

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, April 9, 2012 at 4:08 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Patrick Cannon presiding. Councilmembers present were John Autry, Michael Barnes, Warren Cooksey, David Howard, Patsy Kinsey, LaWana Mayfield, James Mitchell and Beth Pickering.

ABSENT UNTIL NOTED: Councilmember Dulin
ABSENT: Mayor Anthony Foxx and Councilmember Clarie Fallon

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ITEM NO. 1: MAYOR AND CONSENT ITEM QUESTIONS

Councilmember Barnes said I have a question regarding Item No. 26. This is a contract at the Airport for the Medical Center Office Building and the question I have concerns the 5th bullet point which indicates the annual rent will be \$88,000 and at the end of the 5-year agreement the rent may be adjusted based upon rent of comparable buildings. Why aren't we providing for an increase in the rent on an annual basis. I see there is also some issues regarding rejecting bids, etc. so maybe we can get some explanation on that it would be helpful as well.

Councilmember Mayfield said Item No. 28, Citywide Drug and Alcohol Testing Services, what we are asking for is an initial term of three years and authorizing the Manager to approve up to two one-year terms and I have some concern about having a 5-year contract locked in and not having the ability to either renegotiate or open the bid process. I wanted to get a little clarity as far as what the bid rates are. It is not listed in our material what the bid came in at. I see the annual of \$150,000 but I'm concerned about the two one-year terms.

City Manager, Curt Walton, said we will get that for you. This wouldn't be a bid since it is a service so it would be a negotiated process. We will get the answer to your questions.

Ms. Mayfield said Item No. 32, the Bio-solids Master Plan, in bullet #2, it notes that the expiration of the first five years extension period is approaching. I wanted to get an idea of what that date is because it is not listed in the material to tell me where we are in it and wondering if this is really the right time to institute a study that is going to cost \$742,000 or if we have some wiggle room on when we can start this study or is this something that needs to be done. Have we waited until the last minute?

Councilmember Mitchell said Item No. 36. I am just going to pull this to give information because this is a positive thing about Project L.I.F.T. I just want to educate the citizens about what is about to take place.

Mr. Walton said we also have a speaker on Item No. 36.

Ms. Mayfield said Item No.35, I would like to get an idea of how much does it cost the City and the demolition of the homes that have been identified and what is the turnaround time that the City recoups the money back for that demolition. I know we have a process in place and we are pretty much on track, but I would like for the citizens to hear how long that process is to recoup the funding that we pay up front for demolition.

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ITEM NO. 2: DISPARITY STUDY UPDATE

City Manager, Curt Walton, said this has been in the Economic Development Committee and we would propose that it stay there and head to the May 3rd Committee discussion and to keep working through the recommendations you will hear tonight. If there is interest in something other than letting it go back to Committee, we are fine with that.

Assistant City Attorney, Cindy White said I want to give a little bit of background to refresh everyone's memory about how we got here and where we are. If you will recall in October 2010

the City regained a company called MGT of America to do a Disparity Study that compared the availability of minority and women owned firms to compete in City contracts with the dollar volume of their utilization on City contracts to see if there is a disparity between what firms were available to do and what the actual contracting dollars were showing. That 2010 Disparity Study covered city spending from July 2005 through June 30, 2010 and it was an update to an earlier Disparity Study that MGT had done in 2003. Mr. Lee had worked with on that study as well.

MGT present findings to Council in September 2011 and MGT's ultimate conclusion after doing the study was that while some evidence may support the restoration of race and gender conscious sub-contracting goals for certain minority groups, the study's cumulative evidence taken as a whole, did not support a legally defensible race and gender conscious contracting program. After getting the report from MGT Council referred the Disparity Study to Economic Development Committee for a more in depth review and for questioning and also for questioning by the Disparity Study Advisory Committee that was appointed by Council. I wanted to ask Brandon Watson, who chaired that Committee, to stand. Brandon did an in depth review of the Disparity Study as well and made a report to Economic Development and raised some questions that the Committee shared. The Committee recommended to Council on February 13th that we hire a nationally recognized legal expert to explore some of the questions that the Disparity Study Advisory Committee and Economic Development had about the Study and to give a legal opinion, based on nationally developed case law about whether race and gender neutral measures would be appropriate, based on the evidence of the study. I would like to introduce Franklin Lee, with Tydings & Rosenberg, LLC. He has prepared a report, but because of timing we wanted to keep this moving and this turned out to be a good time for Mr. Lee's schedule and for Council to hear a report. His actual study will not be available until next week, but we wanted to make sure he had an opportunity to come and presenting the findings to you before actually finishing the full report so that you could hear them and we could continue to move this through the process.

Franklin Lee, Tydings & Rosenberg, LLC said it is good to be back in Charlotte and it is good to see the fruits of our earlier labor a decade go beginning to bear fruit in terms of the Small Business Program and now your consideration of where you go from this point forward. The core issue that I was asked by the City to address is whether considering the totality of the evidence that was presented in the MGT Disparity Study Update does the City of Charlotte have a strong basis in evidence for considering the use of narrowly tailored race and gender conscious remedial policies to more fully remedy the ongoing affects of market place discrimination upon its contracting. To many of you that may sound like a lot of legal goobledy gook which is probably is, but what we are trying to get at here is whether there is a legally defensible basis for considering some form of a race conscious minority business program here. This is looking at all of the legal precedents, supreme court precedents and others around the country that have addressed these programs since the Crowson decision in 1989 and trying to determine whether there is in fact an adequate basis for consideration of these kinds of policies. The bottom line of what I've uncovered and what I'm currently reviewing, the MGT Disparity Study, I've spent a great deal of time living with that for the last few weeks and also had discussions with your Disparity Study Task Force to address their concerns about some of the conclusions that were reached by MGT. My answer is that actually yes, there is a strong basis and evidence to warrant consideration of some form of a race and gender conscious program. You've had a Small Business Program here for 8 years, a very aggressive Small Business Program, and I think it is a model from those I've seen from around the country. Yet despite that what the MGT Disparity Study showed was that there is significant statistical disparity and substantial disparity in a number of industry segments for a number of the racial and gender minorities in certain industry segments. In addition, there is a great deal of other evidence in this study that would also tend to support the interest that is drawn to those statistical disparities which is that there are ongoing effects of market place discrimination that have not yet been fully remedied despite having this 8-year period of a small business program here.

MGT's conclusion differ and these conclusions were reached and I think were expressed to you by Dr. Vinson Egan, who is a lead economist and a lawyer with MGT. I have a great respect for Dr. Egan and I have worked with him on a number of different projects, including the very first Disparity Study that was done here in Charlotte. These are issues that reasonable minds can disagree about, looking at the totality of the evidence. Certainly when questions of race are

involved, I think each and every one of us tends to view the evidence through the prism of our own life experiences. The fundamental question is going to be is there evidence that a reasonable mind could rely upon in determining that there are ongoing affects of discrimination that have not been significantly remedied through race neutral means, the Small Business Program?

Dr. Egan reached a different conclusion than I did and he indicated that there was insufficient strong basis and evidence for the following reasons (1) Dr. Egan said there was statistically significant disparities, but they were due in part to larger MWBE availability in recent years. I don't dispute the finding, I dispute the interpretation of that. He also indicated that the increase utilization of minority women owned firms sub-contractors and absolute dollars and the percent of participation since the Small Business Opportunity Program was adopted in 2003. In other words he is saying if you look at the absolute dollars that MWBE firms were getting here back in 2003 before we had the Small Business Program, they have increased significantly in the time since we've had the Small Business Program here. That is also true. However, it is also true that the number of minority and women owned firms in this market place have vastly increased. The availability of those firms have vastly increased over that same timeframe and while the utilization is also greatly improved, thanks to the SBO Program, it hasn't improved enough to eliminate the disparities in the market place. Yes, the remedy has been partially successful, but not fully successful in remedying the ongoing affects of that discrimination. Dr. Egan also indicated that he didn't think it was a strong basis in evidence because the percentage of the total contract dollars that were going to MWBE construction subcontracts tripled since 2003. Once again he is indicating that he has seen real substantial improvement in participation of minority subs. Again my counter to that is, yes but relative to their availability in the market place, it hasn't increased enough to eliminate the disparity. He also points out that there is increased utilization of minority women owned subcontractors in absolute dollars and percentage participation since the Small Business Program was adopted in 2003. He further indicated that he didn't think there was a strong basis in evidence to support consideration of race conscious remedies because the program has been a more effective remedy than Charlotte's former MWBE Program. I don't think that is the right question to ask. He also indicated that the Charlotte SBO Program apparently is effective as other MWBE Programs in the Charlotte area. Well, all MWBE Programs are not created equal, that too is not the right question to ask in my opinion for this analysis. Finally he indicated that he didn't think the anecdotal evidence was that strong, that it was weak, but compared to the anecdotal evidence I've seen in disparity studies across the country and also what I've seen in cases where programs have been upheld, following legal attack, I think the anecdotal evidence here is quite robust and sufficient and adequate to supplement and compliment the statistical evidence informing a strong basis in evidence.

Why do I differ in my opinion with Dr. Egan, looking at the very same evidence? (1) MGT itself admits in its Disparity Study that all of its measures of availability, whether you use a census or you use something called a custom census methodology as was used in this Disparity Study, or you look at bidders lists, all of those measures of availability would show that there has been larger MWBE availability for the study period of the last five years that they looked at. Your business community has grown significantly and along with the minority women business community has grown as well and that is a key point. The custom census methodology approach that MGT has used in this study update has been upheld repeatedly in the most recent court cases so when you show a disparity using a custom census approach which basically is, they will purchase data from Dun and Bradstreet or Hoover's and the data basis is much larger than your own vendor or bidder data base and covers the entire Charlotte statistical area. You look at that and then survey those firms and find out if they are ready, willing and able to do business with the City of Charlotte. If they are then they are counted toward the availability. That measure tends to yield a larger availability number for MWBEs than you would through just plain bidder list because a number of firms may be discouraged from getting a new bidder's list because of past experiences or perceptions about how willing Charlotte is to do business with them. That custom census approach has been approved by courts including the City and County of Denver, Illinois Department of Transportation, their program was challenged, Northern Contracting versus Illinois Department of Transportation and it has been approved in most of the legal victories that we've had in the last decade or so where disparity studies have been challenged in the court and the courts have upheld them. They have been using it mostly as custom census approach. MGT was correct to rely upon that methodology and it more accurately reflects the

full universe of available firms. Given this measure of availability, as compared to the utilization of those same firms in this market we have some fairly strong evidence that there is significant and substantial disparity with respect to certain minority and gender groups of contractors and vendors. The other reason I disagree with Dr. Egan is because utilization numerators and disparity study ratios from two different time frames are interchangeable. In essence what Dr. Egan is arguing is, because back in 2003 we may have had a ratio of just one to two firms in the market place, this is just for example, he is saying the availability has grown from a 2 to a 10 based on the most recent disparity study. He is emphasizing the numerating thing and that is the utilization factor and you just had a one back in 2003, but if you fast forward to 2010 you now have a 5 in terms of utilization and he is saying because you went from a 1 in utilization up to a 5 therefore the SBO Program has been fully successful in remedying the effects of discrimination. My argument is if the availability increases by the same rate or greater, you haven't fully remedied the effect of that discrimination. It is inappropriate in my view to focus only on the numerator and not to look at the denominator in each of those timeframe. It is a different timeframe, a different measure of availability, a newer timeframe, a new measure of availability. The appropriate comparison is between the disparity indexes for those two periods of time.

Councilmember Cooksey said given the critique you just presented if the one out of two and five out of ten aren't the actual numbers that you are critiquing, why aren't you presenting us with the actually numbers you are critiquing, instead of a hypothetical?

Mr. Lee said I'm just trying to make a simple mathematical point here and just taking us back to basic math and fractions. If you are dealing with ratios, you compare one ratio to the other ratio. If you just segment out one part of the ratio and compare it to another you get an inappropriate conclusion from that. The full report that I will produce in a week or so will spell out all of those things in much greater detail. The disparity ratios vary by industry, by ethnic group, by gender and it is far more complex series of findings that have to be discussed in great detail and we don't have all day here from what I understand to talk about all of that. When you see the full report I'll be discussing each industry segment, those ethnic groups for which there is significant disparity, those for which there isn't etc. industry by industry. Whatever remedy you develop from these findings in my view and also I think in view of the courts is going to have to be narrowly tailored to those findings. You are not going to have a one size fits all kind of a program. It is going to have to be medicine for the right segments of your business population that are in need of a remedy.

Mr. Cooksey said is it your findings that the ratios are the same from the old MWBE Program versus the new SBO Program?

Mr. Lee said no the ratios are not the same.

Mr. Cooksey said then why does it say the ratios remain the same on the slide?

Mr. Lee said I did that just to dramatize how you can get a false reading by just focusing on the numerator only. The reality is you've got a more nuance set of findings here that show that your rate of utilization has gone up as you would expect, using the Small Business Program. If you had no program at all you would probably be right where you were back in 2003. You have actually improved your rate of utilization of minority women owned firms since that time, but my point is, despite that improvement it hasn't improved to the point where you don't have significant under utilization minority women owned firms. You still have statistically significant under utilization of minority women owned firms in certain industry segments.

Mr. Cooksey said I appreciate that distinction. I just wish you had captured that better on the slide instead of criticizing the simplicity of the MGT Report by providing simplicity of your own that doesn't apply when you say the disparity ratios remain the same and yet your findings don't show that they remain the same.

Mr. Lee said my first PowerPoint presentation was 28 pages long.

Mr. Cooksey said I could appreciate the difficulty given what the MGT Report said and how you have explained it, but this slide does not convey accurate information from you say your findings are.

Mayor Pro Tem Cannon said at this stage what we have is for an example, not for a what it is. The what it is will be coming forth in the report that I think I heard you suggest this week that will drill down further on Councilmember Cooksey's point of concern and/or question. Why don't we get that information back and take this for example as just what it is an example, but not the fact finding piece that we will actually discover in the upcoming week.

Councilmember Dulin arrived at 4:35 p.m.

Mr. Lee said another reason why I would disagree with Dr. Egan's conclusion is because the undisputed evidence here reflects that the SBO Program did not fully eliminate those disparities. It is true that the size of the disparities in 2003 have been reduced somewhat, but there is still remaining substantial and statistically significant disparities and after 8 years of a race neutral Small Business Opportunity Program policy, it is time to consider the use of more aggressive race conscious remedial policies, but on a narrowly tailored basis. In other words you would want to have a program that doesn't apply across the board to all industries to all ethnic groups, but only applies to those ethnic groups in those industry segments where there is significant statistical disparity still. You have to apply that on a contract specific basis. The other point that I would make is that Dr. Egan's presumed superiority of the SBO Program as compared to the past city MWBE Program and also as compared to current nearby MWBE Programs is not necessarily valid. As all MWBE Programs are not created equal. MGT has made no indication in its study report that would demonstrate that those MWBE Programs are in keeping with today's best practices. There are a number of minority business programs around the country that are not that effective and there are others that are much more effective because they would include some of these particular practices. For example effective and narrowly tailored outreach strong monitoring where you are actually watching what your current availability is what is happening with the actual payments to the contractors as opposed to contract awards. Contract specific goal setting which has become a standard around the nation. The old first generation programs would set arbitrary goals and they would require good faith efforts and that goal would stay the same on every contract regardless of what the relative availability was for minority women owned firms on that particular contract. When you do that you tend to have a lot of waivers and a lot of contracts get excluded from the program altogether simply because the prime contractors will say we tried reaching a few of these firms and none of them could do this particular kind of work. They may be asking an electrical firms to do dry wall work or vice versa. The programs have gotten a lot more sophisticated in terms of the measuring real relative availability of ready, willing and able firms to do business on a particular contract. Some programs have enforcement provisions through sanctions in the event that a prime blatantly violates the policy. There are consequences to that and that tends to make the program far more effective. Some programs only have one person running the entire show and there is no way you can effectively do that with most of these modern day programs. If you don't have adequate staff and resources that could explain why you got very low results back in 2003. Finally, the state of the art now days is toward automation of bidder registration so that you capture the entire universe of firms, minority and non-minority that are interested in doing business with you. That automation aids you greatly in being able to track the actual availability, setting contract specific goals and looking at true utilization, not saying what a prime contract promises at the outset of a contract they are going to do in terms of minority sub-contracting, but looking at the actual payment that go to all those primes and subs. I can tell you that in the State of Maryland there was an MBE Program in place for about 30, a legislative audit was done that showed as much as 40% variance between what the prime contractors promised they would do at the outset of the contract and what payments were actually received by the minority sub-contractors at the end. If you over state your MBE participation that way it can certainly give you an inappropriate measure of how well you are doing in the market place.

Another thing I want to point out is in this day and age when we have so much public discussion and anxiety about questions of race in this country, it is important that we all remember that we tend to view evidence I think through the prism of our own life experiences regardless of race or gender. Those things that would seem believable or credible on questions of race are likely to be

influenced by our own life experiences. What we've seen others go through or what we ourselves have gone through. The other thing you have to keep in mind is the nature of market place discrimination, business discrimination is such that in most instances it is going to take place outside the presence of those affected and it would not be surprising that there is a low probability for victims of such discrimination to have direct knowledge. For example, one form of market place discrimination that you may have heard about is so called good old boy networks or closed business networks where in a prime would use the same subs over and over again because they are used to using them. A minority firm that wants to become part of that network may not realize that the prime is entertaining their bid solely for purpose of satisfying good faith efforts and really have no intentions of using them, but is repeatedly go back and use the same sub over and over again. You may also not realize that the supplier is charging them higher prices than they are charging their non-minority competitors, called price discrimination. We've found documentation of that in some instances. In fact I worked on a Disparity Study for the City of Atlanta back in 1989 where I interviewed a number of contractors in the market place and I learned independently that there was a manufacturer that was treating a minority distributor differently than he was treating non-minority distributors. That minority distributor didn't have a clue that was happening. He was simply told he had to be in business for five years before he could be an authorized dealer for that product. But I interviewed a non-minority vendor who said he had just left the manufacturers employment and had gotten distributorship his first year out and not only that, he got 30-day financing provided by the manufacturer. The minority firm was not able to get that kind of financing. Keeping that in mind that most market place discrimination is probably going to take place outside the presence of so called victims of discrimination. It is not surprising that you would not get high percentages of anecdotal evidence from all the minority firms out there saying here is how I've been discriminated against. Nevertheless, what we find in this MGT Disparity Study that we've got anecdotal evidence that is quite robust. You've got over 100 particularized accounts and affirmations of discrimination from firms in the Charlotte market place, different forms of discrimination that can adversely affect their ability to compete in the market place. That anecdotal evidence should not be taken in a vacuum, but it does at least help partially explain the persistent statistical disparity that we are seeing in a variety of quantitative methodology. That anecdotal evidence boast the conclusion in my view that discrimination occurs in many forms and that discrimination likely occurs in much more than a few isolated instances. If you can demonstrate that discrimination is occurring on a class basis or not just a few isolated instances, then it is appropriate to consider a class base remedy or a larger wider spread remedy to address that discrimination. Combined with wide spread statistical disparities, anecdotal evidence supports a class base remedy.

Where does this lead us? What I would propose where the City should go from here is that you accept my conclusions regarding there being a strong basis in evidence for some form or race conscious remedy to be included in your arsenal of policies to address the effects of discrimination. I would propose what the state of the art is now around the country which is a Hybrid Small Business Opportunity MWBE Program that would have the following features:

- It is essential that you have contract specific determinations for the application for the SBO or MWBE Program features based on clear criteria. In other words you have a program that has several different features or tools that you can apply on any given contract. You can apply a small business goal on the contract or if you meet certain criteria i.e. there has been significant continuing disparity for these ethnic groups, for these types of contracts, despite using the SBO Program, you can consider applying a race conscious goal or a race conscious tool as appropriate for that particular kind of a contract.
- You also want to make sure that there are SBE or MWBE subcontracting goals with good faith efforts. They must be flexible. You can't have a rigid quota. You've got to make sure that if a prime demonstrates they have made good faith efforts to try to reach these subs, if they are not successful in that, then you can provide a waiver under those circumstances.

Councilmember Howard said going back to your first bullet, you talked about the Hybrid being around specific programs or areas of the city where we are spending money and are not meeting

the numbers. In your report are you going to detail what those areas are? Are you going to set a certain percentage of what it should be in each category? How do you help us figure that out?

Mr. Lee said my report will not spell out the specific percentages for each contract, but what I will set out is a methodology by which you would begin to establish contract specific goals and I will identify those industry segments and those ethnic groups that are eligible for remedial assistance for those types of contracts.

Mr. Howard said do you understand what I'm saying? I do remember in the original report there were certain categories where it was clear that participation was low. How do we make sure that we are fair and set a goal where everybody else doesn't say you should put it in this one or this one and this one if it is a true hybrid.

Mr. Lee said what I would suggest you do is adopt annual aspirational goals for each industry, construction, professional services, other services and goods and supplies. In your aspirational goals would be based on the relative availability of minority women owned firms in each of those industries and it will be used as benchmark against which to evaluate the effectiveness of your program going forward. For example, let's say you've had significant disparity in construction sub-contracting and you set an annual aspirational goal for construction sub-contracting for the sake of argument, 15%. If that 15% isn't met at the end of the year you've got a combination of perhaps small business goals that you've set on those projects, some MWBE goals that you've set on those projects, what that will tell you is you need to be more aggressive the next year in your mix of race conscious or race neutral remedies.

Mr. Howard said what I'm trying to get at is how do we protect ourselves legally by saying that professional services has been found that 11% is good or some way so there is a methodology behind it for me aspirational sounds dangerous.

Mr. Lee said keep in mind there are two different types of goals we are talking about. One is an annual aspirational goal that serves as a benchmark that you look at only at the end of the year. The second tool that you have is contract specific subcontracting goals which you would view as being more mandatory, provided the prime exercises good faith efforts.

Mr. Howard said I am just fascinated by this. I had never thought about a hybrid and if there are examples of hybrids in other places could we get examples of those and how they work either from you or staff?

Mr. Lee said another tool that you could have at your disposal based on the factual predicate that you have is vendor rotation on informal contracts. For construction you can actually increase the dollar threshold for informal contracts under state law, but on any type of contract that is informal where you have to solicit bids from a certain number of firms you could rotate those bid solicitations based on making sure you get at least two quotes from minority and women owned firms which would increase the chance that you are going to get a low bid from an MWBE firm. In other instances you may have something like a job order contracting program where you select a multiple number of vendors who are qualified to do work and you make sure certain percentage of those vendors that are selected are minority and women owner firms and then the work just kinds of rotates on a task order basis through that list of prequalified firms. You can also increase the formal bid threshold, I believe it is currently \$200,000 for the City construction contracts to \$500,000 which is now authorized under state law. There is a lot of work that may be awarded just by making that formal bid threshold higher. You will be able to do quotes from three firms below \$500,000 and that means you can a lot more solicitation of minority and women owned firms which certainly has a greater capacity to do those smaller contracts for MWBE firms. That is another way you can boost the participation of minority women owner firms in construction at the prime level on these smaller prime contracts.

Mr. Lee said the last thing I want to point out to you and really stress because I believe this is the state of the art, it is the wave of the future and the way to make all of these programs far more effective, far more transparent in terms of the truth and also far easier in terms of conducting outreach to make sure that everybody in the market place is aware of business opportunities that they would be interested in. That is the Automated Mandatory Centralized Bidder Registration
mpl

system. The first entity that I was aware of that came out with this was the Department of Defense through the Central Contractor Registration System back in the 90s and that has since been expanded to the entire federal government. The general concept is you require all firms that want to do business with you to go on line, fill out a brief profile for about 15 minutes and register themselves to get a vendor ID number. That vendor ID number then follows them when they bid, it follows them when they get awarded contracts, it follows them when they submit invoices to get payment and all of their subs also have these vendor ID numbers. They have to go on line and register as well. It makes the world a whole lot easier for your SBO staff not to have to run around trying to collect data from different departments about utilization to give Council reports. That data is automatically tracked and in addition you have a very legally defensible method for measuring availability in the market place because each contractor that registers, each sub that registers will identify the NIGP codes or those commodity codes for which they are available to provide goods and services. That means when you set contract specific goals, when you look at annual aspirational goals you have a fact based, data driven method for measuring relative availability and for having a clear picture of who is out there ready, willing and able to do business with the government. It also provides a great mechanism for having narrowly tailored targeted outreach. When you put a bid out on the street you know what commodity codes are covered in that bid and you send out e-mail alerts free of charge to all the firms in your vendor data base that have those commodity codes listed in their profile. Instantly it levels the playing field for the little guy who can't afford to send somebody out to find out where the work is. The work comes to him or her, based on those commodity codes. It also allows prime contractors who want to exercise good faith efforts to have no excuse to say I'm going to post my solicitation for subcontract work on the city website next to this solicitation so when that small minority or non-minority subcontractor goes to the city website, they will get an e-mail alert with a link embedded in it that takes them straight to the city website page where that solicitation is and they will see all the primes that are looking for subcontractors to work on their project and wants bids and quotes from them.

Councilmember Mitchell said is there a software package that we could purchase or is this something IT will have to build?

Mr. Lee said it has been done both ways and I've already shared this with your staff. The Washington Suburban Sanitary Commission, which is a water/sewer district just outside of Washington, DC has a hybrid program. It is a small local business enterprise program which is race neutral and they have an MWBE Program. They put together a mandatory bidder registration system that allows them to tract all the firms that want to do business with them. They built it in house, didn't cost them a whole lot of money, but every time somebody wants to bid with them they've got to show that they've got their vendor ID number. It is tied to their tax ID number and they've had great success in being able to tract and set goals on a contract specific basis and on an annual basis based on that data.

Ms. White said as Council is aware the City is in the process of negotiating for an enterprise resource system called the ERP and it will have some of the functionality. As part of the ERP the City is looking at a separate third party vendor that Tyler, the ERP vendor will bring in and they are called Prism. They have a function called Early Morning Software that will do some of this and we are getting advice from Mr. Lee on what are the market standards and we are negotiating with Prism and with Tyler to see what we can bring into the system at a cost that is affordable.

Mr. Lee said there are a number of vendors that have these big legacy systems like SAP or People Soft. Most of the ones I have seen did not have this component built into it and they've had to modify it and it tends to be more expensive when you are using a proprietary software system. You have to pay them for every change order to modify it. That is unfortunately the reality, but there are a number of software entities out there and Prism is just one of them. There are several other software vendors out there, BTG Now that San Antonio dealt with. There is one up in New England that worked with the water sewer district up there in Hartford, that have learned how to integrate their software into these larger legacy systems like SAP or People Soft or ERP. What they will do is download files periodically, maybe on a daily basis or weekly basis from the legacy system, dump that into their data base and then manipulate the data from there for purposes of goal setting or utilization reports and e-mail alerts.

Mayor Pro Tem Cannon said we have another item on the agenda that I think is due on April 23rd. We have a zoning meeting next week and I'm thinking we can probably hit that item during dinner.

Mr. Walton said we will do Item No. 3 during the Zoning dinner and move to No. 4 after dinner once it is complete.

Mr. Cannon said that item would have been Incentive Based Inclusionary Housing Action Plan and Accessory Dwelling Units and Duplexes. I know this is a very important topic and I know there are probably some other burning questions.

Mr. Howard said the system you just described makes so much sense and I wonder why it is not done more. It leaves me to think that it is too simple to be true. Why aren't other people using it, is it because it takes a lot to maintain it? Is it up to the vendor to go in and update or does staff have to do it? The second question has to do with the good faith question. To me it sounds like it helps, but it can eliminate staff still having to go through and make sure that they held all subs to the same criteria like you gave in the example about pricing earlier. What of the good faith does it eliminate and what is still left that we would have to maintain going over?

Mr. Lee said there are a lot features that go into making an MWBE Program effective. Probably too much to get into today, but I'm sure there will be plenty of opportunity in the future to address each of these issues. The one you just raised about good faith efforts and prime contractors, one thing you might want to consider is the Bid Depository where when a sub submits a bid to a prime they also deposit it with the city. In the event there is a question that arises as to whether or not they truly were not the low bidder with that prime and the prime has a business justification for not using them, you will have independent evidence by which you can make a determination as to whether or that prime is exercising good faith efforts or something much less than good faith efforts.

Mr. Howard said anybody from the City staff that wanted to address. I heard you say we are looking at software to help with this, but I'm trying to figure out how do we automate good faith effort.

Mr. Lee said I've just gone through this experience with the City of San Antonio over the course of the last year and they've struggled with getting their bidder registration system up and running to full speed, but there are certain trade association groups down there that were actually ecstatic and usually trade association groups that tend to look skeptically upon MWBE programs, but they were ecstatic at the prospect of being able to satisfy a good portion of good faith efforts by simply posting their request for subcontractor participation on line and having targeted e-mail alerts go out to all of the subs that might fit those industry codes.

Mr. Howard said are we going in that direction?

Ms. White said all of this is under discussion with Prism and the new ERP vendor. It is certainly something we would like to have. I don't know what our cost and budget is going to allow us, how far and how much of that it would allow us to get, but it is certainly functionality that we would like to have. One of the most difficult things about good faith efforts for contractors is sending out all these e-mails and making sure that they include the right number of firms and the right category and what Mr. Lee is suggesting would really help automate a lot of that. Staff would always have to go over the good faith efforts manually to make sure there was compliance, but this would let the vendors automate probably the most difficult part of it for them, which is sending out the notices.

Councilmember Dulin said when we go to the Automated Centralized Bidder Registration, tell us about the security of that information that we are asking people to trust us with when they register.

Mr. Lee said I participated in a task force for the State of Maryland on this very issue, how to bring all the state systems and various platforms together to try to do this. Security basically is just like any other fire wall that you build into a software system. Many of us go on line and
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make purchases and use credit cards to make those purchases. You put all those kinds of safeguards in place to make sure that if somebody hacks into the system that your personal information isn't revealed. There are certain fields that won't be viewable to the public. In addition each vendor or contractor is responsible for creating their own password to go into the system and it is up to them to protect their password and make sure that nobody else has access to it. Only they can change their profile in the system.

Mr. Dulin said the other thing is what is to keep the potential contractor or sub from over subscribing with their codes that the work they can do, just signing up for everything which would block the system in a lot of cases?

Mr. Lee said a number of jurisdictions have dealt with that issue in different ways. Some only allow you to have a primary code and then maybe two or three other codes that you put in. The other thing is, there is no check all box. It would take a long time to go through and check every one of the boxes and whoever did that would quickly learn that they were inundated with a whole lot more emails than they could ever possibly use. It would be counterproductive for them to do that. You try to explain that in the educational process as you roll this thing out over time. You provide technical assistance to vendors and contractors to get them familiar with it and let them understand it is against their interest to over subscribe to those codes because they are going to end up getting nothing but junk mail.

Mr. Dulin said as we roll this system out, or if we do, then the City holds a series of training classes for the subs and contractors that come in and we can teach them how to use our new system, is that correct?

Mr. Lee said basically yes, you do want to provide some technical assistance and maybe even have a help desk that they can call to get assistance on how to register and it does require a certain amount of public education. Anytime you do something new in your method of contracting you want to make sure the contract community is comfortable and bring them up to speed. You don't want to implement this overnight. You want to have a lead time of at least six months where you roll it out before it becomes effective.

Mayor Pro Tem Cannon said this issue will be coming back before the ED Committee, I think it is scheduled for May 3rd. To the question that Mr. Cooksey set forth, we will be looking forward to you packaging that information and I don't know if you want that prior to the meeting.

Mr. Cooksey said I will take it on the regular schedule when it comes out.

The meeting was recessed at 5:06 p.m. for dinner and reconvened at 5:21 p.m.

**ITEM NO. 3: INCENTIVE BASED INCLUSIONARY HOUSING ACTION PLAN
ACCESSORY DWELLING UNITS AND DUPLEXES; DEFERRED TO APRIL 23RD
DINNER.**

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**ITEM NO. 4: REVISED ASSISTED MULTIFAMILY HOUSING AT TRANSIT
STATION AREAS POLICY**

City Manager, Curt Walton said this is something that will be on your April 23rd Agenda. The Committee has voted to send this forward and wanted to brief you on it tonight before you consider it on the 23rd for public comment.

Pamela Wideman, Neighborhood & Business Services said I want to start with a thank you to the Housing and Neighborhood Development Committee. They have had their robust discussion about this policy. I also want to thank Debra Campbell and her staff. This has been a tremendous collaborative effort between the two departments. I also need to thank members of the Charlotte Mecklenburg Housing Coalition and the Homeless Services Network, some of which are represented here tonight. They have been particularly interested in this policy as well.

I just want to remind you that the Transit Station Area Principles that were adopted in 2001 provide guidance for developing and redeveloping around rapid transit stations in a way that makes it convenient and pleasing for people to use transit. These principles focus on land use, mobility, community design within easy walking distance, particularly a ½ mile from the transit station. An example of these policies include establishing an integrated mix of complimentary transit supportive land uses to increase attractiveness and transit trip options while decreasing the need for automobile usages, to encourage high density closest to the transit station, encourage a mixture of housing types and to encourage development of workforce or affordable housing.

I want to remind you why we are doing this. The existing policy was approved by Council in 2001. What we said at the time was that the Council would come back and evaluate this policy after the first line opened within 12 to 24 months so we are a little bit late in doing that, but wanted to kind of set the stage for you as to why we are doing it. I also want to remind you of what we mean when we say assisted housing or affordable housing. Really it is housing to serve those persons or families earning 60% and below the area median income and you can see what those income ranges are here.

Debra Campbell, Charlotte Mecklenburg Planning Department said I would suggest before we go into the details of the policy recommendations, I want to establish what the existing conditions are related to transit and I also want to remind us in terms of how the policy is used. The policy is used in order for Council to review a proposed development as it relates to a project that may have assisted housing, and Pam defined for you what assisted housing is. That means assisted related to local, federal or state dollars. In terms of the context of what it out there today, and first I will do it within ¼ mile. The blue circles you see is the existing Blue Line and the Blue Line Extension that is going toward the northeast. The Red Line is shown in red and the Independence or Southeast Corridor is silver and it may show up as gray on the screen, essentially those are stations. The adopted stations are those that were recommended in the 2030 System Plan that was adopted by the MTC. Essentially using those station locations in the ½ mile, but we will do the ¼ mile for this slide, there is approximately 8,700 total housing units out there today. Of those only about 7% are assisted which is about 612 assisted units. Only two of the stations have units greater than 15% that are assisted.

Councilmember Howard said which stations?

Ms. Campbell said 9th Street and 7th Street and you may be able to see those on the map, the green colors in terms of the actual location. 9th Street and 7th Street are the only ones over 15%.

Mr. Howard said is that First Ward?

Ms. Campbell said generally in the First Ward area.

Councilmember Barnes said just for clarification, the assisted units as you've indicated here do not include distressed properties. Is that correct?

Ms. Campbell said that is correct. Mr. Barnes if you could clarify the definition of distressed properties.

Mr. Barnes said that would mean foreclosed properties, meaning properties that are dilapidated, in other words it doesn't include blight.

Ms. Campbell said that is correct. Assisted by this definition and in terms of this data would only reflect those properties that have some type of federal, local or state funding. In terms of the ½ mile radius there are approximately 33,000 units and 2,100 of those are assisted units and that is less than 7% of the total units within the ½ mile and again two stations have greater than 15% assisted units within that station area and they are the 25th Street Station and the Newbern Station. One is on the Blue Line Extension and one on the Blue Line.

Mr. Howard said on all four of the stations you just mentioned of that higher percentage, the total developable area in that half circle has not been developed either. For example when you went back to 9th and 7th if we got some of the development around First Ward Park for instance, that

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percentage would go down. The same thing could happen for 9th Street Station and New Bern Station if development happens along the line.

Ms. Campbell said if it is market rate.

Ms. Campbell continued her presentation with the slide on Page 8, and said the purpose of this policy is look at appropriate locations for assisted housing or if you are receiving a request for Housing Trust Fund dollars for example within a station area, you would want to use this policy to make sure that the proposed development is in compliance with your adopted policies. We have three columns, the Existing Policy, the HAND Committee Recommendation and then Staff's recommendation. You will see the arrow at the bottom and essentially it is going to indicate whether we are retaining or maintaining the existing policy or if the committee is recommending something different or if staff is recommending something different. Generally we were in agreement in terms of recommendations, at least from the HAND Committee and staff. I would also like to say when I talk about these policies we are going to go from a station area perspective then down to a development perspective which could be multiple buildings and then down to an actual single building. I just wanted to make sure you all could follow me in terms of the geography that we are referring to. Under the existing, this policy relates to limits on assisted units within the station area. This says 20% total housing units within ¼ mile. The HAND Committee recommended ½ mile and then 15% and staff recommends supporting the HAND Committee recommendation. The next one relates to assisted units as part of mixed income development. The existing policy says always be developed as part of a larger mixed income development and we are in agreement. The Committee recommended this as well as staff.

The next is putting a minimum and a maximum assisted units as part of a total development. Your existing policy is a minimum of 5% and a maximum of 25%. The HAND Committee recommended a minimum of 5% and a maximum of 20% and staff is in agreement with that recommended change. The next one is a recommendation to delete a part of your existing policy related to reserving units for very low income households. Your current policy says at least 30% of the assisted units should be reserved for those persons or families who earn less than 30% of the area median income. What we found from our discussions from our Citizen Advisory Group, and we had two groups. We had a group of developer types and we also had a group of neighborhood representatives. Meeting this part of the policy was going to be extremely difficult. 30% and below in terms of area median income is a very, very low income and they just didn't think that to try to reserve 30% of the assisted would be achievable, particularly with the land values and land costs, it was just not a good business deal for them. The Committee as well as staff recommended deleting this portion of your policy.

Mayor Pro Tem Cannon said that was the field across the entire City in terms of that policy or was it certain areas?

Ms. Campbell said we only discussed it in terms of the station areas and I think it related more to just pure real estate value that are in these types of geographies without having a lot of public assistance in order to meet this objective.

Ms. Campbell continued her presentation with the slide on Page 12, Design and Appearance. Part of your existing policy said they should be similar in appearance and of course we all agree from the HAND Committee as well as staff recommendations.

Mr. Howard said the one before that regarding the 30%, the Committee is not saying that you can't have it, it is not just saying that you have to have?

Ms. Campbell said it is a policy so it is the recommendation in terms of if affordable were going to be developed, this existing policy says that you would encourage 30% of those units be for 30% median income and below. We are suggesting that is probably a very rigid policy recommendation.

Mr. Howard said I get it, the deal works better when you don't have to put the rents down that low, but at the same time that is the very population that needs mass transit the most.

Ms. Campbell said the policy is not saying that you shouldn't reach out to those 30% or below, but the 30% goal to reserve is fairly rigid.

Continuing with Design and Appearance, Ms. Campbell said obviously the units should obviously blend in and look like the market rate units. The next slide, there is a little bit of difference in terms of the staff recommendation and the HAND Committee recommendation, however I want to go on record that the HAND Committee adopted this portion of this policy which is essentially about scattering the affordable units. Your existing policy says that the assisted multifamily housing units should be scattered throughout the development and not concentrated in one area. The HAND Committee recommended that the units should be scattered throughout the development and staff agrees with that, but we have a however recommendation that one building within a multiple building development may be 100% assisted. For some of you who were on Council at the time we had the Scaleybark Development where the Housing Partnership came in and said we can't do the mixed income deal because we can't get the North Carolina tax credits because we can't offer the services. They need to be in one building so we had all of those explanations and we think this is something that should be considered. We also recommended a couple of notes and that is that in terms of the Southeast Transit Line or the silver line that we utilize the Housing Locational Policy which says prohibited or permissible. The reason we are recommending that is because of the study and analysis that the ULI has done. Further study and analysis will be made in terms of locating the actual stations. We are looking at possibly even a different mode for the Southeast Corridor. We think that the existing Housing Locational Policy should be used instead of these policies if a development is proposed for the Southeast Corridor. We also recommend that this policy be reviewed within five years of its adoption, whenever that may be.

Councilmember Mayfield said just for clarity sake and also for the community, when thinking about when we identified the percentage of the community that we are trying to make affordable housing accessible, is there a percentage of new residents that are coming in? I wonder if what we are doing is putting us in a position where we are able to truly help the current community to have that step-up and have access to quality affordable housing, but also thinking about the fact that we have new residents coming in daily that fall well below the current numbers that we have. Is there any conversation of how this addresses that potential new residents that are coming to the area that fall well below the numbers that we have already identified?

Ms. Campbell said my response would be that this policy tries not to restrict, but to accommodate the need for affordable housing or assisted units to be built within a station area. We had a lot of dialogue with the Committee with regards to having one building be 100% assisted. I feel fairly confident that with the amount of vacant land within our station areas as well as the amount that is under developed that there is plenty of acreage to accommodate future needs.

Councilmember Barnes said Ms. Campbell you are so kind. You have understated the nature of the debate. I want to express my appreciation to the Chair, Ms. Kinsey for allowing a great deal of latitude during the various committee meetings we had and the very robust discussion that occurred during the meeting. I do want to, for the benefit of the full Council, explain something about that previous slide regarding the 100% assisted building. For the benefit of my colleagues who are not on the committee, one bit of information that we became aware of from the Housing Authority I believe is that they experienced some difficulty renting units at market rate if they are next door to subsidized units. One of the points I made during the committee discussion was if you have an entire building that is fully subsidized in a development I don't see how that increases the odds of there being upward mobility in terms of the nature of the development. Another point I made was with respect to the Blue Line from 9th Street on up to the UNCC campus, there is no shortage of affordable housing. There is a lot of dilapidated houses, a lot of market rate housing that is in fairly poor condition and when we all heard about the tax base issue that exist in Charlotte, the pink and yellow areas, as was indicated in the maps, in my opinion one of the ways to reverse that trend and create more green in those areas is not by introducing developments that are 100% subsidized into that territory. I think we should allow the market to drive some of that development in order to actually drive up our property tax base rather than do the opposite. I am sensitive to and still dealing with the issue of providing transit options to people who live ¼, ½ mile or 2 or 3 miles of the transit stops, but I'm also sensitive to

the long-term growth of our tax base and the long-term health of Charlotte and I think with respect to a corridor that goes through Ms. Kinsey's District and mine, the Northeast Corridor, it would probably behoove us to perhaps take a different perspective on this policy and look at the policy five years after the Blue Line is open. In other words, don't implement this policy and then see if it is needed 5 years thereafter. That may be counterintuitive to some, but I'm not so certain that when the Council in 2000 drafted the original policy, the world they looked at, that is nowhere near the world that we are dealing with now and the conditions on the ground have change substantially in terms of property values. It is going to take some time for us to recover to where we were at prior to 2008. I voted in the Committee to move this to the full Council. My intention is to vote against it once it gets to us for a vote in a few weeks because I don't think it is in the long-term best interest of the community. I certainly don't think that the staff recommendation of 100% subsidized buildings within a station area is in the best interest of the community either.

Mayor Pro Tem Cannon said what is staff's response to Mr. Barnes' comment?

Ms. Campbell said that we had a very robust discussion on this issue in committee. I truly understand Mr. Barnes' concern with regards to quality of development, the potential to continue to have real estate values decline. What I want to suggest is that within station areas real estate values from what we've learned from the South Corridor actually go up just by the nature that the facility is going to be built there. Once it is built it is actually more difficult to get assisted units developed versus making it easier for assisted units to be built. This policy in no way encourages assisted units to be built in station areas. It simply accommodates and provides a framework for when public funds are being requested. You have a policy that says whether that particular development that you or some other governmental entity is going to provide support to from a funding perspective. That you have a framework, you have a context, you have a policy that says this is fit development, it will add value or this isn't a good development and it won't add value to the community. Essentially that is the nature of the policy. From the issue of the one building within a multiple building development, what this policy says is that there should be a mixed income development so it is not like you have one affordable unit and no other market rate. A one assisted building and no other market rate, the market rate has to come with it and that was generally our concern and why staff continued to recommend as it did to allow at least one building within a multiple building development to be assisted.

Councilmember Dulin said at a relatively new project over at Ashley Park, we took down 32 units there and incorporated those into the very nice building. How has the reintroduction of assisted living with market gone there at that project?

Ms. Campbell said I can't say definitively, I can tell you intuitively having just been at that development this past week-end, looking at the Whole Foods development. I think there has not been any negative impact on increasing value. For example I don't know that a Whole Foods would have located there if there was some negative image about some assisted units being there. There is also an elderly development right behind the mixed that is full. Those are the kinds of mixed income, mixed generational types of development that we particularly see that is appropriate for a station area.

Mr. Dulin said I've had zero negative calls about that project.

Mr. Barnes said I wanted to clarify one thing. Along the South Corridor I believe during the Committee discussion we talked about the fact that there has been 1,800 market rate units either approved or built and 80 subsidized. As I told you during the Committee meetings, I think we are trying to resolve the lack of affordable housing along the Blue Line Extension and special needs housing and other forms of housing issues along that line instead of dealing with it in other ways. Based upon your April 9, 2012 analysis, how many units of the housing that you are describing in this policy would be allowable along the stops from 9th Street to the UNCC Campus?

Ms. Campbell said I apologize, we don't have the build out number and it is really tough with station areas because there are no densities and it is really a intense type of development. We could probably calculate it, but I don't know, and plus we don't know how many units would

actually be assisted because we will be reacting to development. We wouldn't necessarily be out there doing it being proactive and actually building the units. We would have to wait until we got a development proposal.

Councilmember Kinsey said what input would Council have if we passed this policy or some form, whatever comes out of it, for a development. It is a TOD zoning so anybody can really go in there and build, they don't have to come get a rezoning is what I'm trying to say. We really don't have other than the subsidized, we would approve whatever recommendation or consider it.

Ms. Campbell said if a developer wants to do TOD, Transit Oriented Development, and they want that district, Council's policy was not to go out and pre-zone land to TOD so they would have to come in for a rezoning. That would be the first step. Secondly, if there is public assistance as part of this development you would have your existing policy to use as a framework to determine whether they met or did not meet the policy objective.

Ms. Kinsey said so we would have opportunity for input once the policy is approved?

Ms. Campbell said if it is a straight up TOD and not conditional, as part of the discussion, we could not pen down the use, but if they were requesting public funding then you would have your policy to determine whether they needed a waiver, not need a waiver or whatever if they met the policy objectives.

Ms. Kinsey said if the zoning was already on the ground we wouldn't?

Ms. Campbell said that is correct.

Ms. Kinsey said when we are talking about the Ashley development, and I've really enjoyed my service on Housing and Neighborhood Development Committee because I have learned so much, but I really think we have to understand the different kinds of subsidized housing. Everybody loves senior housing and I think a lot depends on what the percentage is. I don't know exactly what it is there, but it is probably so far removed from any other subsidized housing that a Whole Foods wouldn't even think about it and of course they would go in there because of the other surrounding housing. I think you have to look at who the residents are and what percentage.

Ms. Campbell said some of the feedback we got back from developers was that they had probably less than 5% to 10% of their units that were rented or purchased by families for the most part and a station area, because it is so unique, because it is so urban it attracts a unique market. Potentially some of these assisted units would be for families but probably not a lot if those units were to be developed.

Ms. Kinsey said I hate to bring it back up about the single building, I have mixed opinions on that because I do know that one of the mills in NoDa will be 100% subsidized. It is not all 30% and I have to admit to that, it is all levels and some of it is at least 60% and maybe a little above. If you look at that and it is in a station area it does make me pause and ponder.

Ms. Campbell said the example that you gave, you could then say with that one development there would be no more assisted that could be permitted within that development without a waiver.

Ms. Campbell said in terms of the changes we revised the policy introduction and policy just to make it a little clearer as well as the definition. We changed the boundaries from ¼ mile radius to ½ mile radius, we changed the cap of assisting housing units from 20% within a ¼ mile to 15% within a ½ mile. The 15% is consistent with your housing locational policy. We reduced the maximum from 25% to 20%, but we kept the minimum of 5%. We deleted the 30% of assisted to be reserved for 30% and below of AMI and the HAND Committee recommended keeping the policy that units shall be scattered throughout the development. You can see the note with regards to the treatment of the Southeast Transit Corridor and the evaluation. In terms of next steps we appreciate you allowing us to bring this to the Dinner Meeting tonight. You will have public comment on April 23 and the Council approval is scheduled for May 14 on this

policy. The slide on Page 17 is essentially the policy rewritten with the staff recommendation to allow the 100% assisted with one building within a multiple development.

Ms. Kinsey said I want to call everyone attention to the two letters in your back-up materials and make sure that you look at those concerning the single house.

Councilmember Mitchell said I am more of a visual person so if you take what has been developed on the first light rail corridor, how will that match up to this policy we are talking as far as assisted market rates?

Ms. Campbell said as Mr. Barnes commented we essentially have about 1,800 new units that have been built along the Blue Line. We have only 80 of those units that are new units that are assisted and they are in one building and they literally are just right outside the ½ mile of the Arrowood Station.

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ITEM NO. 5: NORTH CAROLINA RAILROAD DOUBLE TRACK PROJECT

City Manager, Curt Walton said we have updated you several times on this moving towards an agreement with the state later in the year. It is a complicated project so we wanted to give you a current status report.

Tim Gibbs, Transportation, said today I would like to talk with you about the North Carolina Railroad Double Track Project and I will talk a little bit about the American Reinvestment and Recovery Act of 2009 for which rail projects were awarded funds from the Federal Government to the State of North Carolina in January of 2010. Also talk about some of the information on the project goals and safety objectives, highlights on the outstanding issues that City staff has had in working with NC-DOT staff and present you with the current project schedule.

In February of this year we gave you a presentation about the North Carolina Railroads mainline grade separation project between Norfolk Southern and CSX. In addition to that the state also received money, \$23 million, for a passenger and railcar maintenance facility and \$95 million for the double track project from Charlotte to Harrisburg. Almost \$250 million of the \$545 million that the state received was allocated for projects here in Charlotte. The project is 100% funded by the American Recovery and Reinvestment Act and the partners in the project have been the City of Charlotte, NC-DOT, the North Carolina Railroad, which actually owns the tract and the Norfolk Southern Railroad which leases use of the track from the North Carolina Railroad.

Mr. Gibbs showed a map of the entire project, pointing out that the project is only partially within Charlotte. It goes from a point near Eastway Drive at the southern end of the project, cross I-485 near UNC-C into the Town of Harrisburg, parallel to NC-49 and ends just south of the City of Concord. The project goals are to provide enhanced service to the proposed Charlotte Gateway Station in uptown, to enhance the safety and reduce noise and increase railroad operating efficiency and capacity and to provide a sealed corridor, which means to have as few at grade crossings with the rails as possible, where the rails and vehicles could actually interact. All improvements must be completed by September 30, 2017. That is because of using the American Recovery and Reinvestment Act funding.

Councilmember Mayfield said what is the plan to enhance safety and reduce noise since realistically this is going to be going through the community and you have trains now that go by at 2:00 a.m.?

Mr. Gibbs said the plan with regard to noise reduction is currently the engineer is required to blow the whistle at every crossing as he comes through. Once the corridor is sealed they don't have to blow the whistle so that is a reduction in noise. As they were evaluating the project that is one of the things that is in the environmental document, documenting the actual reduction of noise in select locations in the corridor.

Mr. Gibbs continued his presentation with the slides on Page 4 and said some of the safety improvements are that the trains would be able to travel up to 90 miles per hour. There are curve realignment, high speed crossovers, a new signal system and also updating railroad bridges throughout the corridor. There are some outstanding issues that City staff has been working with State staff on and currently there are six of those that we are trying to resolve. The first is a lot of the streets that are impacted are on the City system and we are asking the State to use City standards on city maintained streets and by that we mean the provision of bicycle lanes where applicable and also sidewalks and things of that nature on streets that are currently maintained by the City and we would like to see that on the State maintained streets as well.

Councilmember Barnes said with regards to the first, second and third bullet points, those are going to be paid for by Charlotte.

Mr. Gibbs said no sir.

Mr. Barnes said do you have a USBG under bullet point #1?

Mr. Gibbs said yes sir.

Mr. Barnes said so we are using AARA money to do that?

Mr. Gibbs said we have asked the state if you're impacting a street by a crossing, closure or any street improvements that they are proposing that they bring them up to our standards.

Mr. Barnes said have they agreed to do that?

Mr. Gibbs said that is something we are working with and is still an outstanding issue.

Mr. Barnes said I know the third bullet point is in our budget, right Mr. Manager?

Mr. Walton said the Eastern Circumferential yes.

Mr. Barnes said and that bridge, isn't the bridge in our budget.

Mr. Gibbs said that is correct.

Mr. Barnes said but that is not stimulus money?

Mr. Gibbs said I have a map that will show that a little clearer, but that is actually being built with stimulus money.

Mr. Barnes said did you say that number three is being built with stimulus money?

Mr. Gibbs said the bridge is, not the road.

Mr. Barnes said the fourth bullet point, the 40-foot high embankment, do you have something that depicts that as well?

Mr. Gibbs said I have the map that shows the area that will be impacted on that. We are still working with them on that design. It seems like they softening their stance on that, but currently that is one of our outstanding issues that we are still working through.

Mr. Barnes said for the benefit of folks who aren't familiar with the area, essentially what the State will be doing is permanently separating folks who live on the right side of Old Concord Road from everybody that lives on the left side and they are going to be taking a lot of folk's property along Old Concord Road from Newell-Hickory Grove Road going down toward Orr Road and they are not being very flexible at all. I've had citizens reach out to me who have asked for some cooperation from the State and it seems to be that the responses look like we've got to spend this money by September 2017 so leave us alone and let us do what we are doing which I think is complete hogwash.

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Mr. Gibbs said we have dug in our heels on some of these issues and what we are seeing now is the State is coming to us and saying maybe there is something that we can work out because again in the SCAG meeting that schedule was paramount. They've got to meet that September 30, 2017 deadline so there some things that we've heard some rumblings about over the last week or so that they might be softening their stance on. We are going to continue to work through those issues with them.

Mr. Barnes said is the 2017 deadline etched in stimulus funding stone or is there any flexibility we could get from Washington to allow them more time?

Mr. Gibbs said what we've been told on every State project that has received stimulus funding is that is the hard and fast deadline. That is not actually for construction, that is for accounting and everything to close the project out. This one you will see momentarily that completion date is going to be sometime toward the end of 2016 so there may be a little wiggle and flexibility in the schedule.

Mr. Barnes said I appreciate that and I look forward to seeing something about that fourth bullet point.

Mr. Gibbs continued his presentation with the slides on Page 6 of the PowerPoint. The other issues are updating the traffic impact analysis to show that there is a need for the extension of Orr Road and University East Drive and also we need to build the Grier Road Bridge wide enough to accommodate the laneage called for in the state's own traffic impact analysis. They came up with a design that did not meet the criteria that was put forth in their own analysis.

Mr. Barnes said what I'm getting at is the improvements that you are talking about aren't being paid for out of that funding.

Mr. Gibbs said some of them are and some of them are not.

Mr. Barnes said of those two, which ones are?

Mr. Gibbs said the traffic impact analysis for the extension of Orr Road to University East. We have been dealing with the Rail Division of NC-DOT mostly on this project and the Highway Division has realized there are impacts to their system and our system as well so we are having some conversations with the Highway Division of NC-DOT and hopefully they will come to the plate with some funding to make some of these roadways happen.

Mr. Barnes said I think that is a huge deal because if you build the extension of University East Drive going down toward Orr Road that parallels Old Concord Road and creates another means of ingress and egress for people who live there. I also have not heard you mention, and I meant to ask you a long time ago about that chemical plant that is at Orr Road. That place is a bomb literally or a great big Raid can. They have a great safety record, but it is a very dangerous place and this is all near that. So the bridge from Grier Road is not a part of the funding?

Mr. Gibbs said it is funded.

Mr. Barnes said it is funded, it is just not wide enough, and once you another 10 feet to it they are going to say there is not enough funding to do it.

Mr. Gibbs said we are going to hold their feet to the fire on that and say this is a deal breaker for us and this needs to be included in the project.

Councilmember Dulin said the 40-foot high embankment, the bridge, etc. I've got to agree with Mr. Barnes there. Long ago the City found Old Concord Road. It is not a quaint country lane anymore like it was, but I remember those days and there is still a section there that is still sort of country and you've got city on both sides of it. Some of this work would obliterate that for ever so it will be interesting as this progresses what we can do not to really let this be an iron curtain segregating those two ways of life. I can see progress but I really don't want to hammer those people like it is in our paper work here.

Mr. Gibbs said you will notice on the handout that there are four areas located on the map that I want to point out to you. First is the proposed closing of the Orr Road crossing shown in blue. We have said this crossing needs to remain open until such time as we can build a parallel street along the east side of the railroad from the Chemical Plant that Mr. Barnes mentioned, down to Eastway Drive and we don't have a timetable for doing that. We have told the State that we have to have that crossing open. Second is the Newell-Hickory Grove Road and we have said that it can close when Old Concord Road is raised and extended to Grier Road. I have another map that shows this in a little more detail. There will be only one crossing between Eastway Drive and Harris Boulevard which is approximately three miles. There is only one crossing and that would be a bridge to go over that in that area. We think there definitely needs to be a parallel facility which is University East Drive on the east side of the railroad which would extend south from the existing VA facility that many of you are likely familiar with in that area. Fourth, and you all mentioned this as a future CIP project, this would be implemented two-fold. The State has said because they are ahead of our schedule that they would build a bridge where this future Eastern Circumferential roadway would go if we would agree to participate with them with regards to closing the Orr Road crossing. We are still working out some details on that, but we think this bridge, which is approximately on the order of \$6 million to \$7 million that it would be much more expensive to build it at a later date, so we'd like if possible, to work with the state to make sure that they build it as a part of their project so when we get ready to build the road to connect to it, and the City project is highlighted in green, what the state would do, which is all in the magenta color, that those two projects would work together and be coordinated simultaneously and closely as possible.

This is a closer shot of the Grier Road Extension. Currently Grier Road ends at Orr Road which runs parallel to the tract and it will be extended over the railroad and to meet that grade Old Concord Road pretty much from Branchville Circle to the Autumnwood Neighborhood would have to be raised approximately 40 feet. It would be 40 feet right here at the intersection and it would slope down on both sides toward Branchville Circle to the west and toward the Autumnwood Neighborhood to the north.

The project schedule as it stands today is the State held a public hearing in December of last year. The Environmental Document which is the Environmental Analysis and a Finding of No Significant Impact is due to be completed this month. The State wants to begin right-of-way acquisition once those documents are completed. Construction would start in July of next year and would take approximately 3 ½ year to complete.

Mr. Barnes said back to the previous slide, I have a question regarding the dark green piece. Are those streets going to be closed or raised?

Mr. Gibbs said those are existing streets that will remain as they are. The light green is new right-of-way that would have to be purchased and the yellow is existing roadways and the transition back to the existing roadways is highlighted in orange.

Mr. Barnes said the reason for the 40-foot increase in height of Old Concord Road is to get it over the train?

Mr. Gibbs said yes sir, by the time Old Concord Road comes up with the distance that the road has to be over the track, the road has to be approximately 24 feet to 25 feet over the track so to make that happen Old Concord Road has to come up 40 feet.

Mr. Barnes said you have a fairly steep bridge on the Grier Road side and then the grade on the Old Concord side will be dramatically different.

Mr. Gibbs said it will be dramatically different, yes sir.

Mr. Barnes said there is a neighborhood at the low point along there, Ryan Homes, and what will their entrance look like?

Mr. Gibbs said there has been talk about possibly finding another entrance from the Autumnwood Neighborhood. The State was looking to see if perhaps there might be a home that
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is for sale that they could possibly purchase and connect the street through to Lauren Village Drive from Autumnwood. They are still looking at that and we are not certain how that is going to ultimately pan out. As far as connecting Lauren Village directly to Old Concord that will require taking out about 4 to 5 homes along Lauren Village Drive that have been recently built.

Mr. Barnes said because it is going to be about 40 feet high.

Mr. Gibbs said it is heading up toward 40 feet, yes sir.

Mr. Gibbs continued his presentation with the last slide, Next Steps. We will be trying to resolve these conflicting issues that we have discussed with the state sometime by the end of the spring. We will be finalizing a Business Term Sheet also in the spring and that is an agreement that lays out which entity is responsible for which point of implementation for the project. We will be preparing a Municipal Agreement with the State and City that will come to Council sometime in the fall of this year for your consideration and action.

Mr. Barnes said I'm very supportive of my constituents and I'm also supportive of the position that you have taken, and the staff has taken which is consistent with the position I've taken so if you need some level of advocacy from us in Raleigh please let us know. It sounds like you may. It would be interesting to know what potential impact this would have on responding to a disaster at that Chemical Plant. Believe me if there is an episode there it will be a disaster.

Mr. Gibbs said the Fire Department has reviewed the plans and looked at response times and which stations would actually be responsible for responding to incidents at certain locations. So they have looked at that.

Mr. Barnes said if Orr Road closes they have a plan for getting fire trucks to the plant and getting people out of there.

Mr. Gibbs said they do, but my hope is that it will not close until such time as we can build the road down to Eastway Drive.

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ITEM NO. 6: FY2013 FOCUS AREA PLANS

City Manager, Curt Walton said we have Focus Area Plans here just if there are any outstanding issues or questions that is on your agenda for approval. If not the only item left is the Answer to Consent Items that were pulled earlier.

Councilmember Howard said during the Transportation Committee's conversation about the Focus Area Plan, a couple of things came up. We went back and forth about the column that said results are actual the numbers and talked about the fact that it is really hard to gage where we are because of when we started the conversation. We are usually in the middle of a year so we are not sure about how we are doing in that Focus Area and by the time we are actually looking at the numbers they are 8 months old so it is hard to gage what we should be doing with them. The other conversation that we had had to do with the fact that a lot of times when we have suggestions about the way the plans are laid out and formatted we are actually on somewhat of a timetable at the point when we get them and it is not the time to restructure them or look at different ways we want to look at the area plans. Maybe it is worth having a conversation throughout the year before we actually got to the Focus Area Plans, not this year, and our Committee voted to approve them but there was some talk about the formatting of them.

Councilmember Cooksey said this is the conversation I tend to have with the Manager in the wrong year. Our Focus Area Plans follow our typical budget cycle where they are completed over a two-year period with a tweak in the second year. The wrong time to talk about how they are structured is in the second year and we are in the second year. What I think would be a good idea to keep in mind perhaps and as members of the Council/Manager Relations Committee, which also helps plan Retreats now apparently, Mr. Howard and I and others can probably work on this to really think about what the structure of these plans ought to be. Do they convey things

we want to measure, things we want staff to accomplish, things we yet expect to accomplish and they are all mismatched with that right now. It is something that I think we could provide better guidance to staff, measurement to ourselves and planning for ourselves if we took a look at how these are structure, just not this year, which is why I wasn't jumping all over it.

Mr. Howard said the point we brought up was that maybe throughout the year it would be worth doing a dinner meeting or something to talk about the formatting of them and some of the things Mr. Cooksey just brought up because I don't know if there is a committee that would properly fit in, so we don't wait until we are in the budget process and it really didn't make sense to slow it down.

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ITEM NO. 7: ANSWERS TO MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Assistant City Manager, Julie Burch said there were five questions or comments that were raised regarding the Consent Agenda earlier this evening. The first one related to Item No. 26, Councilmember Barnes raised a question about the Airport Med Center Office Building Lease and that lease is set at a rate of \$15 per square foot, meant to recoup the cost of providing that office space to that tenant, meant to be at market and competitive with other comparable space. The idea also is to keep the rate equalized or levelized with other tenants in similar space at the Airport, therefore rather than an annual escalator kind of clause, the rates will be evaluated at the end of this five year term.

Councilmember Barnes said we are building a new 5,900 square foot building and there won't be any escalation in the rent on an annual basis and that is the market out there. Is that what you are saying?

Ms. Burch said yes, according to Airport staff or actually Jerry Orr who is present with us. That is based on market rate and also an attempt, as you know there is a variety of leases and tenants with different terms that are there. Some tenants may lease space there perhaps as little as three months where others are going to be a much longer period of time. There is also an attempt to have tenants paying similar rates so you haven't got one person sitting next to another in another kind of space paying a different rate.

Mr. Barnes said you will admit though Ms. Burch that you have older buildings and you have this newer building, correct? So the old space would be priced the same as the new space.

Ms. Burch said I'm getting a head nod from Mr. Orr that is correct.

Mr. Barnes said are we paying for this construction?

Ms. Burch said yes, we pay for it and then the lease enables the amortization of the cost of that over a period of time so we get our money paid back.

Mr. Barnes said let me condense what I'm hearing and tell me if it is true. We are building a new building on our dime, we are not going to raise the rent more than once every 5 years and in your opinion that has the same value as the old space?

Ms. Burch said I'm going to look to Mr. Orr to confirm what Mr. Barnes just said since he closest to this subject.

Aviation Director, Jerry Orr said we have a number of hangers that we own on the Airport and a number of offices that are attached to or in the vicinity of those hangers in the Corporate Aviation Area. We charge a levelized rent for office space and we charge for airplanes based consistently on the size of the airplane so that one tenant is not getting a better deal because it is an older building.

Mr. Barnes said just help me understand why it is any different. If I am uptown and I'm in the new Duke Energy Center for example, and the space there is \$35 per square foot and I'm in the
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Johnston Building and the space in there is \$18 per square foot. One building is 60 years old and the other one is a year old. What I'm trying to appreciate is why we wouldn't charge more for the new space than for the other. Is it something that we haven't ever done or is there some fairness issue that I'm missing?

Mr. Orr said we specifically levelize the space so that it is the same deal for everyone. There is not much difference in the space between new space and older space.

Ms. Burch said there was actually a second question that Mr. Barnes raised for that item regarding the award to the second low bidder rather than the lowest bidder. That had to do with the SBO requirements. The lowest responsive bidder, Matthews Construction, failed to meet the SBO requirements, evidentially indicated no participation at bid opening and then with 72 hours notice the good faith effort they submitted was approximately 10 points and those points were awarded as far as attending the pre-bid meeting, and they offered no other documentation for meeting good faith efforts otherwise.

Mr. Barnes said that was a good move, thank you.

Ms. Burch said the next item was Item 28, Councilmember Mayfield asked a question about the drug testing contract that is on the agenda. I think in particular why five years and are we locked into that. The initial term of this contract is for three years, and the extensions would only be exercised if there was satisfactory performance and also in terms of an acceptable rate for those extensions and we can always terminate this contract for convenience at any time. Even the three years, we could decide not to continue with the three-year contract and for convenience notify the company that we were not going to proceed and then issue a new RFP and test the market again. Ms. Mayfield also raised a question about Item 32, which has to do with the Bio Solids Master Plan and the expiration date. The expiration date of the first 5-year renewal is June of 2014. CMUD staff does think this is the right time to proceed with this plan to inform us as to whether or not we are going to want to renew this contract for the second 5-year renewal period. This will allow us to determine if indeed this kind of service is going to be most beneficial, most cost effective, meet all the current regulatory requirements, be most environmentally responsible. It takes time to gear these up so we feel this is the right time to do this, again to inform us whether or not to renew it for the last 5-year renewal period.

Ms. Burch said the next question Councilmember Mayfield raised a question about the In Rem and particular cost of demolition. Cost will vary with each property as you might imagine. It might depend, for example, if there is asbestos involved with some of these older properties and the cost of removing the material as a result of the demolition so the cost per property will vary. That money is recouped by placing a lien on the property and that lien is good for ten years. Once the property is sold it is second in line behind any property tax lien.

Ms. Burch said Mr. Mitchell indicated the item regarding the deed to Project L.I.F.T., you were just simply going to bring that up this evening for positive mention.

Councilmember Mitchell said exactly, that you.

City Manager, Curt Walton said on Item No. 25 did Siemens bid on the Airport Baggage Level E that is going to the Bowers Group?

Aviation Director, Jerry Orr said the Siemens bid had absolutely nothing to do with that contract. That is a future action.

The Dinner Meeting was recessed at 6:33 p.m. to move to the Council Chambers for the regularly scheduled Business Meeting.

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BUSINESS MEETING

The Council reconvened at 6:44 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, David Howard, Patsy Kinsey, LaWana Mayfield, James Mitchell and Beth Pickering.

ABSENT: Councilmember Clarie Fallon

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INVOCATION AND PLEDGE

Councilmember Kinsey gave the Invocation and Boy Scout Troup No. 99 from Selwyn Presbyterian Church led the Council in the Pledge of Allegiance to the Flag.

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AWARDS AND RECOGNITIONS

ITEM NO. 8: FAIR HOUSING MONTH

Mayor Foxx said we have three Proclamations today recognizing Fair Housing Month and in attendance to commemorate that we have J. Tillman, Lisa Taylor and Ken Szymanski of the Greater Charlotte Apartment Association, Eric Locker, Allison Royal Combs and Elizabeth Barnhardt of the Charlotte Realtor Association, Willie Ratchford and Ledger Morrisette, Charlotte Mecklenburg Community Relations Committee.

Councilmember Patsy Kinsey read the Proclamation recognizing April as Fair Housing Month.

Unidentified speaker said thank you Mayor Foxx and members of the Council for your support and the Fair Housing work of the Charlotte Mecklenburg Community Relations Committee and I thank Councilmember Kinsey for reading the proclamation. I would like to yield my time and allow our partners to speak to you.

Eric Locker, President Elect of the Charlotte Regional Realtor Association, said the Charlotte Regional Realtor Association raises awareness about fair housing issues through our Realtors Care Day. This is the fourth year of doing this where we have volunteers of the realty community who work on several homes and we have done over 100 homes. On April 20th we will be working on 23 homes from Charlotte northward to Statesville covering our entire region. We will be working on repairs, safety issues improvements and landscaping. We especially thank the City and Neighborhood Services Group of the City of Charlotte for their help in linking the realty community with homeowners who need a helping hand. We do partner with several different companies and we would like to recognize Lowe's for their work in delivery and coordination of all the materials that we use to fix up these homes.

Jessie Tillman, Board Member of the Greater Charlotte Apartment Association, said thank you for the opportunity to be here and be a part of this proclamation and to be a part of Fair Housing Month. Greater Charlotte Apartment Association represents more than 500 apartment communities in Charlotte and house over 200,000 of Charlotte's 730,000 population. That is 27% of the population and properties that are members of the Greater Charlotte Apartment Association. One of the most important things I think we do as an association is training members and managers in fair housing and fair housing best practices through our seminars and training sessions. We maintain a very, very great awareness of emerging issues that may affect fair housing, affordable housing being one of those. We maintain an excellent rapport and communication with the community based organizations that also represent our unique population here in Charlotte. Disability of Rights and Resources and Latin American Coalition being two of those. The Greater Charlotte Apartment Association would like to applaud the great things that the Community Relations Committee is doing for the city in maintaining fair

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housing. The important role they play in monitoring community's harmony in our city. This is the first time I have said the Pledge of Allegiance in a long time and one of the things that run true for fair housing is where it says in the Pledge, that we all pledge to be a part of one nation, obviously, one state and one City of Charlotte so thank you for allowing us to be a part of this.

Mayor Foxx said thank you and I also want to say to the realtors who do this Realtors Care Day, I have been there several times and folks are taking time out of their day to help citizens so I thank you very much.

Councilmember Mayfield said before we lose all of you I just also want to congratulate everyone because having the opportunity to actually attend the Fair Housing Conference along with the members of the Community Relations Committee and thankfully if we haven't held it up yet for Realtor's Care Day, knowing that the drop-in is going to be happening in District 3. Thank you for all the wonderful work that you all are doing.

Councilmember Howard said I wanted to thank Ken Szymanski for his work in making sure that we do this every year, along with working with City staff in the Community Relations area. Thank you Ken for all you do to make sure that we are a community recognizing fair housing.

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ITEM NO. 9: GREATER CHARLOTTE CLEAN-UP AND KEEP CHARLOTTE BEAUTIFUL.

Mayor Foxx said the Greater Charlotte Clean-up Proclamation is one that we are going to recognize Stephen Scott, Stephen Ashworth and Christopher Lachey, Greater Charlotte Clean-up Committee as well as Keep Charlotte Beautiful Committee.

Councilmember John Autry read the Proclamation.

Stephen Ashworth, said on behalf of the committee we would like to say thank you for your time this evening and your support in the recognition that you have given us. Our Committee is very excited about the week-end and for the Greater Charlotte Clean-up. We've got a very good mix of personal individuals, local neighborhoods and community businesses that have volunteered their time to close to 40 different clean-up events throughout our community which totals close to 500 volunteers who have volunteered to come spend that week-end and do particular activities. I am personally thankful to be on this committee and we have a lot of good people who have put a lot of time into this. We have good leadership in the City that has really taken this project and grasp it. We thank you for the support you have given us and the recognition tonight.

Mayor Foxx said thank you. We couldn't do the things we do in this City without great citizens who are engaged so thank you very much.

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ITEM NO. 10: HACKERSPACE CHARLOTTE

Mayor Foxx said I am a little nervous about this one, but there is something called Hackerspace Charlotte and I am probably not alone in being one of the folks up here who don't know what Hackerspace Charlotte Day is, but we do have one up here who does know and that is Councilmember Cooksey.

Councilmember Cooksey said I'm glad you made it back for this because I find this cool. A buzz word or catch phrase of cities for a number of years has been the creative class, how do we attract a creative class to our cities. I think one of the ways that is good to do it is to recognize when you've got creativity around. I will read the proclamation and then turn it over to the folks from Hackerspace to explain a little more about the accomplishments about what they have done is basically put Charlotte on yet another map of the world stage.

Amelia (No last name given) Said in September of 2010 a group of about 25 people got together on a Tuesday evening to discuss starting a Hackerspace in Charlotte. Within a few weeks we filed our paperwork with the State of North Carolina and formed a non-profit corporation and within a few months of that date we were opening our doors to the public in the NoDa area at our first location. The newest location is 1111 Hawthorne Lane. The many people who walk through our door find us by searching for Hackerspace on the internet. What exactly are they looking for? I usually describe us as Councilmember Cooksey did as a community technology lab. We are a place where people can come work on their electronic, woodworking, crafts, and cooking projects. We offer space where people can access not only the physical tools to help complete their projects, but also the brainpower, a supportive, knowledgeable community they can access to help them complete their goals. We attract people with great ideas, people who want to learn, people who want to teach and people who want to build things, tinkers, do-it-yourselfers, computer geeks, artists and all sorts of people. In the fall of 2010 when we were just getting started someone mentioned putting a Cue Arco that would be visible from space and that would be one of our group projects that we worked on. We didn't work on it right away but came back to it from time to time, but the idea wasn't forgotten so eventually we were able to partner with Southern Resources and Charlotte Crime Stoppers and create a world record winning Cue Arco. This the painting of the Cue Arco on the roof of Southern Resources. This is from Google Map and we have put Charlotte on the map. You can scan it with most smart phones and it will take you to a website. I think the desire to create is a fundamental part of human nature and Hackerspace Charlotte is offering a place the citizens of Charlotte can come and help fulfill that desire.

Mayor Foxx said that is fantastic, really, really outstanding.

Mr. Cooksey said I bet you could help Scouts with merit badges too. It didn't make into the proclamation, but they did it to themselves.

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CONSENT AGENDA

[Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, and]
[carried unanimously, to approve the Consent Agenda as presented with the exception of Item]
[Nos. 26 and 36.]

Deputy City Clerk, Ashleigh Price advised the Mayor and Council of a purchase price correction on Item No. 37-A. The correct price is \$50,525. Item No. 37-I has been settled by staff and Item 37-K has been pulled by staff and is no longer on the agenda.

The following items were approved:

21. Contract to the lowest bidder, Red Clay Industries, Inc. in the amount of \$190,453.45 for the Sedgefield elementary Area Sidewalks.

Summary of Bids

| | |
|--------------------------------|--------------|
| Red Clay Industries, Inc. | \$190,453.45 |
| Carolina Cajun Concrete, Inc. | \$242,694.10 |
| W. M. Warr Y& Son, Inc. | \$243,233.65 |
| J. W. Grand, Inc. | \$289,931.18 |
| TK Browne Construction | \$306,030.99 |
| Showalter Construction Company | \$342,678.60 |

22. Contract to the lowest bidder, Blythe Development Company in the amount of \$547,497.50 for the North College Street Storm Drainage and 5th Street Sidewalk Improvements.

Summary of Bids

| | |
|--------------------------------|--------------|
| Blythe Development | \$547,497.50 |
| Sealand Contractors Corp. | \$589,349.31 |
| United Construction, Inc. | \$605,185.90 |
| Showalter Construction Company | \$691,657.45 |

23. Contract to the lowest bidder, Onsite Development, LLC in the amount of \$1,113,400 for Storm Water Maintenance Contract FY2012-E; authorize the City Manager to approve up to two renewals each in an amount up to the original contract amount.

Summary of Bids

| | |
|--------------------------------|----------------|
| OnSite Development, LLC | \$1,113,400.00 |
| Bullseye Construction, Inc. | \$1,194,985.00 |
| Blythe Development Company | \$1,212,630.00 |
| Showalter Construction Company | \$1,215,580.00 |
| United Construction, Inc. | \$1,215,785.00 |

24. Contract to the lowest bidder, Myers & Chapman in the amount of \$675,000 for additional office space for Customers and Border Protection.

Summary of Bids

| | |
|---------------------------------|--------------|
| Myers & Chapman, Inc. | \$675,000.00 |
| Edison Foard, Inc. | \$686,000.00 |
| Momentum Construction | \$703,800.00 |
| PCL Construction Services, Inc. | \$789,900.00 |

25. Contract to the lowest bidder, The Bowers Group, LLC in the amount of \$112,028 for renovation of Airport Baggage Level East office space.

27. (A) Unit price contracts for providing vehicle and equipment lighting and related electrical component parts for a term of one year to the following: (1) Carolina Rim & Wheel (2) Campbell Brown, Inc. (3) Stone Truck Parts, LLC; (B) Authorize the City Manager to extend the contracts for four 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. The FY2012 expenditures are estimated to be a combined total of \$150,000.

28. (A) Contract with Wolfe & Associates, inc. for Drug and Alcohol Testing Services for an initial term of three years in the estimated annual amount of \$150,000, (B) Authorize the City Manager to approve up to two, one-year renewal options at the estimated annual price of \$150,000.

29. Contract to the lowest bidder, Heitkamp, Inc. in the amount of \$3,639,782.71 for water main cleaning and epoxy lining services.

Summary of Bids

| | |
|----------------------------|----------------|
| Dallas 1 Construction | \$3,639,782.71 |
| J. Fletcher Creamer & sons | \$4,984,141.25 |
| United Construction | \$5,095,818.00 |

30. Award two low bid contracts for construction of water and sanitary sewer mains along existing roadways in Mecklenburg County under the Street Main Extension Program, to Davis Grading, Inc. in the following amounts:

- Contract C, \$1,308,090.55
- Contract D, \$1,280,390.55

Summary of Bids

Contract C

| | |
|-----------------------|----------------|
| Davis Grading | \$1,308,090.55 |
| Bullseye Construction | \$1,437,606.30 |
| Dellinger | \$1,467,882.05 |
| State Utility | \$1,559,683.30 |
| R. H. Price | \$1,806,626.20 |
| Propst Construction | \$1,902,533.60 |

Contract D

| | |
|-----------------------|----------------|
| Davis Grading | \$1,280,390.55 |
| Bullseye Construction | \$1,364,676.30 |
| Dellinger | \$1,429,257.05 |
| State Utility | \$1,537,083.30 |
| R. H. Price | \$1,775,826.20 |
| Propst Construction | \$1,859,538.60 |

31. (A) Purchase of wastewater treatment supplies and equipment as authorized by the sole source exception of G.S. 143-129(e) (6); (B) purchase of miscellaneous wastewater treatment supplies and equipment from Carotek, Inc. in an amount up to \$300,000.
32. Professional Services Contract to CDM-Smith to develop a Bio-solids and Residuals Master Plan in the amount of \$742,600.
33. Professional Services Contract with Parsons-Brinkerhoff in the amount of \$195,190 for design, bidding, and construction services for the Sugar Creek Outfall Rehabilitation Project.
34. Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$904,834.17.

The resolution is recorded in full in Resolution Book 43, at Page 620-627.

- 35-A. Ordinance No. 4859-X authorizing the use of In Rem Remedy to demolish and remove the structure at 235 Flint Street (Neighborhood Statistical Area 26 – Biddleville Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 566.

- 35-B. Ordinance No. 4860-X authorizing the use of In Rem Remedy to demolish and remove the structure at 5700 Howard Street (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 563.

- 35-C. Ordinance No. 4861-X authorizing the use of In Rem Remedy to demolish and remove the structure at 5708 Howard Street (outbuilding) (Neighborhood Statistical Area 42 – Rockwell Park/Hemphill Heights Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 564.

- 35-D. Ordinance No. 4862-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1329 Downs Avenue (Neighborhood Statistical Area 48 – Plaza Shamrock Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 565.

- 37-A. Acquisition of 2,834 square feet in Sidewalk and Utility Easement, plus 26 square feet in existing utility easement, plus 4,557 square feet in Temporary Construction Easement at 2321 Beatties Ford Road from Bishop S. C. Madison and his Successor Trustees, as Trustee for the United House of Prayer For All for \$30,525 for Beatties Ford Road Business Corridor Improvements, Parcel #29.

- 37-B. Acquisition of 700 square feet in Sidewalk and Utility Easement, plus 1,619 square feet in Temporary Construction Easement at 2121 Beatties Ford Road from AKB Development, LLC for Beatties Ford Road Business Corridor Improvements, Parcel #34 and #35.

- 37-C. Acquisition of 13,605 square feet in Fee Simple, plus 1,790 square feet in Storm Drainage Easement, plus 620 square feet in utility Easement, plus 4,747 square feet in Temporary Construction Easement on Salem Church Road from 5455 Brookshire, LLC for \$226,188 for Brookshire-Hovis-Oakdale Intersection Improvement, Parcel #8.
- 37-D. Acquisition of 5,858 square feet in Storm Drainage Easement, plus 734 square feet in Temporary Construction Easement at 537 Merwick Circle from Daryl W. Smith, and wife, Julie C. Smith for \$29,760 for Gaynor Storm Drainage Improvement Project, Parcel #6.
- 37-E. Acquisition of 1,402 square feet in Storm Drainage Easement, plus 1,218 square feet in Temporary Construction Easement at 6221 Woodbridge Road from Ruth G. Dellinger for \$11,675 for Robinhood/Dooley Storm Water Capital Improvement Project, parcel #31.
- 37-F. Resolution of condemnation of 1,513 square feet in Sanitary Sewer Easement at 4925 Freedom Drive from Freedom Greene, LLC and any other parties of interest for \$1,350 for Freedom Drive Widening, Parcel #456.1

The resolution is recorded in full in Resolution Book 43, at Page 628.

- 37-G. Resolution of condemnation of 18,031 square feet in Storm Drainage Easement, plus 753 square feet in Temporary Construction Easement at 531 Merwick Circle from Shannon Abrahamson and spouse, Frederick Abrahamson and any other parties of interest for \$72,650 for Gaynor Storm Drainage Improvement Project, Parcel #5.

The resolution is recorded in full in Resolution Book 43, at Page 629.

- 37-H Resolution of condemnation of 11,623 square feet in Storm Drainage Easement at 4428 Whitby Lane from Mary Theresa Barlow and Spouse, Clint Barlow and any other parties of interest for \$14,325 for Gaynor Storm Drainage Improvement Project, Parcel #8.

The resolution is recorded in full in Resolution Book 43, at Page 630.

- 37-J. Resolution of condemnation of 3,677 square feet in Storm Drainage Easement, plus 15,609 square feet in Conservation Easement at 1128 Dooley Drive from Anthony L. Giordano, Successor Guardian of the Estate of Malanie M. Lester and any other parties of interest for \$8,525 for Robinhood/Dooley Storm Water Capital Improvement Project, Parcel #58.

The resolution is recorded in full in Resolution Book 43, at Page 631.

38. Titles, motions and votes reflected in the Clerk's record as the minutes of February 1-3, 2012 Council Retreat.

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ITEM NO. 36: AUTHORIZE THE CITY MANAGER TO DEED 2324 LASALLE STREET TO MECKLENBURG COUNTY FOR CMS PROJECT L.I.F.T. (LEADERSHIP AND INVESTMENT FOR TRANSFORMATION)

Mayor Foxx said this is a deed to the LaSalle Street City building that will be leased to Project L.I.F.T. For those of you who don't know, Project L.I.F.T. is a first of its kind effort here in Charlotte to help lift some of our public schools and we are delighted by the partnership. I do want to acknowledge Pat Mumford and the Neighborhood and Business Services Department, a lot of great people who worked on this as well as our Engineering and Property Management.

Denise Watts, 2324 LaSalle Street said I'm here to speak on behalf of the transition of the deed at the LaSalle location over to Project L.I.F.T. I was here a couple months to talk about where we were in the planning stages of Project L.I.F.T. and I'm back to say that indeed Project L.I.F.T. has lifted. We have done lots of work, even though the timeline for the project doesn't

begin until next school year. The Board has infused lots of resources into those nine schools this year and in the last couple of months we have signed a collaboration agreement with Charlotte Mecklenburg Schools which affirms our partnership. We also continue to engage Raleigh on our policy reforms to make sure that policies set not only for Project L.I.F.T. students, but all students in North Carolina are fitting to meet the needs of those students. We are currently evaluating staff to make sure all of our staff in the nine schools are ready for the heavy lift of transforming these schools to get the positive outcomes that we need. There is much more to talk about in terms of Project L.I.F.T. but in doing this work I would like to say that the community outreach and access is a huge priority for us. As the Project L.I.F.T. Zone Superintendent, I do not want to be an outsider facilitating this work, but a team player on the inside so that I can be close to the action. A potential transition of the building space located on LaSalle would put me in an optimal location to continue doing this great work. It not only provides direct proximity to West Charlotte High School, it puts me right in the heart of the West Charlotte Corridor. It will enhance outreach and access, it supports relationship building and the potential to build trusting relationships with parents, students and the community. I believe the County and Project L.I.F.T. have mutual goals and this is a great opportunity for like mindedness to co-exist.

Councilmember Mitchell said we have been waiting for some time for this partnership between West Charlotte and Project L.I.F.T. and thank you for choosing the location. It has a lot of history for the historic west end and the fact that you are there close to West Charlotte as well as the neighborhood embrace you. I know you have a conference room there and there are a lot of neighborhood associations that would like to continue to partnership so if you can allow your doors to be open to the community it would be very helpful, as well as Men Who Care Globally. There is a great partnership between Project L.I.F.T. and Men Who Care Globally so thank you so much and welcome to the corridor.

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

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ITEM NO. 12: CITY MANAGER'S REPORT

City Manager, Curt Walton, said about a year ago we started with your help to the Economic Development Committee, reorganization of our Youth Programming and we wanted to give you a status report. Tom Warshauer from Neighborhood and Business Services will be providing you an update of what has been accomplished and what the status is.

Tom Warshauer, Neighborhood and Business Services (NBS) said I am delighted to be here to give you an update on what we have been working on with our Youth Program. We sort of call it Connecting the Dots, but we view it as creating a picture like a kid with a coloring book. Connecting the Dots really draw a better picture for the future of our youth and the future of our neighborhoods.

For the presentation today I will start with where we started, how we define our role for the City of Charlotte, particularly NBS and how we are working now to accomplish that goal. About a year ago Mayor Foxx and the Council asked us to begin to take a look at how we could expand the work that we were doing, but staying within the existing resources. We began to examine our youth programs and in August NBS reorganized and housed all its youth related programs under Community and Commerce. We weren't really sure what the outcome would be, but we found that there were great synergies for us to look after. The programs that we have in NBS are After School Enrichment Program, Mayor's Youth Employment, Mayor's Mentoring Alliance and the Neighborhood-School Partnership Initiative that we had started with Neighborhoods and schools and our Neighborhood Matching Grants Program. The City also has two other programs, the Gang of One and the Police Activities League. All of these work to see how we can make youth more successful in our community. There are about 140,000 kids between the ages of 5 and 18 in our community and these youth are increasingly diverse. There are over 165 languages spoken by CMS students and the youth are also living in families and in a community that is increasingly having economic challenges, which makes it harder for the youth as well as the

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families to succeed. That was one of our looks at how the world was working for youth in Charlotte Mecklenburg. We also realized that we were not the only player in this field. There are players that are far bigger than us with CMS. DSS provided support to families, United Way helps organizations that support youth. We had the Workforce Development Board, Youth Works Counsel that provides help to youth that have multiple barriers to employment. County Park and Rec is out there as well as the Police and Gang of One are out there. We thought that we had a particular role that we could play and really sinking the connection of youth to the World of Work and sinking the connection of youth to the communities in which the schools were.

That is where we began to focus our work, with seeing how we could build a stronger connection, particularly between the youth, the school and the neighborhood. The neighborhoods were really the foundation for how people live and what we are finding is, and you have seen some other studies that have shown that people that don't find their schools to be successful for them are leaving town to look for places where they think schools will better serve their needs. We are not sure that these schools are all bad. We think that people need to learn to rebuild the connection between the neighborhoods and the schools that people want to know what their schools are. When people go to private schools and are paying a lot of tuition they really realize that the school is the center of their family and we wanted to rebuild the public school system as the center of families and the centers of neighborhoods. We began to work at programs that really enhance the connection between neighborhoods and businesses and the school system. We also knew that we could provide a stronger connection to Youth for Work Experience with our Mayor's Youth Employment Program. Inside that we began to take a look at how these programs really network together to connect the dots for providing meaningful experiences for Charlotte's youth.

We have some amazing partners in this City with Right Moves for Youth, Cities and Schools, our Junior Achievement Program with Good Will and Carowinds. They are amazing both public and private partners that we are working with in all of our programs. I can't say enough about the value that those bring to us. We also have an amazing staff of people that are devoted to solving the problems of youth. We would not be up here talking to you if it were not for people like Don Hill, ... Alexander, Liz Nutter, and Betty Jackson who have really devoted their time and their lives to making these programs successful. They are amazing people that I am honored to work with every day. We are also finding that our volunteers are increasingly showing up, willing to work for free to help us out with these programs. People believe in the future of this activity. We have others that are helping us out in running these programs and expanding the reach that these programs have in our community.

We are working in three major ways to really expand the World of Work connecting to communities and revising the way that we work in these programs. I will go into the programs more individually as we go through this presentation, but I think it is important to look at some of these sort of global ideas initially. We are expanding the World of Work across all of our youth programs. We are expanding opportunities for engagement particular with employers. We realize that employers have multiple ways that they can engage and we wanted to allow them the opportunities to come and work with youth that would have a with right for them, whether it was writing a check to pay for belts for school or whether it was showing up at the school to do a mentoring engagement over a period of time or just providing an opportunity for you to learn what you are doing, to a job shadowing or a career day in a school or whether it was providing an internship opportunity in the summer. Different employers have different capacities and we wanted to give them the full range that they can be engaged in the lives of youth. One of the things we find for volunteers, both on the employment side and the neighborhood side is that people are sort of scared of this initially, but when they first meet some of the youth they really want to do more. They will say I really don't have time for an internship, it is really not possible. They show up at a career day, meet the kids and they say, I've got to have that kid working for me this summer. We know that those experiences grow, that people are a bit scared of those relationships, but if we can create safe ways for neighborhoods and employers to be engaged in the lives of youth, we can really better resource our communities, our schools and the kids.

Next is connecting the community and the neighborhood. We really wanted to build on the relationships that we have established in some of our schools with the truancy programs that we've been running for many years and with some of the work we are seeing in neighborhoods. We are seeing a lot of community gardens at schools and you've heard about the Winterfield String Orchestra. There are a lot of ways that neighborhoods are now embracing the schools and really working hard to make sure that those schools are successful, whether it is Sedgefield, Shamrock or schools like Project L.I.F.T. there are lots of schools that we are really re-engaging and we are building ways for that to happen. The teachers are in the school every day and they don't really have a lot of time to find all of the resources in the community and that is really something we can do through the work that we do with neighborhoods and with business associations to help resource them.

We are taking a look at our programs and upping the ante for them, having them base more on evidence-based effective mentoring practices, both in the Mayor's Youth Employment Program, the Mayor's Mentoring Alliance and our out of school time RFP. We will start by taking a look at the Mayor's Youth Employment Program. This year we expanded that to create 3,200 work experiences for youth. We are already at 2,544 work experiences. This is an amazing number for us to have done this year and we've done it in our partnerships with Discovery Place by having career discoveries at Discovery Place both on energy, health care and motor sports. We are taking those Discovery Place now into four schools and think Councilmember Kinsey will be at Sedgefield Elementary School tomorrow for a Career Discovery there. What we are finding in the Career Discoveries that the kids and their parents all show up and they love it. When I talk to the teachers, the teachers love it. They love the fact that kids can interact with employers and interact with these exhibits and really become excited about the possibilities of the world of work. The principals love it also. Really being able to bring the whole community to bear on helping in school. We are doing job shadowing and had one recently with A T & T Gaffney Health Clinic and Microsoft with Junior Achievement. These are phenomenal opportunities for kids to really see what happens in the World of Work on a short engagement. We are also doing school based pre-employment, short-term internship and our SEED Camp is a partnership with CPCC where we have 30 kids running an entrepreneurial ship.

Our traditional Mayor's Youth Employment Program, we did 240 internships last year and this year our goal is 300. We have 100% participation this year from the City. We have 10 internships just at 311 alone. People are hearing about the program, they love it and they want to be engaged. The strategy of sorting of increasing the opportunities for engagement is really working for us. We are continuing to work with small businesses to see how we expand it. One of the important things we have done with that program is to really create a stronger training platform. It used to be that we would have the students go to Good Will for their training and we took a look at that and realized that our trainers have cars, our students don't. It is really not too much of a burden to move the trainers around, but it is a big burden to move the students around. We took the training to the schools and the results has been phenomenal. It really increased participation at all of the schools and increased awareness of the program. We also went out to Carowinds and ask them to take their training to the schools as well. They did training in 10 schools and this year they had 451 kids from high schools in Charlotte that are going to be working at Carowinds. It has improved the access the kids have as well as the quality of the training. The kids now take 6 hours of training over three days in job readiness, financial literacy and customer service. That pin is more than just a pin that enables them to participate in the Mayor's Youth Employment Program. That pin is a pin they can take to any retailer or any business in town and we want people to know that these kids that have completed that training are ready and able to work. They should go to the front of the line. These are kids that are committed to really understanding the World of Work and committed to their future, and that is the way we want people to be viewing them. We think that is really happening and working for us.

We have also been restructuring what we do with the Mayor's Mentoring Alliance. We've created an agency led steering committee and begun to have two chairs of membership, the agencies that really offer mentoring and the agencies that are affiliated that offer after school and summer programs. One of the things the agency has asked us to do is to host our mentoring program and training so every other month, beginning in July we will be hosting in our offices a training for mentors because if you are going to be working with kids, you really need some

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training to know how to work with kids so that engagement is safe, both for the kids and the parents who are doing those trainings. Our Neighborhood-School Partnership really started off and part of that was \$8,000 in funding for Crossroads Charlotte. Just a little bit of money to help us with some of our costs as we began to reach out to our partnership schools. We are working in Sedgefield Middle, Albemarle Elementary, Ranson Middle and Winterfield Elementary. Our first training will happen this week-end at Albemarle Elementary School on Saturday. We selected these based low volunteer participation and truancy issues in some of the schools, but also there were schools when we talked to principals and neighborhood people, the foundation existed for strong community support. The kinds of programs they may do could be things that we've talked about from mentoring to buying things that classrooms needs and adopting classrooms and extracurricular activities. The way that we are going to be coming up with that is to have a summit in each school, forming steering committees of neighborhood representatives, school representatives, parents and businesses to develop an action plan for each school that is customized to the strength of that school and the needs in that school. It will be funded through Neighborhood Matching Grants so it is really about the neighborhood, embracing and working with the schools and the parents in those schools to make these schools more effective.

As you know last year you asked us to take a look at doing an RFP for our After School Enrichment Program. We released the RFP in February 2012 and 17 proposals have come in and we are reviewing those proposals now. You should see that on April 23 and a recommendation from staff. This really tells us that we've gotten much more serious about the kinds of outcomes that we want and the kinds of ways that you want to spend your money for your After School and Out-of-School Time Program.

If all of that wasn't enough, we are having quarterly meetings with PAL and Gang of One to make sure that we are being collaborative and know what we are doing. We are putting up a new website that talks about all the city services and all the ways that residents and people can be engaged with you. Our Truancy Program, we are turning over to the school system and they are expanding it. It is a phenomenal program and people recognize that it works and it is going to be run by the schools, which gives us more time to do the other projects that we are now piloting and you have just heard about Project L.I.F.T. and approved that which is a wonderful opportunity for us to collaborate with West Charlotte High School.

We think we have challenging goals but we think we are up to it. We are looking at how we can increase volunteerism in schools, how we can increase the number of work experiences, which we have done, improve the academic performance and graduation rates of kids, which is really our goal and improving the quality of live in the neighborhoods. We know that we are only a small part of all the activities that go into raising a child. We know that begins with the parents and in the families, it happens in the schools, but we do have a role to play and we are playing our role the best that we can for the City. If we all do our part we think we can have much better outcomes for neighborhoods, for students and for kids in our community. That is how we are connecting the dots.

Mayor Foxx said when we started the conversation a few years ago I think we struggled a bit with defining what is possible and you guys are shaping that in a very, very dramatically, impressive way. You guys deserve incredible congratulations for reaching higher on the goal to involve youth in work related experiences. You are well on your way to that 3,200 number and I know that has taken a lot of work. In addition to that, I was talking to some of the Councilmembers and some of them suggested that each of us should try to take on the job doing at least one job shadowing so I will throw that out to the Council as something perhaps we can all do in our way. I want to say a word to employers in our community. From time to time we get asked to do economic development grants to dispense millions and millions of dollars worth of business to groups all over this city and right now we have 227 kids who are signed on to do the Youth Employment Program this summer. Our goal is 300 so we are just a little over 70 spots away from that goal so there are plenty of people out there who are doing business with us and having opportunity to support this community who could just step up and help us there. I'm making an appeal to our business community to help us out.

Councilmember Mitchell said Tom, I think you sent an e-mail about Ranson Middle School and a coming event. Did I miss the opportunity to volunteer at Ranson?

Mr. Warshauer said I will get back with you. I'm sure we will have opportunities for you to volunteer at Ranson. Kids love to see their Councilmembers and they love to see their political leadership. It is really important to kids to see that people care so opportunities for you all to participate, we welcome that.

Mayor Foxx said I want to acknowledge Tracy Montross who has also been instrumental in helping to forge the partnerships.

Councilmember Mayfield said just so the community also knows, how can schools that weren't currently listed get involved?

Mr. Warshauer said we are encouraging partnerships all over. There are all sorts of things going on all over town. We are sort of piloting this one in each of the service areas, but we are glad to work with other schools if they will give us a call and we will be there.

Ms. Mayfield said we are thinking about the challenge, I have an amazing 13-year old that I think would definitely benefit with wanting to come and shadow here at Council that recently ran for a local position in his school, but I didn't see the school listed so I will follow up.

Councilmember Cannon said I want to take this opportunity to thank staff for all it has done, but beyond that I would like to thank the Mayor for your level of involvement. This starts off about beginning to connect the dots and I think you were the first person to get this ball of emphasis rolling in terms of what we need to do and to focus more on our youth in this community. You are to be commended for your energies and your efforts behind this matter. I certainly want to ask something of the City Manager. I've had some level of conversation with the Mayor, conversation with the Chair of our Economic Development Committee, Councilmember Mitchell on this notion. We used to have something called the Youth Involvement Council, but it was through NCCJ not so much directly affiliated with the City of Charlotte, but more so indirectly. It got me thinking all that is going on, the initiatives that the Mayor has set forth, the different things that Mr. Mitchell is doing along the way and other members of this Board about looking to have what would basically a Youth Advisory Council. This Council could work in some respect to actually be a part of a process rather than just seeing. I think it would really be engaged and that engagement may mean advising this body and/or workforce development on some different ideas and/or initiatives to move forward with. It is my thought that if we could look at what that structure and/or charge might be and refer that to the Economic Development Committee for us to do that. Even though workforce development has something that is out there right now, it is not exactly what I'm talking about. In as much as we could give some level of consideration to that and move that forward, Mr. Manager, if you could help us on that I certainly would appreciate it and I think this body would as well. I would ask now if we could refer that to the Committee and get the City staff support with regard to it.

Councilmember Howard said it seems like great minds were thinking alike on that. About a year ago I actually started doing some research and had an intern do a lot of the work, looking at different models across the country on it and I didn't bring it up during the last budget cycle because of the financial implications, but I actually shared the notebook with Mr. Mitchell already so there is a body of work done already to start from if you guys would like to use it.

Mayor Foxx said that is a recommendation to send that to Committee. Is there an objection to doing that? I would also ask the Committee to take a look at one other thing as well. For several generations of Mayors the Mentoring Alliance and the Youth Employment Programs have been known as the Mayor's Mentoring Alliance, Mayor's Youth Employment Program and I think it is actually little bit deceptive in a way because in many ways our staff is responsible for executing a lot of the work associated with these programs. It probably is truer to our form of government to have it called the Charlotte Youth Employment Program, the Charlotte Mentoring Alliance so I would like for you all to at least kick it around. There are pros and cons to making that change but as long as we are swinging for the fences on this we might as well try to get it exactly right. I would like for you to consider that.

Councilmember Dulin said one comment on that and that is fine for the committee to look at that. I think to the kids that we are reaching out to, there is a little bit of juice for those kids to be

associated with the Mayor's Mentoring Alliance. I think they appreciate that. The committee can look at it, but I think some of them really appreciate being connected to the office. Mayor Foxx said I get it, so we will take a look at it and see what they come up with.

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ITEM NO. 13: COUNCIL COMMITTEES' RECOMMENDED FY2013 STRATEGIC FOCUS AREA PLANS FOR:

- **COMMUNITY SAFETY**
- **ECONOMIC DEVELOPMENT**
- **ENVIRONMENT**
- **HOUSING & NEIGHBORHOOD DEVELOPMENT**
- **TRANSPORTATION**

Mayor Foxx said for those who are not City Government nerds, our Focus Area Plans are sort of the roadmap by which our staff organizes its work. What we typically address in these Focus Area Plans are strategic visioning that then gets pushed to staff to execute in a manner consistent with what these Focus Area Plans contain. We will go through each of our five Focus Area Plans and I will yield to the Committee Chairs, starting with Mayor Pro Tem Cannon who is our Public Safety Chair to go over the Focus Area Plan that Committee has developed.

Councilmember Cannon said the things that the Committee happened to look at are actually four-pronged, reduce crime and live/property damage from fires, enhance citizen perception of safety through citizen partnerships and crime and fire prevention and education activities. Obviously, we always talk about trying to prevent the next crime and we have to make sure that we are engaging our citizens accordingly. Neighborhood Watch means nothing if nobody is watching. The same thing is applicable with business so we want to have a level of engagement there. Also to develop recruitment strategies that attract diverse applicant pools to the Police and Fire Departments as well as build collaborations with partners that enhance community safety initiatives. Those are the top four that Community Safety would report on.

Councilmember Mitchell, Chair of Economic Development, said it might be three small bullet points, but they are huge if we are going to make a difference in the City of Charlotte. The first one is what we hear loud and clear, help grow small businesses in our community, continue to increase our tax and job base in our business corridors and the third one is would government need to play a role to speed up permitting and regulations in our community. I have to thank my Committee and the City staff for the great work, moving us extremely fast considering we've got a good committee and we are trying to get some things done.

Councilmember Autry, Chair of the Environment Committee, said I want to thank the Environment Committee and I especially want to thank staff for the great work they did. We challenged them all up and down the line of the initiatives in the Focus Area Plan and they delivered. I just want to thank staff for their hard work on this. We are going to be busy promoting and participating in the development of a sustainable community. We want to make sure that Charlotte continues to grow and prosper and sustainability has to be a part of that. We intend to be leading by example and showing the private sector how it can be done and how they can take what we are doing and apply to their own business models. We are going to seek and support collaborative and regional solutions to our environmental problems and challenges, and we are going to find creative and new innovative ways to accomplish insuring that Charlotte will be a sustainable community going forward. I want to thank everybody involved with pulling the Focus Area Plan together and it should be a good year ahead of us in working these details out.

Councilmember Kinsey, Chair of Housing and Neighborhood Development Committee, said we have been a busy committee this year and I do thank the committee and staff for all of their work. We have four bullet points, the first is to create healthy and vibrant neighborhoods by improving and implementing quality physical infrastructure. The second is to strengthen opportunities for public and private partnerships to encourage the integration of education, recreation, employment and housing resources in identified redevelopment areas. The third is to develop and recommend policies that will assist with increasing the supply of affordable housing and the fourth is to redesign the quality of life study to more accurately reflect the City's
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neighborhood conditions. We have been very busy and I think you can see from those four bullet points that we are going to continue to be very busy.

Councilmember Howard, Chair of The Transportation and Planning, said I would like to thank my committee as well as staff. We have been really busy so I will run through these four bullet points that we would like to implement going forward this year. We would like to enhance the multi-modal mobility, environmental quality, and long-term sustainability of the community. We would like to promote transportation choices, land use objectives and transportation investments that improve safety, promotes sustainability and livability. We would like to communicate land use and transportation objectives as outlined in the Transportation Action Plan and lastly we would like to seek financial resources, external grants and funding partnerships necessary to implement transportation programs and services. With a number of things coming on line, most important the Blue Line Extension and the full funding grant agreement, we are going to be busy as well.

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

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ITEM NO. 14: APPROVE THE GOVERNMENTAL AFFAIRS COMMITTEE'S RECOMMENDATION TO APPROVE THE 2012 STATE LEGISLATIVE AGENDA

Councilmember Dulin said a few weeks ago you heard a presentation from Mr. Fenton on our proposed 2012 State Legislative Agenda. The agenda is back before us tonight for a vote. The agenda has thoroughly vetted through our Governmental Affairs Committee and I am proud to serve as Chair of the Governmental Affairs Committee and other committee members are Vice Chair Claire Fallon, Councilmembers Cannon, Mitchell and Pickering. Ron Kimble, Dana Fenton and Keith Richardson are our staff representatives and they have worked hard and their people have done a good job for us. The Committee has met four times this year, the latest being last Monday, April 2nd. At last week's meeting the Committee did approve changes to the position line that you will find in tab #3. Those changes are designed to more clearly articulate the City's position in the event these items do become legislative issues in the 2012 short session. These changes were approved by a vote of 4 to 0. The next step for approval is our agenda for our joint meeting with the Mecklenburg Delegation on Monday, April 30th. I would ask all of us to try to clear our calendars for that as it is a very important breakfast and a good show from us really does mean something to our Legislative Delegation in Raleigh. It is in Room 267.

[Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and]
[carried unanimously, to approve the 2012 State Legislative Agenda.]

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ITEM NO. 15: (A)HOUSING AND NEIGHBORHOOD DEVELOPMENT COMMITTEE'S RECOMMENDATION TO APPROVE THE SUBSTANTIAL AMENDMENT TO THE FY2012 ANNUAL ACTION PLAN FOR HOUSING AND COMMUNITY DEVELOPMENT; (B) BUDGET ORDINANCE NO. 4858-X APPROPRIATING \$118,401 IN FEDERAL EMERGENCY SOLUTION GRANT FUNDS.

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

The ordinance is recorded in full in Ordinance Book 57, at Page 561.

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ITEM NO. 16: AMEND THE RULES OF PROCEDURE FOR THE CHARLOTTE CITY COUNCIL TO CLARIFY WHEN A CITIZEN SPEAKER MAY YIELD TIME TO ANOTHER SPEAKER.

Mayor Foxx said several years ago we had a presentation by the Fraternal Order of Police here and it came to my attention that there was some confusion about how our rules worked relative to the three minute rule on hearings versus the general time that we have speakers to speak versus when an item is on the agenda. This clarification is not intended to change anything relative to the City Attorney's interpretation of the differences, it is simply to clarify it so that people who read it can see it. We had the same issue come up recently with a group of people regarding the ordinances we approved recently relative to demonstrations and so this is an effort to clarify that so there is not confusion in the future.

Scottie Wingfield, 2004 Atherton Heights Lane, said I want to thank you for attempting to clarify the rules regarding the Council meetings. For those of you who were not there maybe need some background, the Council will recall that I became very upset when I had planned to be a principle speaker at the public hearing exactly three months ago on January 9th and had prepared a 10-minute statement on behalf of other Occupy Charlotte members who wished to yield their time. I would like to take this opportunity to note that it was a lawyer who suggested that Occupy Charlotte select a few principle speakers for the public hearings so the rules were unclear to both lawyers and non-lawyers. I had spent a long time preparing my statement and was frustrated when I couldn't complete it. My friend, Michael Zytchow had also prepared a 10-minute statement. Seconds after he completed the three-minute mark Michael was removed from the Chamber and arrested. He was not given any warning so these unfair rules were not just a source of frustration to Michael, these unclear rules also cost him an arrest record and several hours in jail. As you reconsider these rules I ask you to take the opportunity to clarify them much more than the language proposed tonight. Section 5-B states that the Mayor may shorten the time for speaking when an unusually large number of persons have registered to speak. Most people don't exactly relish public speaking, myself included. Can you imagine the extra level of anxiety you add to those who want to speak when they have no way of knowing whether they can prepare for three minutes diligently timing themselves to say everything they want to in that limit or if they should prepare a shorter version to suit an arbitrary decision by the Mayor. It also states that when four or more citizens wish to address the Council about the same scheduled agenda item, the time allotted for that presentation will be 10 minutes. Who will decide if those four or more citizens want to make a combined presentation? At a recent County Commission meeting a similar rule was used to limit myself and other individuals who each believed we had a three-minute limit. This threw a wrench into my prepared statement because I was expecting my own three minutes. Just because we all signed up for the same agenda topic did not mean that we wanted to say the same things. To me what this comes down to is being respectful of those who come to address you. Is it really too much to ask for everyone to have their three minutes without restrictions or qualifications?

Also I would like to address Section 5-C(3) which is an even greater matter to me. It states that once a matter has been a subject of a public hearing persons will not be allowed to address the Council again. I feel like this is a terrible restriction. In the case of the permanent changes to the City Code which were called the DNC Ordinances, the significant changes were made to the ordinances after the public hearing but the public had no opportunity to address Council about the changed changes. It seems unfair to me to restrict people who want to speak on certain topics especially if they want to speak on topics at the Citizens' Forum as the Citizens' Forum is supposed to be allowed to speak on anything. Also I want to note on 5-B you have the Citizens' Forum as the first Monday, I think that is incorrect.

Michael Zytchow, 9216 Willowglen Terrace, said it says that in the original rules that citizens may yield their time to another person or to a spokes person for a group when addressing a scheduled agenda item. I want you guys for a moment to yourself in the shoes of anybody who wants to address the City Council. They are saying okay I can yield time for an agenda item. This is an agenda and all of these subjects whether policy, business, consent or public hearings all have a number attached to them, the reason an individual can conclude that is an agenda item and that is something I can yield my time on. I want to also address the fact that in this document you say the proposed amendments would clarify what is already intended by the rules.

I think I have a better attendance record than a few of you here because you see me every single time. On multiple occasions I've recently seen the Mayor ask the City Attorney during the meeting for clarification on these rules. The question is how can we expect regular citizens to understand the intent of the rules when the Mayor, the presiding officer, who holds a legal degree struggles with these rules himself. The rules, I just found out were implemented in 1980 so none of you were on Council when that happened so I'm not exactly sure how you guys necessarily can derive the intent. I want to ask why are public hearings the exception. We can yield time on everything from zoning to business to consent items, but it seems for public hearings we are not allowed to. Also it says the Mayor as the presiding officer may shorten the time for speaking when an unusually large number of persons have registered to speak. I think this is vague, how do we know what is an unusual number of speakers. This is very subjective. As Scottie said, when people prepare for three minutes and they come before Council and are told you have to shorten it. That is a pretty hard thing to hear, and especially to prepare for. I think a few suggestions you could implement is actually check for attendance ahead of time, ask the crowd how many people who signed up are here to speak and then you can make the judgment as far as limiting the time. You can let the whole Council decide which I think is more democratic. When an unusual number of citizens are concerned, what are we telling them when we shorten their time. We are saying the more people are concerned, the less time you have to speak. I think especially when an unusual amount of speakers participate that we should be willing to listen to them. After all it is your duty to listen. Also this document doesn't say anything about the consequences. People may not know that three months ago to the day, I was arrested for briefly going over my three-minute time limit. I told you at the last meeting that I was told at my first public appearance that I could face 60 days in jail so if I and others hadn't made a fuss I might be in jail right now playing harmonica and peeling potatoes, who knows. I wasn't even the most disruptive person in there which leads many to believe that it was more about the content of my speech. I have been to other government hearings where when the buzzer sounds, people are given a friendly opportunity to finish as you might have remembered when I was doing my speech, I said on a final note, indicating that I was finishing my speech. I only 10 more seconds and I have a few more things to say so maybe one of you will ask me a question.

Councilmember Howard said I just want to go on record because you have actually been down here a couple times and said that to us and I'm actually not going to ask you a question but just make a statement. If I remember that night both you guys were removed. From what I understand what happened in the back is what led to the arrest. It was not being removed. You were removed also, but you didn't get arrested. So let's just be on the record it was not going over the time limit it was something that happened back there from what we understand. Mr. Manager, if you could, could you clarify that in a future report just so we are clear about it. That has been said so many times here and I just want the public to be clear about what really happened.

City Manager, Curt Walton, said yes sir.

Councilmember Cannon said can you provide us with your written report and was just asking if you had that available in written form to provide to our Clerk.

Mr. Zytchow said no, not at this time.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Barnes, to]
[approve the amended Rules of Procedure.]

Councilmember Cooksey said I was wondering this myself in reading over the attachment. The proposed amendment still maintains, as mentioned earlier, that the Citizens' Forum on the first Monday of each month beginning at 7:00 p.m. I was envisioning these as codifying some of the changes we've done. Shouldn't that be fourth Monday beginning at 6:30?

Mayor Foxx said let me back up. The original request to the City Attorney was to look specifically at the hearing and the agenda item distinction that speakers have been getting confused and that hasn't been as clear. The idea was to fix that piece of it. I do agree with you that clarifying the other items, based on our decisions regarding the first Monday of the month is

useful, but I think that can be done by the Attorney through clarifying language that wouldn't necessarily involve it coming back to us unless you guys want it to.

Mr. Cooksey said if we are voting on a motion about our rules that include a recompilation of the existing Sub-section D I don't know that anyone else does have the authority to change. I will look to the Attorney for clarification on that, but as long as we've got this open and in front of us shouldn't we go ahead and fix that now?

City Attorney, Bob Hagemann said I think you have in fact changed that rule by your decision to cancel the first Monday Citizens' Forum and you in place of course the Citizens' Forum the fourth Monday of the months. I'm comfortable as long as we are going to codify the changes, assuming you approve what is on the table tonight, we will go ahead and made the change to this section consistent with your previous action.

Mayor Foxx said we will make conforming changes based on that particular aspect.

Mr. Cooksey said that is kind of odd, but alright.

Councilmember Mayfield said I do want to make note that as someone who was formerly on the other side and at that podium numerous times, I am concerned about the sharing of the 10 minutes opposed to individually having your three minutes. As was noted earlier, even though it may be an issue of concern and you may have several groups that come together, there is a time where you are timing out that three minutes to continue a thought or continue that statement. If it is reduced to accumulative ten minutes then there is a chance that whatever that issue that was being brought forth to Council. I am concerned about us limiting the ability for the community to really share their concerns. We want the community to be involved, we want them to show up, we want it to be proactive and I would love to see all these people join committees and show up and volunteer in the community, but I'm really concerned about that particular language and wondering if we can look at keeping the ability for the three minutes individually and not limiting or if it is over 7 or 8, whatever that number is, maybe reducing it to two minutes but given enough notice as opposed to saying you all need to come together because they are working on the same line.

Mayor Foxx said I think there are two issues. One issue is does the rules that we have today say what our City Attorney has interpreted as the rules regarding time of speakers and yielding. I would argue that right now the rules are not as clear as they should be. The first issue was trying to get it trued up to what the intent is. The second issue is do we like the rules. That is another conversation I think and it can be had. If there is enough interest in having that conversation we can refer it to the Council/Manager Relations Committee and we can have a discussion about it and that is fine, but I think right now the intent of this item is simply to clarify the rules as they are intended and as they have been interpreted so that at least people can't read it and think two different things. I think you can actually approved this and have the discussion occur on whether we like the way it is set up or not.

Councilmember Barnes said I am fine with, I'm ready to vote. I will say giving difference to my colleagues Mr. Mitchell and Ms. Kinsey, who have been around here longer than me, I've been around 7 years, this wasn't a problem for three months ago. I don't know what your experiences have been like. I'm ready to vote on the changes.

Mayor Foxx said I will also add that we have never in my tenure as Mayor, we have never shortened the length of time for a speaker just by me deciding I'm going to do it. We've always had a vote of the Council. That is my practice and that will continue to be my practice as long as I am Mayor.

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

ITEM NO. 17: CONCLUSION OF CONSENT AGENDA

Approval of consent items that Councilmembers pulled for discussion or additional information.

mpl

ITEM NO. 26: (A) REJECT THE LOW BID OF \$711,800 OF MATTHEWS CONSTRUCTION CO. INC. DUE TO NON-COMPLIANCE WITH THE SBO PROGRAM, (B) AWARD THE LOWEST RESPONSIVE BID CONTRACT OF \$784,669 TO MORLANDO CONSTRUCTION, LLC FOR CONSTRUCTION OF OFFICE BUILDING AND (C) APPROVE A LICENSE AGREEMENT WITH CHARLOTTE MECKLENBURG HOSPITAL AUTHORITY D/B/A MED CENTER AIR FOR FIVE YEARS WITH FIVE, ONE-YEAR EXTENSIONS FOR \$88,725 ANNUALLY.

Councilmember Barnes said I pulled this item. It concerns a contract for \$784,669 to construct an office building at the Airport for lease by a particular tenant and the question I had concerns the fact that according to the information, there is no annual upward adjustment in rent and what I understood at the Dinner meeting was that we treat essentially all of those lessees the same way and don't increase rent regardless of whether they are new space or old space. Mr. Manager, I did have a follow-up question and that is with regard to the concession space within the Airport, are those rents all the same?

City Manager, Curt Walton said I will have to defer to Mr. Orr.

Aviation Director, Jerry Orr said rents for comparable space are all the same.

Mr. Barnes said the restaurant space inside?

Mr. Orr said yes.

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

Summary of Bids

| | |
|-------------------------------|--------------|
| Matthews Construction, Inc. | \$771,800.00 |
| Morlando Construction, LLC | \$784,669.00 |
| Edison Foard, Inc. | \$881,000.00 |
| Momentum Construction | \$884,000.00 |
| Farley Associates | \$868,668.00 |
| PCL Construction Services | \$908,800.00 |
| Boyer Commercial Construction | \$925,000.00 |

ITEM NO. 18: APPOINTMENTS TO BOARDS AND COMMISSIONS

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, 4 votes – Councilmembers Cooksey, Dulin, Kinsey and Pickering.

Kim Graham, 6 votes – Councilmembers Autry, Barnes, Cannon, Howard, Mayfield and Pickering.

Ms. Graham was appointed.

ITEM NO. 19: NOMINATIONS TO BOARDS AND COMMISSIONS

A. Bechtler Arts Foundation Board- The following nominations were made for one appointment for a three-year term beginning July 1, 2012:

Mark Bernstein, nominated by Councilmembers Autry, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield, Mitchell and Pickering.

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

B. Business Advisory Committee – The following nominations were made for two appointments for applicants recommended by the Charlotte Chamber of Commerce for three-year terms beginning April 29, 2012:

Virginia Noelle DeAtley, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering

Wil Brooks, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.

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

The following nominations were also made for two appointments for three-year terms beginning April 29, 2012 for the Business Advisory Committee:

Healthcare

Anu Murthy, nominated by Councilmembers, Autry, Barnes and Mayfield.

Financial Services

Nalan Karakaya-Mulder, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mitchell and Pickering.

Todd Paris, nominated by Councilmembers Cannon, Cooksey, Howard, Kinsey, Mitchell and Pickering.

Michael Schmidt, nominated by Councilmember Dulin

Applicants not employed in required industry sectors

Russell Hughes, nominated by Councilmember Dulin

Chris Moeller, nominated by Councilmember Mayfield

C. Charlotte International Cabinet- The following nominations were made for two appointments for open seats for three-year terms beginning July 1, 2012:

Open Seats

Larken Egleston, nominated by Councilmembers Cannon, Cooksey, Dulin, Howard, Kinsey, Mitchell and Pickering

Tamara Johnson, nominated by Councilmember Barnes

Ron Schimpf, nominated by Councilmember Autry

Xin Zhang, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mitchell and Pickering.

Education Community – The following nominations were made for one appointment for a three year term beginning July 1, 2012:

Jian Zhang, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.

[Motion was made by Councilmember Howard, seconded by Councilmember Cannon, and]
[carried unanimously, to appoint Mr. Zhang by acclamation.]

Business Organization – The following nominations were made for two appointments for three year terms beginning July 1, 2012:

Douglas Bowman, nominated by Councilmembers Barnes, Cannon, Howard, Mayfield, Mitchell and Pickering.

William Martin, nominated by Councilmember Dulin

Scott Mickle, nominated by Councilmember Cooksey
Troy Pelshak, nominated by Councilmembers Autry, Cannon and Dulin
Charles Prendergast, nominated by Councilmember Kinsey
Ronald Zurinkas, nominated by Councilmembers Autry, Barnes, Cooksey, Howard, Kinsey, Mitchell and Pickering.

D. Charlotte Regional Visitors Authority - The following nominations were made two appointments for At Large Seats for three year terms beginning July 1, 2012:

At Large Seats

Doris Asbury, nominated by Councilmember Cannon
Sabrina Brown, nominated by Councilmember Barnes
Jon Collett, nominated by Councilmembers Cooksey and Dulin
Deborah Edwards, nominated by Councilmembers Cooksey and Kinsey
Venessa Harrison, nominated by Councilmembers Mitchell and Pickering
Stephen Lauletta, nominated by Councilmember Mayfield
Nina Lipton, nominated by Councilmember Kinsey
Anthony Perez, nominated by Councilmembers Barnes, Cannon and Mayfield
Darrin Rankin, nominated by Councilmember Autry
Wilhelmenia Rembert, nominated by Councilmembers Autry and Howard
Stephen Rosenburgh, nominated by Councilmembers Dulin, Howard and Pickering
Jackie Faulkner Yeventon, nominated by Councilmember Mitchell

Restaurant Representative: The following nominations were made for one appointment for a three-year terms beginning July 1, 2012 for Restaurant Representative:

Michael Adams, nominated by Councilmember Autry
Thomas Henson, nominated by Councilmembers Barnes, Cooksey, Howard, Mayfield and Pickering.
John Collett, nominated by Councilmember Cannon

E. Charlotte Mecklenburg Coalition for Housing – the following nominations were made for one appointment for a three year term beginning July 1, 2012:

Legal Representative

David Jones, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Mayfield, Mitchell and Pickering

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

Community Representative – The following nominations were made for one appointment for a three-year term beginning July 1, 2012:

Ken Szymanski, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield, Mitchell and Pickering.

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

F. Civil Service Board – The following nominations were made for two appointments for three year terms beginning May 16, 2012:

Clement Abernethy, III, nominated by Councilmembers Autry and Pickering
Ralph Barnes, nominated by Councilmember Kinsey
Thomas Mitchell, nominated by Councilmember Kinsey
Heather Myers, nominated by Councilmember Autry
Ashley Hewitt, nominated by Councilmembers Barnes, Cannon, Cooksey, Dulin, Mayfield, Mitchell and Pickering

Norman Garnes, nominated by Councilmembers, Barnes, Cannon, Cooksey, Dulin, Howard, Mayfield, Mitchell and Pickering

Lisa Crawford, nominated by Councilmember Howard

G. CMUD Advisory Committee – The following nominations were made for one appointment for a financial representative for a three year term beginning July 1, 2012:

Eric Sieckmann, nominated by Councilmembers Autry, Cannon, Cooksey, Kinsey, Mayfield, Mitchell and Pickering.

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

H. Development Review Board – The following nominations were made for one appointment for a three-year term beginning July 1, 2012:

Planning Commission Representative

Meg Nealon, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.

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

Architect - The following nominations were made for one appointment for a three-year term beginning July 1, 2012:

Joseph Michael Woollen, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield, Mitchell and Pickering.

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

I. Historic District Commission - The following nominations were made for one appointment for a three year term beginning July 1, 2012:

At Large Seat

Belinda Corbus, nominated by Councilmembers Barnes, Cooksey and Pickering

Vincent Pfahl nominated by Councilmember Kinsey

Thomas Polito, nominated by Councilmember Mitchell

Julie Smith, nominated by Councilmember Autry

Nina Lipton, nominated by Councilmember Howard

Resident of Hermitage Court – The following nominations were made for one appointment for a three-year term beginning July 1, 2012:

Lisa Yarbrough, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Kinsey, Mayfield, Mitchell and Pickering.

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

Resident of Fourth Ward – the following nominations were made for one appointment for an unexpired terms beginning immediately and ending June 30, 2013:

Mei Ervin, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Kinsey, Mayfield, Mitchell and Pickering.

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

J. KEEP CHARLOTTE BEAUTIFUL – The following nominations were made for six appointments for three-year terms beginning July 1, 2012:

Bryan Bishop, nominated by Councilmember Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering

Lawrence Ferri, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Christopher Lachey, nominated by Councilmember Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Dean Pawlowski, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Stephanie Stenglein, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell, and Pickering.

Matthew Vincent, nominated by Councilmembers Autry, Cannon, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.

[Motion was made by Councilmember Cooksey, seconded by Councilmember Mayfield, and]
[carried unanimously, to appoint the 6 nominations by acclamation.]

K. Planning Commission – The following nominations were made for one appointment for a three-year term beginning July 1, 2012:

Greg Phipps, nominated by Councilmember Autry, Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield, Mitchell and Pickering.

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

L. Privatization/Competition Advisory Committee – The following nominations were made for one appointment for a two-year term beginning immediately and ending March 1, 2014:

Robert Diamond, nominated by Councilmembers Autry and Cooksey

Christopher Moeller, nominated by Councilmember Kinsey

Eric Sieckmann, nominated by Councilmember Dulin

Julian Wright, Jr. nominated by Councilmember Barnes, Mayfield and Pickering

Eric Davis, nominated by Councilmember Howard

Eric Montgomery, nominated by Councilmember Mitchell

M. Residential Rental Property Review Board – the following nominations were made for one appointment for a rental industry representative for a three year term beginning July 1, 2012:

Thomas Wellens, nominated by Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Howard, Kinsey, Mayfield Mitchell and Pickering.

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

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ITEM NO. 20: MAYOR AND COUNCIL TOPICS

Councilmember Mitchell said for a long period of time the only face in National Cities Weekly was mine and they upgraded themselves and in your latest addition you will see our own HAND Committee Chair Person, Patsy Kinsey and she also serves as Vice Chair of the Transportation Committee. Congratulations Patsy!

Councilmember Howard said what he did was take it to another level. He decided to go from the National League of Cities Weekly to go to the White House Blog. Last week, my colleague, Mr. Mitchell in his role of former President of National League of Cities was the only person quoted in the Blog about the President signing the jobs bill last week, where he was in attendance.

Councilmember Mayfield said I'm getting ready to give us some more work because I'm going to ask us to move the City Council Rules to the Council/Manager Relations Committee so that we can discuss it and look at the possibility of either extending it or deciding definitely.

Councilmember Barnes said I think that issue has been resolved.

Councilmember Dulin said isn't that just what we did?

Ms. Mayfield said no, what we did was clarify.

[Motion was made by Councilmember Mayfield, seconded by Councilmember Howard, to]
[send the City Council Rules to the Council/Manager Relations Committee to discuss the]
[current rules we have in place, and if there is opportunity to address expanding 3-minutes]
[individually, as opposed to combining to a 10-minute timeframe.]

Mayor Foxx said so under the circumstances where there are many more speakers and our 10-minute rule would apply, you are asking whether we can expand the 10-minute rule?

Ms. Mayfield said they have individually out of the 3 minutes or a consideration of maybe reducing it to 2 minutes, not limiting those by assuming that if it more 7 people speaking on one topic that they are all together speaking on that topic and want to combine whatever the thoughts they have into that one 10-minute timeframe to give the flexibility.

Mr. Barnes said I felt, Ms. Mayfield, like we had addressed that issue. I thought that the materials we just voted on addressed the authority we are giving the Mayor to increase of limit time. I feel fairly confident that the changes we made tonight are sufficient to this point. As I indicated before during my 7 years here this has never been a problem. I don't believe Mr. Mitchell and Ms. Kinsey have ever seen it as a problem. I don't think Mr. Cannon who has been here since ... has ever seen it as a problem. I don't believe it is an issue and even going back to Pat McCrory I don't recall it being a problem with him either. When there were people who wanted to say particular things he gave them time, Mayor Foxx gives people time and I think what he tries to do is be respectful of other people who want to speak on other topics. I'm going to have to vote against your referral, but I appreciate what you are saying.

Mr. Howard said I will support it just from the standpoint that I never think it is a bad thing to talk about things. I think it would be a good subject just to go over that and a few other things that may be of concern. I'm going to support it for that reason.

Ms. Mayfield said just for clarification, the idea that moving forward regardless of what we've had in previous times, the City continues to grow, we are getting more and more people moving in. I want to make sure that our language that we are going to have available for the citizens to review is going to clearly show that this is an opportunity for you to come and share your concerns and not be limited. This particular piece that we have going on with a lot of energy in the last few months, I don't necessarily think that is going to continue past upcoming events that we are going to have later this year, but I do want to make sure that we do not put language in place that will hurt us moving forward or give the impression that we do not want the community to be involved when as, I'm sure you are as District Reps, we are always out in the community telling them come down, be a part of the process. Not only e-mail us, come to us when the cameras aren't on, but show up at the meetings. I want to make sure that if they are talking there is opportunity where they know they are not going to be cut off if they are speaking on the same topic that several other people are speaking on.

Councilmember Cooksey said I'm going to support the motion primarily because the clarifying amendments we adopted today were simply to clarify what the status quo practice is and we didn't talk about do we like the status quo. It is appropriate to talk about do we like the status

quo just not around this dais with these amendments. I look forward to having that conversation in Committee.

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

YEAS: Councilmembers Autry, Cooksey, Howard, Mayfield, Mitchell and Pickering

NAYS: Councilmember Barnes, Cannon, Dulin and Kinsey

Councilmember Cannon said just for clarification, isn't it already done what we talk about at the discretion of this body by you as Mayor?

Mayor Foxx said it certainly can be.

Mr. Cannon said that is how it has always been so we are not actually limiting people. Typically what you do, for eons, it has been a situation where the Mayor and Council will look at the list of speakers that are to speak that evening and if it is on a very important item we don't back anybody out of their time. If they want to be heard, Citizens' Review Board, rezoning issues, anybody remember Albemarle Road except me? Those persons we heard from and the Mayor always left it to the discretion on the body to say do you want to reduce the time to 2 minutes rather than have 3 minutes. That has always worked okay I think so I don't know what the driving point is to say that you will absolutely have 3 minutes. Is that what you are driving toward? I'm trying to understand it because right now what you are describing pretty much is already in place. It is what we so I don't know what the difference is other than taking some time out of some people's schedule to go and meet. It is done, we haven't changed and we do that now so when you go to committee I'm just trying to figure out what you are going to end up doing.

ADJOURNMENT

The meeting was adjourned at 8:12 p.m.

Ashleigh Price, Deputy City Clerk

Length of Meeting: 3 Hours, 51 Minutes
Minutes completed: May 25, 2012