment and we also use it to sustain transit so there is a contribution to both the operating and the capital side. The local investment together with the investments from the federal and state have increased mobility options for the community but we have had a challenge in the last few years. There was a downturn in the economy and that affected our sales tax receipts and we have been able to continue our investment in transit, but it has been modified by the financial constraints.

Ms. Flowers was using PowerPoint for her presentation and pointed out a basic depiction of what the growth in the system looked like in 1998 and what it looks like in 2012. You can see that the system network has grown as a result of the investment in transit and there has been a significant increase in the bus system which is the backbone that we are building upon. We have seen that the initiation of the light rail system also has augmented mobility options in Charlotte.

The 2030 Transit System Corridor Plan is the basis for the expansion of the transit system in Charlotte. It complements the center corridors and wedges growth network plan which integrates land use and transportation network and capacity. This is the way for us to build a multi-modal system here in the county with the contributions of the federal, state and local share to support transit.

We move into an update on the Blue Line project. Giving you some facts on the Blue Line Extension, it is the second corridor that is going to be built and it is moving toward construction and upon completion it will integrate the South Corridor and will just about double the alignment

capacity that we currently have. It is going to be an additional 9.4 miles and our current target implementation for revenue service will be in 2017 and the project costs has now been set, based on our risk assessment at \$1.6 billion and we will go into the details for the transition in both of those. Two facts about this project is that it will provide additional 25,000 additional riders per day for the end of line UNC-Charlotte Campus. There will be 11 additional stations.

Councilmember Howard said how much did that ridership number change when you stopped it from going all the way to I-485? Did it affect that number a great deal?

Ms. Flowers said it about 5% change in the ridership.

**Transportation Director, Danny Pleasants** said it was a very small percentage in ridership. In fact when we did the remodeling there were some adjustments so the ridership didn't go down, but it was a little than 5% change.

Mr. Howard said given what happened on the LYNX Line, we set it at 9,000 and it winds up being 12,000.

Ms. Flowers said right now we are over 15,000 riders per day.

Mr. Howard said which is way past the projection.

Ms. Flowers said there were some adjustments in the FTA ridership model between the South Corridor and where we are currently.

Mr. Pleasants said the Northeast Model is based on the South because we have the experience. When we did the South Corridor we didn't have anything to base it on so we had to borrow information. Now we have better information based on our experience.

Ms. Flowers said we will be going up to UNC-Charlotte's campus and there will be connecting bus services so we will have a plan to integrate bus and rail and we will continue to look at the convenience and safety factors as we plan the amenities. We have just completed a risk assessment process and the FTA is now requiring this as part of the process of receiving a full funding grant agreement. They hire a consulting team that is comprised of specialists, including real estate, budgeting, engineering and scheduling to include a scope, a schedule, the financial plan and this is the basis for insuring that the funding part, which is FTA will have some surety about the budget and the schedule. This process includes a statistical analysis and modeling and they perform this to insure that we come up with a projection for a revenue service and a projection on the cost of the project that there has been surety as they go to Congress to ask for the 50% funding.

We last came to you in October of 2011 and at that time we indicated that we had a project cost of \$1.069 billion and a projected revenue service date of late 2016 or early spring of 2017. At that time we noted that the final costs would not be fixed until after the risk assessment so we have now completed the risk assessment and based on the outcome and the statistical analysis we are updating the targeted revenue service date to March 2017 and have adjusted the project cost to \$1.6 billion. Our next slide will provide you with the details of changes to the costs, but this is the number that FTA will fix its funding for the full funding grant agreement and will be the basis of their 50% share. Taking you through the evolution of the budget, in September 2009 we had a project costs of \$1.18 billion and at that time we did a workshop on our financial capacity for the future within CATS and we did not have sufficient funding to complete the Blue Line and deal with the other projects at that time. We adjusted the project scope by the reduction of two stations and then we also added back some Park N Ride facilities for a net change in the budget of \$203.3 million which gave us a base costs year of expenditure of \$976.7 million. That cost did not include the financing so we completed an analysis of the financing and also added some right-of-way credits and that was an additional \$93 million that brought us up to the project costs of \$1.069.7 million which we reported to you back in October. You see this very heavy line because this is where we actually start the 65% design process which was \$1069.0 million. There were some minor efficiencies that we found in the 65% analysis for preliminary engineering. We started at that number as we started the risk analysis. We added to the project budget \$36.2 million which was always a cost but it had been outside the project costs because it

was a request from the state to do some modifications to the grade separation at 36<sup>th</sup> Street. We had a view by the federal government that indicated that that cost had to be an overall project costs, however the \$36.2 million is funded 50% by state and 50% by federal so it does not have any local contribution to the costs, but it is added into the overall project costs. Based on the risk assessment we added 3 months to the schedule based on looking at the real estate costs and schedule. As part of the review the risk assessment consultant said that in the current market we had a very, very aggressive assumption for right-of-way acquisition in our real estate so we added 3 months and that costs increased the budget by \$11 million. The last costs that is in here is an additional contingency and project reserve that the FTA asked us to carry. That is the cost surety that will be funded by 50% by the federal government, 25% by the state and 25% local. This is based on the risk assessment and is the additional reserve that they would like us to carry in case the project goes beyond March 2017 and there is funding in case there are market or other changes out there that could affect the project scope. This additional contingency is about 4% of the total budget. Those are the factors that took us from \$1069 million to \$1160.2 million as the final project costs that has been set by FTA.

Councilmember Autry said the \$45.0 million on the previous slide, additional contingency and project reserve, if you don't have to use that is it all dived back to the agencies that made the contribution to come to that figure?

Ms. Flowers said that is one option or you can write your full funding grant agreement for additional things that you would like to put in this project, if you have it in your contract ahead of time, that you may be able to use that at the end.

Ms. Flowers continued her PowerPoint presentation of the funding partnerships for the project, starting at the \$1160.0 million the federal government would contribute 50%. As an update to our financial plan, we changed the assumption about the cash flow from the FTA. When we initially did our financial plan we weren't considered a mega project. This project is now a mega project and based on history FTA has given mega projects a \$100 million reimbursement on an annual basis which helps us slightly with our financing costs. The state's share is a combination of a full funding grant agreement that is going to cover 24.2% of the project and the 36<sup>th</sup> Street bridge contribution is going to be funded from a separate source. We are actually looking at the mobility fund and we have submitted an application for that so that will be 1.6% of the project. CATS will put in 21.6% which will be matched on the local side with the City of Charlotte on the new ... contribution. This is existing ... not the new ... of \$17.5 million and its in kind right-of-way between 7<sup>th</sup> and 9<sup>th</sup> Street of \$13.4 million which is 1.1% of the project. We have made financing assumptions because the federal share is on a reimbursement basis so we will have to go out for short-term as well as long-term debt for the project. We also put together a financial plan that insures that we are complying to our financial metrics. We have to maintain a cash balance of \$100 million and we also have to make sure that our debt service ratios are greater than 1.15. CATS share will be \$250.1 million and at this level of contribution we have to insure that we maintain the \$100 million, that is basically the collateral for the debt that we are undertaking in the future as well as contributing to the past debt that we have taken out. We have to insure that we maintain our debt service ratios throughout our financial plan and we are saying that we will end up in 2017 with a projected cash balance of \$102 million. We are going to end up slightly better than our \$100 million target. We do have to manage this project very closely. We are balanced on the head of a pin so we have to insure that we are managing the project very closely and that we are looking at forecasted revenues and expenditures and managing our financial plan very carefully. If not we will have to take mitigation efforts to keep the project going.

We are coming to some major council actions that we have here in the future. Tonight we are bringing in an amendment to the preliminary engineering contract. We will be coming in later with a final design contract with STV. We have a municipal agreement with NCDOT that needs to be executed. We should have those approved in early May by NCDOT and then we will take Council action and of course we have all of our third party agreements so we will bring forth now Norfolk Southern Construction and O & M agreements. In April we will bring forth the North Carolina Railroad Master Lease Agreement so we are busy, busy negotiating all of these agreements. Ongoing we will have real estate transactions to support the right-of-way purchases and then once we get the full funding grant agreement you will see other major procurement

actions coming to Council like construction management and the civil engineering and utility relocations and systems integration procurements.

On the BLE milestone schedule as we said in March, the risk assessment has been completed. We expect to get the state full funding grant executed either in March or early April. Request the inner final design, we have submitted that to FTA, however we can't complete that process until all of these agreements have been executed and submitted to FTA. We are targeting a full funding grant agreement to be signed by the end of the year. Also in this time period we will be going, probably in early summer or early fall, to the local government commission for review of our financial plan. That is not in the milestones, but that is a step that we have to take. As you see we will be going through utility relocations starting construction and hopefully March 2017 we will initiate revenue service.

Mr. Howard said the earliest we would know whether or not we actually got approval would be May?

Ms. Flowers said that is to enter final design. That was our target to get approval to enter final design. You have to start with a request to enter final design and then you have to submit all of the documentation which includes your third party agreements, and then they approve you to actually be in final design. That is the last step that you take before the review process on the hill and then once the 60-day review period is over then you can get notice that you can have a full funding grant agreement.

Mr. Howard said would that be September or October?

Ms. Flowers said we hope to have something in early fall if we can keep our milestones going.

Mayor Foxx said an adjustment has been made necessary pushing us in a more conservative direction, conservative meaning assuming it will take more time and cost more money.

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### **ITEM NO. 3: PROPOSED 2012 STATE LEGISLATIVE AGENDA**

**City Manager, Curt Walton** said the General Assembly goes back into session in May and Government Affairs Committee has discussed the agenda. Dana Fenton will present that to you tonight and vote in April.

Councilmember Dulin said tonight's presentation is not a final document, but a show of the work that has been doing by Mr. Fenton doing the heavy lifting and Deputy City Manager, Ron Kimble leading our committee. The Government Affairs Committee is made up of Vice Chair Fallon, Mayor Pro Ten Cannon, Councilmembers Mitchell, Pickering and I have been honored to serve as Chair of this committee this year. As you might be aware this is going to be the short session of the General Assembly, and Speaker Tillis has made it very clear that this will be indeed the shortest short session as they go to Raleigh, get their work done quickly and get back. Along those lines we have been working around his time schedule and we have carved down our got to have and our like to have and our just want to put a bug in your ear. Most of the bug in your ear has been eliminated from what we have been trying to do. At the same these issues that Mr. Fenton will talk to us about are very important to the City. It is what we would ultimately recommend to the Council to move forward on. The Council voted 5 to 0 on March 5<sup>th</sup> to bring this to you tonight. Dana, thank you for your presentation to Council.

**Inter-Governmental Relations Manager, Dana Fenton**, said tonight I would like to go over three major areas with you. One is a preview of the Legislative climate in the State of North Carolina and how it will affect what we want to do in Raleigh this short session. Also go over the recommended agenda and then receive your feedback on the recommended agenda. Certainly the committee has had a lot of very, very good discussion on the issues that we may or may not be facing this year and I'm sure that the other members of Council have some input they would like to provide as well.

The Legislative climate, I think Mr. Dulin said a lot of it right there. It will be a short session. The leadership wants to keep it short and they intend to stay away from the controversial issues. They have instructed their members to vet all their issues for a quick resolution this year and the leadership wants to get out before the end of June. I was talking to a State Senator one day, who shall remain nameless and I ask him what he was expecting for this session and he said Speaker Tillis has been telling us we are going to be out of there by the end of June, so we are going to be out of there by the end of June. I think there is a big expectation that they will be out by then. This year the state budget will probably their biggest priority. The general fund budget at the state is running right now about \$150 million surplus since July 1, 2011. However, the Medicaid issue could eat up all that additional money. I understand that Medicaid is about \$200 million short for the next fiscal year so they will have to put more money into that area. Another area they are going to have to address is the unemployment benefits bill from a federal government. I believe they owe in excess of \$2 billion to the federal government for unemployment benefits paid out over the last couple of years. We are also looking at K-12 educational reform. They may have several redistricting law suits to contend with and in terms of some of the interim work they are looking at the sale of state owned assets, for example the Rex Hospital System that is owned by University of North Carolina.

Typical legislation that could be considered this year, they can consider carry over legislation that met the requirements to be heard in the second year of their session. They could also consider local legislation that has a sign on from all delegation members. In our case that is 15 members. There could be some committees or interim committees that look at statewide legislation and that is probably the easiest way to get statewide legislation in. There are other ways to get statewide legislation heard but there are very high hurdles for doing that and then they will be looking at amendments to the state budget. Quarterly when we set out to work to come up with an agenda, direction from the Governmental Affairs Committee was very clear, keep it very short, keep it very focused and we have done that. The proposed agenda consist of an issue that we expect to be raised this year and that is the Extra Territorial Jurisdiction issue. There is a list of other issues that could impact the city. There are 11 of them altogether, not all of them will be raised. Some will be raised perhaps, but we don't have definitive word that they will be raised and there are a few issues in there where we expect there to be a solution on before the beginning of the session.

As you can see the period for 2012 can be termed "playing defense". We don't know what is going to be coming at us. With this agenda we present to you in just a moment allows us to remember to help address those issues that are raised that we don't know about yet. The one issue that we recommend for the agenda this year is the preservation of Extra Territorial Jurisdictional areas. Cities and towns, as you all know, are authorized to exercise what are called ETJ powers in adjacent unincorporated areas. The City Council exercise those powers over the sphere of influence to the extent you see today, starting back in 2001. These powers help prepare those areas for eventual annexation and the ETJ residents are represented on certain City Boards and Commissions. There has been a very successful policy for the city because you have been able, up to last year, to annex every two years. You have been able to add to the territory of the city, to expand the tax base and as a result you have a very healthy downtown and a very healthy employment centers throughout the city. There is a House Select Committee that is considering allow ETJ voters to vote and run in elections for municipal offices. It is on the basis that they are not represented right now in decisions that affect them. This would be statewide legislation and it would be eligible to be considered in 2012. The proposed position that we have, that is the preservation of the ETJ areas is a proposed position recommended for inclusion in the Charlotte Chamber of Commerce 2012 Legislative Agenda.

Councilmember Cooksey said I think it is very important to coordinate with the League as much as possible to make sure there is a good unified message about this. I was at the General Government Legislative Advisory Committee earlier today where we had as a guest at the Legislative Breakfast of Champions for local legislators, a member of that committee and it was the second time in a row that we've had a member. The member of the ETJ Select Committee, the legislator, was told by some of my colleagues on the MTLM Committee that ETJ is not a preparation for annexation. The representative was communicating that that was people were saying, that ETJ was just a sneaky way to do annexation and they were saying, Oh no, it is not about annexation, but I heard you say sometimes it is. Be aware there may be mixed messages

out there where some people from other municipalities are saying it is not about that, where we are very clear that yes, it is. That way you avoid any kind of the mixed message going to it. Another thing I comment you on is we've now had two other Senators who are members of this Committee speak with us at the General Government LAC, one Republican, one Democrat, both of whom have served multiple terms, neither one of them felt comfortable talking about the issue because they didn't know anything about it. So you have your work cut out for you, however we can help, let us know, but please make sure that within the League and within everyone talking about it, if is the case that some municipalities don't use it to prepare for annexation, acknowledge that, but we do so acknowledge that also and don't let anyone get you caught in the cross fires saying well he said that and you are saying this.

Councilmember Autry said just to dovetail in what you just asked, if the folks in the ETJ, if the city is exerting authority in the ETJ and the residents of the ETJ are seeking to be able to vote in the elections for the municipal offices, what is missing from annexation except the tax base?

Mr. Cooksey said that is the point.

Councilmember Dulin said I haven't been to Raleigh in a while, are the Red Coats still working the legislative grounds?

Mr. Fenton said we are unsure at this point whether this issue is what is called a Red Shirt issue. The Red Shirt are the ones who advocated vociferously for the annexation reform of last year for the last several years. We are unsure whether it is the same group or not, but the folks who are advocating for this are very strenuous in their arguments just like the Red Shirts were.

I would like to thank Mr. Cooksey for his comments and I appreciate him serving on the Governmental Affairs Committee. It is good to have another set of ears up in Raleigh to hear these things. I appreciate your comment about the ETJ. You are right, we do say how we're going to use it but there are other parts of the state where they are simply trying to control what goes on in the adjacent areas so that it doesn't affect them. I think the big issue out east appears to be some of the major farming operations like the hog farms that are pretty close to the city and they can present some issues for the city dwellers. It is a pretty emotional issue in those parts of the state.

Mr. Fenton continued his presentation and said the watch list that I referred to a few minutes ago, again these are issues that we don't think will be coming up or we actually don't know whether they will be coming up or not. There is one issue that will be coming up but it will substantially be resolved before the beginning of the General Assembly in our estimation, and that has to do with the Residential Design Standards Legislation, which is carry over legislation from last year. Again a lot of these issues might look familiar to you and you might have seen them in previous legislative agendas, the first two, part of the Metropolitan Transit Commission agenda, the third one, State Road Transfer and the one down from that, Tax Reform Business Privilege License are going to 2013 issues, but there may be a chance to advocate in a soft manner this year for that. There are committees that are looking at those issues and it may be beneficial at some point to talk with legislators about them. The others as well, you've seen before a lot of Underground Damage Prevention in last year's agenda, Local Government Bond Act which has to do with non-voted debt. Public/Private Partnerships, we want to make sure we don't lose any authority this year and then there is a variety of environmental issues as well.

Finally, your calendar, next week there is a Governmental Affairs Committee meeting and if there are issues or additional issues you want us to consider we can always bring them up next week, followed by Council consideration in two more weeks. On April 18<sup>th</sup> the League of Municipalities will be holding a regional forum here in Charlotte for their members to come together to tell them what they are thinking on various legislative issues. It is going to be held in this very room and if you haven't registered yet I would urge you to do so, if you would like to attend. Also we are looking at April 30<sup>th</sup> for a joint Council/Delegation meeting here in this room and then the session begins on May 16<sup>th</sup>. I'm sure I will see quite a few of you up in Raleigh on June 6<sup>th</sup> for Town Hall Day.

Mr. Dulin said we are leaving out a little bit of information regarding the calendar. The April 18<sup>th</sup> League Regional Meeting here, what time of day is that for those that are interested?

Mr. Fenton said that is from 11:30 a.m. to 1:00 p.m.

Mr. Dulin said then the joint Council/Delegation meeting, that is usually a 7:30 breakfast meeting.

Mr. Fenton said we are planning on a breakfast starting at 7:45 a.m. and the meeting at 8:00 a.m.

Mr. Dulin said we have four new members, most of which are on the committee. Can you fill in Town Hall Day a little bit for Council and what they might expect that schedule to look like.

Mr. Fenton said I appreciate your bringing that up. Town Hall Day is something that is held every year by the League of Municipalities. It is a chance for the member Municipalities to send their elected representative up to Raleigh to go around to the different offices of their members to talk about issues. It is also usually preceded by briefings from the League of Municipalities on the various issues that are really hot at that point in time. Also afterwards, traditionally the Mecklenburg towns and the City of Charlotte have gotten together with the Delegation for an informal dinner. It is really not a place to transact business, but just to relax and be able to talk with Legislators in a more informal setting.

Mayor Foxx said I wanted to ask one question which is slightly off topic, but it is relevant to the General Assembly which has to do the billboards. I got the write-up on it and I know things are moving kind of fast and furious there at the end, but can someone help me understand. Is this the way the narrative seems to be cast that our lobbyist supported the final version of the bill, but there was language taken out at the end that we thought was harmful to the local interest, but there was something put in another part of the bill that stripped away or at least has been read to provide NCDOT with the sole authority to manage vegetation around billboards. Can you help me understand what happened there a little bit better?

Mr. Fenton said I will be glad to, as a prelude before the legislation was introduced, since about the year 2000, NCDOT had in their rules and regulations concerning billboards that they would reject permits for selective vegetation removal if the permit application was deemed to be contrary to local rules or ordinances. As you know the City of Charlotte has a pretty aggressive ordinance when it comes to selective vegetation removal. When the legislation was introduced last year it would take away that power for NCDOT to enforce that provision in the rules and regulations. The legislation went through the Senate that way then went to House and the first night that the full House was considering that legislation there were major changes made to it and the legislation was sent back to the Senate for concurrence, they rejected it and a committee of conference was formed. The committee came up with language and the way that it was read and interpreted by folks other than myself and the League of Municipalities was that it restored the local authority to govern selective vegetation removal. The bill was passed by both Houses, it was signed by the Governor and once the rules making process got going we came to understand that was not exactly what it meant. There were other provisions in the legislation that governed selective vegetation removal that were new to the legislation, or to the outdoor advertising act and at that point we started trying to work with DOT to make sure they understood what we through the legislative intent was, but of course they came out with their final rules and regulations and they had to follow the law. They had to follow what was in the legislation versus the legislative intent. That leads us to where we are today.

Mayor Foxx said are there any interests or efforts in restoring that intent that we through existed?

Mr. Fenton said the League of Municipalities and the Metro Mayor's Coalition have adopted positions seeking a revision to the replanting provisions, but that does not reference of course the selective vegetation removal standards that have been in place here in the City for some time. At this point, since this news appeared the committee has not had a chance to discuss it. I'm sure that there would be some Legislators who would be favorable to considering local legislation to help us get it back, however I would caution you that within the 15 members of the Delegation,

perhaps not every member of the Delegation would be supportive of that. It could be a really tough road if we were to go down that path.

Mayor Foxx said I sympathize with what you've got to deal with because the bills start going really quickly and sometimes past mid-night and sometimes with not much notice. Anyway, I don't know what can be done but if there is some additional support that is needed to manage these very rapidly moving legislative processes just as support, we just want to make sure it all kind of works out well for the citizens. I think there has been a lot of ink spilled over that bill and what it now means. I'm disappointed that the interpretation that is now on it has stood.

Mr. Dulin said one more housekeeping thing, April 18<sup>th</sup> there is a Community Safety Committee meeting in Room 280 which is the same day the North Carolina League is going to be in this room. I can't be there anyway and will have to be absent from the Community Safety which I'm a member or the League meeting here, for an out of town meeting. I don't if you are interested as the Chair, to have all members here since it is literally 20 yards from where we are or not, but I wanted to bring that up to the Chair.

Councilmember Cannon said we can discuss it at another point.

Councilmember Fallon said what is this dental bill that is on the radio all the time?

Mr. Fenton said I saw a reference in the dental bill and I think it has to do with the management of dental practices. Fortunately it is not an issue that the city is concerned with because it has to do with private dental practices.

Ms. Fallon said I was just curious because they have a lot of commercials about it.

Mr. Fenton said I saw them and I took a look at it and there is a lot of activity around that right now.

The meeting was recessed at 6:25 p.m. to move to the Council Chambers for the regularly scheduled Business Meeting.

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The Council reconvened at 6:39 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx president. Councilmembers present were John Autry, Patrick Cannon, Warren Cooksey, Andy Dulin, Claire Fallon, David Howard, Patsy Kinsey, LaWana Mayfield, James Mitchell and Beth Pickering.

**ABSENT:** Councilmember Michael Barnes.

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## **INVOCATION AND PLEDGE**

Councilmember Patsy Kinsey gave the Invocation.

Boy Scout Troup #34 from Sharon Presbyterian Church led the Council in the Pledge of Allegiance to the Flag.

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## **CITIZENS' FORUM**

### **Budget & Sidewalks**

**Larry Brackett, 5633 Murrayhill Road,** said bless be the ties that bind us to Thee and to each other. Two toddlers are run down by the side of the road for want of a sidewalk. Give us this day our daily bread. Thirty million dollars in costs overruns for a NASCAR Hall of Fame, your  
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tax dollars and we don't have any money in the budget for sidewalks, we've got to raise your taxes. World War II the Nazi Army invades Holland. That Army confiscates all the milk, none is rationed to children and infants. Two-hundred children in a school for the deaf are molested by one Priest over 20 years. Peter, how many times will you deny me this night? When the Justice Ginsburg entered Harvard as a law student the Dean stood in the doorway with this challenge, why should you have this seat when it should go to a male, a malignant, and arrogant indifference. Morality is the inconvenient truth, power is self-serving no doubt. The safest place for power is in the hands of the people who are governed, the bridle on the ass. The rotation of power is the best part of democracy. In the words of Patrick Cannon, we are not here to serve for the sake of service, we do what we have to do. We call him your arrogance my ass. He pats himself on the back for stuffing \$2.5 million in Chiquita Bananas pocket, corporate welfare to cover 200 jobs that pay \$100,000 per year to peel bananas for the next 11 years. In God We Trust for in truth no man in this room is to be trusted. The truth, said Winston Churchill must be protected at all costs. It is covered with a crust of lies. Government is that bottom crust office flying lagoon. Promises are like pie crust, made to be broken.

### **Job Creation Opportunity**

**Stan Thompson, 518 Beaten Path Road, ( Mooresville Chamber of Commerce** said I'm from the Mooresville, South Iredell Chamber of Commerce and tonight I want to talk about something I have worked on in Mooresville which is the Transportation and Economic Development. There is an opportunity for Charlotte to create a number of jobs that will be a long-term industry and that is building hydrogen powered streetcars. About 3 years ago I brought a gentleman here who made a presentation on this and he offered to bring a factory here. This is Dale Hill and since then he was invited to South Carolina and by the Senators and the Governor and he has established the plant that he was going to build here in South Carolina. He was mentioned in the White House Blog by President Obama as the indicative of the next generation of manufacturing. We have the ability to bring a similar plant here now. In 2009 a gentleman from the FTA came down and there was a conference at the University of North Carolina sponsored by the Appalachian State University, UNC-Charlotte, the Centralina Council of Governments, Mooresville and USEPA to explain this technology. At this time we also had Dale Hill there to make his final offer to build the plant here in the Charlotte area. Jennifer Roberts opened the program and Councilmember Nancy Carter spoke and it wasn't covered. A couple months later Keith Parker was quoted in the most wildly circulated technical journal in the world, The IEEE Spectrum, saying if the technology is proven viable it could revolutionize the industry. Recently, as current CEO of VIA Transport in San Antonio, using the federal government's funds bought three of Dale Hill's buses. He said the biggest issue with hydrogen trolley's is there isn't one on the ground and running so the transit companies can't see one, but Spain is correcting that this year and the first one goes into revenue service. China has demonstrated one and there is going to be a huge market.

Mayor Foxx said we have your presentation and we will share it with our Transit Directors.

### **Upcoming Budget**

**Mark Michalec, 1201 Hawthorne Lane,** said I am Vice President of FOP Lodge #9 here in Charlotte and a member of the FOP Fair Compensation Committee. Tonight I'm here to formerly present you all the FOP pay plan for Officers and Sergeants with CMPD developed by our membership. The FOP Committee shouldn't be confused with the joint committee of Fire and the Police Departments. We are independent of that committee totally. At the core of the Committee's mission is pay and benefits with FOP here so we are here to jump right in and advise you of our recommendations for the upcoming fiscal year. Our first recommendation since pay and benefits are at the top, we would like to re-implement the pay steps for officers and sergeants and to seriously consider the joint commission city with Police and Fire to seriously consider their remedy for the pay steps. On top of that we request a 7.5% increase step adjustment for officers and sergeants who have not reached the top pay and for officers and sergeants who have reached top pay a 5% increase step adjustment. These increases should not be related to any kind of merit increase or cost of living adjustment. These are as you would call it, a raise. Our second agenda item would be to move from a 28-day pay cycle to a 14-day pay cycle. Third, we would like to move our 2-hour call back minimum back up to 3 hours. The

previous two were items that were taken away from us a couple years ago and we would like to re-implement those the way they were before. We would also like to have a payroll deduction for FOP members to come out of the employee's city check and we'd like to also develop a program to roll over vacation time from year to year with no tab of maximum number of days to be able to hold. We would like to develop a uniform guideline of how to accumulate and to use comp time or compensatory time and finally we would like to reinstate retiree health insurance benefits to employees hired after July 1, 2009. Right now we are finding that a lot of the younger officers are getting benefits taken away from them without their knowledge and we are looking to get a job and are looking to get these benefits as they were given to me and the older officers, given back to the younger officers. Recently we heard of a policy trying to be implemented of residency policy to have officers and public safety employees live within the City limits. The Police Department has a policy of its own that works very efficiently and it is managed within our department. If a department wishes to implement a policy on their own, let them implement that, but the Police Department does have a policy and we are looking to keep that in place and not restrict us to live within the city limits or within the county limits.

Mayor Foxx said we just had some preliminary activity with the Manager sharing some preliminary thoughts on the operating budget, but perhaps using this document as a response piece, if we could get a response from the Manager on these items. Thank you for coming and we appreciate the work you do.

### **Non profits in the Community**

**Mara Campolungo, 2800 Camden Road,** said I am the co-founder of the Sandbox and we are locking arms with our community. We work with families whose children are afflicted with cancer and/or life altering illnesses. We are most widely known for our prom and last year's prom 2011 was an evening of stars where we hosted 173 patients and their guest. This year we will be hosing another prom and will be doubling that amount, up to 350 guest and we are looking this evening to bring awareness so that we can lock arms with the community. We also serve the community in terms of helping them with basic needs, for example we satisfied a face book ban in 24 hours where a family whose single mom with two teenagers, one of which had been diagnosed with leukemia need a washer/drier and we satisfied that need in 24 hours through social media. In our community at Thanksgiving, 373 members were fed through our effort and that was through the generosity of our community. It was through the generosity of children like you see here, First Ward Creative Arts Academy, they did a food drive. It was satisfied through kids like you see here at Christ's Lutheran Church and the experience where they did a canned food drive. It was satisfied through companies that are here in our community who had an employee turkey drive. The bottom line is great volunteers pulling together do great things in a great community. Christmas of 2011 we fulfilled the wish list of 42 families and that means it was a child afflicted with cancer, it was a caregiver, it was their sibling, so in entirety when a child is sick they would submit a wish list to us and then we would reach out, lock arms in the community and fulfill those wish list. That was made possible through so many efforts in the community like Gabby and Juliana for their 5<sup>th</sup> birthday, instead of them taking their gifts that they received, they had a party and then gave all of those gifts to the Sandbox so the families could fulfill their wish list. Virtue Solon and Spa hosted a holiday party for the Sandbox and at that party we had an angel tree and we had over 200 people in our community that were there to help fulfill the wish list of our families. We have generous Charlotteans, rooms and rooms of cloths and other items were given to the Sandbox so we could fulfill these needs. This year prom of 2012 we will be hosing 300 to 350 honorees at our prom. It is hosted in uptown Charlotte at Founder's Hall and we will have 250 VIPs. At the prom we are really looking for support and we are really looking for the opportunity to lock arms with our community. The children receive everything from donated dresses that we receive from all across the country.

Mayor Foxx called time as the buzzer has sounded.

Councilmember Howard said thank you for sharing some information about your event that is coming up. Could you finish that for me?

Ms. Campolungo said her co-partner is here and he can finish for her since she ran out of time.

**Brian Dulin, 1800 Camden Road,** said I am the other co-founder of the Sandbox. As Mara was saying, our prom this year is going to be at Founder's Hall on September 28<sup>th</sup>. We are hoping to have attendees from both Hospitals, Levine and Presbyterian as well as local organizations such as the Leukemia Lymphoma Society and Hometown Heroes who also serve children with cancer. We are pulling together, not just the community, but we partner with other charities to make sure that we reach as many children as possible and have the biggest effect on the community that we can have. For last year's prom we had hundreds of volunteers come forward that help us put the event together and it is not just the event, it is also try-on-days where the girls get to pick from about 1,000 dresses. This year we are hoping to have about 2,000 dresses for the girls to pick their dress, their shoes, costume jewelry. They will meet with a make-up artist, a hair stylist and all of this is provided to them by volunteers who come from our local community. Last year we had about 50 make-up artists and hair stylists that worked with us at the Avatar Institute before the prom. Prom day starts about 4:00 p.m. and these kids get to come get their hair and make-up done by the volunteers. Other organizations that help with the prom were the Home Town Heroes who helped put together what we are proud to call was Shut Down the Streets of Charlotte for our first limo run. With help from the Mecklenburg County Sheriff's Department and CMPD we escorted our limos from Avatar to Founder's Hall and people were just in aw on the side of the street, wondering who was coming to Founder's Hall. They would have thought the Mayor was coming. Over 175 vendors brought their time their skills and their services to help make that night a memorable night for these children. We also had 10 teen escorts and 100 teen paparazzi bringing our youth together to help make this night special. They danced with the kids and they made sure that the kids were having a good time. If they needed anything somebody of their age could should them where to go if they needed anything. Charlotte's own Larry Sprinkle was our MC for the night and he did a great job crowning our first ever prom king and queen. We are asking for the City of Charlotte and the community to come together and lock arms with the Sandbox, not just for our prom, but for our year-round efforts of helping the folks in the community that might have a child battling cancer or other life altering illnesses. We couldn't do all of this without the community around us. You can follow us on Twitter, Face Book or send us an e-mail if you would like to participate.

Mayor Foxx said this organization sounds like it is doing miraculous things to lift the spirits of young people whose spirits really need to be lifted. Thank you very much for what you are doing and the website is [whatsinyoursandbox.org](http://whatsinyoursandbox.org).

Mr. Dulin said yes sir.

Councilmember Mayfield said I was looking on the website and if I wanted to donate a couple of ball gowns can you get me information on how I would be able to do that?

Mr. Dulin said our website has a link for [info@whatsinyoursandbox](mailto:info@whatsinyoursandbox) and you can send any questions, inquiries or comments to that address and it will get disbursed to the right person.

Councilmember Dulin said this was a great presentation. Tell us a little bit about your relationship with Levine Children's Hospital and how you partner with them.

Mr. Dulin said we formalized our organization last April so we are a very young organization, but it was through the efforts of friends and colleagues in Christmas of 2010 that we started working with families at Levine. It was a social worker at Levine that asked us to host a prom for one of their patients that more than likely would not make her prom. We partnered with Levine and the unfortunate circumstance of that is that girl passed away two weeks before our prom. Her parents did ask that she be buried in the dress that she got on try-on-day so it has its pluses and minuses, but we partnered with Levine for the first year, but this year we are opening the prom up to Hemby. We are also going to have patients from Medical University of South Carolina, Mission Hospital in Ashville and the Leukemia Lymphoma Society is going to be bringing some of their children as well.

Councilmember Cannon said one thing I want to add is that if you all can go to the website, one of the things that also takes place is trying to help some of these children who may want to go on to pursue a higher education. In the event they want to do that, obviously, capital is needed largely in part because some of them come from disadvantaged homes. Yet they seek and they

want an opportunity. Here is an opportunity for you to engage and help a child to try to achieve the dream of becoming maybe what is that you are, a police officer, an engineer, a head of a key business department or whatever it might be, here is a grand opportunity. I am elated to be the Honorary Chair of this organization and they are doing some outstanding work. Even if I were not a part of the organization, it is something that I certainly would engage in and would implore each one of you to give anything you can, of your time, your energy, your efforts, anything that you might possess. We appreciate your level of leadership across the board.

### **Abandoned Property with Damage**

**James Wallace, 3909 Marlette Drive**, said I own property in a neighborhood that has had three houses demolished. The houses remain on the property, still demolished. I have reached out to four different city/county agencies in an attempt to get the properties cleaned up. The first property was demolished over 12 months ago. We've had a little bit of assistance, but none of it has been cleaned up at this point. I have put together a package that I would like to give the Clerk that has the contact information of all the agencies I have reached out to. It has pictures of all the properties.

Mayor Foxx said we will see if we can get you a response.

### **Billboards vs. Trees**

**Mary Margaret Myers, 405 West 7<sup>th</sup> Street** said Charlotte is a City I love. I have lived here for 40 years and you love Charlotte because you demonstrate it with your efforts on behalf of the City. I am coming to you tonight because there are people who don't care about Charlotte, the people who are trying to chop down lots of trees so we can better see their billboards. Can you imagine a story where someone would say, I would like to visit Charlotte or I might even work there, or I might like to live there but they've got too many trees. Or maybe another story is I'd like to visit Charlotte or work there, or live there, but I can't see enough billboards. You and I may love this city, but these people with their arguments for the need of chopping down trees so they can better see their billboards, they don't care about the common good. They really don't care about you and me and they are snickering at the whole community because they don't care about anything but their own wallets. Don't roll over and play dead. You love this City and I do too, stand up to them, resist them, stop them in their tracks please.

Mayor Foxx said I would urge those who feel similarly, and I do, to reach out to your State Legislator because it is a law that was passed by the General Assembly that has conferred the right to do some of this stuff. I'm having those conversations and I hope you will as well.

### **Bus Access**

**Betty McAlpin, 1000 Baxter Street** said I am a resident of 1000 Baxter Street, Charlottetown Terrace, owned by Charlotte Housing Authority and we live in District 1. I am here to request that the City Council help us return a bus stop in front our building. Our community and all of our residents are disabled. The bus stop was there 8 years ago and they stopped it due to lack of ridership. Back then our residents were elderly and disabled and now it is 100% disabled. The closest bus stop is ½ mile away and that is #18 on McDowell Street and it doesn't even run on week-ends. It runs once an hour, doesn't have a chair for anyone to sit down and like I said our residents are disabled. The next bus stop is a mile away. I gave you a handout if you would look on Page 4 you can get an idea of what our problem is. I had a meeting with Charlotte Area Transit, Pamela White and she said that CATS upgrade their bus lines three times a year and that we would have to wait maybe two years for our request. Ms. White also said something about the buses having to make a turn in our cul-de-sac being a problem, but I say it wasn't a problem 8 years ago for the buses to make that turn and it is wide enough that the buses don't have to back up. I have a petition that has been signed by over 115 of our residents, family, friends, workers and employees in Charlotte Housing Authority, all saying how much they would benefit from this bus stop. The City Planning Commission is planning to open up Baxter Street and the Pearl Street Park all the way to Kenilworth and Morehead and they are opening it for more access to the greenway, not for us. As you can see on Page 1 there is a proposal of the new road that they are wanting to build. This is not going to be for another 18 months before this road

may or may not be built. If CATS can update their service three times a year why can't Charlottetown Terrace be on the next upgrade in June.

### **Public Library**

**Mario Sturdy, 5380 Tennyson Street, Denver, CO** said I'm from the Great State of Colorado. I came to North Carolina to be involved with some activism for the DNC. I did an on-line search and discovered Mecklenburg County Law Library located at 700 Trade Street in Charlotte does not exist when I went to that address. The Charlotte Law School says the Public Library access is only from 10:00 a.m. to 2:00 p. m. Monday through Friday, and that an individual can only visit the Law School Library no more than one time per week. The Charlotte School of Law website currently posts an annual security report and the heading states Charlotte Law School Safety and Security Officers have the authority to ask persons for identification and to determine whether individuals have lawful business at the Law School. Who gave them that authority? The City of Charlotte and Mecklenburg has no other Law Libraries available. The only Law Library in Charlotte Mecklenburg has limited public access between 10:00 a.m. and 2:00 p.m. one day a week. Take Raleigh, which is the State Capital. It does not nearly have the population base as Charlotte, the financial district, yet there are 7 major Law Libraries available to the public without restrictions. Why does Cumberland County have a Law Library within its own county library and with about 1/8 the population of Mecklenburg County and with no world class amenities still has a more extensive self-help legal facility than the Queen City of Charlotte. Is the Charlotte School of Law just saying using the City's name as window dressing or is there something scandalous under the surface. Is the City of Charlotte involved in an active, organized ongoing scandal, a fraudulent and deceptive business practice? The very idea that you are hosting the Democratic National Convention in September with the world watching our US Constitution and your State Constitution especially the first and fourteenth amendment rights and that President Barack Obama who was a constitutional law professor to be nominated for a second time is astounding. Even more astounding is the fact that Barack Obama was sued in a civil action here last year and served with the said complaint and yet nothing has been in the local or national news. It is apparent that the first amendment does not exist here in Charlotte, North Carolina, better known as the Queen City.

### **Taxi Ordinance**

**Naja Achami, 7105 Brighton Brook Drive** said I've been driving for the taxi business for more than 20 years and my concern is about the new City ordinance about changing the model of the car from 10 years to 6 years. I believe this is not just and it has hurt a lot of drivers. One more thing I need to share with other drivers is the planning for the DNC and what is the plan for the taxi.

**Octavis Obey, 1026 Eldorado** said I am also addressing the same topic as Mr. Achami. I am forced to speak this evening because I am a driver and someone has attempted to take breath out of my mouth. I also speak on behalf of more than 200 drivers here in the City who are busy this evening trying to earn a living. You have before you for consideration a recommendation to reduce the life span of a taxicab in the City of Charlotte from 10 years, or newer to 6 year or newer. You are requiring us to buy newer cars. It is difficult for us because we just don't have the money. Why don't we have the money? I am the barrier of bad news, it is a tough economy and like you who have had to face budget constraints, we have also had to cut back and things are tough out there. If you insist in making this an ordinance and enforcing it you will be putting us out of our jobs. You will be contributing to the already high unemployment in the area. I am arguing tonight that one job lost is one job too many. Those who study the noble social kinds of economics like to talk about the multiplier effect where you put X number of dollars into the economy and it goes from to hand to hand to hand. No-one has spoken of the upper ... of the multiplier effect. If you take our jobs away from us it is not only our families and our friends, but the guy who runs the shop down the street, the corner store. You are affecting all of these people. The rationale for this is because the DNC is coming we want to have all new cabs on the street. I'm here to argue the opposite. If you reduce the number of cabs on the street you are contributing to the decline of service and therefore will not be able to service the DNC properly. That is my argument tonight. Finally, we have come from far and wide to partake in this City on the hill and all we ask is, we don't want a handout, there is a place for that. We don't want to go

to the unemployment line and draw unemployment. We want to be able to contribute and help the less fortunate in this economy by helping them on unemployment benefits.

Councilmember Cannon said Mr. Obey I don't want you to leave here uninformed, nor do I want the general public to be uninformed either. This matter was taken up by the Community Safety Committee actually began in the way of discussion back in 1998 so while it was never taken into account to deal with the age limit at that particular time, which essentially would have allowed us to insure that we had safe, clean and decent cabs on our streets for the persons that wish to use them, either residents or visitors, that issue came back up recently and has already been voted upon by a previous council in 2011. If there is more information that we can share with you about it I'm more than willing to have that level of discussion with you so we can talk about it further, but it was prior to any consideration for the DNC. Rolling stock as we well know on the federal level typically changes every six years. The Community Safety took into consideration both six years and seven years. The committee also allowed for proper discussion to be open to the cab industry on this particular item regarding age limit and no-one from the industry at that time came forth. As a result the Committee moved forward with the understanding and the belief and/or the feeling that the taxicab industry was satisfied based upon not getting any feedback from them during those discussions. Thank you for your feedback, but I wanted to make sure that you understood the level of time and energy that the committee put forth behind this issue and that we really never got any feedback from the taxicab industry at the time. We are open for further discussion just to have some dialogue if you would like.

### **Questions – Citizens' Forum**

**Michael J. Zytow, 9216 Willow Glen Terrace** said I'm beginning to think this is kind of a custom to try to come here every month and try to speak to you all and every month unfortunately I don't really get to many of my questions answered. First, I want to address the Citizens' Forum for the public watching at home and for the listeners in the crowd, they may not realize that only a month ago did this City Council change the rules and limit our ability to address them. Two months ago we were able to address them twice a month and one of those meetings we had an unlimited number of speakers. Unfortunately what happens now is the last City Council we had 24 speakers sign up and this City Council we had 22 speakers sign up and it is incredibly challenging to address you all. Also to correct David Howard, you said at the meeting where you addressed the Citizens' Forum, you said you weren't doing less work but you were just transferring the time. That is incorrect even by your own information. You are transferring one hour to the second and fourth Monday but that doesn't account for the few extra hours on that first Monday. I don't know where that is going. Also I wish Mr. Barnes was here because he claims one of the reason why we don't need the first Monday citizens' forum is he wanted to spend time with his children. It is a wild situation in this economic time that you all can set your hours, you can set the days you work and still achieve the same salary. One of the questions I was hoping you would finally answer, at this retreat you guys spent \$57,000 of our tax money to go to Pinehurst and when I brought this up at the last Council meeting you said, well we got a lot of work done. That is not the point. The point is was it necessary. Last year when you went on retreat you went to South Charlotte and virtually cost the city no money, so it seems it is very possible that you guys can go on a retreat within the City and especially you could have used that \$57,000 as a little stimulus boost to a lot of local businesses within the areas, the local hotels. I don't think Pinehurst needs any more of our money. Also because of the fact that our unemployment rate in Mecklenburg County is 10.2% now. Lastly, when I left the podium last time Warren Cooksey slid over to Mr. Barnes and maybe he didn't realize his microphone was on, but if you watch the replay he said, oh yeah we will give him his 7 cents back and they both giggled back and forth. It seems kind of a strange approach to take taxpayer's dollars. Yes, I might have contributed in the grand scheme for the \$57,000 trip, 7 cents, but all of us contributing a few cents here and there could mean the difference between us having a sidewalk or not. Those comments about willy-nilly spending taxpayer money I think is absolutely ridiculous. I would urge you all to reject Amendment One, Greensboro and Chapel Hill have already done so. This is ANGLBT – anti-family, anti-business. Charlotte is the largest city in North Carolina, we are diverse and we should be world class.

Mayor Foxx said I do want to acknowledge Generations Nations Youth Civics Group which is here tonight, if you will please stand.

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## BUSINESS MEETING

### CONSENT AGENDA

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, and ]  
[ carried unanimously, to approve the Consent Agenda as presented with the exception of Item ]  
[ Nos. 21, 22, 23, 24, 25, 28, 37, 54-AG and 54-AH. Items 54-P and 54-AF have been settled ]  
[ and are n longer on the agenda. ]

The following items were approved:

17. (A) Authorize the City Manager to amend the City's existing Preliminary Engineering Agreement with STV/Ralph Whitehead Associates by \$3,000,000 to continue PE work on the Blue Line Extension, (BLE) raising the total contract not to exceed amount to \$38,000,000. (B) Authorize the City Manager to negotiate and execute a separate agreement for Final Design consultant Services with STV to provide professional design and engineering services in an amount not to exceed \$38,500,000 for the BLE project for the pre-construction Design and Design Services during construction phases. (C) Authorize the City Manager to execute an agreement in the amount of \$222,5000 with BIRDAIR (Architectural Engineering Firm) for the design and engineering of signature canopies for the BLE 9<sup>th</sup> Street Station. (D) Authorize the City Manager to negotiate and execute a contract amendment for an amount up to \$920,000 with K & J Safety and Security Consulting Services to provide Safety and Security Certification for the BLE continuing PE, Final Design and construction.
18. (A) Authorize the City Manager to negotiate and execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for use of the right-of-way of North Tryon Street for the Blue Line Extension Project (BLE), and (B) Authorize the City Manager to negotiate and execute a Municipal Agreement with NCDOT to define project and funding commitments for the 36<sup>th</sup> Street Grade Separation and freight track relocation project in furtherance of the BLE.
19. (A) Authorize the City Manager to negotiate and execute an agreement with Norfolk Southern Railway Company (NSR) for the Construction and Relocation of freight and intercity rail tracks and infrastructure to accommodate the Blue Line Extension Project, and (B) Authorize the City Manager to negotiate and execute an Operations and Maintenance agreement with NSR for the Blue Line Extension project, and (C) Authorize the City Manager to negotiate and execute an agreement with CSX Corporation for design review and flagging services to accommodate the Blue Line Extension project in an amount not to exceed \$405,000.
20. Contract to the lowest bidder, RJJ Construction, LLC in the amount of \$434,476 for expansion of the surface parking area at the I-485/South Boulevard Station Park & Ride.

#### Summary of Bids

RJJ Construction, LLC	\$434,476
Red Clay Industries, Inc.	\$459,060
Onsite Development, LLC	\$462,656
United Construction, Inc.	\$463,565
Eagle Wood, Inc.	\$495,186
Advanced Development Concepts, LLC	\$531,902
T K Browne Construction	\$561,719

26. Contract to the lowest bidder, Showalter Construction Company, Inc. in the amount of \$897,000 for the McDonald Avenue Sidewalk.

**Summary of Bids**

Showalter Construction Company, Inc.	\$ 897,000.00
Blythe Development Company	\$ 934,927.00
United Construction Company	\$ 966,754.98
W. M. Warr & Son, Inc.	\$1,029,242.01
Bullseye Construction, Inc.	\$1,029,277.60
Carolina Cajun Concrete	\$1,098,261.50
Red Clay Industries	\$1,126,577.15

27. Contract to the lowest bidder, Bullseye Construction, Inc. in the amount of \$1,163,461.20 for the Delta Lake Neighborhood Improvement Project.

**Summary of Bids**

Bullseye Construction, Inc.	\$1,163,461.20
United Construction, Inc.	\$1,198,761.30
Ferebee Corporation	\$1,227,455.72
Carolina Cajun Concrete, Inc.	\$1,234,118.05
Blythe Development Company	\$1,299,248.50
Sealand Contractors Corp.	\$1,373,332.40
Showalter Construction Company	\$1,441,000.00
Rea Constructing Div. of The Lance Construction Corp.	\$1,578,283.15

29. Contract with Gannett Fleming, Inc. in an amount not to exceed \$200,000 for engineering design services for the Poindexter Extension Rail Crossing.

30. (A) Purchase of an 175KW generator plant, automatic transfer switch and Uninterruptable Power Supply (UPS) as authorized by the Cooperative Purchasing Exception of G.S. 143-129(e) (3), (B) Contract with Carolina CAT for the purchase of a 175KW generator plant, automatic transfer switch and Uninterruptable Power Supply (UPS) in the amount of \$242,900, and (C) Contract to the lowest bidder Excel Electric of the Carolinas, Inc. in the amount of \$264,561.60 for installation of radio tower electrical equipment.

**Summary of Bids**

Excel Electric of the Carolinas, Inc.	\$264,561.60
W. B. Moore Electric	\$584,400.00

31. (A) Contract renewal with RS&H Architects-Engineers-Planners, Inc. in the amount of \$600,000 for engineering services and (B) contract renewal with Kimley-Horn and Associates, Inc. in the amount of \$250,000 for engineering service for Storm Drainage Improvement Project Renewals.

32. (A) Contract to the lowest bidder, Onsite Development, LLC in the amount of \$1,143,435 for Storm Water Maintenance Contract FY2012-C, (B) Contract to the lowest bidder, United Construction, Inc. in the amount of \$1,137,545 for Storm Water Maintenance Contract FY2012-D, and (C) Authorize the City Manager to approve up to two, one-year renewals for each in an amount not to exceed the original contract amounts.

**Summary of Bids FY2012-C**

OnSite Development LLC	\$1,143,435.00
United Construction, Inc.	\$1,184,340.00
Blythe Development Company	\$1,247,915.00
Showalter Construction Company	\$1,262,745.00
Bullseye Construction, Inc.	\$1,268,770.00

**Summary of Bids FY2012-D**

United Construction, Inc.	\$1,137,545.00
OnSite Development, LLC	\$1,143,430.00
Blythe Development	\$1,217,480.00
Showalter Construction Company	\$1,262,745.00
Bullseye Construction Inc.	\$1,268,770.00



33. (A) Contract with S&ME, Inc. in the amount of \$200,000 for unspecified stream and wetland monitoring service, (B) Contract with Wildlands Engineering, Inc in the amount of \$220,000 for unspecified stream and wetland monitoring services, and (C) Authorize the City Manager to approve up to two, two-year renewals to each contract not to exceed the original amount.
34. Resolution authorizing the City Manager to negotiate and execute a contract with the North Carolina Department of Public Safety, Division of Emergency Management to fund a regional hazardous materials response team for Region 7 with firefighters from the Charlotte Fire Department for a period of four years not to exceed \$228,000, and (B) Authorize the City Manager to extend the contract for an additional one year in the amount of the initial contract.

The resolution is recorded in full in Resolution Book 43, at Page 582.

35. Purchase of hardware and software, in the amount of \$59,763.29 from Inter Technologies to upgrade the technology on the Charlotte UASI Mobile Operations Center without competitive bidding, as authorized by the sole source exception of G.S. 143-129(e) (6) and (B) approve the installation of the designated hardware, along with the operating software, in the amount of \$82,594.77 with Incident Communications Solutions for Fire Mobile Operations Center Upgrades.
36. (A) Accept the 2011 Regional Assistance to Firefighters Grant award, (B) Budget Ordinance No. 4846-X appropriating \$3,392,890 in funding, (C) Authorize the City Manager to sign a memorandum of understanding between the City of Charlotte and Cabarrus County related to the regional communications grant, (D) Approve the purchase of communications equipment as authorized by the sole source exception G.S. 143-129(e)(6) and (E) Approve a contract with Motorola for the purchases of communications equipment in an estimated amount of \$3,392,890.

The ordinance is recorded in full in Ordinance Book 57, at Page 549.

38. Authorize the City Manager to accept additional funding from the State of North Carolina's Department of Health and Human Services, Division of Health Services Regulations in the amount of \$55,000 to provide training and equipment, and (B) Budget ordinance no. 4847-X appropriating this funding of \$55,000 from NCDHHS.

The ordinance is recorded in full in Ordinance Book 57, at Page 550.

39. Amendment to a contract with Lawmen's Safety and Supply, in the amount of \$220,000 for additional public safety equipment.
40. Ordinance No. 4848-X appropriating \$209,268 in police assets forfeiture funds for the purchase of automated license plate readers.

The ordinance is recorded in full in Ordinance Book 57, at Page 551.

41. (A) Purchase of investigative equipment as authorized by the sole source purchasing exception of G.S. 143-129(e)(6), and (B) Contract with Harris Corporation in the amount of \$357,442.38 for investigative equipment.
42. Contract with Elizabeth Lee Solutions for IT communications Services Project Management Services for a term of 18 months in the estimated amount of \$160,000.

43. (A) Contracts for the provision of assorting Technology Products and Associated Services for an initial term of three years, in the aggregate estimated annual amount of \$1,500,000 with the following service providers:

CDW-Government,	Disys Solutions
GTSI	Integrated Services Corp of NC
Inter Technologies Corp.	Mythics, Inc.
New Century Systems	NWN Corp.
Telware Corp.	

(B) Authorize the City manager to extend the contracts for up to two additional one-year terms and to amend the contracts as needed from time to time to add or subtract products and services and to implement price adjustments as authorized by the contract.

44. Agreement with Norfolk Southern Railroad in an amount up to \$144,800 for railroad flagmen services.

45. (A) Approve a one-year contract extension with DB Consulting, Inc. in the amount of \$120,000 for master planning and design services of Airport Communication systems, and (B) Authorize the City Manager to execute a second one-year extension of the contract.

46. (A) Amendment to the \$50,000 contract with Hamilton, Stephens, Steele & Martin for legal services in an additional amount up to \$300,000, and (B) Budget Ordinance No. 4849-X appropriating \$350,000 from the Airport Discretionary Fund to the Airport Capital Investment Plan.

The ordinance is recorded in full in Ordinance Book 57, at Page 552.

47. (A) Unit price contract with Blythe Construction, Inc. d/b/a BCI Materials, for the purchase of Liquid Asphalt in the estimated annual amount of \$537,200 for the term of one year, and (B) Authorize the City Manager to extend the contract for four additional one year terms with possible price adjustments at the time of renewal as authorized by the contract.

<u>Summary of Bids</u>	<u>Location</u>	<u>Delivered Price</u>	<u>Pick up Price</u>
Blythe Construction, Inc.	Charlotte, NC	\$537,200.00	\$529,250.00
Asphalt Emulsion, Inc.	Glen Allen, VA	\$523,150.00	\$498,300.00
Seaco, Inc.	Columbia, SC	\$532,170.00	No bid

48. Resolution authorizing the Transportation Director to execute a Municipal Agreement with the North Carolina Department of Transportation to share the cost of inspecting 130 qualifying City maintained bridges and culverts in the amount of \$282,600, (B) Contract for \$353,250 with Chas. H. Sells, Inc. d/b/a WSP Sells for the Inspection of Qualifying City Bridges, (C) Contract for \$169,200 with Chas. H. Sells, Inc. d/b/a WSP Sells for the Inspection of Non-qualifying City Bridges (D) contract to the lowest bidder, HRI Bridge Company for FY2011 CDOT Bridge Repairs and (E) Budget Ordinance No. 4850-X appropriating NCDOT of \$282,600.

<u>Summary of Bids</u>	
HRI Bridge Company	\$1,963,447.02
Lee Construction Company	\$2,198,139.57
Palmetto Infrastructure, Inc.	\$2,281,302.39

The resolution is recorded in full in Resolution Book 43, at Page 583.

The ordinance is recorded in full in Ordinance Book 57, at Page 553.

49. (A) Award the low bid unit price contract to RAI Products, Inc. for the purchase of Traffic Signal and Sign Hardware for a term of two years in the estimated amount of \$306,711.35, 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.	\$306,711.35
Temple, Inc.	\$325,565.00

50. Contract with the Institute of Human centered Design for ADA Compliance Consulting Service for a term of one year in the estimated total amount of \$190,000.
51. Resolution of Intent to abandon a portion of Olmstead Way, set Public Hearing for April 23, 2012.

The resolution is recorded in full in Resolution Book 43, at Page 584.

52. (A) Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$1,088,632.24 and (B) Resolution authorizing the refund of Business Privilege License payments made in the amount of \$5,164.25.

The resolutions are recorded in full in Resolution Book 43, at Page 585-586 and 587-602.

- 53-A. Ordinance No. 4851-X authorizing the use of In Rem Remedy to demolish and remove the structure at 738 1-9 Billingsley Road (Neighborhood Statistical Area 60 – Wendover/Sedgewood Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 554.

- 53-B. Ordinance No. 4852-X authorizing the use of In Rem Remedy to demolish and remove the structure at 3208 Lakeview Street, (Neighborhood Statistical Area 21 – Lakewood Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 555.

- 53-C. Ordinance no. 4853-X authorizing the use of In Rem Remedy to demolish and remove the structure at 7407 Boswell Road (Neighborhood Statistical Area 146 – Bradfield Farms Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 556.

- 53-D. Ordinance No. 4854-X authorizing the use of In Rem Remedy to demolish and remove the structure at 7716 Boswell Road (Neighborhood Statistical Area 146-Bradfield Farms Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 557.

- 53-E. Ordinance No. 4855-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1326 Fordham Road (Neighborhood Statistical Area 11 – Westover Hills Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 558.

- 53-F. Ordinance No.4856-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2007 Heywood Avenue (Neighborhood Statistical Area 12- Westerly Hills Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 559.

- 53-G. Ordinance No. 4857-X authorizing the use of In Rem Remedy to demolish and remove the structure at 100 1-2 N. Ramsey Street (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

The ordinance is recorded in full in Ordinance Book 57 at Page 560.

- 54-A. Acquisition of 1.073 acres in Blue Line Extension Easement at North Brevard Street; East 26<sup>th</sup> Street, Brevard Street and Davidson Street from Old Norfolk Southern Railroad for \$101,000 for CATS Blue Line Extension, Parcel #8, #9 and #11.
- 54-B. Acquisition of .264 acres in Blue Line Extension Permanent Easement at 401 Parkwood Avenue from Arrowood-Southern Company for \$31,721 for Blue Line Extension, Parcel #1141.
- 54-C. Acquisition of .338 acres in Fee Simple at 36th Street from Norfolk Southern Railway Company for \$54,706 for Blue Line Extension, Parcel #1266.
- 54-D. Acquisition of 3,298 square feet in Storm Drainage Easement, plus 17 square feet in Temporary Construction Easement at 208 Huntley Place from Grey Hunter Hamilton for \$34,025 for Cherokee/Scotland Flood Control, Parcel #31.
- 54-E. Acquisition of 222 square feet in Fee Simple, plus 3,018 square feet in Storm Drainage Easement, plus 1,412 square feet in slope easement, plus 791 square feet in Temporary Construction Easement at 7201 Wingstone Lane from Dorothy Willis for \$11,000 for City Boulevard Extension, Phase III, Parcel #20.
- 54-F. Acquisition of 2,026 square feet in Storm Drainage Easement, plus 766 square feet in Temporary Construction Easement at 3401, 3407, 3413 Biscayne Drive from Marsh Realty Company for \$10,900 for Eastway/Sheffield Neighborhood Improvement Project, Parcel #148.
- 54-G. Acquisition of .114 acres in Storm Drainage Easement at 519 Merwick Circle from H. Stephen Shoemaker for \$15,375 for Gaynor Storm Drainage Improvement Project, Parcel #3.
- 54-H. Acquisition of .288 acres in Storm Drainage Easement at 525 Merwick Circle from Hugh C. Humphreys and wife, Virginia L. Humphreys for \$36,125 for Gaynor Storm Drainage Improvement Project, Parcel #4.
- 54-I. Acquisition of 5,045 square feet in Fee Simple, plus 188 square feet in Utility Easement, plus 9,484 square feet in Temporary Construction Easement at 8105 Idlewild Road from MNB Venture, LLC for \$10,610 for Idlewild Road Roadway Improvement Project, Parcel #1.
- 54-J. Acquisition of 38,677 square feet in Sanitary Sewer Easement, plus 31,523 square feet in Temporary Construction Easement at 8411 Krefeld Drive from Barbra C. Stegall for \$19,175 for Irvins Creek Relief Sewer, Parcel #179..
- 54-K. Acquisition of 9,500 square feet in Sanitary Sewer Easement, plus 25,710 square feet in Temporary Access Easement, plus 8,214 square feet in Temporary Construction Easement at 8438 East Independence Boulevard from Dilweg Sic Wilburn, LLC for \$60,200 for Irvins Creek Relief Sewer, Parcel #181.
- 54-L. Acquisition of 500 square feet in Sidewalk and Utility Easement, plus 2,741 square feet in Temporary Construction Easement at 4930 Milhaven Lane from Von Patel (a/k/a Vallabhbhai N. Patel) and wife, Hansa Patel for \$16,860 for Milhaven Lane Sidewalk Improvement, Parcel #38.
- 54-M. Acquisition of 997 square feet in Storm Drainage Easement, plus 767 square feet in Sidewalk and Utility Easement at 4930 Sunset Road from Sunset Systems, LLC (D/B/A Days Inn-Sunset) for \$29,550 for Milhaven Lane Sidewalk Improvement, Parcel #39.
- 54-N. Acquisition of 2.448 acres in Sanitary Sewer Easement, plus .044 acre in Temporary Construction Easement at South I-77 Highway from Cedar Fair Southwest, Inc. for \$96,350 for Steele Creek Pump Station Replacement, Parcel #9.

- 54-O. Resolution of condemnation of 255 square feet in Temporary Construction Easement at 3834 Pauline Lane from Jeff M. Garretson; Romain Vaunois and wife, Sharre Loftfollaha and any other parties of interest for \$6,300 for Beatties For Road Widening, Parcel #96.

The resolution is recorded in full in Resolution Book 43, at Page 603.

- 54-Q. Resolution of acquisition of 8,808 square feet in Fee Simple, plus 8,278 square feet in Storm Drainage Easement, plus 9,583 square feet in Slope Easement, plus 2,818 square feet in Temporary Construction Easement at Neal Road from Pulte Home Corporation and Any other Parties of Interest for \$14,175 for City Boulevard Extension, Phase III, Parcel #56.

The resolution is recorded in full in Resolution Book 43, at Page 604.

- 54-R. Resolution of condemnation of 1,623 square feet in Temporary Construction Easement at 1401 Enderly Road from Unknown Heirs of Stella J. Currin and any other parties of interest for \$400 for Enderly Park Neighborhood Improvement Project, Parcel #10.

The resolution is recorded in full in Resolution Book 43, at Page 605.

- 54-S. Resolution of condemnation of 104 square feet in Storm Drainage Easement, plus 1,095 square feet in Temporary Construction Easement at 1231 Hazel Street, from Thomas T. Blake, Jr., and wife, Jacqueline S. Blake and any other parties of interest for \$175 for Enderly Park Neighborhood Improvement Project, Parcel #22.

The resolution is recorded in full in Resolution Book 43, at Page 606.

- 54-T. Resolution of condemnation of 231 square feet in Storm Drainage Easement at 3129 Mathis Drive from Wells Fargo Bank Minnesota, N.A. And any other parties of interest for \$50 for Enderly Park Neighborhood Improvement Project, Parcel #80.

The resolution is recorded in full in Resolution Book 43, at Page 607.

- 54-U. Resolution of condemnation of 574 square feet in Temporary Construction Easement at 2629 Elon Street from James Scruggs and any other parties of interest for \$125 for Enderly Park Neighborhood Improvement Project, Parcel #115.

The resolution is recorded in full in Resolution Book 43, at Page 608.

- 54-V. Resolution of condemnation of 533 square feet in Temporary Construction Easement at 2613 Elon Street from Walter Love and wife, Doris Love and any other parties of interest for \$275 for Enderly Park Neighborhood Improvement Project, Parcel #123.

The resolution is recorded in full in Resolution Book 43, at Page 609.

- 54-W. Resolution of condemnation of 173 square feet in Storm Drainage Easement, plus 123 square feet in Sidewalk and Utility Easement, plus 880 square feet in Temporary Construction Easement at 2612 Elon Street from Helen Rago and any other parties of interest for \$300 for Enderly Park Neighborhood Improvement Project, Parcel #124.

The resolution is recorded in full in Resolution Book 43, at Page 610.

- 54-X. Resolution of condemnation of 492 square feet in Sidewalk and Utility Easement, plus 659 square feet in Temporary Construction Easement at 1405 Camp Greene Street from Penthouse Properties, LLC and any other parties of interest for \$300 for Enderly Park Neighborhood Improvement Project, Parcel #129.

The resolution is recorded in full in Resolution Book 43, at Page 611.

54-Y. Resolution of condemnation of 5,488 square feet in Storm Drainage Easement at 427 North Sharon Amity Road from Warren H. Shinn, Jr., and any other parties of interest for \$10,050 for Gaynor Storm Drainage Improvement Project, Parcel #7.

The resolution is recorded in full in Resolution Book 43, at Page 612.

54-Z. Resolution of condemnation of 640 square feet in Temporary Construction Easement at 4215 Dinglewood Avenue from Lillian Johnson Valentine and any other parties of interest for \$100 for Howie Acres Neighborhood Improvement Project, Phase 2, Parcel #80.

The resolution is recorded in full in Resolution Book 43, at Page 613.

54-AA. Resolution of condemnation of 625 square feet in Temporary construction Easement at 4235 Dinglewood Avenue from Mark Clackum and any other parties of interest for \$125 for Howie Acres Neighborhood Improvement Project, Phase 2, Parcel #85.

The resolution is recorded in full in Resolution Book 43, at Page 614.

54-AB. Resolution of condemnation of 298 square feet in Storm Drainage Easement at 4039 Dinglewood Avenue from Western Properties, Inc. and any other parties of interest for \$150 for Howie Acres Neighborhood Improvement Project, Phase 2, Parcel #112.

The resolution is recorded in full in Resolution Book 43, at Page 615.

54-AC. Resolution of condemnation of 754 square feet in Sanitary Sewer Easement, plus 454 square feet in Temporary Construction Easement at Krefeld Drive from KMWM, LP and any other parties of interest for \$125 for Irvins Creek Relief Sewer, Parcel #184.

The resolution is recorded in full in Resolution Book 43, at Page 616.

54-AD. Resolution of condemnation of 656 square feet in Sanitary Sewer Easement, plus 1,594 square feet in Temporary Construction Easement at 8530 East Independence Boulevard from LH 2007 Properties, LLC and any other parties of interest for \$3,725 for Irvins Creek Relief Sewer, Parcel #185.

The resolution is recorded in Resolution Book 43, at Page 617.

54-AE. Resolution of condemnation of 11,330 square feet in Sanitary Sewer Easement, plus 3,919 square feet in Temporary Access Easement plus 7,351 square feet in Temporary Construction Easement at 2804 Cross Point Circle from MP Cross Creek, LLC and any other parties of interest for \$16,925 for Irvins Creek Relief Sewer, Parcel #187.

The resolution is recorded in full in Resolution Book 43, at Page 618.

55. Approve the titles, motions, and votes reflected in the Clerk's record as the minutes of: January 3, 2012, Workshop, January 9, 2012 Business Meeting, January 17, 2012 Zoning Meeting and January 23, 2012 Business Meeting.

\* \* \* \* \*

**ITEM NO. 28: (A) APPROVE PAYMENT TO DUKE ENERGY IN THE AMOUNT OF \$420,978.84 FOR THE INSTALLATION OF 67 PEDESTRIAN LIGHTS FOR THE BRYANT PARK AREA PLAN PROJECT, AND (B) APPROVE PAYMENT TO DUKE ENERGY IN THE AMOUNT OF \$120,504.97 FOR THE INSTALLATION OF 22 PEDESTRIAN LIGHTS FOR THE BELMONT NCDOT PROJECT.**

Michael Zytow, 9216 Willow Glen Terrace said you had a rather interesting meeting and one of the figures from Duke Energy came and spoke as far as the cost that citizen taxpayers are paying per light bulb and I went back and watched the old October 2011 to get a little context  
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and understand exactly what was being discussed. In the October meeting the city claimed that we had 80,000 lights supported by Duke and in the meeting last month they said 70,000 lights. I don't know if we just lost 10,000 lights, but hopefully you can clarify that for us. For the public that doesn't know we pay \$9.90 per month per light and if it is 80,000 lights that we are paying for, this is over \$8 million if I am not mistaken. The city claims that up to 10% of them could not be working at any given time, meaning that we are spending \$80,000 per month for lights that aren't working. Mr. Dulin, who on most occasions we don't necessarily agree with, but I was at least glad that he was one of the few people that stood up and said something about this. What I want to say and I hope people can put some pressure on Duke because they clearly have no incentive whatsoever as a monopolized utility in the area, there is no incentive for them to even fix these lights. In fact there is an incentive for them not to fix the lights or not to maintain the lights because every month that passes that they are not fixing the light, that is an extra \$9.90 per light that they are pocketing that they don't have to pay the energy costs for, that they don't have to pay the maintenance costs for. I was also curious if you all could answer please give the crowd information as far as how long this program has been around. I thought that really cheesy commercial that you guys did as far as having us when we walk the dog, get neon ribbons and tie them around lights that aren't working. It is very strange that we are suddenly employed by the City to be doing what Duke Energy should be doing. Then to top it off, Duke is saying that no problem, if you just give us an extra \$2.50 per light then we will solve this problem for you. There seems to be a massive amount of corporate welfare that we are giving and I'm really curious as to why no other members of the Council are speaking on this matter. I know you guys know me from my hard hitting nature, but Mayor Foxx you received \$8,000 from Jim Rogers, the CEO of Duke Energy and his wife in your last campaign. You and Jim Rogers are together on the DNC Host Committee where he is getting all sorts of corporate money through charities in a way that will buy around the whole restrictions that are placed on the DNC and we all know that Jim Rogers essentially wants the job in the Obama Administration. He is quickly getting rid of his Duke shares so it seems rather absurd and maybe you guys should start standing up for us and start speaking out against Duke.

[ Motion was made by Councilmember Cannon, seconded by Councilmember Mitchell, to ]  
[ approve A and B. ]

Councilmember Dulin said sir I was right with you until right there at the very end. This has remained a hot topic for the citizens of Charlotte. Our speaking up, your speaking up and us hearing from citizens is indeed helping move the process forward. Somewhere between 70,000 and 80,000 lights out in the community is the number. They ought to know, but I don't particularly know. It was when we first started talking about this in October, roughly 10% of the lights out and they've got that way down now to 3% or 4% and it is still coming down. I had some question for staff on this agenda item. This is 67 pedestrian lights for Bryant Park which is an area of redevelopment. The cost per light fixture now in this part of town is \$6,283 and this number is in our write-up on the second page. Then 22 pedestrian lights in Belmont and the cost per light fixture in Belmont is \$5,477 which is \$805 less in Belmont. All the District Reps have been in neighborhood meetings when we've discussed light projects and anywhere Duke puts a new light, they normally just put one of the wooden poles in there and stick a light on it and move on, but these decorative light poles. When we start talking about \$6,283 per light pole you are getting my attention. I would really like to see how Bryant Park and Belmont deserve \$6,200 light poles or \$5,400 light poles and we are sticking wooden poles in the ground in other parts of the city. Can somebody answer that question for me please? I'm sure it is all part of some plan that we all voted for some time, but now all of a sudden the numbers are starting to pop out of the page.

**City Manager, Curt Walton** said it is the Bryant Park and Belmont Plans that the Council did approve and this was part of that. The \$6,000 is the total cost including the installation and the whole thing.

Mr. Dulin said our write-up says that Bryant Park is more because they have to do some hand digging. I can't see somebody with a post hole digger out there digging a hole for a light pole. We all want it to look nice, but at the cost of other lights going in other neighborhoods, is that what we are doing or can everybody that gets a light pole in the City of Charlotte expect the City to spend \$6,200 on it. I know folks in South Charlotte would like to have \$6,200 poles instead.

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Mr. Walton said any neighborhood that doesn't have street lights, if they wish to go that route, they pay the difference and then we do the electricity going forward. These were two City projects that we were installing those at our costs per the Plans.

Mr. Dulin said I bet if we went back and did some digging you would find that I probably voted for those two plans, but I'm going to vote against these poles tonight because I think it is a little bit much.

Councilmember Howard said since this is at the expense of what I think is a mistake Mr. Manager, I would love for somebody in CDOT to dig into the last few projects in South Charlotte so we could find out whether or not we did put in the street lights. Anytime we've made updates where we have expanded the roads, that is what we do and I think that is just common practice and I don't want the public to get the feeling that that is not something that we do equally across the city because it is.

Mr. Dulin said that would be an interesting note and I'd really like for somebody in DOT to let us know in 2010 and 2011 how many street poles, and actually we stopped them from putting them in in 2010 because of a budget cutback. Since we started putting them back in how many poles were put in and how many of them were decorative and where have they been put in. You can include these 67 and 22 in that count since it will be passed tonight.

Councilmember Fallon said Mr. Manager didn't Duke come through, as I had asked for last time, with something where they are testing LEDs?

Mr. Walton said we are working toward a pilot project with them on the LED lights and on the smart grid which are the devices.

Ms. Fallon said so we would know what light is out and it could be taken care of immediately?

Councilmember Cannon said I just wanted to make a note that one of the things we left out in the way of these poles, it is poles plus fixtures, plus concrete base, plus actually the connection to the power source. That allows for it to add up if you will. When we did the West Side Strategy Plan a part of that was trying to change the image of a community that had been challenged for a very long time and we wanted to have something that looked like what you would see in Plaza/Midwood as you ride down Plaza and Central and see some of the herringbone brick and decorative lighting along there and the wrought iron fence, etc. I will submit to you that what we have, if you ride in Mr. Cooksey's district along Johnston Road, there are poles out there that cost in excess of \$250,000. Those were actually paid by the people that live in the area, the private sector. The question becomes do you want to allow citizens in some of these areas that you know they don't have the capital to be able to do that, to be able to harness that same thing. I think we are in the business and have been for a very long, to handle the hardware if you will and a part of that means infrastructure and that is where we come back to see what we can do to help these communities out to be able to enjoy some of the finer things they wouldn't necessarily be accustomed to that other people happen to get throughout this community. All I'm saying is that you have to factor in a lot more than just a pole because it is not just a pole. There is other labor costs that are involved in that and I just wanted to make sure we answer that question.

Mr. Dulin said one of the things we are getting ready to talk about on this Council is a 9% property tax increase on the citizens of Charlotte and I'm thinking if we are going to talk to people about a 9% property tax increase Council ought to start thinking about where they can cut something or save some money. I'm all for lighting up neighborhood. Lit neighborhoods make safe neighborhoods. They make the people safer and the bad guys don't like to go into where it is well lit and I'm up for lighting up this whole city, street by street if we can, but I would like to do more streets at the cost of a pole that doesn't have to have a concrete base dug and poured if I can do.

Mr. Howard said I'm sorry to belabor the point and Mr. Dulin I'm trying not to go point to point, but it is unfair to throw stuff out to the public knowing that they look to us to be the leaders when we know in fact they are putting lights in neighborhoods to make them safer would save on



public safety costs. When we can make a neighborhood look better we can now get a higher tax base from it because people want to live there. It is not fair to just toss stuff out into the public and a lot more goes along with what we are talking about. Let's be careful about this us against them because that is not what this community is about, it is about us pulling everybody up, it is not just one part.

Mr. Dulin said this is not us against them. This is me trying to be a good steward of the people's money and I will light up as many neighborhoods as we can light up for the most cost efficient manner we can.

Mr. Howard said when you say South Charlotte would love to have it. That is the part that I would prefer us not to play up against them.

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

YEAS: Councilmember Autry, Cannon, Cooksey, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering.

NAYS: Councilmember Dulin.

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**ITEM NO. 37: PURCHASE OF DNC RELATED SECURITY EQUIPMENT AS AUTHORIZED BY THE SOLE SOURCE PURCHASING EXCEPTION OF G.S. 143-129(e) (6) FOR THE FOLLOWING THREE CONTRACTS:**

- 1. CONTRACT FOR \$250,000 WITH MINE SAFETY APPLIANCES FOR THE PURCHASE OF SAFESITE HAZMAT MONITORING SYSTEM.**
- 2. CONTRACT FOR \$300,000 WITH HACKNEY EMERGENCY VEHICLES FOR THE UPFIT OF A HAXMAT RESPONSE UNIT.**
- 3. CONTRACT FOR \$150,000 WITH INCIDENT COMMUNICATIONS SOLUTIONS FOR THE PURCHASE OF AGILE MESH CAMERAS AND ASSOCIATED ACCESSORIES.**

Michael Zytkon, 9216 Willow Glen Terrace said maybe the third time is going to be a charm and maybe when I leave the podium you guys will actually answer my questions. I think the audience at home and in the crowd would like that. I want to start off with the fact for those who don't know, when we found out we were getting the DNC in Charlotte the City Council immediately and in closed session, granted authority to the City Manager, an unelected official to approve the DNC purchases without oversight. The DNC purchases won't face a public vote and the CMPD will not reveal what they are purchasing with \$25 million. We've already had e-mails that the Charlotte Observer has shown this last week that are completely redacted. Is this what a world class city is Mr. Foxx, maybe you can elaborate on that. As far as Tampa Bay which is holding the RNC which I am certainly no fan of either, they are making fun of you guys about the fact that you guys lack complete transparency. I think we have the right to know what is going to be occurring here during the time of the DNC. I'm particularly concerned with the homeless population. In Denver, for the 2008 DNC, the DNC host committee handed out free movie tickets and museum tickets to the homeless to get them off the street so that when delegates came here they weren't there. They claimed they were going to educate the homeless about entertainment. I am concerned that this will happen here. In Atlanta, during the Olympics, which David Howard likes to talk about, they gave one-way tickets to any homeless person who with a written promise said they would not return to Atlanta. I want to make sure we don't have that here. I think this year is The Year of our Neighbor, if I'm not mistaken. I attended the homeless and affordable housing conference that you spoke at and I was a little shocked that you didn't mention the fact that if this is the Year of our Neighbor, why two months ago did you all choose to criminalize homelessness. We already have a number of individuals who have already been arrested for sleeping on public land and you saw fit to make it more welcome for the delegates rather than the citizens of Charlotte. With this said, the transit increase, for anybody who doesn't know, Wednesday, it is going up 25 cents and the idea was, didn't we get those ugly corporate advertising on the buses so that we wouldn't have to get a rate increase. Come on, that is ridiculous. As far as my as my arrest, the citizens don't know that I was arrested two months ago for briefly going over my three minute time. I was informed by a judge that I could face 60

days in jail for that. Think about that for a second. Sixty days in jail for speaking over your time limit. Luckily there was some sanity restored when the judge thought it was so obscured that he dismissed the case. Maybe that will be a signal to Mayor Foxx and the two Police Officers or the Royal Guards, whatever you call them, that you can't signal for them to arrest people in the future. Now is more than time than ever for you guys to apologize to me and the citizens of Charlotte for even daring to arrest a citizen that has a right to speak. Mr. Foxx, I was curious about that Beverly Hills fund raiser that you went to with a \$35,800 per plate dinner with George Clooney. It sounds like a highlight.

[ Motion was made by Councilmember Howard, seconded by Councilmember Cannon, and ]  
[ carried unanimously, to approve 1, 2 and 3. ]

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**ITEM NO. 54-AG: RESOLUTION OF CONDEMNATION OF 2,554 SQUARE FEET IN EXISTING RIGHT-OF-WAY, PLUS 2,243 SQUARE FEET IN SIDEWALK AND UTILITY EASEMENT, PLUS 1,365 SQUARE FEET IN TEMPORARY CONSTRUCTION EASEMENT AT 1742 TODDVILLE ROAD FROM FRANK BURGESS AND WIFE, LOUISE BURGESS AND ANY OTHER PARTIES OF INTEREST.**

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

The resolution is recorded in full in Resolution Book 43, at Page 619.

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**ITEM NO. 54-AH: ACQUISITION OF 3.105 ACRES IN FEE SIMPLE AT 5000 WILKINSON BOULEVARD FROM J. L. JAMIESON, LLC; LINDA D. PACKARD AND SPOUSE, DAVID PACKARD AND ANY OTHER PARTIES OF INTEREST FOR \$134,250 FOR WILKINSON BOULEVARD/MULBERRY CHURCH ROAD WATERSHED ENHANCEMENT, PARCEL #10. DEFERRED TO APRIL 23<sup>RD</sup>.**

**Robin Bell, 166 Grassy Knob Road, Union Grove, NC** said I am speaking on behalf of Joyce Jamieson and Linda Packard concerning the Wilkinson Boulevard/Mulberry Church Road watershed enhancement. Our agenda item is easy to find as it is the very last page and there are a couple corrections that need to be made to that. In the packet that I just gave you, and I will point out in my speech to you that the appraised value is not what is stated there. Also the property owner's counter offer was none, that is also not true. The City of Charlotte Engineering has made a request to purchase 3.1 acres of an 8.3 acre tract on Wilkinson Boulevard. This land was not for sale and the land owners had no plans to put it on the market. A City of Charlotte appraisal report summary, which you have, provided to the land owners valued the 3.1 acres at \$85,000 per acre for a total of \$263,950. The same appraiser appraised the value of the 8.3 acres at \$705,000. Tax value at the time of that appraisal was \$1.5 million and an informal appeal lowered the value to \$1.1 million for the entire 8.3 acres and a formal appeal is still pending. The City of Charlotte Engineering Department offered just over half of the appraised value which was \$134,250 and as hard as it is to believe the City tried to justify this offer because according to their appraisal the remaining property would increase in value. Please keep in mind that the property interest by definition has nothing to do with the remaining land and the City is not making any improvements to that remaining property. A response send to Lisa Sossaman, who is the representative from the Real Estate that we have been dealing with stated the land owners saw no need to obtain their own appraisal as they were in the agreement with the value assigned to the 3.1 acres, which was \$263,950. The response also stated that they would be willing sellers at that appraised price. The City of Charlotte has exercised the right of eminent domain since the purchase price could not be agreed upon. Having been through this with the State of North Carolina, I'm well aware of the process. The landowners feel confident that when these issues are presented to a jury the City of Charlotte will pay more than what the owners are willing to accept at this time.

In summary, the City of Charlotte has no logical justification for offering half of the appraised value. Final tax value once the formal appeal is done will likely increase the value of this property interest. Keep in mind at the time of the appraisal the City Property Tax Value was evaluated at \$1.5 million and the appraised value obtained by the City of Charlotte Engineering Department was \$705,000. The land owners are current willing to accept just compensation in the amount stated in their response to Lisa Sossaman which is \$263,950. As stated in the City of Charlotte Real Estate Acquisition Brochure, just compensation is the amount paid to the owner of a property when it has been acquired under eminent domain. The owner is entitled to just compensation equal to the fair market value of the property acquired. Since I don't know the process, do we wait until this comes up later on to decide if the condemnation process still goes through.

Mayor Foxx said no, we will make that decision today. Even if we decide not to make it today, and we will decide to do that right now. Could we have a response from staff?

**City Manager, Curt Walton** said I think this is purely an issue of price so we would recommend letting the process go forward and let the court determine.

Councilmember Dulin said how long have we been working on this with these folks?

**Laura Rushing, Engineering and Property Manager, Real Estate Division,** said we began working with the property owners in August of 2011.

Councilmember Howard said before we move forward on this I was wondering if I could get either you all or the City Attorney to explain to these folks what the Manager just said about going forward when we are dealing with price and where their rights are protected in that situation.

**City Attorney, Bob Hagemann,** said the process the City uses for these kinds of acquisitions is to get an appraisal. The appraisers are state certified. My understanding in this case there was an appraisal and a review appraisal so there were two MIA appraisers who agreed on the valuation in this particular case. If we don't have an appraisal that the property owner has procured, there really is no point of comparison. The judicial process is there to sort differences in pricing. I think the Manager's recommendation, since all we have right now is a certified appraisal that the City procured, recommendation is that you go ahead and approve the acquisition and condemnation at that price. We will put the proceeding into the judicial process and as with all condemnations, we will continue to negotiate. The process includes mediation with a neutral third-party mediator and if necessary ultimately goes to a jury trial and a jury will decide the just compensation to be paid.

Mr. Howard said that was my point. In these situations where there is a disagreement in value, the only real place for that to be taken care of is in the judicial setting and let that happen.

Councilmember Cannon said Mr. Bell do you have a comment? Ms. Jamison do you have a comment:

Councilmember Mayfield said as mentioned by Mr. Dulin, he and I did have a question today at the earlier meeting regarding the timeline of the discussion, but basically wanted to offer the opportunity if there were additional comments that you wanted to make regarding this particular negotiation.

Mr. Bell said in that package, if you look at the second page of the appraisal summary report, it is item #15 and it clearly states in there that the 3.1 acres is valued at \$85,000 per acre for a total of \$263,950. Then if you look at the end they said that because they are taking this land away it is going to increase the value land not even affected of the 5.2 acres. I just don't see where the land that is not being acquired has anything to do, when they actually presented us with a piece of paper showing us what the appraised value of property was.

Mr. Dulin said does it do us any good to have folks look at this or should we go ahead and get it according to Mr. Howard's opinion?

Mr. Howard said not that it is a legal opinion, but I don't know if it would do us good and these good folks to try to negotiated from the dais when we have two appraisals. It seems like something that the law is set up to deal with and when you go through mediation you have an opportunity to be heard by folks that understand more about how these things work. That was my point that it may be better for us to move forward for them to actually get the hearing that they want.

Mr. Dulin said Curt, when this moves forward to the mediation do they have to acquire counsel?

Mr. Walton said if it goes to court, yes.

Mr. Dulin asked Mr. Bell if he has counsel already?

Mr. Bell said no sir.

Mr. Cannon said I thought the process was that they would have the opportunity to try to mediate first and if necessary then just compensation and find its way to court.

Mr. Walton said that is right.

Mr. Cannon said if there is an opportunity for them to do that when you don't necessarily have o have a lawyer per se at the table, maybe it is through that process that you can reach some level of agreement. I have no idea how far apart you all are. All it says here is that you weren't able to reach an agreement. Are you close to an agreement?

Mr. Bell said if you will look at the second page of that summary report where it says benefits, it say \$129,700. That is the amount we are apart. They took the appraised value, took away what they said the remaining property would go in value and then that is what they offered the land owners. They took away the \$129,000 from the appraised value of the 3.1 acres.

Mr. Cannon said typically how long does the mediation process take and who requests that to take place? Would the property owners request that?

Mr. Hagemann said the way the process works is if you do and approve and authorize this tonight, my staff will file legal proceedings. The property owners can choose whether or not to retain an attorney. Some property owners go forward on their own. We would be available to discuss and continue to negotiate with them. The court process will establish a deadline by which the parties are required to engage in mediation. It is part of the judicial process, but that is a requirement before we actually go to trial. I want to make a point about what is the statutory standard for determining just compensation in this case and it is not just the value of what we have taken, instead and I will read from the statute, "where only a part of a tract is taken the measure of damages for said taking shall be the difference between the fair market value of the entire tract immediately prior to said taking and the fair market value of the remainder, that being what we have not taken immediately after said taking with consideration being given to any special or general benefits resulting from the utilization of the part taken for the governmental purpose". It is a comparison of the value of the entire tract to what is left taking into consideration any benefits that are derived from the price itself and I think that is the reason why it is not simply the value of what we are taking, but the appraisers have to take into consideration the enhancements resulting from the taking and how that is attributed to the remaining property.

[ Motion was made by Councilmember Mayfield to defer for one month to allow for a little ]  
[ more time for negotiating before going to the next step. Councilmember Dulin seconded the ]  
[ motion. ]

Ms. Mayfield said I am concerned that there may be a greater chance that the citizens would need to get legal representation and I've looked at the timeline and we started this conversation in August and we are now in March, so I would like to see if there is an opportunity to see if we can go back to reach some kind of closer number than what may be proposed.

Mr. Howard said what is the sensitivity of the timetable? Is this project on some type of fast track?

Ms. Rushing said we can defer if you need to.  
The vote was taken on the motion to defer for one month and was recorded as unanimous.

Mayor Foxx said it is like I told you, we would decide today or decide not to decide and we decided not to decide.

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## **PUBLIC HEARINGS**

### **ITEM NO. 5: PUBLIC HEARING ON THE PROPOSED SUBSTANTIAL AMENDMENT TO THE FY2012 ANNUAL ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT.**

The scheduled public hearing was held on the subject matter.

[ There being no speakers either for or against, a motion was made by Councilmember Cannon, ]  
[ seconded by Councilmember Kinsey, and carried unanimously, to close the public hearing ]  
[ and approve the proposed amendment. ]

\* \* \* \* \*

### **ITEM NO. 6: PUBLIC HEARING ON THE PROPOSED FY2013 ANNUAL ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT.**

The scheduled public hearing was held on the subject matter.

[ There being no speakers either for or against, a motion was made by Councilmember ]  
[ Mayfield, seconded by Councilmember Kinsey, to close the public hearing. ]

Councilmember Mitchell said did the HAND Committee agree on this budget?

Councilmember Kinsey, Chair of the HAND Committee, said it comes to us on Wednesday and then it comes back to Council next month.

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

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### **ITEM NO. 7: PUBLIC HEARING TO CLOSE A RESIDUAL PORTION OF KENILWORTH AVENUE; RESOLUTION TO CLOSE A PORTION OF KENILWORTH AVENUE.**

The scheduled public hearing was held on the subject matter.

[ There being no speakers either for or against a motion was made by Councilmember Cannon ]  
[ seconded by Councilmember Howard, and carried unanimously to close the public hearing ]  
[ and adopt the subject resolution. ]

The resolution is recorded in full in Resolution Book 43, at Page 567-570.

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**ITEM NO. 8: PUBLIC HEARING TO CLOSE BROOKSVALE STREET, BURNETTE AVENUE, NOBLES AVENUE AND HORACE STREET; RESOLUTION TO CLOSE BROOKSVALE STREET, BURNETTE AVENUE, NOBLES AVENUE AND HORACE STREET.**

The scheduled public hearing was held on the subject matter.

[ There being no speakers either for against, motion was made by Councilmember Cannon, ]  
[ seconded by Councilmember Mayfield to close the public hearing and adopt the subject ]  
[ resolution. ]

Councilmember Howard said I just wanted to point out that we have the developers for this project in the audience who have actually moved forward on the mass development for this development and I just wanted to say thank you for all your hard work and we wish you good luck with the project.

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

The resolution is recorded in full in Resolution Book 43, at page 571-581.

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**ITEM NO. 9: CITY MANAGER'S REPORT**

**City Manager, Curt Walton** said earlier this month a tornado hit the eastern part of the County and we wanted to give you a report on the clean-up following that. Fire Chief John Hannan is here to give you that presentation.

Mayor Foxx said the immediate response of our Police and Fire Departments were outstanding and I just want to say to not only Chief Hannan and Chief Monroe, but to all of the men and women who worked on this from a variety of City and County Departments, thank you very much for your very prompt attention to that.

**Fire Chief John Hannan**, said thank you Mayor, City Council, City Manager and thanks on behalf of the whole City workforce and that is a lot of what I wanted to get to today. This about the weather event that occurred on March 3, 2012 when a tornado touched down on the Plaza Road Extension area. It was an EF-2 tornado and they are 111 to 135 miles per hour. You can see the damage to some of the houses there. The picture on the right is the house that the second floor was taken off of with the kids in it. One landed in the backyard and one landed in the right-of-way of I-485 which is right behind it. The tract was approximately 200 yards wide and it shrunk a little as it proceeded and it shipped around a little bit. It actually followed some streets through a couple of the neighborhoods. The damage assessment, four homes destroyed, 29 with major damage, 18 homes with minor damage and 111 homes were affected in the five subdivisions. Calls started coming into the Police Department and the Fire Department about 2:42 a.m. and the reports were homes knocked off foundations, trees on houses and power lines down. The house on the left, that is a two-story house and the concrete pad the house sat on in that picture would be to the right, out of the picture about 25 feet. It is completely off the foundation. The Fire Department received 43 calls for service, 14 engines, 4 ladders of rescue and 2 hazmat companies were out there. We had gas lines torn up, flowing gas and when we got there, there were no injuries for us to deal with us. The three injuries were all self-transported prior to the arrival of the first company. CMPD who had been well staffed for earlier in the evening was able to just reallocate a lot of those officers. They didn't even have to call them in and this gives you some of the numbers on what they sent out there – 138 officers with the management needed and they put about 2,363 hours in until March 18<sup>th</sup>. The folks out there needed that police presence really at every intersection and in the neighborhood because their houses were torn up, walls were missing, anybody could just walk right into a living room or bedroom that was all open. We needed a strong police presence to make them feel good.

I got there about 3:30 and that was the worst neighborhood and it was a half mile of Plaza Road Extension totally covered in trees. You had to go into Cabarrus County and come back into it.

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When I got there the fire companies had been there for a while and there were about 50 people standing in the street in the rain with a blank look on their faces. There were absolutely in shock. What they went through in the course of 5 or 10 minutes out there was monumental. They didn't want to make a move or do anything unless somebody told them to do it. We told them we had buses on the way and we would get them in the buses and take them up to the school. We had the Red Cross there and we would help them with everything they need. They stood there and I talked to one of the firefighters, because a lot of the homes were undamaged with cars sitting in the driveway. I went down and spoke to a couple of them and I said now folks if you want to drive your car to the school you can do that and you will have your car with you and we will help take care of you. If you need some belongings and your house is untouched we will take care of you and none of them moved. I finally asked one person, I said do you just want us to go with you and she said yes. We already had a lot of people deployed but it was a tough strange thing. All the power was off, Duke was wiped out. The storm was over and it was very quiet. CATS had shut down and they had run their last route and we called CATS and said we need buses. We have a long history of CATS working fires and if we have freezing weather and we have an apartment building burn and you have 80 people out there in the middle of the night, CATS will get us a bus in there in no time and we will get them out of the weather. CATS called in crews and supervisors and they got us two buses out there and they stayed for the duration. They hauled them to the shelter and then they stayed because they knew they would want to go back at daylight. We just got yeoman service out of CATS.

The next slide, CDOT Landscape Management – CDOT had a lot of Plaza Road Extension to open and in the neighborhoods there was a lot of damage. The next day I went back out and talked to some of the neighborhoods and the trees crews from Engineering's Maintenance Section, they had them all out there. Victoria had more garbage trucks than I can count out there that morning and they were already working, clearing the streets, clearing the front yards, just doing great service. This doesn't tell you how bad Plaza Road Extension was. What you see on the right in the left side, that was how the whole road was and if you ride out there now you can see the damage in the woods on Plaza Road Extension. If you haven't ridden out there, it is worth riding out there to see. I counted 8 Solid Waste trucks on one street and when the Governor came to inspect it she asked me to ride along with her and we rode through Cabarrus County and Cabarrus was doing great work too, but it wasn't in an incorporated area. NCDOT was coming in to help and everywhere we went the tree trunk and the tree limb clippings were as high or higher than the car window of her Suburban and as soon as we hit the city limits it was gone. It was completely gone until she got here and our folks helped people with trees in their front yards, they helped them cover homes and there was great work out there. Walter Abernathy's folks were in there the first thing in the morning and 13 of his inspectors actually did most of the damage assessment for the state. We had to do that in a timely manner to show the damage done, catalog and map it and that all went to the North Carolina Office of Emergency Management and that goes into the Federal Government. FEMA did not declare this a disaster and to be honest with you, there was not one business affected and more than likely every home, this was not a flooding event, it was a storm event so the homeowner should take care of this. Saturday afternoon and Sunday they were going strong. The salvage companies out here were all in there. The insurance companies had hired them and Nationwide had agents out there. A couple other insurance companies did also. They were already covering roofs and starting to work on that. The Red Cross was there with us that night with food and whatever the folks needed. They were interviewing them if they needed a place to stay they could help them with that. That is pretty much how it went. North Carolina Office of Emergency Management came in and the state has requested some information from the National Weather Service regarding how this area is covered. The State's meteorologist has some concern that either Kings Mountain or either Crowder's Mountain may actually put that small segment of Mecklenburg in a shadow, but my understanding after talking about some of this adnauseam is this storm was about half the height of a normal storm that spones a tornado and no matter when they would have been it would not have given a lot of warning.

Councilmember Dulin said I don't have a question Chief, I've got a reaction and it is a spontaneous reaction, but I would like to thank you and your people.

Chief Hannan said thank you very much and I greatly appreciate that and I would like to accept that on behalf of your whole workforce. There were no injuries that we dealt with and there was

no looting ultimately and Police and Fire were there in force, but the work that cleaned it up, you had Engineering, Solid Waste, CATS, CDOT, Code Enforcement and they were all out there on the week-end. The Departments recalled people and they all came and did a lot.

Councilmember Autry said I've heard nothing but accolades from this whole event. That is my District out there that was hit with this and I walked through the neighborhood the day afterwards, we just got accolades from the Police and Fire, but as the weeks have gone on, I've also heard very positive things about how the entire City has responded to this, even to the point of working out an agreement the County to use the landfill to accept that waste without charging those residents a tipping fee. Little things like that really brings value and expresses that value that people should have and appreciate in their local government. Accolades to all the City staff and all the great work that you done and it really does show what kind of professionals we have here at our disposal in the City.

Councilmember Howard said because I know we have thousands of people watching us tonight, I wanted to thank the citizens as well. From what I understand they jumped in and assisted in this clean-up and helping their neighbors and that says a lot about what Charlotte is. I didn't want this to go by without thanking the citizens for jumping in and all the other agencies that helped this community to pull together at this time.

Councilmember Cannon said thanks to our public safety officials across the board. I see Mr. Brisley up here who is always on TV making sure that we are well informed accordingly and doing his thing. It is the season for tornados and many of you will recall over the week-end that little alert buzzer was going off on each of our area stations warning us that a tornado could be touching down. One of the things that I hope we will be able to do for the community's benefit, Cable 16, as interesting as it is and people love to tune into these meetings, every now and then we are off the air and other things are off the air and we are probably capturing the world from a satellite. If there is anything we can do to put something up there in the way of graphic information or something that would lay out about emergency preparedness that our citizens throughout this region might be able to take a look at, that might be worth something. What are the things that they can actually do to prepare for these events as they come? Who is thinking at 2:41 a.m. about doing anything else but trying to get a good night's rest. There is not a whole lot you can do, but in preparation for this season and what we are impacted with, it may be some thought could be given to putting something like that on our cable access channel for community awareness. I hope you will give some consideration to that.

Mr. Walton said yes sir.

Councilmember Fallon said I'm sure there were some people who were not insured or were under insured and FEMA is not coming in. What is our role?

Mr. Walton said we don't have a role with the individual and if they were under insured we wouldn't have a role on a private residence.

Ms. Fallon said does the State or is there a fund. What happens to these people?

Mr. Walton said you can't have a mortgage if you don't have insurance so I think it would be unlikely. I'm not sure what the state would have available.

Mayor Foxx said I think all the comments have been right on point so we appreciate the report Mr. Manager and again Chief, thank you very much for that very comprehensive report. Curt, good job.

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**ITEM NO. 10: APPROVE THE ECONOMIC DEVELOPMENT COMMITTEE'S RECOMMENDATION TO AUTHORIZE THE SMALL BUSINESS ENTERPRISE MOBILIZATION LOAN PROGRAM FOR THE PERIOD OF MAY 1, 2012 TO JUNE 30, 2014.**

Mayor Foxx called on the Economic Development Committee Chair, James Mitchell to introduce this item.

Councilmember Mitchell said first I have to thank the Committee for working extremely hard, Vice Chair, Mayor Pro Tem Patrick Cannon, David Howard, LaWana Mayfield and Warren Cooksey. Last fall staff conducted a survey of 35 small business enterprise who participated as a subcontractor on city projects through the City's Small Business Opportunity Program to understand a capital and financing need. 83.3% of respondents identified the lack of temporary working capital as their greatest need and business challenge. In January, our staff led by Eric Nelson and Brad Richardson formed two focus groups, one of SBEs and the other is the City's Business Advisory Committee and they developed this mobilization loan program with three key objectives. Number one, to assist owners of certified SBEs in acquiring short-term, low rate financing to support their temporary working capital needs as they participate in city projects. Secondly, to build capacity with our certified SBEs to increase their chances of competing successfully for City contract and thirdly, to create and retain existing jobs within Charlotte and Mecklenburg. Staff proposes the SBE Mobilization Loan Program to be authorized for a pilot period to begin May 1, 2012 and extend to June 30, 2014. The primary source of funding for this loan program will be the existing CDBG funds and the microenterprise lending guidelines established by HUD. Staff, thank you for your great work and for our SBE we hear you loud and clear, now let's get to work.

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

Councilmember Cannon said I just want to commend the Chair, Mr. Mitchell, for his leadership on this matter. He has been a very driving force in the Economic Development Committee in moving subject matters like this forward.

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**ITEM NO. 11: APPROVE THE ECONOMIC DEVELOPMENT COMMITTEE'S RECOMMENDATION TO ADOPT THE 2012 BUSINESS CORRIDOR REVITALIZATION STRATEGY THAT INCLUDES THE FOLLOWING ACTIONS:**

- **Expand the utilization of Business Corridor Capital Funds to all commercial areas within the Business Corridor Revitalization Area.**
- **Expand the parameters of Matching Grant Programs to increase utilization and effectiveness.**
- **Explore a new relationship with the Charlotte-Mecklenburg Development Corporation.**
- **Explore ways to encourage the development and growth of merchant associations.**
- **Explore the merits of a retail market assessment for the business corridors to help attract the right retail mix to underserved areas.**
- **Conduct parking demand analysis for commercial districts, as warranted, to understand the appropriate role for the City in creating public parking to assist retailers and small businesses.**

Councilmember Mitchell said this is the 2012 Business Corridor Revitalization Strategy update. I must thank Chris Hemans and Brad Richardson for their innovation and leadership. To make a long story short, we are including improving the physical and economic condition of five priority corridors and I must list them because there is some confusion out there. North Tryon Street, Beatties Ford Road, Rozzelles Ferry Road, Wilkinson/Freedom/Morehead and the Eastland Mall area. Because of input from our staff we are going to expand to five additional corridors; West Boulevard from I-77 to Billy Graham Parkway, Independence Boulevard from Chantilly Lane to Albemarle Road, Monroe Road from Chantilly Lane to Albemarle Road, Statesville Avenue and Graham Street. We are also looking to evaluate our new relationship with Charlotte Mecklenburg Development Corporation. I would like to thank my Committee for working hard on this.

[ Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, and ]  
[ carried unanimously, to approve the 6 bullet points that are in this action item. ]

Mayor Foxx said one of the things that has happened on this issue of community revitalization is that we've been working steadily to create more opportunities for the private sector to get engaged, more opportunity for actually private sector lead investments into some of challenged areas and hopefully by expanding the territory and by creating a new relationship with CMDC and other aspects of this we will see more of that activity resumed particularly hopefully with the economy getting more wind at its back. Good work by the entire community.

Councilmember Cannon said this is big deal and I hope it makes the news.

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## BUSINESS

**ITEM NO. 12: (A) CONTRACT TO THE LOWEST BIDDER, BLYTHE DEVELOPMENT IN THE AMOUNT OF \$20,162,872.40 FOR CONSTRUCTION TO WIDEN STATESVILLE ROAD, (B) AMEND THE FY2012-FY2017 CAPITAL INVESTMENT PLAN TO REPROGRAM \$4,000,000 IN PROJECT SAVINGS, FROM STATESVILLE ROAD WIDENING TO ACCELERATE HIGH PRIORITY SIDEWALK PROJECTS AND REPLACE PRIOR APPROVED FUNDING FOR THE CONSTRUCTION OF IMPROVEMENT TO THE INTERSECTION OF CHIPPENDALE STREET AND MONROE ROAD, AND (C) BUDGET ORDINANCE NO. 4845-X TRANSFERRING \$4,000,000 IN CAPITAL PROJECT SAVINGS FROM THE STATESVILLE ROAD WIDENING PROJECT TO SIDEWALK CONSTRUCTION (\$2.1 MILLION) AND TO IMPROVEMENTS TO THE INTERSECTION OF CHIPPENDALE STREET AND MONROE ROAD (\$1.9 MILLION).**

[ Motion was made by Councilmember Howard, seconded by Councilmember Cannon, and ]  
[ carried unanimously, to approve A, B and C. ]

Councilmember Howard said I just wanted to thank the Manager for being responsive to both what the Council asked him what the community needed on this one and for finding money for much needed sidewalk projects as well as finding money to help with another economic development project that we asked you to consider.

**City Manager, Curt Walton** said yes sir, thank you.

The ordinance is recorded in full in Ordinance Book 57, at Page 548.

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**CONTRACT WITH INSIGHT GLOBAL FOR TECHNOLOGY SERVICES IN AN AMOUNT NOT TO EXCEED \$266,050 FOR ELECTRONIC CASE PAPERING SYSTEM.**

[ Motion was made by Councilmember Howard, seconded by Councilmember Cannon, to ]  
[ approve the subject matter. The vote was recorded as follows: ]

YEAS: Councilmembers Autry, Cannon, Dulin, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering.

NAYS: Councilmember Cooksey.

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**ITEM NO. 14: CONCLUSION OF THE CONSENT AGENDA**

**ITEM NO. 21: (A) REJECT THE APPARENT LOW BID OF \$833,750 BY ESA RENEWABLES, LLC AS NON-RESPONSIVE DUE TO NON-COMPLIANCE WITH THE REQUIREMENTS OF THE FEDERAL DISADVANTAGED BUSINESS ENTERPRISE PROGRAM AND (B) AWARD A CONTRACT TO NATIONAL RENEWABLE ENERGY CORPORATION, LOWEST RESPONSIVE BIDDER, IN THE AMOUNT OF \$911,950 TO INSTALL A 260 SK SOLAR PHOTOVOLTAIC SYSTEM ON THE SOUTH TRYON BUS FACILITY'S BUS CANOPY FIELD.**

Councilmember Cannon said I have a few questions. We are rejecting the apparent low bid of \$833,750 by ESA Renewables and going with another awardee known as NARENCO as the lowest responsive bidder in the amount of \$911,950 which is about \$78,200 difference. I'm trying to get some level of clarity on this issue because it looks like there was an established goal of 4.5% for DBE. There was a committed goal of 0.477%. It appears that the awardee which in this case happens to be NARENCO has increased that number to supersede that established goal of 4.5% and that was post to the RFP is sounds like. Is that correct?

Watson Terrence, DOT said that is correct.

Mr. Cannon said with that being the case is there some sort of addendum because it says now they have committed to another amount which is actually 4.64% which supersedes the goal as I stated a moment ago.

Mr. Terrence said the issue here is that documentation as far as meeting the goal must be set at bid. We are only allowed to count the documentation that occurs with bid. The utilization that they have done of their own accord would not go toward our goal. It is of course good news for the DBEs that are being utilized, but we would not be able to utilize that additional utilization on our particular portion as far as tracking.

Mr. Cannon said where is our level of insurance that they will meet 4.64%? With the understanding that all they have to do is meet a good faith effort. As I understand it they don't have to necessarily meet the goal.

Mr. Terrence said the Federal 49CFR26 Good Faith Efforts guidelines are slightly different than with the small business program. They do provide guidelines for us to follow which we confirm that the vendor has engaged in intense efforts to meet the DBE goal. Once they have gone through the process under 49CFR26 we are limited in our ability to act beyond whatever utilization they have established initially during the bid. The .477% is the only portion that we can actually enforce under the 49CFR26 regulation. Even if they have agreed to up their utilization post bid, but that is literally of their own accord.

Mr. Cannon said do we know if the first bidder, ESA did they know, for instance there are several DBEs that are listed that were supplied by another member of the body here, do they know about these other subcontractors of suppliers?

Mr. Terrence said I have no knowledge of that.

Mr. Cannon said do we know what they number was because in our write-up it doesn't even say what they DBE number was.

Mr. Terrence said their number was zero. They submitted a firm and they had not confirmed that the firm was a DBE, assuming that they had the certification, but they submitted a firm that was not DBE certified.

Mr. Cannon said did they meet the good faith effort?

Terrence said they did not.

Mr. Cannon said even though they are \$78,200 more than the bidder, we are looking at this with the idea of the notion that they met the DBE goal or what are you all basing this on?

Mr. Terrence said the limitation that we have is either they meet the goal or they made the good faith effort to meet the goal. If the determination has been made, and if you noticed this has occurred twice. Initially the Civil Rights Officer for CATS determined that they had not met the goal. They were allowed to go through a minister of reconsideration which is in effect an appeals hearing, to present documentation that they had made good faith efforts to meet the goal. They supplied documentation that they had engaged in intense efforts to attempt to do that and are successful by the time of bid date and when they turned in the documentation the minister of reconsideration official determined their efforts were of that intensity.

Mr. Cannon said I'm asking these questions largely in part because it seemed to me that if ESA had known about some of the supplies out there, maybe they would have gone after them.

Mr. Terrence said they were supplied with the directory from the Unified Certification Program operated by the North Carolina Department of Transportation that has all the DBEs that are listed in North Carolina and of course cross country. They had the information available. We discussed during the pre-bid where the information was located and advised them that they had a requirement to meet the 49CFR26 regulations and they came back with a firm that was not certified.

Mr. Cannon said that is interesting that they would have been provided the list and then couldn't find anybody out there and yet NARENCO was able to do that. That is really interesting. The last thing I have on this is that about the idea that they have exceeded the goal by 4.6% more than what the goal is or that was established. It makes me one to ask the question, are we capturing everything in terms of who is out there and where. Are we setting the bar high enough in terms of the goal that we are looking to go after largely in part because if they are going out and exceeding it, maybe we should be elevating that goal. I don't know but it seems to be that is what we should be doing.

Terrence said the larger challenge that they have engaged was meeting the goal by the timetable. They have engaged in some negotiations but the firms we are dealing with had applied outside the market, they tried to go through negotiations and were not able to do it by the date in which the bid was submitted.

Mr. Cannon said I just want to encourage that we know who and what is out there because sometimes people will say how is it that somebody can exceed the goal, like these folks are exceeding the goal, and yet we come in a little bit lower than that. Either way, thank you for taking time to answer the questions, you've done a great job and I want to thank staff for their hard work.

[ Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, and ]  
[ carried unanimously, to approve A and B. ]

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**ITEM NO. 22: (A) ONE-YEAR CONTRACT TO AMERICAN AUTO AND TRUCK ELECTRIC ON A UNIT COST BASIS FOR AN ESTIMATED ANNUAL AMOUNT OF \$89,110; AND (B) AUTHORIZE THE CITY MANAGER TO APPROVE UP TO TWO, ONE-YEAR RENEWALS FOR A TOTAL ESTIMATED CONTRACT AMOUNT OF \$267,330.**

Councilmember Autry said I pulled this and I have received the information and data that lets me move on with that.

[ Motion was made by Councilmember Autry, seconded by Councilmember Mitchell, and ]  
[ carried unanimously, to approve A and B. ]

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**ITEM NO. 23: CONTRACT TO THE LOWEST BIDDER, M. B. KAHN IN THE AMOUNT OF \$5,338,100 FOR CONSTRUCTION OF THE MALLARD CREEK WASTEWATER RECLAMATION FACILITY FINAL CLARIFIER AND RELATED IMPROVEMENTS PROJECT AND (B) CONTRACT IN THE AMOUNT OF \$580,230 WITH HDR ENGINEERING, INC. FOR THE PROFESSIONAL SERVICES ASSOCIATED WITH THE CONSTRUCTION OF THE MALLARD CREEK FINAL CLARIFIER AND RELATED IMPROVEMENTS PROJECTS.**

Councilmember Fallon said I pulled this item and I've been satisfied.

[ Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, and ]  
[ carried unanimously, to approve A and B. ]

**Summary of Bids**

M. B. Kahn	\$5,338,100.00
Encore Construction	\$5,630,000.00
Wharton-Smith, Inc.	\$5,787,000.00
Dellinger, Inc.	\$5,814,200.00
Crowder Construction	\$6,085,000.00
State Utility Contractors	\$6,406,000.00

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**ITEM NO. 24: CONTRACT TO THE LOWEST BIDDER, REA CONTRACTING, A DIVISION OF THE LANE CONSTRUCTION CORPORATION IN THE AMOUNT OF \$5,973,521.31 FOR RESURFACING CONTRACT FY2012-B.**

Councilmember Dulin said I pulled this. This is a great list of streets being repaved by the City of Charlotte and we do a good job of making maps and putting dots on them. It would be interesting to see those lists. There is probably 100 streets and it would be interesting to see where those dots would show up.

**City Manager, Curt Walton** pointed out a handout that was given to Council at dinner and said it is road segments rather than dots.

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

**Summary of Bids**

Rea Contracting a Division of the Lane Construction	\$5,973,521.13
Ferebee Corporation	\$6,145,302.20
Blythe Construction Inc.	\$6,222,110.30
Blythe Brothers Asphalt	\$6,533,822.55

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**ITEM NO. 25: CHANGE ORDER #1 IN THE AMOUNT OF \$85,000 TO SOUTHSIDE CONSTRUCTORS, INC. FOR CMPD STEELE CREEK DIVISION STATION.**

Councilmember Autry said I pulled this item. I will withdraw the pull of that item because of the information I received from the City Manager's office is sufficient and well within the boundaries of what I anticipated.

[ Motion was made by Councilmember Cannon, seconded by Councilmember Mayfield, and ]  
[ carried unanimously, to approve the subject change order. ]

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**ITEM NO. 15: APPOINTMENTS TO BOARDS AND COMMISSIONS**

**A. Charlotte Housing Authority** – The following nominees were considered for one appointment for an unexpired term for a resident of public housing beginning immediately and ending December 17, 2012:

Linda Morant, nominated by Councilmembers Cooksey, Dulin, Fallon, Kinsey and Pickering.  
Marcia Simpson, nominated by Councilmembers Autry, Barnes, Cannon, Howard and Mayfield.

Results of the first ballot were recorded as follows:

Linda Morant 4 votes – Councilmembers Cooksey, Fallon, Kinsey and Pickering.  
Marcia Simpson, 6 votes – Councilmembers Autry, Barnes, Cannon, Howard, Mayfield and Mitchell.  
None of the above, 1 votes – Councilmember Dulin

Ms. Simpson was appointed.

**B. Charlotte International Cabinet** – The following nominees were considered for two appointments for unexpired terms in the open category beginning immediately with one ending June 30, 2012 and the other ending June 30, 2013:

Douglas Bowman, nominated by Councilmembers Barnes and Dulin  
Ronnie Devine, nominated by Councilmembers Autry, Barnes and Howard  
Molly Hedrick, nominated by Councilmembers Fallon, Howard and Pickering  
Sherri Li, nominated by Councilmembers Cooksey and Kinsey  
Scott Mickle, nominated by Councilmember Cooksey  
Troy Pelshak, nominated by Councilmembers Cannon and Dulin  
Charles Prendergast, nominated by Councilmember Fallon and Kinsey  
Xin Zhang, nominated by Councilmembers Autry, Mayfield and Pickering

Results of the first ballot were recorded as follows:

Douglas Bowman, 2 votes – Councilmembers Barnes and Dulin  
Ronnie Devine, 6 votes – Councilmembers Autry, Barnes, Cannon, Howard, Mayfield and Mitchell.  
Molly Hedrick, 3 votes – Councilmembers Fallon, Howard and Pickering  
Sherri Li, 2 votes – Councilmembers Cooksey and Kinsey  
Scott Mickle, 1 vote – Councilmember Cooksey  
Troy Pelshak, 2 votes – Councilmembers Cannon and Culin  
Charles Prendergast, 2 votes – Councilmembers Fallon and Kinsey  
Xin Zhang, 4 votes – Councilmembers Autry, Mayfield, Mitchell and Pickering

A second ballot was taken between Molly Hedrick and Xin Zhang and was recorded as follows:

Molly Hedrick, 3 votes – Councilmembers Fallon, Howard and Pickering  
Xin Xhang, 6 votes – Councilmembers Cannon, Cooksey, Dulin, Kinsey, Mayfield and Mitchell.

Mr. Devine and Mr. Zhang were appointed.

**C. Community Relations Committee** – The following nominees were considered for one appointment for an unexpired terms beginning immediately and ending June 30, 2013:

Robin Baldwin, nominated by Councilmember Barnes  
Veronica Jones, nominated by Councilmembers Autry and Mayfield  
Sue Korenstein, nominated by Councilmember Kinsey  
Melvin Lowery, nominated by Councilmembers Cannon and Howard  
Kathleen Odom, nominated by Councilmembers Cooksey, Dulin, Fallon and Pickering.

Results of the first ballot were recorded as follows:

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Robin Baldwin, 1 vote - Councilmember Barnes  
Veronica Jones, 2 votes – Councilmembers Autry and Mayfield  
Sue Korenstein, 1 votes – Councilmember Kinsey  
Melvin Lowery, 3 votes – Councilmembers Cannon, Howard and Mitchell  
Kathleen Odom, 4 votes – Councilmembers Cooksey, Dulin, Fallon and Pickering

A second ballot was taken between Melvin Lowery and Kathleen Odom and was recorded as follows:

Melvin Lowery, 3 votes – Councilmembers Cannon, Howard and Mitchell  
Kathleen Odom, 6 votes – Councilmembers Autry, Cooksey, Dulin, Fallon, Mayfield and Pickering.

Ms. Odom was appointed.

**D. Neighborhood Matching Grants Fund Review Team** – The following nominees were considered 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 Autry, Barnes, Fallon, Mayfield and Pickering  
Kim Graham, nominated by Councilmembers Cannon and Howard  
Karen Labovitz, nominated by Councilmember Kinsey  
Jason Tuttle, nominated by Councilmembers Cooksey and Dulin

Results of the first ballot were recorded as follows:

Wofford Boyd, 4 votes – Councilmembers Barnes, Dulin, Fallon and Pickering  
Kim Graham, 5 votes – Councilmembers Autry, Cannon, Howard, Mayfield and Mitchell  
Karen Labovitz, 1 vote – Councilmember Kinsey  
Jason Tuttle, 1 vote – Councilmember Cooksey

A second ballot was taken between Wofford Boyd and Kim Graham and was recorded as follows:

Wofford Boyd, 5 votes – Councilmembers Cooksey, Dulin, Fallon, Kinsey and Pickering  
Kim Graham, 5 votes – Councilmembers Autry, Cannon, Howard, Mayfield and Mitchell

Since this ended in a tie it will be carried over to the next meeting.

**E. Tree Advisory Commission** – The following nominees were considered by one appointment for a three-year term beginning immediately and ending December 13, 2014:

Fred Dodson, Jr., nominated by Councilmembers Autry, Howard and Mayfield  
Scott Mickle, nominated by Councilmembers Cooksey, Dulin, Fallon and Pickering.  
Oliver Sharman, nominated by Councilmembers Barnes and Kinsey.

Results of the first ballot were recorded as follows:

Fred Dodson, Jr. 5 votes – Councilmember Autry, Cannon, Howard, Mayfield and Mitchell  
Scott Mickle, 3 votes – Councilmembers Cooksey, Fallon and Pickering  
Oliver Sharman, 2 votes – Councilmembers Barnes and Kinsey  
None of the Above, 1 vote – Councilmember Dulin

A second ballot was taken between Fred Dodson and Soctt Mickle.

Fred Dodson, 6 votes – Councilmembers Autry, Cannon, Dulin, Howard, Kinsey, Mayfield and Mitchell  
Scott Mickle, No votes were shows for Mickle on the second ballot.

Mr. Dodson was appointed.

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**ITEM NO. 16: COUNCIL AND MAYOR TOPICS**

Councilmember Kinsey said if you haven't been by Discovery Place Parking Deck lately please do so. As you drive down 6<sup>th</sup> Street you will see something that looks like public art on top of the parking deck. They are solar panels and they really are striking and very attractive. I don't know if we have our electric plug ins at Discovery Place yet, but we are going to have those for electric cars as well. The first time I saw it is said Whoa what is this public art solar panels!

Councilmember Autry said I would like to propose that Council direct the Environment Committee to take up a sustainability plan for the city. That would deal with city operations facilities and also leading by example to bring the community into the same sort of practices to insure that we have a sustainable, vibrant community and the economic viability will continue long after we've left these seats. We would like to have the direction from the Council to take that to the Environment Committee to take up the process, the plans, what it would mean to implement such a plan and then bring it back to Council for approval.

[ Motion was made by Councilmember Autry, seconded by Councilmember Mayfield, that the ]  
[ Council direct the Environment Committee to take up a sustainability plan for the City to ]  
[ deal with city operations facilities and bring the community into the same sort of practices. ]

Councilmember Dulin said I think we are doing a lot of this work already by way of our focus. The scope of what Mr. Autry mentioned seems to me to be on the grand scale and I'm wondering if our staff has time to undertake more things with what we are working on now.

**City Manager, Curt Walton** said I think what Mr. Autry proposed was to develop the approach and then come back to Council so that would address I think whether staff had the capacity or if we were going to need consultant fees or whatever the case may be. Unless Julie has an objection to the work of what is in the pipeline for the Environment Committee, bringing it back to the Council after the approach is fully developed we are comfortable with.

Councilmember Cannon said I want to be clear about the approach on the what a little bit. Is that what is going to be discussed in committee on the what because I heard you mention operation facilities and I'm wondering does that also mean things outside of facilities i.e. traffic signals, when you start talking about lighting inside of facilities.

Mr. Autry said I think we are talking about air quality, water quality, energy use and efficiency. All those items could be brought forward and to address Mr. Dulin's concern about what some of these items already being implemented by different departments, there is nothing that brings that all together into a single document and into a single plan so that we could identify any gaps or any other best practices that we are not necessarily taking advantage of at this time. That is why I would like to take that up to a study to the Environment Committee to understand the viability and the feasibility of such an operation.

Councilmember Cooksey said I just wanted to clarify in the motion that we are talking City government activities and operations not the whole city. To the maker of the motion we are talking City government operations?

Mr. Autry said the City government operations are certainly where we have the influence and the capabilities to have influence, but there again by leading by example we would hopefully bring along the private sector with us. We certainly don't have any ... to direct them in what they do and what they don't do.

Mr. Dulin said we lead by example already. This building is a star facility and we have a facilities manager whose job is to bring our buildings up to compliance. We have a lead certified water building that has a \$100,000 glass awning on it. We've got people in place to do these things and we've been on it for 3 or 4 years already as far as our facilities which is the ones that



Council and Mayor have the authority over. We have a designated environmental guy who does nothing but work on environmental issues. I'm on the committee so I will come to the meetings of course, but one of the things we get bogged down with, particularly is what this entire city and the staff time we are going to need as we move into the spring and then the summer and then the fall. One of the things I've come to figure out over the years is that staff gets better and more comprehensive work done on what we have already loaded on them if we don't just continue to pile on. We can study this in Committee relatively quickly and figure it out or we can study it for three years. I've seen it go both ways.

Mr. Cannon said one of the things I'm interested in and hopefully all of us will be interested in is the ideal that the office and we all sit in on all of these floors, when you look up when going to your office you will see T-12 bulbs in them. Those T-12 bulbs are not being manufactured anymore. They stopped being made so largely in part what it means is that if you don't go in and change those things out at some point, you literally are going to be sitting in the dark. Beyond that there are incentives that are out that Duke provides right now and those incentives will be going out in June of this year so what we at least need to know where we are in the process, if nothing else, if the City has already begun to move in that direction. If we don't know that, we are really setting ourselves up to be in the dark at some point. Hopefully we will find out a little bit more where we are.

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

Councilmember Mayfield said this past Saturday I was able to hold my first Town Hall and I want to commend the staff. We really have an amazing staff with the City of Charlotte and even though the weather was rocky early Saturday morning since the Town Hall started at 9:30 a.m., we had more than 50 residents from throughout the district from Steele Creek and throughout the entire district which I am really excited about and had a lot of positive feedback. I want to especially thank two of our staff members, Mr. Alvin Burney that set the stage for this retreat on how to best utilize your Council Representative and I think that opened up the door for us to have a lively conversation. I have received nothing but positive feedback and also to Kim Oliver, because without their guidance, as this being my first Town Hall, and identifying all the staff all the amazing work that staff brought to this, I don't think it would have been as successful as it was, so I want to publicly thank our staff and the entire teams and for all the citizens that were able to attend. For those that weren't able to attend I will be having two more before the year is out.

Councilmember Mitchell said it is to the citizens of District 2, it is springtime so it is time to shred all those papers that are in your homes. This Saturday from 10:00 to 12:00 at the Vest Water Treatment Plant, we will have a District 2 community shredding event. This originated and has been very successful for Councilmember Barnes in District 4 and I think Councilmember Dulin uses it in District 6. Sometimes we get ideas from each other so please join us. It is free, limited 3 boxes per person. Unfortunately there is no budget for food, but I will be there to help.

Councilmember Fallon said I just wanted to mention also on Saturday, the Fire Department opens ... house and it is going to be LED. It was such a state of the art, it is a work of art and I would suggest anybody go and ask for a tour. It was just magnificent how they have done it and of the materials they used that can be used without having a lot of up keep. They have the funny dome lights that bring in the light without having to have light bulbs. It was amazing. It is across from Eastland Mall which makes that neighborhood get a rise up.

Mayor Foxx said we've had about three months experience with the lunch meetings on Monday and I wanted to check in to see whether there was still a feeling that we needed to continue or not.

Councilmember Mayfield said I would like to make a proposal that we eliminate the lunch meetings. I think it was more so for the new members for us to really get activated to the process and I think we are all to the place where we are ready to move forward.

Ms. Fallon said that was our extra hour and 15 minutes that we took away from the evening on Monday, so that we made up that day. We don't need it I don't think.

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Mr. Autry said I think we are acclimated enough at this point to ask the right questions without seeming too ignorant later on in the day.

Mayor Foxx said I don't know that we need a motion. I think we can just agree not to keep that up and we can return to whatever we were doing before. Staff I want to say thank you for doing that. I think it was very helpful for the new Council members.

The last thing is over the last several weeks I have been working with the City Attorney on clarifying our speaker's rule. We've gotten into some confusion from time to time about what the three minute rule means on a public hearing versus an agenda item. I think there has been some language that has been produced that will be helpful in clarifying that. It doesn't change the interpretation, it simply makes it more clear to citizens. I would like to have that put on our next Business Meeting Agenda for consideration by the Council.

#### **ADJOURNMENT**

The meeting was adjourned at 8:48 p.m.

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Stephanie C. Kelly, City Clerk

Length of Meeting: 4 Hours, 45 Minutes  
Minutes Completed: May 17, 2012