

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, June 11, 2012 at 4:12 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Cannon presiding. Councilmembers present were John Autry, Michael Barnes, Warren Cooksey, Andy Dulin, Clarie Fallon, Patsy Kinsey, LaWana Mayfield and Beth Pickering.

ABSENT UNTIL NOTED: Councilmembers David Howard and James Mitchell

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ITEM NO. 1: MAYOR AND COUNCIL CONSENT ITEM QUESTIONS

Councilmember Dulin said Items 27 and 28. Both these items are being taken out of the Airport Discretionary Fund, Firefighting vehicles and Airport Bus purchases. On the first one, how much is in the Airport Discretionary Fund and the second one, the bus purchases are from a company called Carolina Thomas LLC. I'm curious as to whether that is the same Thomas out of High Point that makes the school buses. It would make sense that it was and also that is an Airport discretionary fund. It would be interesting to know how much discretionary funding we have out there.

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ITEM NO. 2: MECKLENBURG SOLID WASTE MANAGEMENT PLAN 2012-2011.

City Manager, Curt Walton said each unit of government in North Carolina is required to have a Solid Waste Management Plan. Mecklenburg County develops that for us on behalf of the City of Charlotte as well as the six towns. It is time for an update of that so Victoria and Bruce Gledhill from the County will give an overview.

Solid Waste Manager, Victoria Johnson, used PowerPoint for her presentation to Council. The Solid Waste Management Plan started in 1989 when it was a directive of the North Carolina Solid Waste Management Act to require comprehensive Solid Waste Management Plan either by a city or a county agency. In 1996 the City of Charlotte, along with Mecklenburg County developed the first plan that not only covered Charlotte, but 7 municipalities in total. The 2012 will be the fifth year for the update of the plan. The Solid Waste Inter-local Agreement requires the county to prepare the plans for all of the municipalities in which it serves and the plan encompass Cornelius, Charlotte, Davidson, Huntersville, Matthews, Mint Hill and Pineville. It is a plan that looks at the challenges that are facing the Solid Waste Industry and what a city or the county wants to take on as a role going forward and the options that it has. It is a fluid document, it is updated every three years so it does change. Anything that is in the plan does not mean that it stands that we have to do everything because it is based on whether or not a city or a town has the financial or it makes physical sense to undertake these different ideas that are outlined in the Plan. The City of Charlotte does the collection for garbage, yard waste and bulk items, contract out to Inland for recycling and for multifamily to Republic. The county handles the disposal with the Speedway Landfill, the Murf which is run by Recommunity Recycling and they also handle the compost central, the metal and tire recovery facility, the Fox Hole and the recycling centers throughout the county.

Mecklenburg County Solid Waste Director, Bruce Glenhill, said we started the planning process for the Solid Waste Management Plan over 6 months ago, back in late August and we've been going at it ever since. Guiding us through the planning process was a steering committee comprised of representatives from each of the municipalities. There were several staff members from the City of Charlotte as part of the steering committee as well as either the Town Manager, Assistant Town Manager, Public Works Director for each of the six municipalities as well. Also on the steering committee were representatives from the Charlotte Mecklenburg School System, University of North Carolina at Charlotte and the Charlotte Chamber of Commerce. Also a separate body that worked with us but also part of the steering committee were several members of our Waste Management Advisory Board. The Waste Management Advisory Board is a citizen advisory board currently comprising 8 citizens of which Charlotte City Council appoints 5 of those members. For the first time in the six iterations of the Solid Waste Management Plan,

we actually hired an engineering firm to facilitate discussions as we went on. We are trying hard to involve all of our stakeholders. The highline of our public participation process, and we reached out in many ways that we haven't ever before, but the cornerstone of that outreach was a charrette that took place in late January over two and a half days – Thursday evening, all day Friday and all day Saturday. Friday and Saturday were 11 to 12 hour days that about a hundred citizens participated in the different planning sessions that were going on in the charrette. Again the people that attended were citizens' businesses that generate the waste as well as pick up recyclables and pick up the waste and staff from all of the municipalities and county staff participated. In addition to the charrette we had outreach through the social media. We've been going through print ads in the *Charlotte Observer*, our own websites have been advertising the participation process and we solicited comments from the public at large, had a special comment page. Subsequent to preparing the plan, we completed plan preparation at a staff level back in March. The steering committee blessed that plan and subsequent to the steering committee blessing the plan we went on to the Waste Management Advisory Board who voted a recommendation that we bring it to the Mecklenburg County Board of Commissioners, which we did on May 1st. On May 1st they unanimously approved the Solid Waste Plan. Since that time we've been going out to the seven municipalities to seek their approval and we have received approval of all of the municipalities as well. Thus far Cornelius, Davidson, Huntersville, Mint Hill and Pineville have all approved. We will be going to the City of Matthews and we are here with the City of Charlotte tonight as well. With that, that would be all of the approvals. We are required by the statute to submit the plan to the North Carolina Department of Environment and Natural Resources on or before June 30th. It is every three years that we have to submit it.

Councilmember Mitchell arrived at 4:23 p.m.

This is a plan for all of our waste, not just the residential waste that the City of Charlotte collects and the other municipalities collect, but it is also a plan that addresses the commercial waste stream and construction and demolition waste which comes from the housing industry predominantly. A constant scene throughout the years has been that roughly half of our waste stream, 47% in 2011 is commercial waste so we can't make any progress towards waste reduction unless we address the commercial waste. That is the big kid on the block, commercial waste. Right now residential is about 35%, the City of Charlotte is the biggest piece of that. Construction and demolition is down to 18%, but was nearly twice that five years ago. As construction as slowed in Mecklenburg County that piece of the pie has diminished over the years.

The purpose of the plan, according to the state statute is to come up with waste reduction goals, not just manage the waste, but to have reduction goals. If you look at the current column, this is where we are today. It is 923,000 – that is the population of Mecklenburg County at the beginning of fiscal 2011. Right below that 1.1 million tons of waste was disposed by Mecklenburg County businesses, residents and construction activity during fiscal 2011. Just in rough terms, if you dumped all of that in one place it would fill up Bank of America Stadium about 2 ½ times. That is the volume of that kind of waste. Here are the goals that we are seeking, 1.18 tons per person per year is the amount that is placed in the landfill, combined business, construction, residential waste. For every person in Mecklenburg County, 1.18 tons went into the landfill in fiscal 2011. But if you look back 10 to 12 years ago, the baseline in 1998 and 1999 we were at 1.96 tons per person per year. We are down by 40% since fiscal '99 in the amount of waste we've disposed. What the plan is saying we will be down 49% in five years and 58% in 10 years. Reducing our waste from 1.8 tons per capita to 1.01 and then ultimately 10 years out to .82%. Again these are waste reduction goals.

Councilmember Barnes said could you tell us where anyplace ReVenture is right now?

Mr. Glenhill said ReVenture is not in this plan.

Mr. Barnes said what is the status of it?

Mr. Glenhill said ReVenture no longer has any relationship with Mecklenburg County as an entity to take Mecklenburg County waste. They are still developing a project that is looking at taking certain woody waste, bio waste at the facility at a much smaller scale, but they are not
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specifically referenced in this plan at all. I did come to you two years ago about the ReVenture Project and asked you to include it in the plan and you did so at that time. This plan has nothing specific about ReVenture at all.

Mr. Barnes said Mr. Manager or Mr. Kimble if you could tell us the status of ReVenture and how it might impact those numbers from what you understand.

Deputy City Manager, Ron Kimble said ReVenture is in our mind is a land transaction between CharMeck Utilities and we will be getting land for our Long Creek Pumping Station, that is still on the table, and to take over their private Waste Water Treatment Plant and the nutrient credits that go along with that along with that plant. It has nothing to do with the issue associated with garbage collection.

Mr. Barnes said initially the situation was, as I understood it, was they were going to be taking all of our garbage and packing it and burning it and all this. Is any of that going to happen?

Mr. Glenhill said no what happened, subsequent to our discussion on ReVenture, the Board of Commissioners directed to me to cease negotiations with ReVenture and that occurred at the same time that Mecklenburg County for its residential waste entered into a new 8-year contract with Republic Statewide Landfill. Under that contract Mecklenburg County and its municipalities are all required for the next 8 years, through June 30, 2020, to send our residential waste to Speedway Landfill so there is no opportunity for residential waste to ReVenture for the next 8 years.

Mr. Glenhill said if you look at the green graph that is actual waste disposed on a per capita basis. You will see it started up at 1.96 tons per person per year back in FY99 and it is the 40% reduction if I go down to the 1.8%. If you look at the light blue, that is the plan that was presented to you in 2009. This is where we wanted to be under the 2009 plan going down to 1.27 tons per person per year in 2019. While you can see in the green, we've done better and what this plan proposes, which is the red is to continue the same quote that we had proposed over in 2009, but we are starting from a lower level and able to see greater waste reduction.

Ms. Johnson said I will explain the City of Charlotte strategies and where it comes from and give an example of how the plans timeline affected the last time we implemented something out of the plan so everyone will have a point of reference. The strategies for implanting a program for the City of Charlotte is driven by four different areas, the Council adopted Environmental Focus Area Plan objective and Environmental and Industry Best Practices that we get throughout the year and get updated on, detail cost benefit analysis and benefits, budget allowances and constraints and whether or not it is physically responsible and doable for the City of Charlotte. The 2006 Plan we adopted single stream recycling. It took us four years to get to the implementation of single stream recycling and that was getting in preparation so even though it was in the 2006 Plan it really did not come into fruition until 2010. That was due to several things that needed to fall in place. The county had to invest in retrofitting the Murf, the City was going to convert from dual stream at the curb with 18 gallon red bins to 96 gallon containers every other week and this increased tonnage to over 30% in our first year. We generated an ongoing savings for the next 10 years of \$43 million savings, or a cost avoidance. Similar approaches would be to use the same review process as it relates to this plan we are talking about this evening. Looking at what is in the plan and what really works for Charlotte whether it be cost wise or anything else, but what is the best interest of Charlotte to take those best things out of the plan, and not try to implement everything that the plan has to offer.

Councilmember Howard arrived at 4:31 p.m.

Ms. Johnson said the meaning of the plan adoption is to indicate the City's intent to review the proposed strategies that are put forth in the plan, recognize the plan and its proposal as input for City future decision making as it relates to waste collection. Adoption of the plan does not commit the City to implement everything in the plan or all of its proposals.

Mr. Glenhill said there are a number of strategies listed within the plan that may or may not be implemented by various municipalities. We recognize as we are doing the plan that what is
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important to one municipality may not be important to the other. The goal is to come up with a series of strategies that will take us to the per capita waste reduction goals that I showed you earlier. The next several slides will address the strategies that are included in the plan for you to consider. One is to prohibit banned items in the garbage containers. Right now the State of North Carolina has for a decade banned certain items from being disposed at the landfill. Such things, because of their toxic content, such as anti-freeze, used oil and also some things that are recyclable, such as aluminum cans, plastic bottles of any kind, discarded computer equipment, those are banned from being disposed in landfill, but nothing anywhere bans you from putting in it your garbage container. We are not allowed to take them to the landfill, but no-one stops them from putting them in the garbage container. The first proposal here is that we consider some change to the ordinance that says you can't put those items in your garbage container because they are banned in North Carolina landfills. The second and third are incentives and disincentives to recycle. The first one I've talked to City Council about before is about volume based rates or pay as you throw. One way of getting people to recycle more is to charge a differential rate, the more you dispose. You get a larger container you pay for more. The flip side of that is an incentive to recycle. Things like recycle bank where communities are given coupons and things like that if they have the highest participation rate in residential recycling. The fourth is multifamily and multifamily dwellings are a real challenge and I know you are facing all kinds of challenges with multifamily dwellings. They are also a challenge when it comes to recycling. Right now Mecklenburg County licensing laws for those that collect waste say you have to offer multifamily dwellings recycling services, but you don't have to provide it if you are a private hauler. The suggestion here is to make it required to provide it, not just offer the service. A theme throughout the charrette and all of our public interactions through the development of the plan has been you need to reach out more and we recognize that and some of the discussion the charrette had a lot about from HLA members saying why don't you use the HLA's to reach out to communities a little bit better and that is something we intend to do. Sometime in the future and this is a way in the future if we can achieve the goals through other voluntary means, we are looking at maybe looking at having mandatory recycling at single and multifamily. The City of Charlotte and Mecklenburg County have invested a lot of money in the recycling systems we have and it is not being fully utilized right now. Let's see it utilized, it is a good investment.

Lastly there are food scraps. In the long-term we are going to have to do something about food scraps. On the residential side they represent 17% of our waste in total and until we can start recycling them we'll never achieve the goals we want. Unfortunately today there is not the infrastructure necessary to recycle those items. That will have to be in the long-term. Commercial strategies, expand the current mandatory recycling ordinance. Mecklenburg County and the City of Charlotte for the last 10 years have had an ordinance called the separation ordinance that requires large businesses that generate more than 16 cubic yards of refuse per week to recycle cardboard and office paper. The thought here is we spent a lot of time studying it over the last couple years of lowering that the threshold from 16 cubic yards to 8 cubic yards. We believe there will be no economic hardship there and we capture about 1,600 more businesses that would be required to recycle. Again expand education, adding organics again under the commercial sector, especially to institutions and restaurants that are high generators of organic waste, showing the same relationships with trash as recyclables placed in recycling containers everywhere there are trash containers such as here on Tryon Street that the City has done.

Councilmember Mayfield said when we are saying expanding mandatory recycling ordinance by lowering the current threshold, can you give an example?

Mr. Glenhill said I can't give you a specific business, but the current threshold says if you are a business and you generate 16 cubic yards of waste per week, a large dumpster is 8 cubic yards, so if you are a business that generates two large dumpsters a week, you are now required by law to recycle. Have been for the last 10 years. The good news is the compliance rate is very high and I have yet in my ten years as the Solid Waste Director for Mecklenburg County, to file a notice of violation and pose a fine. We do enforce this at the county level and everybody we talk to comes into compliance because it is the right thing to do. What we are talking about here is we believe that we can effectively lower that to 8 cubic yards, not economically disadvantage a

business because taking their recyclables away is cheaper and captures more businesses as part of the ordinance.

Mr. Glenhill said construction and demolition is the least touched of all of waste streams right now as far as recycling goes. It goes largely un-recycled. As the operator of a construction and demolition waste landfill at the ... I can tell you much of what comes in there now is cardboard, wood, drywall and other things that we can recycle if they are separated. What we are suggesting in here is that an ordinance be passed at some point in the future that requires a certain minimum recycling. Such places as Chicago, Bay Communities in California and two counties here in North Carolina have mandatory recycling at some level of construction and demolition waste.

Ms. Johnson said the next steps is the request for Council action tonight. Just so you know that we were to do the presentation at the last Council dinner but it went on longer than it was so that it is why we presented it tonight and asking you to take action tonight and adopt the resolution Mecklenburg County Solid Waste Management Plan for 2012 to 2022 and it will be effective July 1, 2012.

Councilmember Howard said this wouldn't in any way hamper the issue that I referred to the Environment Committee of looking at the ...

City Manager, Curt Walton said it wouldn't.

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ITEM NO. 3: I-485 SOUTH AND I-77 NORTH PROJECT UPDATES

City Manager, Curt Walton said an update on the I-485 South and I-77 widening project, and this has been discussed in Transportation. Mr. Howard do you want to say anything about these before Norm begins?

Councilmember Howard said just the fact that the reason this is going to be pulled from the agenda tonight, originally I thought that we may have some things we may need to still work out with the State. I think the City staff has figured out to get comfortable with what the State is requesting. If for some reason we couldn't figure that out I was going to ask for a directive vote for the MUMPO vote that is coming up, but I think we have worked that out. This is a continuation of the conversation we were having about how to deal with building capacity and some other relief for both I-485 and I-77.

Norm Steinman, Manager of Planning and Design for C-DOT said this presentation would have represented the fourth time that we have discussed this item at Council's Transportation and Planning Committee. We have made four presentations to Council's Transportation and Planning Committee, three times before. The purpose of tonight's presentation is to explain to you the action that NC-DOT is requesting of the Mecklenburg-Union Metropolitan Planning Organization, described the two projects on I-485 South and I-77 North that NC-DOT wants to accelerate, make them happen faster and to expand over a longer distance than what had previously been thought would happen in both of those corridors, and to described to you the next steps.

First, I will describe the action that NC-DOT is requesting, some of this is somewhat arcane, but it is nevertheless important. I'll describe the projects that NC-DOT is proposing for each of the corridors, explain the implications, particularly of the financing because this is innovative financing and in the case of I-485 they are proposing to spend more money now so they won't have to spend as much money later. In the case of I-77, they are proposing to use a different financing technique, high occupancy toll lanes for the new capacity that they are proposing. I will also explain to you where we are in our ongoing discussions with the NC-DOT. As far as the arcane topic is concerned, what NC-DOT wants is for the MUMPO to agree to amend the long-range transportation plan and to amend the Metropolitan Transportation Improvement Program (MTIP) to include additional widening on I-485 south than what had previously been in the plan and additional high occupancy toll lanes on I-77 North. The MUMPO made the
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decision last year to implement high occupancy toll lanes on I-77 north, so that is not a new decision. NC-DOT wants to add more high occupancy toll lanes and extend them over a longer distance than MUMPO had previously contemplated. Then required by Federal Transportation Planning Guidelines, the MPO has to make findings that air quality will not be harmed, or to put it in a more positive way, that the future emissions will be lower no matter what, even with the new projects to be added to the long-range transportation plan.

The first thing and mostly what you are going to hear me discuss tonight is to verify that we can understand where the additional funds available are going to be found. In some cases this has to do with the equity formula to make sure that we understand the allocation here to our region as compared to other parts of the State of North Carolina and to understand that NC-DOT is proposing to delay other projects in order to be able accelerate these two projects. We are looking more or less for a funding balance between the funds available and the funds required. The second item, and this is not where the difficulty has been, is to demonstrate that emissions associated with the projects and the total highway network, the vehicle miles of travel and the speeds will result in lower emissions than the limits that have been set by the US EPA and the North Carolina Department of Environment and Natural Resources. I can tell you that this requirement has been easily met for both of these projects in combination and by themselves. Yes, emissions from motor vehicles are decreasing year by year.

So what is NC-DOT actually proposing? First, we need to go back to what NC-DOT had previously proposed for I-485 south. There has been a great deal of confusion about this and frankly not only by residents, but also by staff as to what exactly is going to happen on this corridor, but previously, NC-DOT was going to add one lane in each direction from I-77 to Johnston Road, build the fly-over from north bound Johnston Road into westbound I-485 and also add an auxiliary lane westbound from Johnston Road to NC-51 on I-485. Now they have decided to expand that and the way they are going to expand it, is they are going to continue the new travel lane east to Rea Road, one in each direction. They are also going to do something innovative and with the approval of the Federal Highway Administration, they are going to ask a contractor to build what is called full depth paved shoulder, which is basically a travel lane except that you won't be able to drive on it. The cement will be there and it will be striped for people not to be able to drive on it until some subsequent decisions are made. That is the project that will be built, funded and opened to traffic by 2016. After 2015 NC-DOT has also proposed another change to the long-range transportation plan, but please keep in mind the word that is important here is "unfunded". This is a proposal at this time to add capacity to I-485 from Rea Road east to US-74 and what NC-DOT has proposed at this time is that they will build one express toll lane in each direction and one general purpose lane in each direction, but again, this is unfunded. When you put the two together, west of Rea Road the project will be built, it is funded, east of Rea Road it is a proposal.

What the Technical Coordinating Committee had to do, including City staff who are in the Technical Coordinating Committee of MUMPO is to have several discussions with the NC-DOT staff to be able to understand what they are proposing as a way to find the funds necessary for what I can tell you are somewhere between \$30 million and \$40 million additional dollars to be spent on I-485 south than had previously been anticipated to be spent. NC-DOT has told us that there are some interstate resurfacing projects, not projects that have anything to do with widening, just resurfacing, making sure that the pavement is in good condition. They will delay some of those by one and maybe two years. They will also delay one project in Cornelius by perhaps a year, one project in Matthews by one year and they may delay US-74 beyond Conference Drive, the project that hasn't even been designed yet, by one year. In that case we are talking about something in the 2018 or 2019 timeframe. At that point, in my opinion, it is hard to say what is actually going to happen that far into the future. Nevertheless, the TCC came to the conclusion that it is worth the risk to go ahead and recommend the acceleration of the widening on I-485 south so that capacity can be added there today based on today's construction costs rather than to delay the project and incur tomorrow's construction costs which are likely to be higher.

The other proposal that NC-DOT has made is for I-77 north and this is actually even more confusing than what I just said about I-485 south and it is for a good cause. Back in 2011 the MUMPO voted to convert the high occupancy vehicle lanes that exists on I-77 north, the
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southbound lane reaches to almost the Brookshire Freeway. From I-485 the northbound lane starts from I-85 to I-485 and the MPO also voted to extend those high occupancy toll lanes to exit 28, so this is what I call the project that was ready to go forward to implementation last year, already approved by MUMPO with funding secured for it through a variety of sources. Toward the end of last year, but mostly in 2012, NC-DOT has said that they would like to accelerate the provision of capacity on I-77 north and they are proposing to add a second HOT lane in each direction between I-85 and exit 28. This is otherwise called the central section and you will see that that makes a little more sense when I describe a longer project than just from I-85 to exit 28. This is part of their proposal to amend the long-range transportation plan and the air quality analysis was done for this central section project and it passed and then many of our discussions about the financing have focused on this central section project.

You may have seen these slides, especially in the Transportation and Planning Committee. NC-DOT asked for the analysis of four scenarios, the scenarios have to do with the number of HOT lanes in each direction. Scenarios 1 and 2 are for one HOT lane in each direction and in scenario 1 are all carpools with travel for free, including car pools with two occupants. Scenario 2 only car pools of 3 or more occupants would travel for free. Scenarios 3 and 4 are similar except these are for two HOT lanes in each direction. Scenario 3 all carpools, including carpools of two occupants would travel for free. Scenario 4, carpools of only 3 or more occupants would travel for free in the HOT lanes. NC-DOT has been seeking support and endorsement of scenario 4, two HOT lanes in each direction and only carpools of 3 or more occupants would travel for free. There is a larger, more expensive project that NC-DOT is really interested in and this is a project that would start at the Brookshire Freeway, there would be a direct connection and a new structure from I-77 into the Brookshire Freeway in both directions to and from. There would be extensions of the northbound lane to start at I-277, then in the central section it would be two HOT lanes in each direction and then north of exit 28, NC-DOT is proposing in the larger project one HOT lane all the way to NC-115 in Mooresville. This is the project that NC-DOT wants to release to determine if there is interest from groups of companies that would provide part of the financing and would take over the operation of the high occupancy toll lanes. Then those companies over perhaps 30 or 40 years would be repaid by the funds generated by the tolls, those who use the high occupancy toll lanes.

When we talk about public/private partnership and we are talking about financing, this is a very special type of arrangement. When we are talking about the public sector leveraging some amount of funding available to receive statements of interest or proposal from the private sector to provide additional financing that when you combine the funding from the public sector and the private sector equals the amount necessary to actually be able to build, operate and maintain the project.

Councilmember Fallon said who would do the maintenance of the road?

Mr. Steinman said the public/private company would be responsible for the ongoing maintenance and operation of the high occupancy toll lanes. There are also special provisions in the contract that would define the level of quality of the lanes and the infrastructure that they would have to turn in at the end of their operations period.

Ms. Fallon said it would have to conform to what the other two lanes were?

Mr. Steinman said no, they would probably provide a higher level of service than the other two lanes because in this case they would be expecting people to pay and it would be in the interest of the operating entity to make sure that the pavement is in better condition, the lights are working, all the infrastructure is in very good shape constantly and consistently.

Ms. Fallon said how would that impact on the rest to take care of the regular two lanes?

Mr. Steinman said the good thing about HOT lanes is if this arrangement is going to happen, and again we don't know yet that it will, but if this is going to happen it means that the NC-DOT and the taxpayers are not going to be responsible for maintenance of two lanes in each direction, four lanes total, they will continue to be responsible for the existing general purpose lanes only. This is a way, if it works out, to find financing not only to build more capacity that can be done right

now, but also to take care of ongoing recurring annual operations and maintenance costs. The key to it is to make sure that there will be enough traffic that there will be enough people willing to pay the tolls so that over a 30 to 40 year timeframe the company or group of companies that provided the funding and are responsible for the operation and maintenance receive revenues to pay back the annual costs as well as what they originally invested in the project as well as an acceptable return on their investment.

Ms. Fallon said you are basically forcing people into those two lanes during heavy traffic.

Mr. Steinman said no, there is no forcing that is going on.

Ms. Fallon said if they can't pass that is where they are going.

Mr. Steinman said there is a choice here. People would continue to be able to travel for free on the general purpose lanes or they can decide that they will travel in the HOT lanes and pay the toll. There is a choice right next to each other, just like it has been done in about a dozen other projects around the nation so far.

Councilmember Dulin said I have asked this question before. We are talking about using a chip on the car to pay the toll.

Mr. Steinman said it is something very similar to a credit card, maybe about twice the width of a credit card, but about that size that is called the transponder.

Mr. Dulin said those of us that travel through those lanes every now and then, we might or might not think it affordable for us to buy the monthly chip.

Mr. Steinman said you would set up an account probably with the North Carolina Turnpike Authority and it would be one where if you have the transponder, have set up your account for a minimum fee, let's say it is \$50 at anytime in the account, you would get a statement at the end of the month that says you have used such and such a facility at such and such a time and based on the tolls then charged, you own such and such an amount. If you do not have a transponder the Turnpike Authority would use cameras that follows the license plate. This is no longer a novelty, this is already in operation in Wake County in a short section of their new Triangle Expressway there by the airport.

Mr. Dulin said I would love to know what Wake County's collection rate is on cars from out of town and in town and out of state and in state.

Mr. Steinman said we can come back on that. They have only opened about a 6 to 7 mile section, it is very short. Later this year they will probably go to about 15 miles.

Mr. Dulin said it could be a thousand miles long for all I care, it is just that one spot they go through that I would be interested in.

Mr. Steinman said the North Carolina Turnpike Authority has negotiated agreements with other states up and down the east coast so that each state will enforce the other state's request for payment from residents of any state.

Mr. Howard said this is actually already operational in a lot more cities than Wake County. I saw it on the ground in Houston, I know they have it in Dallas, San Diego, and several places already and it is a lane. It is not the full freeway so where we have an HOV lane now this would be in that lane.

Mr. Dulin said I'm not saying no, I'm just saying I would be interested in know what the collection rate is on it. If we have to take a picture of somebody's car and then mail it to them, we have man hours, paper, mailing and you are looking for \$1.25 toll. We'd have more than \$1.25 in time and money in it.

Mr. Steinman said this proposal for I-77 north is for a private company to take on that risk and if this proceeds to implementation there will be a contract signed with a private company or a group of companies that will include engineering firms, operations firms etc. so much of the risk will be placed on the private sector because they are the ones that are going to be dependent on the tolls coming in and making sure that not too many people evade the tolls.

Mr. Steinman continued his presentation – from the standpoint of the TCC staff including staff from C-DOT, I can tell you that we've had several intensive discussions with NC-DOT as to how the public/private partnership might work. We want to understand as much as we can how NC-DOT proposes to reach eventually an agreement with a public/private firm. At this time we believe there is enough information to recommend going ahead on the central section while we continue the discussions with NC-DOT as to how the overall project, which is the one they really want to be able to build from I-277 to NC-150 can go ahead, and this is the important part, without having to use public funds that would significantly delay other projects in our region. This is a negotiation that has to do with the amount of public sector funds that would go into the arrangement compared to private sector funds. At this time we believe that the benefits of concurring with NC-DOT's requests outweigh the risk because for both projects NC-DOT will be able to increase capacity at today's construction costs and in both cases NC-DOT will be able to provide more reliable travel times for commuters and other travelers in these corridors. This is also a good thing for us in the City because that means that people will make more of their longer distance trips and not make any of their shorter distance trips and make as many of their trips on the freeways instead of on congested city streets and intersections.

For I-77 north the concept of HOT lanes would establish a new congestion management strategy, that is asking people to pay a toll if they want to get consistent or better travel time. For I-485 south the full depth paved shoulder, which is the widened pavement that would be built in advance could be used subsequently for future managed lanes, but that decision hasn't been made yet. There are still several topics and we explained those to the Committee today. We still want to understand that NC-DOT will consider more than one physical design option for the southern section, the section from I-85 south to I-277 to the Brookshire Freeway. We want NC-DOT to consider both elevated options as well as widening I-77 out horizontally. Both of those will have impacts, noise and other impacts, dislocations, probably some property purchases. We want NC-DOT to prepare a full environmental assessment for the south section as well as the north section extensions. They will have to do an air quality conformity analysis for all three sections combined and for the future long-range transportation plan and TIP amendments, not for the central section, we want to be able to understand the total subsidy and risk framework for the public/private partnership project and again would there be any scheduling impacts, meaning delays, to other projects. MUMPO's special meeting is scheduled for June 20th. The TCC voted unanimously, last Thursday to make these two recommendations to amend the long-range transportation plan for I-485 south and do what NC-DOT has requested where there will be new capacity added west of Rea Road by 2016 and then there is an unfunded potential project identified east of Rea Road by 2025. For I-77 north, the TCC voted to recommend to amend the long-range transportation plan and the transportation improvement program to incorporate the second HOT lane in each direction from I-85 to exit 28, Catawba Avenue. That is called the central section and to recommend scenario 4 which is the operating scenario where carpools of two would have to pay to use the HOT lanes.

Mr. Dulin said I-77 north and south north of exit 28 is where the real bottleneck is going across the causeway at Lake Normal. That is where the wrecks are, that is where the rubber necking is and that is where the problems are and where the slow downs are. The people that live in north Mecklenburg County live in fear of going places on I-77.

Mr. Steinman said the NC-DOT is proposing to try to first seek statements of interest or proposals from groups of private companies that would finance, build, operate and maintain a project that could extend from NC-150 in Mooresville all the way to I-277, the Brookshire Freeway in Charlotte. At this time the only amendment to the long-range transportation plan is for the central section. This amendment is being sought however in the expectation that NC-DOT will come back later this year with a recommendation for the full project from I-277 in Charlotte to NC-150 in Mooresville by adding one HOT lane from exit 28 north to NC-150 in Mooresville.

Mr. Howard said I think because of the significance of maybe heading into the direction of doing the type of partnership or arrangement with a private source that could last for many years, I wanted to make sure that at least the Council was briefed on it. I have confidence in the fact that City staff and State staff are working to find ways to bridge their divides. At this point unless staff tells me otherwise I think I'm going to tell you which direction it is going in but I wanted to make sure I didn't get too far out by myself on it and Council is briefed on what both staffs are talking about doing.

Mayor Foxx said we had a couple Consent items pulled, do you want to take care of that downstairs?

Mr. Walton said we will do it after dinner and after the other two topics.

The meeting was recessed at 5:09 p.m. for dinner and reconvened at 5:22 p.m.

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ITEM NO. 4: FLOODPLAIN ORDINANCE REVISIONS

City Manager, Curt Walton said periodically we remap the floodplains and it is time to do that again so we wanted to give you an update on that process before it gets too far along. I will turn it over to Daryl Hammock to do that.

Daryl Hammock, Engineering Department said I'm going to walk you through the proposed revisions to Charlotte's Floodplain Ordinance. For those of you who might be unfamiliar with the process of floodplains or how those operate or how those are run, when ditches flow into tributaries and tributaries flow into streams, at some point that runoff collects a square mile of land and at that point FEMA begins regulations of those streams. At one square mile of runoff, FEMA requires communities to identify flood prom areas through commuter modeling and mapping and as a result of that analysis many of those flood prom structures are required to obtain flood insurance. Those flood insurance rates are decreased by voluntary participation of local communities in FEMA's programs that lead to strong local ordinances, things like we are doing with this revision. As a result of a couple of decades of really strong involvement in our FEMA floodplains Mecklenburg County has some of the highest discounted flood insurance rates in the county. The City of Charlotte has delegated responsibility of FEMA compliance through our inter-local agreement we've had with the County for about 20 years. We are in the process now of restudying and remapping all the floodplains in Mecklenburg County. The last time we did that was about 12 years ago. Some of the uses of floodplain maps include determining the amount of insurance that is required to be paid for flood prom properties, regulating new development and new construction in and near the floodplain and communicating risk to those folks who have purchased or built a home in the floodplain decades ago prior to when regulations were in effect in the floodplains. The restudy process and the remapping process is occurring in three phases. We've just completed the first phase, but the master is still considered preliminary and until FEMA finalizes and approves those maps they will not be totally formal. That process takes about 12 to 18 months and that is one of the reasons we are coming to you now for some early adoption of some preliminary studies.

To give you an idea of what the remapping effort in Phase I has looked to date, generally it is good news. Most floodplains are becoming narrower and most flood elevations are decreasing. The map (page 2 of PowerPoint) at the top of the page shows you areas shaded in green and those green areas are locations that once were predicted to flood and now are no longer predicted to flood based on the recent restudy. The areas in red are not predicted to flood and they were not predicted to flood prior to this study. In some areas, which are not depicted very well in this map, but in some areas those red locations extend onto existing structures on to lands that encompasses those structures. In some cases it is more extensive than you see in this image. Some of the reasons why the floodplains maps are changing and this study has changed flood elevations, over the last 15 or so years we've begun to get a much more detailed picture of the topography of the floodplains. Prior to this timeframe we were not using advanced techniques such as reflected lights from lasers to examine the topography of the floodplains but as a result we've got a much more complete and accurate picture, much more data intense collection that is

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able to drive the floodplain models and computer models to predict flooding. We also have a more detailed depiction of land uses, things like impervious cover, location of trees and open spaces, and finally we've updated our rainfall estimates to reflect differing values of rainfall that also contribute to how much flooding is predicted with these studies. To give you a snapshot of how this looks in terms of numbers of structures affected, in the previous study that was done in 2000 we had predicted approximately 2,500 homes or businesses in this study area that would be flooded and as a result of this restudy, we are now seeing that about 1,300 of those previously identified structures are being excluded from this study, meaning they are not predicted to flood anymore. Conversely, there are some structures, about 450, that are being included in the floodplain map revision that are now predicted to flood. When you take the original number of 2,800 of those structures that were flooding, subtract out the 1,300 that are being removed from the floodplain and the 450 that are being added, the result is about another 1,800 that are now predicted to flood. I want to make sure that we are clear about this, the difference between these included and excluded structures is not because of construction or demolition of structures, it is more because of the revised mapping and the revised data that we've collected as part of this study.

What Council will be asked for in two weeks is to enable the regulation of new construction through the uses of the preliminary maps, all three phases of the preliminary studies that show higher flood elevations. If you remember in the previous map I showed the areas in red, those areas are going to have higher flood elevations and increased flood risk. I also mentioned that the process of accepting and formalizing the maps takes up to 18 months.

Councilmember Mayfield said when we look at this in the study do we also take into account no flood areas that have been identified based on development that has happened over these last 12 years? I know in some areas where development came in new areas that have been identified as flood areas that previously were not flood areas?

Mr. Hammock said as development occurs more impervious surfaces built and that can increase flood elevations and if development occurs near the floodplain it is possible that those structures could be affected too. We have had an ordinance in place for many decades to try to prevent new structures from being built in harm's way, but the new analysis does take into affect the added impervious, removal of trees and things like that that can affect flood surface elevations.

Mr. Hammock continued his presentation – the studies are preliminary until they have been accepted by FEMA and this process takes up to 18 months for this to be approved. What we would like to do is to start to recognize those preliminary maps and regulate to those preliminary maps as a proactive local step so that homes that we know could potentially flood in the future are not built upon and so those flood risks are not realized in the 18 months before the maps are finally approved by FEMA. A couple other changes we are suggesting, definitions, numbering and formatting changes. Phase I is in FEMA review right now. They will approve those flood studies and then subsequently the County will submit phases 2 and 3 in 2013 and 2014 for FEMA to also review and approve those flood studies. Council will be asked to approve the final flood studies when they are approved by FEMA. Once Council and FEMA approve these studies then all the areas in green that I showed you earlier will no longer be regulated, no longer be predicted to flood and they won't be regulated by the FEMA program any longer. As a result if those property owners wish they can drop their continuation of flood insurance. At their discretion they can do that after the maps are final. Any newly included flood prom properties that we talked about earlier, the areas in red, at that time must obtain flood insurance. If they are newly mapped and they are newly identified to be flood prom then they will have to pick up insurance at that time when the maps become formal in about a year from now.

The County has done a great job of reaching out to the public to message this to them. There was a direct mailing to all 2,800 property owners in this phase of the mapping process. Those folks were invited to look on line at the revised flood plain maps and also they were invited to five different stakeholder meetings to meet one on one with staff to talk about the maps, talk about why they are changing and to understand the implications to them. Some of the changes that are being proposed, other changes other than revised flood plain mapping, is to address and change the definition of market value. This will provide a more specific definition in determining substantial improvements and one of the concerns has been that when some folks

come in and try to prove that they are making improvements to their property that are less than the 50% threshold for substantial improvement, they have tried to use things like rental income as part of their substantiation for that market value. They have tried to use things like the land value for example and not just the value of the structure. This revised definition will assure that they use just the bricks and mortar value of the structure and the cost to repair or replace that structure and not other methods. There is also going to be an improved definition of what a project is so that folks won't be tempted to do multiple projects in a row separated by several months and then try to circumvent the regulations that way. There is also a clearer definition of what non-solid fence means. That picture on the left shows something that is pretty clearly a solid fence and that type of fence would really block the flow of water and increase flood elevations on neighboring properties and it could be a hazard in the floodplain. Similarly the fence on the right, although it appears to be somewhat open, it too is restricting the flow greater than 25% so that has an effect as well, increasing flood elevations and causing increased damage in the floodplain so we are adding more specific language to address fences.

Councilmember Barnes said back to the slide regarding the fences, you said we are adding some language, what is that language going to be?

Mr. Hammock said it is the section that is involved, the limit on the width of a fence support. The limit of a square area of a fence support, I'm not sure what section that is in.

Mr. Barnes said are you suggesting what is in those two pictures would not be permissible under the proposed changes?

Mr. Hammock said that is correct.

Mr. Barnes said is that something that would be federally mandated or your recommendation?

Mr. Hammock said those are local recommendations and would not be federally mandated.

Mr. Barnes said some things I don't mind regulating but it would bother me to start telling people what kind of fences they could build or couldn't build. You mean only within the flood plain?

Mr. Hammock said only within the flood plain, about 1,800 properties.

Mr. Barnes said that helps and I can see why the one on the left will be problematic because it could block a lot of water, but the one on the right I think I understood what you said, but even that looks to me like it wouldn't be that much of an impediment to flood water.

Mr. Hammock said it can have an effect because it is approximately 30% of the cross section of an area would be blocked by that fence and if the water was two or three feet deep and was pushing up against this fence structure, it has the tendency to raise the water surface and flooding neighboring properties more. It also has the tendency to get blocked. It is going to pick up a lot of debris and it is pretty much going to be largely blocked anyway.

Mr. Barnes said it was only 1,800 properties in the county?

Mr. Hammock said not in the county, but in this map area, 1,800 properties in Phase 1 which is southeast.

Ms. Mayfield said I'm trying to understand once all three phases are implemented because we have had zoning request for development in areas that have been identified or that will newly be identified as floodplain area and I'm concerned that we are getting six months for people to make major structural changes but are we having any discussions as far as is there any federal funding or anything to assist with this or are we just saying this is going to be a possible new mandate that we are going to move forward with on currently developed homes where the homeowner is going to be financially responsible for making these change along with having to add flood insurance.

Mr. Hammock said if I understand your question, I believe if there is an existing fence they are not going to be required to remove it. This is only for new fence installation, new construction and expansions to existing homes. If there is a fence like this there now, no-one is going to be required to remove it.

Councilmember Dulin said I've got some low areas in Madison Park that we fixed. The City did some of it and then downstream the County did some of it, but they replaced fencing with chain linked fence and that is the government.

Mr. Hammock said the chain linked fence, as long as it is more than 75% open and there aren't major obstructions like you see in these photographs with large posts, or a complete blockage like these privacy fences, then chain linked fences would be fine.

Mr. Dulin said the problem with the picture on the right is not the fencing, but the posts?

Mr. Hammock said that is right.

Mr. Hammock continued his presentation and said a few other changes that are being recommended, allowing the placement of mulch in the floodplain to a depth of 12 inches without doing a detailed flood study, requiring a maximum of 180 days to remedy a violation of a problem is identified to have about 6 months to clear that up. Increasing allowances for temporary encroachments, one of the things we've found is a need for a lot of construction going on adjacent to or in the floodplain, sometimes there needs to be a soil stock pile or there needs to be a culvert placed in a creek, temporarily for the period of a few weeks and that requires a complicated lengthy permitting process. We are streamlining that a little bit to allow some temporary encroachments for things like sewer line construction. Finally, requiring flood resistant materials for building additions. This just helps limit further flood losses and an example here would be where there is a basement that is unfinished and someone wants to go in and add carpet, drywall, sheetrock, put in electrical services and things like that and really improve it. They can do that if they do so out of flood resistant materials that would not have to be completely removed and replaced in the event of a flood.

Councilmember Howard said why do we care?

Mr. Hammock said this helps improve our local ordinance and it helps to keep our insurance.

Mr. Howard said no, what you just said about finishing a basement in a floodplain. Why do we care if they do the things you just said?

Mr. Hammock said what it does is it results in more claims to the flood insurance program for repairs. What happens we have a known area that floods, possibly frequently, and it is unfinished and then someone comes in and makes substantial improvements with lots of heated space that can be damaged very easily in a flood. It floods, the areas are damaged, and then there is a claim made to the flood insurance program to compensate the owner for that damage. Then it is repaired and the process continues.

Mr. Howard said your point is that it could drive up everybody else's rate?

Mr. Hammock said that is right.

Mr. Howard said in this situation we want to put it in the ordinance, but if somebody does it then we are not responsible. I'm just thinking about a floodplain, a lot of people take advantage of the topography and put in basements for that very reason. That is going to be more the case than not I would think in a lot of situations so what we are doing is saying the City won't permit it, so if you go through the right process of getting permits we will say no.

Mr. Hammock said we will say that you have to do it with flood resistant materials. Things like carpet and sheetrock that could be completely destroyed in a flood and have to be replaced, we may propose something like brick or leaving the floor to be concrete or something like that that can be washed down and cleaned and then reused.

Mr. Howard said you are only talking about those 1,800 properties?

Mr. Hammock said tonight there will be a public hearing and on June 25th you will be asked to allow regulation of new construction using the preliminary studies in all phases that show higher flood elevations and the other minor ordinances changes we just discussed. Then subsequently Council will be asked to approve each of the final approved FEMA studies over the next three years, 2013 to 2016.

Mr. Barnes said you may have mentioned this earlier in your presentation but I thought one of the reasons we've been raising storm water rates and improving those ponds that Andy votes against constantly, was to avoid all this flooding and not only did your maps indicated that the flooding is getting worse but we are imposing new regulations on something that I thought we had been spending money to stop.

Mr. Hammock said I would say that based on this map revision and based on this charge we are showing that flooding is getting to be less because on the far left side the old study shows 2,800 and the far right shows about 1,800 structures. The ordinances that we've put into place in recent years for example, they make a huge difference in water quality and a huge different in flooding.

Mr. Barnes said that is what I believed.

Mr. Hammock said they do, but they are not 100% effective and every time we pave, build a parking lot or a rooftop, three will be impacts. Albeit much smaller than they have been in the past, but there will still be impacts. We would expect potentially that flood elevations could increase slightly.

ITEM NO. 5: PUBLIC ART WORK PLAN

Scott Provencher, President of Arts and Science Council said I am just the warm-up act for my team that works on public art, but what I wanted to do was actually introduce Nicole Bartlett who is our new Director of Public Art. She has been on board for about 8 months, but it is the first time that she will be in front of all of you and has been working with your team as well as several of the Councilmembers on projects in their Districts. We are really pleased to have Nicole on board. She comes from an architectural background which will be of interest to this group, currently at UNC-C and getting a Masters in Public Administration and just won the Susan G. Burgess award for Public Administration. We are pleased to have her on the team and she has hit the ground running and both Nicole and Robert Bush who is our Senior VP, oversees our investment in the community and will give you an update on the work for this year and a little bit of what is to come in the coming year. The work we do here I think really matters and a lot of times we talk a lot about tactical projects in various neighborhoods, but when it all comes together it is important work that is having an impact on how our community is viewed. I was just recently at Americans for the Arts Conference and my counterpart in Austin came up to me and said the inner-city visit from Austin was in Charlotte a few months ago and I've been hearing from a lot of the business leaders about how effective Charlotte has been in building and engaging center city and using the arts at the center of that as well as the public art program and they are talking about how do we immolate those kinds of things. Austin I know is one of our competitors in trying to attract the creative class and the folks that we want to move here so I wanted to pass that on and say collectively, I think this is important work and it makes the community beautiful and I think it inspires our community as well. Thank you for your support of this program as well as ASC and with that I will introduce Robert Bush.

Robert Bush said we are going to try and be as efficient with your time as possible because we know you've got a busy evening ahead. I'm happy to be here to present the accomplishments we've had so far this year and the preliminary thinking for the upcoming fiscal year. I think as everyone knows ASC has a relationship with the City and the County in the management of the City and the County's public art program that is overseen by the public art commission which the 9 members are appointed equally by the City, the County and ASC. They are responsible for
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making sure that we are following the ordinance and we work very closely with your staff on this. We are going to look at works that we've finished this current year, works that are in progress, including some real exciting installations that are coming up and preliminary thoughts for 2013.

The first completed project in your packet is Eastland Fire Station #42 over on Central Avenue. It is a beautiful new facility. The piece that was done for that was iron gates by iron working artist Zack Noble. You can see in the design of the gates the number of station here. The firemen have been very excited about these gates and we've done this at a couple of stations now and they love these gates, so we are getting good on mechanical gates. This next project is one that I've probably gotten more phone calls about except for the next one we are going to talk about and that is Charlotte Mecklenburg Police Department's Providence Station on Wendover Road. This work by Tom Thoun who is a Charlotte artist is really remarkable and people have called to comment on how beautiful that station is. They are ceramic mosaic pine cones that flank the entry of the facility as well as a mosaic badge or symbol of the Police Department, the Hornet's Nest in the center of the floor in the main lobby of the building. This is the one we've gotten the most calls for and maybe you all have too. People do love this. This is West Trade Street/Beatties Ford at I-77. This the lighted underpass by Erwin Redl. This was a joint project with Johnson C. Smith and the City and the State of North Carolina got involved in this as well because they approved new public art in the right-of-way program at the State DOT allowing municipalities across the state, and this is the first piece installed under that new guideline. The project has inspired every neighborhood next to an underpass to ask for their own fancy underpass. We are trying to tell them to reduplicate it exactly would make none of them unique that we need to approach each one of them in a different way. It does give us a great deal of territory. We didn't include in this PowerPoint because of the size of the file it would be, but we do have them if you would like. We have film of the pattern of light changing and it is a very popular piece and if you haven't seen it, it is worth driving down there but you have to wait until about 8:30 at night to get any sense of it. The dedication is planned for next Thursday, the 21st, if we can get everything worked out with Senator Graham, but if that doesn't work then we will delay it a little bit longer, but it is up and running and in place.

The next is a piece that is actually in fabrication. This is for the Steele Creek Charlotte Mecklenburg Police Station down in the southwestern part of the community. This is a piece of sculpture by North Carolina Artist Billy Lee and it is a major piece of sculpture to sit in front of the building and the image of it is the tree and the tree is a protection for a community or a neighborhood and the whole theme of the Police and their role as a protector and this geometric tree sort of gives us that feel. It is in fabrication now and should be installed probably in the July or August.

Councilmember Mayfield said how are the artist identified? Was that a bidding process?

Mr. Bush said we do a call for artists for every project based on the scale. Sometimes it is local artists, sometimes it is national artists depending on how big the project is and artists submit proposals for being considered, including samples of their work. We actually have another Police Station selection tomorrow, the Eastway Station our Central Avenue near the Eastland Mall area. A community group, members of the Public Art Commission, residents of the area, people that work in the building, the architect of the building, they sit on a panel to review and then recommend who is selected, who is then recommended to the Public Art Commission for approval. It is a very open process and we actually had 20+ applicants for this station that we are going to be selecting the artist for tomorrow. Anytime any of you would like to serve on a selection panel we would be more than happy. Pasty Kinsey has done it and done a great job with us so we'd love to have you come back.

Councilmember Kinsey said I wanted to be on the Eastway Police Station and I said that several times because I attended the meeting and I wasn't called and I'm a little bit miffed about that. The Eastway Station is at the corner of Merry Oaks and Central Avenue, before you get to Eastway Drive. It is going to be a wonderful building.

Mr. Bush said maybe if we could get the information, maybe you could have a window that you could be there.

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Ms. Kinsey said I'm not sure I can do it this late, but I had said several times that I wanted to serve on that one and I don't think anybody wanted me, but that is okay.

Mr. Bush said if we had heard we would have been in touch, but we hadn't heard. We've heard now.

This next piece we feel is going to become an icon for the City. It is a major work by Ed Carpenter that will be at the Billy Graham Parkway and Josh Birmingham Parkway ramp that comes from the south headed north on Billy Graham to exit to go to the Airport. The piece is 65 feet tall, glass and steel illuminated piece that will mark the entrance to the Airport. It looks almost like a feather that has been plucked and sort of stuck in the ground and standing up. We had hoped that the installation was going to happen the last two weeks of July, but we've had a little bit of a delay. We are still hoping that it is going to be done before the DNC but we can't guarantee that. We are waiting on final permits from NC-DOT and the County. The Airport is managing the site improvements that need to be done for this piece to be installed and they are working through that. If you see anyone and can nudge someone that is a good thing.

Ms. Kinsey said I love this piece and I'm assuming, based on what you just said that this comes from Airport money?

Mr. Bush said yes.

Ms. Kinsey said it is fantastic, I love it.

Nicole Barlett said he is a very well known public artist who has worked internationally with Airports everywhere so we are very lucky to have a piece of his.

Councilmember Howard said the Airport has been working for a while to relocate the main entrance to be that road off of I-85 and are we talking about doing something just as significant over there because a lot of times it starts to say this is the entrance to the Airport and if this becomes a secondary entrance to the Airport I would hope the new entrance to the Airport is just as significant or nice.

Mr. Bush said one of the things that Nicole is going to be working on this summer with the Airport is a master plan for public art at the Airport so that we look at their expansion plans and we appropriate place things or conceptually place things so that we are not coming back and doing plop art, we just pick something and stick it there. We want things that are much more integrated into the facility and the new entrance will have a major work just like this.

The next is a project that is in process. The Statesville Avenue Corridor, we utilized \$20,000 of the allocation for this project to do a master plan that showed how art could unify this entire corridor. I have been through several hearings and Councilmember Howard has been at both of the public art commissions where the artist presented her concepts for the public art along the corridor. Nicole is actually passing out the copies of the master plan. Mr. Howard was there because of his role with the Housing Partnership but of course this is Councilmember Mitchell's district. We think that this master plan gives us an opportunity to do something very unique. The work that is described by the artist can be phased so while we do have the dollars to do the three main locations of the art these additional pieces that are shown are things that could be done by a business, by a neighborhood if there are additional funds that are allocated for parks in this area. This is actually park land that runs along behind this section, but we think this really has an opportunity to transform this entire corridor and show it as a really unique neighborhood that is close in to the center city. I know you are aware that this building has been torn down and that is the site of the new Fire Department Headquarters. The Fire Department actually approved rolling their allocation for public art into the streetscape improvement dollars because they plan on using a historic fire engine in the lobby of the facility and we agree that that is a very appropriate way to mark that facility. It has given us more resources to really do something special along Statesville Avenue.

Councilmember Mitchell said I'm just going to say thank you so much, continue using Ms. Cox. She is very successful at Rosa Parks Transit Center, the Metro Police Station so thank you, she has a true talent.

Mr. Bush said another North Carolina artist. We are getting more and more North Carolina artist that are coming to be selected to take these commissions.

Mr. Bush continued his presentation with the North Tryon Redevelopment, specifically the North Tryon Corridor. This is north of the underpass at I-277 and going up to about 36th Street, the corridor that we are working in there. The allocation is \$95,000 which is not a huge amount for that length of a piece of road, but we have actually applied to the National Endowment for the Arts our town program for \$150,000 matching grant. We should hear any day now on whether we receive that funding, although we have gotten smiles and words and encouragement from people of the NEA, you know how the feds are, they can't tell you anything. They won't come out and tell us, but we feel really good that we are going to be getting some of this money. The project that we are working on would connect the public art into the concept of the urban farm and that is the food desert that is along that north corridor, the cultivated project that is just north of WSOC-TV and right across from Amtrak Station. So the art would be environmental in nature, would look at how it connects this urban growing area to the rest of the community. It is a real exciting project and if we get the funds from the NEA it would allow us to have the artist or artist team that is selected to do the work to be in residence at the McColl Center for four months as part of this so they are actually here in the community and working and learning about that neighborhood and the goals the City has for that neighborhood and the neighborhood has for itself as we plan the work. We should be moving into this pretty full steam in the next two or three months.

Ms. Kinsey said the \$150,000, does it require a match from ASC?

Mr. Bush said actually the \$95,000 plus the overhead that we put in, some funds that the McColl Center would match the \$150,000. It doesn't require any additional outlay from the City.

Councilmember Cannon said a little bit off top but looking at that stretch right there, and we've had this discussion about Freedom Drive also. That overhead wiring there and the way try to help beautify an area, I'd be interested in trying to get something back from Duke about what it would cost to bury some of those lines, although I know it would be a stretch when you start talking about trying to improve and make the kind of necessary improvements we are talking about here tonight. This is like Whoa, but little things like that make a difference.

Mr. Walton said we agree. It is extraordinarily expensive in an urban area, but we will be glad to give you a snapshot of what it would take in general.

Mr. Howard said actually we must be thinking alike. Isn't there some money set aside to do some infrastructure improvements already for North Tryon and the scope of that would address what you just talked about. It is not burying lines, but in addition to doing this part there is some infrastructure improvements slated to happen too I think.

Mr. Walton said it could, we'll just have to see how much of the budget that takes, but on the picture that shows the old Seal Test Building, we tried to move the pole out from the very front of the Fire Admen Building and it is going to be like \$30,000 to move that one pole. It is just really expensive where we've got all this asphalt and concrete, but we agree with you.

Ms. Burnett said actually for this project we have already been in contact with the team that is working on the streetscape plan at C-DOT and they are very interested in vetting the artist within their team if we do get this grant. They would work with them to find the solution that could be incorporated within the streetscape plan.

Councilmember Dulin said at least five years ago we voted to bury the lines as a test for one mile along Beatties Ford Road.

Mr. Walton said we didn't get that grant. It was a proposal that Duke was doing statewide, but we were not selected.

Mr. Dulin said I was all excited about that.

Mr. Bush said this is the piece, the Eastway Station at Central Avenue and Merry Oaks, the panel meets tomorrow for artist selection and we've worked with the architect to identify locations where the art can be incorporated in the building. There is a fence that is an option but we have 28 artists that have submitted. At this time I'm going to turn it over to Nicole to talk about upcoming projects.

Ms. Barlett said before you are the proposed projects for FY-13. We are projecting from the CIP that is out there \$54,000 in city allocations that we would like to pool together for one project. We met with Center City Partners and had them present the Public Art Commission to talk about opportunities within the 2020 Plan so that we can match with that vision. Then for the Airport, the money comes from last year's spending so that is the total that we have for next year. I'm doing an independent study this summer as part of my masters in Public Administration project that I've gotten the approval from the Airport to work with them on a master plan document. They are sharing all their master planning information with me so I can come up with a comprehensive document that would assess the work that we already have in place there and how to highlight and promote that. The document would also look at airports throughout the country, what they are doing and what we can learn from them. Then we would establish a list of goals that we would come to collaboratively and a list of suggested locations. That is kind of my summer project.

Councilmember Barnes said would you explain again about the pooled amount of \$54,000?

Ms. Barlett said there are three different projects in the proposed CIP. A streetscape area plan and neighborhood improvement project. We get 1% of each one of those projects and we are proposing, rather than do three separate public art projects, since they are all pretty small amounts and not related to specific facilities, that we would pool those three together into a project to be determined.

Mr. Barnes said why?

Mr. Walton said the 1% of very small numbers doesn't get anything.

Mr. Barnes said I agree that \$9,000 isn't a lot of money.

Mr. Walton said a big part of the amendment that Council did with public art a few years ago was to allow pooling within groups of projects so that you could do more significant things. There will be fewer of them, but they would be more significant.

Ms. Barlett said \$25,000 at a facility is a decent amount of money. \$25,000 along a streetscape, because here we have area plans and neighborhood improvements that are associated with an entire neighborhood, it is a very small dollar amount. It is more effective to pool it.

Ms. Kinsey said I probably made a mistake in trying to reconcile the dollars in the presentation to the work plan. I can't do it, so the \$54,000 has not been allocated yet?

Ms. Barlett said that is what is proposed for next year.

Ms. Kinsey said I see streetscape area plans and neighborhood improvements, but what is the business corridor?

Ms. Barlett said in the past generally what we've done is take each one of those three and pool it together into something that we call business corridor.

Ms. Kinsey said okay, I would not call those business corridors.

Ms. Mayfield said I just wanted to make the acknowledgment now that I would like to be part of the conversation when we get out to the Airport, as the District 3 Representative. I'm letting you know ahead of time.

Ms. Barlett said thank you, we'd love to have you.

Councilmember Dulin said this is my yearly pitch. A couple of years ago we spent \$1,400 to put mosaic tiles on trashcans on Central Avenue and by definition I think a trashcan is mobile. I would like for us to look at being able to move those trashcans around town as traveling a piece of art and not a permanent piece of art at bus stations along Central Avenue. I've had a conversation with Scott and there is a bus stop at Myers Park High School that I'm real proud of. With Carolyn's help we got a shelter to get the kids in out of the rain and that is the #18 route that I ride when I come back and forth to here and I'm usually on the 2:00 when the kids gets out of school. That bus is filled with kids back to the Transit Station so they can go home. I would love to get one of those trashcans over there to let them have a little taste of art too. This is my yearly pitch to try to spread some of that out a little bit. I voted against them, but we have them and I'd like to spread that out a little bit. That is number one and I'm glad that you are in the job you have and I'd like you to go see this bus shelter. It is on Runnymede Road down at the bottom of Selwyn and Runnymede, it is the main entrance to Myers Park High School and they have one of the trashcans that was used for the mosaic, it has that pebble outside and it is very heavy. Number two, there is a piece of property that our Property Management people would know that at Runnymede and Brandywine, it is a little triangle piece of property that was made when they redid Brandywine and Runnymede years ago to stop traffic flow and drive-through traffic. It is maybe a tenth of an acre, but it is a triangle and it is full of weeds. It is an awful looking piece of property and the only time we use it is when we stash asphalt trucks on it or construction trucks when we are working on something around there. It could be beautiful and an entrance way as people are coming down past Park Road Shopping Center on Runnymede and it is a great site for a piece of public art. It is certainly underutilized now as a weed farm. On the back side is the creek and across the Brandywine Bridge is the beginning of the greenway that now runs all the way from there to Central Piedmont Community College. Nicole, please go by and see it. The City owns it and we could make that really special down there. I'm planting the seed tonight so we can do something.

Mr. Provencher said I think there are ideas around where we can do public art and there is always something we are looking for and as we think about these pooled resources, there are opportunities that develop over time where we can take action on a piece of property that we know is not going to be used for something else and we can certainly do that. As far as the trashcans, the one thing I have said in response to moving what we already have is that the only thing I worry about is that we promised that community that was what they were getting and it was their project and was developed in conjunction with that neighborhood. I have no issue with having mobile public art projects and I do think there is opportunity to do more with some of the common things that we use like trashcans that can beautify the city. I'm more than willing to have the conversation with the city around how we might look at that. The thing that I worry about in just taking those and moving them is what we promised to begin with.

Mr. Dulin said I look at them a lot and they are in Councilmember Kinsey's district, but we have the fancy handrails on the bridge and it is great, but we need to do a better job of taking care of our assets because literally it is just mud and dirt around these trashcans where people sit on them and stand around these trashcans waiting on their bus. We probably ought to do a better job of taking care of our assets.

Ms. Barlett said the projects that we will be working on, we will choose based on the priorities that you have set up for us. These are the ones that were on a highly visible property, it is on the property of the funding source or it is in association with that corridor. We encourage pooling of funds to make sure that we are distributing geographically throughout all of the districts.

Ms. Mayfield said is there a process for neighborhoods to submit their areas that they consider highly visible? Do we already have that process in place that the community knows about as far as submitting their area?

Ms. Barlett said we do not have a process through the public art program. Often communities choose to do public art through neighborhood matching grant dollars and I think one of the really interesting things about the proposal that we brought you about Statesville Avenue is that we specifically state that and make neighborhoods and businesses aware of those dollars. We work closely with Neighborhood and Business Services to kind of publicize that and how they might be able to use that. We've spoken with Tom Warshauer about how we might collaborate better and let neighborhoods know more about something like that. Dilworth is actually doing a project like that right now and we've given them a lot of consultation on that. Even if it is something we couldn't do at a site like that it may be a way that we can encourage and teach neighborhoods how to go through the process.

Mr. Provencher said we work specifically with Katie McCoy, our liaison and a couple times a year Katie and our staff goes out to look at corridors for sites that are city owned or land that is controlled by the city that could be a possible site. Making sure that the city staff is aware as well as ASC staff of a potential site is a great way for us to look for those opportunities.

Ms. Barlett said your public art commissioners do the same. They make us aware of sites as well.

Ms. Kinsey said I think we have to remember that this is all funded by the city construction projects, and the projects need to be tied in some way to the construction project. Neighborhoods can't just come in and ask for something, but unless there is a project going on in their neighborhood, the corridor or somewhere, then it doesn't tie together. The project you mentioned in Dilworth, Dilworth is funding that themselves. It is going to be a great project and I really like what they've selected, but the other, the public funding has to be tied to a project that the city is doing.

Ms. Barlett said in working the past 8 months with the Public Art Commission I can assure you that you have a committed group of individuals. They help to select artists, they make sure that we are engaging with the community and they oversee the design process all the way through. They work to enrich Charlotte's civic identity and its individuality and its neighborhoods. Sabrina Brown was our Chair last year and she has been reappointed again this year so we are excited to work with her again. On behalf of the Public Art Commission and the ASC I just want to say thank you.

Councilmember Howard said Mr. Provencher said something a few minutes ago that I didn't want to kind of breeze over. Are you the first person to get the Susan Burgess fellowship?

Ms. Barlett said I am.

Mr. Howard said congratulations on that.

Ms. Barlett said I am very honored. I know she was a wonderful lady.

Mr. Howard said I think she would be excited about the fact that you work for the ASC for one and then choosing to work on a project for the Airport, she would be equally excited about. I just want to say congratulations because she did mean a lot to all of us sitting around this table.

Mr. Howard said I brought this up in the last Council/Manager Relations Committee meeting we had and I was wondering if Council would refer to that committee a conversation about how we handle issues that come before us that change ordinances. Just tonight we were talking about the floodplain ordinance and sometimes it is uncomfortable to ask you to deal with something where you get the information the day of and then you have to vote on it that same night. I was wondering, if it is okay with Council to at least refer to that committee, and maybe there are circumstances where we need to move that fast, but I can tell from tonight several of us have questions and it is the very first thing we have to vote on when we get downstairs tonight. I was wondering if you all would be okay with talking about the process that anything that changes an ordinance goes through before it gets to us for a vote. Does anybody have a problem with that.

Mr. Dulin said can you run that by me one more time?

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Mr. Howard said tonight when we were dealing with the floodplain ordinance, we got it tonight and the very first thing we have to do when we go downstairs is vote on it tonight.

Mr. Walton said no, it is a public hearing tonight.

Mr. Howard said oh, it is a public hearing?

Councilmember Cooksey said but we are voting on the Solid Waste Management Plan.

Mr. Howard said my point is that anything – and maybe that is what will come out of it Curt, maybe I'm wrong, but I would like to have a conversation about it. The one we had a couple weeks ago about the rental, I just want us to have conversations. If that is okay can that committee at least kind of talk it through? Maybe we will find out from staff that we do get it and just don't remember it.

Councilmember Fallon said are you saying that we should get together to discuss certain things?

Mr. Howard said I'm saying before anything changes an ordinance, I want to make sure there is a process that we actually have opportunity to discuss those issues and not have it the same night that we have to actually vote on it.

Mayor Foxx said I think if you all refer this I would like to ask that Mr. Howard be our appointee to the staff and working through shaping that discussion for the committee.

Mr. Howard said can I share one more thing? I was going to bring this up during the budget conversation and I wanted to hand it out to Council tonight before I did.

Mayor Foxx said without objection on that other piece is that okay? Okay, referred.

Mr. Howard said I actually had some questions of staff leading up to the budget conversation tonight and I wanted you guys to see this because it went beyond some of the questions we got from the last session. I asked staff if you take into account the increases being recommended tonight and you take in what the county has reduced, if you look at the very first line it says on a \$100,000 house our increase will be \$36 and the County's decrease would be \$24 so the net effect for a citizen of Charlotte is \$11, which is less than 1% of an increase. It is not 8%. One of the things is that we've always had this relationship with the County when they needed we did and when we needed they did and if you look at the revenue neutral budget we did last year, if you look at supporting the libraries, there are times when we've stepped up to help them and I think in this situation they are doing the same thing for us. When you take the 3 cents, you take away the 2.4 and wind up with about 1 cent, that is really for a Charlotte citizen, less than 1% increase on what they've been paying. If you go with what staff said, the \$200,000 house and take that across, the city increase would be \$72, the County decrease would be \$48. That is a \$23 increase, still a 1% increase and it is \$2 per month. I just wanted you to see this before we go downstairs so nobody can say they never saw this information before. I also asked some other questions that you will see, which I asked them to address. I'm just sharing this so you will know ahead of time and nobody can say they didn't see it.

Councilmember Cooksey said I just want to see if we can refer this to a committee so we can see it before the meeting before we have a vote. I'm just asking. It I a budget ordinance you know.

Councilmember Cannon said Mr. Howard did you factor in the county assessment piece in these numbers anywhere?

Mr. Howard said the tax rate is what I asked.

Mr. Cannon said essentially, even though their numbers went down on that side of the ledger –

Mr. Howard said the tax evaluation is something that is mandated anyway. They did it 8 years as opposed to doing in four. It is just something that is part of what we do, but again last year when they did it we did a tax neutral budget to assist them with it. What I'm saying is this thing that
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we do back and forth is benefiting us this year and I just wanted to point that out that when you net the increase it is less than 1%.

Councilmember Barnes said I sent an e-mail to you about a referral I wanted to make to the Public Safety Committee regarding prescription drug abuse. Essentially what I'm asking is a referral to the Public Safety Committee to explore the following: explore working with local pharmacies to provide collection points for old or unwanted medicines, determine whether we can place receptacles at our CMPD Division Offices to collect old or unwanted medicines, ask the City Attorney to confirm whether there might be legal issues with that approach, and to work with local pharmacies and others to educate the public about the problem. I learned about this at a meeting of the Governor's Crime Commission, which I am a member of last week and we lose 1,000 North Carolinians per year to prescription drug abuse. A lot of is preventable, a lot of it happens and I wanted to see if there is anything the Committee could do on a local level to prevent those accidental deaths in Charlotte.

Mr. Cannon said do you need a referral or do you need a report?

Mr. Barnes said referral and the reason I say that is that it would be difficult for staff to work through the issues without discussion with us.

Mr. Cannon said the reason I asked for a report is largely in part because if we find that what you are suggesting does mean that we ought to be paying some attention to it or we can make some changeable difference there and we know that ahead of time, it automatically makes sense to refer it. I just want to make sure we aren't referring something to the Committee to sturdy where we aren't acting on anything that we actually know we can make a change within.

Mr. Barnes said as I understand it, the problem is significant even within Charlotte to warrant action by us.

Mr. Cannon said I just have a problem with it.

Mr. Walton said whether it is a referral or a report, we are in a window now that CMPD can really focus on one big thing and I think the timing would have to be, the expectation would be sometime after the beginning of September because the Police Attorney's are equally engaged. As long as we understand the timeline we have no problem.

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The meeting was recessed at 6:31 for the Council to move to the Council Chambers

The Council reconvened in the Meeting Chamber of the Charlotte Mecklenburg Government Center at 6:45 p.m. with Mayor Foxx presiding and all Councilmembers present.

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INVOCATION AND PLEDGE

Councilmember Kinsey gave the invocations and led the Council in the Pledge of Allegiance to the Flag.

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AWARDS AND RECOGNITIONS

ITEM NO. 7: CHARLOTTE-MECKLENBURG SCHOOLS ENERGY POSTER CONTEXT WINNERS

Mayor Foxx said we would like for the Charlotte-Mecklenburg Schools 2011/2012 Energy Poster Contest to be recognized. Their winning posters will raise awareness of energy conservation and renewable energy in our schools. Mayor Foxx introduced Ed Tavares, Energy
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Manager of Charlotte Mecklenburg Schools. Kiron Fan, Mountain Island Elementary School, Lyubov Draga, Northeast Middle School and Da Sol Lee from South Mecklenburg High School.

Ed Tavares, Energy Manager of Charlotte Mecklenburg Schools said I'm here to present our top CMS Energy Poster Contest Winners. CMS would like to thank the City of Charlotte for helping sponsoring this year's Energy Poster Contest and for recognizing our top three winners. Winning posters will be printed and used for a district wide advertising campaign which will continue to raise awareness for energy conservation and renewable energy in CMS. Charlotte is ranked #17 on US EPA list of 25 cities with the most energy star rated buildings and CMS is proud to say that we account for over 40% of those buildings. As you can see CMS conservation efforts have a positive impact on the city and community at large. I would like to present the two winners that are here tonight, Lyubov Draga couldn't make it. This is Kiron Fan from Mountain Island and Da Sol Lee from South Mecklenburg High School.

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ITEM NO. 8: DO THE RIGHT THING RECOGNITION

Mayor Foxx said this is one of my favorite awards every single year. Do The Right Thing is an organization dedicated to recognizing and celebrating and rewarding youth who in the face of overwhelming odds exhibit character and integrity. Do The Right Thing is sponsored by the Charlotte Fire Department, the Charlotte-Mecklenburg Police Department and the Charlotte Mecklenburg Schools. This year to present the Do The Right Thing Organization's Dr. Sam Haywood Award is the Charlotte Fire Department Battalion Chief, Barbara Beam. This year's winner is Alexander Gonzales and I will let Chief Beam explain more.

Battalion Chief, Barbara Beam said for several years now I've had the great honor of presenting to you a young man or young lady who has displayed courage and fortitude in the face of adversity. We honor them because they chose to do the right thing. Tonight I'm very excited to be here with you to honor and celebrate Alexander Gonzales, our annual Dr. Sam Haywood Do The Right Thing Award recipient. I would like to present to you Alexander Gonzales, a rising 10th grader at Providence High School and his parents who are in the balcony. On March 17th Charlotte Firefighters were dispatched to a CPR call. Cardiac arrest of a 2 ½ year old child. Upon arrival the firefighters found the child was breathing and had a cough. When they began investigating the incident they discovered that the toddler's older brother, 15-year old Alexander Gonzales, had saved his sister's life. Alex quickly recognized that his sister was in significant respiratory distress. He immediately began CPR. When the firefighters arrived he remained calm and assisted them with information to aid and patient care. His quick thinking and decisive action saved his sister's life. He displayed great courage and resolve in the face of imminent tragedy.

Mayor Foxx asked Alexander to talk a little bit about this incident and said I am very impressed by your bravery and our community is very proud of you.

Alexander Gonzales said my dad and I were working in the back yard and I went inside to get some water and my sister Dianna came up to me and said Miah is not breathing. I took Miah into the family room and began CPR and then I told dad to call 911 while I was doing this. They arrived and she was recovering from that.

Mayor Foxx said the reason why this is one of my favorite awards is that almost every day I hear somebody complaining about young people and then you see a young person do something like this. You can tell he doesn't think of it as a courageous act, but the rest of us do. I'm amazingly impressed, not only by him, but many young people who are showing us that there is plenty in the next generation to be proud of.

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ITEM NO. 9: 2012 EMPLOYEE OF THE YEAR

Mayor Foxx said the Employee of the Year Award is a 49-year old tradition acknowledging an employee whose efforts, ideas, suggestions and courtesy in job performance deserves special recognition. The award is sponsored by the Employer's Association and recipients are nominated by their co-workers and selected by an independent panel of judges. This year's winner was nominated for his excellent work ethic and his desire to go above and beyond what is expected. His efforts to leverage technology to better serve our customers and to create efficiency within the work process ultimately allows staff to provide better customer service and response times. He is a Senior Plan Review Engineer in the Engineering and Property Management Division with 15 years of service to the citizens of Charlotte. The 2012 Employee of the Year, Brendon Smith, along with his wife Heather and their children Tyler, Lindsey and Evan, were recognized.

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CONSENT AGENDA

RECUSE MAYOR FOXX FROM PARTICIPATING IN ITEM NOS. 28 AND 34

[Motion was made by Councilmember Howard, seconded by Councilmember Cannon, and]
[carried unanimously, to recuse Mayor Foxx from participating in Item Nos. 28 and 34.]

[Motion was made by Councilmember Howard, seconded by Councilmember Mayfield, to]
[approve the Consent Agenda as presented with the exception of Item Nos. 27 and 28.]

The following items were approved:

19. (A) Low bid unit price contracts for the term of one year to Charlotte Truck Center and Carolina Industrial Equipment for trucks and street sweepers used in the delivery of solid waste services. The Fy2012 expenditures are estimated to be \$1,001,268; (B) Authorize the Manager to extend the contracts for four, one-year terms with possible price adjustments as authorized in the contracts.

Summary of Bids – Grapple Truck GVWR 33,000 (Knuckle Boom)

Charlotte Truck Center	\$254,998.00
Carolina Environmental Solutions	\$256,976.00
Amick Equipment	\$271,388.00
Rush Truck Center	\$270,383.86
Public Works	\$263,204.00

Summary of Bids – 33,000 GVWF Regen Street Sweeper

Carolina Industrial Equipment	\$347,970.00
Public Works	\$355,462.00

Summary of Bids – 33,000 GVWR Vacuum Street Sweeper

Carolina Industrial Equipment	\$390,310.00
Public Works	\$393,174.00

20. Contract to the lowest bidder, WM Warr & Son, Inc. in the amount of \$889,785.60 for the Toddville Road Sidewalk Project.

Summary of Bids

WM Warr& Son, Inc.	\$ 889,785.60
Carolina Cajun Concrete	\$ 926,378.20
Blythe Development Co	\$ 967,804.20
Triangle Grading & Paving	\$ 994,540.80
United Construction Co.	\$1,047,985.40
Blythe Construction, Inc.	\$1,084,467.38

21. Contract to the lowest bidder, D. E. Brown Construction, Inc. in the amount of \$353,926.65 for the Spratt Street Office Renovation Project.

Summary of Bids

D. E. Brown Construction, Inc.	\$353,926.65
M. V. Momentum Construction, LLC	\$366,959.25
Sorensen Gross, Inc.	\$369,195.75
T. K. Browne Construction Co., Inc.	\$374,663.10
Pinnix, Inc.	\$399,000.00

22. Contract to the lowest bidder, Blythe Development Company in the amount of \$2,887,990.55 for the Brookshire Boulevard/Hovis Road/Oakdale Road Intersection Improvement Project.

Summary of Bids

Blythe Development Company	\$2,887,990.55
Ferebee Corporation	\$3,013,182.81
Sealand Contractors	\$3,226,749.65
Blythe Construction, Inc.	\$3,378,620.28
Rea Contracting, a Div. of the Lane Const. Corp.	\$3,437,985.53
Triangle Grading and Paving	\$3,953,136.39

23. (A) Contracts for geotechnical and construction materials testing services to the following:

1. Terracon Consultants, Inc. \$150,000
2. Froehling & Robertson, Inc. \$150,000
3. E.S.P. Associates, P.A. \$150,000
4. S & ME, Inc. \$150,000
5. Summit ECS, Inc. \$150,000

(B) Authorize the City Manager to approve up to two renewals each in an amount not to exceed the original contract amount.

24. (A) Unit price contract to Logo Works for the purchase of physical training uniforms for the term of three years; (B) Authorize the City Manager to extend the contract for two additional, one-year terms with possible price adjustments at the time of renewal as authorized by the contract. The annual expenditures are anticipated to be a total of \$54,000.

25. Authorize the City Manager to execute a one-year contract with Mecklenburg County for \$625,506 to provide all fire protection services in the areas previously served by Newell and Mallard Creek Fire Departments.

26. Amendment to the contract with Sunshine Cleaning Services, Inc. in the amount of \$156,128.25 for terrazzo cleaning and maintenance at the Airport.

29. (A) Contract to the lowest bidder Swederski Concrete & Paving in the amount of \$817,300 for the airport terminal ramp repairs; (B) Contract for quality assurance testing in the amount of \$20,000 to On-Spec Engineering, PC; and (C) Budget Ordinance No. 4892-X appropriating \$837,300 from the Airport's Discretionary Fund Balance.

Summary of Bids

Swederski Concrete & Paving	\$ 817,300.00
Hi Way Paving	\$ 844,800.00
Triangle Grading	\$ 887,700.00
Showalter Construction	\$ 898,700.00
APAC	\$1,022,868.00
The Bowers Group	\$1,077,758.00
AP Atlantic	\$1,355,530.00

The ordinance is recorded in full in Ordinance Book 57, at Page 657.

30. (A) Contract with Blythe Development, Company in the amount of \$294,190 for Storm Water Improvements on Airport property; (B) Contract with HDR Engineering, Inc. in the amount of \$450,000 for design and bidding services for additional storm water detention improvements.

Summary of Bids

Blythe Development Company	\$294,170.00
Dakota Contracting Company	\$319,086.00
R. H. Price, Inc.	\$320,155.00
Triangle Grading & Paving, Inc.	\$717,969.00

31. Three year contract in the amount of \$189,825.30 to Samson Grounds Management, LLC for Zone 5 Landscape Maintenance, Airport Landscape Maintenance.

Summary of Bids

Samson Grounds Management, LLC	\$189,825.30
Tru Green Land Care	\$245,444.85
Roundtree Companies, LLC	\$316,460.81
Rupert Landscaping	\$372,178.80
Creative Lawn Scapes	\$382,198.95
Southern Shade Tree Co., Inc.	\$426,174.00
Diamond Athletic Landscaping	\$464,510.55

32. Contracts to the following firms for engineering services on an as needed basis. These contracts will be for the combined amount of \$1,400,000:
1. Black and Veatch \$300,000
 2. Hazen & Sawyer \$300,000
 3. CDM-Smith \$200,000
 4. HDR Engineering, Inc. \$200,000
 5. Southeastern Consulting Engineers, Inc. \$100,000
 6. Willis Engineers, Inc. \$100,000
 7. Brown & Caldwell \$100,000
 8. McKim & Creed \$100,000

33. Rental agreement with United Rentals in an amount up to \$600,000.

34. Contract agreement with Bridgestone Firestone North American Tire, LLC in order to conclude its bus tire leasing and related services contract, for up to \$396,000 over three years.

35. (A) Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$953,680.65. (B) Resolution authorizing the refund of business privilege license payments made in the amount of \$2,277.19.

The resolutions are recorded in full in Resolution Book 43 at Page 735-740 and 741-742.

- 36-A. Ordinance No. 4893-X authorizing the use of In Rem Remedy to demolish and remove the structure at 114 North Linwood Avenue (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 658.

- 36-B. Ordinance No. 4894-X authorizing the use of In Rem Remedy to demolish and remove the structure at 118 North Linwood Avenue (Neighborhood Statistical Area 19 – Thomasboro/Hoskins Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 659.

- 36-C. Ordinance No. 4895-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2827 Lake Avenue (Accessory Building) (Neighborhood Statistical Area 18 – Enderly Park Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 660.

- 36-D. Ordinance No. 4896-X authorizing the use of In Rem Remedy to demolish and remove the structure at 6505 Wisteria Drive (Neighborhood Statistical Area 195 – Starmount Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 661.

- 37-A. Acquisition of 2,134 square feet in Storm Drainage Easement, plus 2,042 square feet in Sidewalk and Utility Easement, plus 18,122 square feet in Temporary Construction Easement at Markland Drive, Kenhill Drive and West Boulevard from Ponderosa Associates Limited Partnership for \$13,450 for Ponderosa Neighborhood Improvement Project Phase1 and Markland/Wedgefield Sidewalk Project, Parcel #1.

- 37-B. Acquisition of 1.69 acres at 7800 Wilkinson Boulevard from Ralph Herbert Suttle, Jr. for \$130,000 for Airport Master Plan Land Acquisition.

- 37-C. Acquisition of 1.46 acres at 7734 Douglas Drive from Kenneth H. Johnson for \$17,000 for Airport Master Plan Land Acquisition.

- 37-D. Resolution of condemnation of 233 square feet in Storm Drainage Easement, plus 1,645 square feet in Temporary Construction Easement on Enderly Road from Elijah Ali Hackett, III and any other parties of interest for \$350 for Enderly Park Neighborhood Improvement Project, Parcel #9.

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ITEM NO. 11: PUBLIC HEARING ON FLOODPLAIN ORDINANCE REVISIONS

The scheduled public hearing was held on the subject matter.

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

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ITEM NO. 12: CITY MANAGER'S REPORT

City Manager, Curt Walton said I have no report.

Councilmember Mitchell said I know it is not part of your report, but evidently something happened in Raleigh today that can have a direct impact. Is there any feedback that we are going to receive from some action that was taken place in Raleigh today that could have an impact on us as it relates to our transit? Will we get a report later on?

Mr. Walton said no sir, it is just a bill that was introduced and it will be working its way through the system. It is not a law yet.

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ITEM NO. 13: FY2013 APPROPRIATIONS AND TAX LEVY ORDINANCE, THE CAPITAL INVESTMENT PLAN RESOLUTION FOR FISCAL YEARS 2013-2017, THE FY2013 PAY AND BENEFITS RESOLUTION AND ASSOCIATED HUMAN RESOURCES CONTRACTS, AND OTHER ITEMS RELATED TO THE ANNUAL ORDINANCE ADOPTION:

- A. THE FY2013 APPROPRIATIONS AND TAX LEVY ORDINANCE**
- B. THE FY2013 APPROPRIATIONS FOR CHARLOTTE-MECKLENBURG STORM WATER**
- C. THE FY2013 APPROPRIATIONS FOR CHARLOTTE-MECKLENBURG UTILITIES**
- D. THE FY2013-2017 CAPITAL INVESTMENT PLAN RESOLUTION**
- E. THE FY2013 PAY AND BENEFITS PLAN RESOLUTION AND ASSOCIATED HUMAN RESOURCES CONTRACTS**
- F. OUTSIDE AGENCIES CONTRACT**
- G. MUNICIPAL SERVICE DISTRICTS CONTRACTS**
- H. JOB TRAINING CONTRACTS**
- I. OUT-OF-SCHOOL TIME PARTNERS CONTRACTS**
- J. HOUSING DEVELOPMENT AND SUPPORT CONTRACTS**
- K. OTHER BUDGET ITEMS**
- L. CHARLOTTE MECKLENBURG HOUSING PARTNERSHIP CONTRACT**

Mayor Foxx said this is the product of many months of work going back to City Council Retreat in February for the City Council and going back even further for the staff. For those who have not been privy to every single meeting that we've had in the last several months, we've had several workshops on this topic. We had a straw vote process that we concluded about two weeks ago and we extended that process of having the option for people to submit revisions to the budget through last Tuesday and I think we got a grant total of one from Mr. Mitchell, so tonight we are here to consider this budget. I will open the floor for discussion and since our Budget Chair is Councilmember Barnes, I will give him the opportunity to comment.

Councilmember Barnes said first I want to thank the members of the committee and Randy Harrington, our Interim Budget Director and our former Budget Director, Curt Walton for their assistance in the process. I had mentioned to you all that I had some concerns about the process that we used to arrive at this budget this year and at some point I would like to address that. I would suggest to my colleagues that we vote on each of these items individually. You may recognize that Item A is the appropriation and tax levy piece and that technically could have come toward the bottom of this list, but for the sake of allowing people to express some of the concerns that I've heard from various members of the body, I think it might be good to have a vote on each of these items.

Mayor Foxx said that is a bit unusual.

RECUSE COUNCILMEMBER HOWARD FROM VOTING ON ITEM L.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, and]
[to approve Item L and recuse Councilmember Howard from voting on Item L.]

Councilmember Dulin said I don't mind voting to recuse Mr. Howard, but I really don't want to get Item L out of order.

Mr. Mitchell said I'll compromise and just vote to recuse Mr. Hoard.

The vote to recuse Mr. Hoard was recorded as unanimous.

[Motion was made by Councilmember Howard, seconded by Councilmember Kinsey, to]
[approve Items A-K]

Mr. Barnes said I'm voting against the budget but I wanted to address each of them individually.

Mr. Dulin said we've gone round and round and round on this budget and to the audience here and those folks watching from home, we have the operating budget to us in our packet is Items A – L and Item A would be the appropriation to tax and levy ordinance which means we would be voting ourselves the right to raise taxes tonight. In this list Item D is 2013-2017 Capital Investment Plan resolution, which is the 8% tax increase, 3.6 cents per \$100 value of each and every home in Charlotte-Mecklenburg. I want very badly to vote against A and D and would like to have the opportunity to pull those out and then we can discuss these other items for their merit, including big stuff here like pay increases for our public safety. Along in that one motion is also benefits for domestic partners, which is a big deal and we ought to talk about it. I'm not willing to lay a blanket in one motion and done on something as big as this is a \$1.9 billion motion that was just made, plus a \$926 million tax increase just make and I'm not willing, without discussion to lay that out. I would very much like Mr. Mayor to pull Items A and D out for further discussion and then vote on those two items.

Mr. Howard said Mr. Attorney can we vote to divide each issue in the motion?

City Attorney, Bob Hagemann said your rules do allow dividing a question.

Mr. Howard said we can divide the question, I just wanted to put the motion on the table to start. I'm okay with dividing the question.

Mr. Dulin said if we are going to go one by one that is fine and I would like to do that, but A is specifically connected to D and those two need to be connected in a motion.

[A substitute motion was made by Councilmember Dulin, seconded by Councilmember]
[Fallon, to pull A and D out of order and let us vote on that first.]

Mr. Dulin said that is the 8% blanket that I hope we don't put on everybody's shoulders.

Mayor Foxx said are you seeking to approve or disapprove it? I think we need to have a motion that formulates alongside what you are intending to do.

[Mr. Dulin changed his substitute motion to pull Items A and D out of the 2013 Operating]
[Budget and 2013-2017 Capital Investment Plan for a separate vote. Ms. Fallon seconded.]

Mr. Dulin said I plan to vote no on those two and would ask Councilmembers to think about their conscious first, their constituents second and their party third.

Mr. Howard said before we came downstairs I asked staff some questions and I will refer to them as I go through my comments just so you guys know it is the piece that we got upstairs. I'm clear that sometimes our form of government can be somewhat hard to understand. The fact that we have a City Council, a County Commission and a separate School Board can make a lot of sense when you are trying to find a representative for individual issues, but it can be hard to understand and even harder to explain when you are talking about budgets. Why am I talking about this at this time, well the truth of the matter is that each elected body tries to help each other when we can. The example that I will give you is that the City stepped up to assist funding libraries a few years ago when the County had to go through some difficult times with the economy. Last year the City adopted a revenue neutral budget in response to the County's re-evaluation process. That motion alone cost the City \$18 million. This year the County is cutting its rate 2.4 cents when the City needs their help for change. This budget we are putting forward is to help with a lot of capital improvements and economic development things we've been putting off for years. What does that mean to a citizen of Charlotte, and that is what this is today. I asked the Budget Department to help me out with some numbers. We've heard the Budget Department give us over the last several months the example of a citizen owning a house valued at \$200,000. What that would mean if you own a house valued at \$200,000 you would be paying \$72 more per year. Take into consideration what the County is doing. If the County lowers their rate by 2.4 cents, which is now a 1 cent increase for a citizen in Charlotte, that means that your tax bill is going to decrease \$48.80, which results in your increase for the year is \$23.22, less that 1% increase. To be specific, it is .93% increase which averages out to \$2 per month.

The City staff has an incredible reputation for being good stewards of running our city. We got this a couple weeks ago and they gave us comments from our rating agencies and some of these are worth reading out loud and I will. The stable outlook further reflects our assessment of management's strong financial policies and practices which have been key to managing capital pressures and the City's debt portfolio. That came last year from Standard and Poors. Another report from Fitz Rating Agency says among the City's prudent capital investment plan policies is the allocation of a portion of the property tax rate to fund capital needs on a pay-as-you-go basis. I could go on and on and there are three pages of things that people have said about our city about how well run it is. I also asked the City staff to tell me at what time in the past was our rate at this same level, citywide and combined with the county. The last time our rate was even close to this 43.70 cents that we are talking about was in 1999. This city has been very prudent in the way it has been run by Manager after Manager and we've only seen a tax increase in our city twice in the last 25 years. What that says to me is that we've kicked the can down the road and you can come up with any analogy you want, different things we need to do to improve this community. I've also heard people talk about the fact that we haven't done enough to cut and to save. Well, I found out today that not only have we done that over the last couple of years, but because we are such a well run city, and we were positioned to take on the brunt of the economy because of wise management and having a City Manager that saw things coming. The City Manager actually started several years ago in 2009, putting away \$9 million from the General Fund to help with the things that could go wrong and an additional \$12 million and in 2010 we had \$6.5 million in cuts which included freezing 215 jobs. In that same year we gave no increase to staff. In 2011 departments produced 48 budget cuts that totaled \$7.7 million in cuts. In 2012, no pay increase and my point here is that the City has cut, it has been prudent and that doesn't change the fact that we still have needs. What I'm here tonight to say is that when you combine the county and the city, if we are talking about a City of Charlotte citizen, the combined effect when you talk about the city's increase and the county's decrease is 1 cent. If you want to put that in percentage that is less than 1% increase in a city that has only raised taxes twice in the last 25 years. What does that mean for somebody that owns a house valued at \$200,000? It comes out to \$2 per month. For that what we are talking about doing is doing some very important economic development catalyst projects as well as some other improvements we need to do for this community.

One of the things that has been bothering me is that I've heard this thing captured and my friends in the media have done it. They have captured on this 8% increase and I kept trying to figure out, it can't be 8% for a citizen in Charlotte if the county is going to decrease theirs by 2.4. Folks I'm telling you tonight, it is less than 1% increase. That is what we are talking about tonight.

Councilmember Pickering said this is difficult and we all know that. I appreciate everything my colleague Mr. Howard just said and this is an exceptionally well run city and I hope people appreciate that fact and really get that fact because it is true. I want to thank the City Manager and all the staff who worked hours and hours and hours on this capital plan. After much soul searching I have decided that I'm not able to raise taxes at this time. I just think it is a terrible time and I've looked at the totality of what our citizens are facing currently. We've got high unemployment rate, we are looking at a water and sewer bill increase, storm water increase, CATS fare increase and of course the mother of all increases which is the County re-evaluation and I've been calling that the wild card in this whole situation. If it were not for that I might be voting for this capital CIP plan tonight. I just think folks need time to absorb and recover from the blows that they have taken. Having said that I think this is our blueprint forward, this is where we want to go. I love everything on here. Let's see if we can work on some of these projects in a way that doesn't tax our homeowners. I can think of a certain \$7.25 million that is going to be proposed probably within the hour for a baseball stadium. Couldn't those dollars be used toward the Bojangles renovation? These are the kinds of things I think we need to think about and that we really haven't had time to think about. While I support everything on here and I think the approach, the concept is exactly right on point, we do need to invest in these areas, we have to, it is critical, but I can't vote to do that right now at this time.

Mr. Barnes said Mr. Dulin alluded to an issue that I have approached in a different sort of way. I have some questions about D that may impact A and they have to do with the streetcar portion of the CIP and I want to perhaps inform my understanding better before voting and I'd like to have Carolyn Flowers if she is here come down and answer a couple questions about the streetcar

proposal. Question for you regarding the operating portion of the streetcar, I recall that we approved the existing tracks down Elizabeth and that we were working to determine how we would pay for the operating costs of that portion of the line. Have we been able to make that determination?

Carolyn Flowers, CATS said that determination has not been made yet.

Mr. Barnes said with respect to the proposed extension, the \$120 million that is included here, do we have a plan in place to fund the operation of that?

Ms. Flowers said I would have to defer to Budget. Those decisions I think are going to be made in the future as part of the City's budget. The 30-year plan for CATS doesn't include any financial support for the streetcar project, but it is envisioned that through the City budget process, those costs will be covered in the future.

Mr. Barnes said would that be PAYGO through the general fund?

City Manager, Curt Walton said CATS is not the manager of the streetcar project because it is not in the 2030 Plan as Ms. Flowers noted so it is managed on the city side. CATS would operate it when it is built. The \$37 million grant that we received, the operating costs have been fully funded during pay-as-you-go. For the streetcar that is proposed in the \$926 million, that would go on line estimated in 2018 which is outside of our five-year horizon. There is nowhere for us to show the operating costs right now, but the 3.6 cents has enough capacity in it to provide the operating costs when we get to 2018.

Mr. Barnes said so we would be funding it off the property tax?

Mr. Walton said right.

Mr. Barnes said would there be enough capacity in that tax rate to fund the entire \$500 million or \$600 million for that line?

Mr. Walton said it is the same 3.6 cents.

Mr. Barnes said correct, I'm saying that we are proposing to spend \$120 million in Item D and as I recall the full build out was about \$550 million or so and I'm saying for the balance of that, the \$380 million, how will we pay for that?

Mr. Walton said when we provided the capital funding strategy for that we would provide an operating funding. There is not the capital funding in place to do that now. I think it was \$450 million rather than \$550 million so this takes it about half way between the two projects that we've got and the operating costs for that is funded. Neither the capital nor the operating is funded or recommended right now for the remaining half.

Mr. Barnes said do we have funding for the maintenance of the streetcar line in the budget?

Mr. Walton said included in the \$119 million is a maintenance facility on Beatties Ford Road, a temporary facility, so it wouldn't be sufficient for the whole ten-mile line, but it is sufficient for the five-mile.

Mr. Barnes said does that also pay for through PAYGO and the property tax?

Mr. Walton said yes.

Councilmember Mayfield said I definitely appreciate and recognize the enormity of the vote that we have ahead of us tonight. I have spoken to many residents in my district at community events, community meetings, I've read numerous e-mails that I can't even put a number on, answered numerous calls on both by personal, work and office phone as well as all of my colleagues. Personally after a lot of prayer and a lot of conversation I recognize that this capital plan is very aggressive and in a perfect world we would have addressed this when we were in our best days and in our hay days when the economy was at the height. To some people, no time

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will ever be a time to have a tax increase, there will never be a good time for that, but there is a reality here that all of our collective taxes help to create the growth that we have seen and the stability that we have seen in certain parts and in our strongest communities. I'm going to identify any specific community, those that live in those communities, I think I've heard the loudest voice from as far as this not being a good time, but I recognize that now is the time to invest in our communities that have been a little more unstable because we've seen the growth throughout the city. Our core and the areas that this capital investment plan is addressing, specifically looking at the west side and the north side and the east side where we have seen a decline and we see some major infrastructure holes. This is aggressive and I recognize that, but I also recognize that the reason I am going to support moving forward with not only our operating budget, but also our capital investment plan is because if we are not the ones to take the chance to really step up and do something better for our entire community, then I go home at the end of the night and say that I didn't do everything that I was supposed to do, representing my district, representing my community, representing all of those, including myself because I also fall in that category. This is something, whether people realize it or not, yes being an elected official on City Council, this is considered a part-time job. Most of you that reach out to us know that this is not a part-time job, this is a full-time job. I have been in a position where luckily these first six months, I have been able to commit just to this work, to really try to be as good a steward as I possibly can. I don't have children, but I'm looking at the growth of our community and looking for how to make sure that I have a better community for the children that are growing up in elementary school now and that haven't been born yet. I'm recognizing that we have an opportunity to do something great for the City of Charlotte so I just wanted to share with not only my constituents, but also all of those in the audience today why I support this program, why I support our operating budget and just give some background as to why I came to the decision I came to.

Councilmember Fallon said my decision is going to be the opposite and it is because at this time I don't think we should raise any taxes. If this were another time I'd be more than happy to approve it. If you give me two years and the economy improves I have no problem, but I do have a problem with people who've had their homes reassessed and can't afford it on the edge. We are going to have to pay a water and sewer increase, a utility increase, and whatever else and if the county comes back next year with another increase I just don't have it in my heart to burden anybody with anything more. There are so many people out of work and on the edge and I will not push anybody over the edge.

Mr. Howard said Ms. Mayfield I know exactly how you feel. One of the things that is hard and most people forget that we actually own homes too. This doesn't come light. This is not something I sit around and think it would be great to write another check to the City. If I didn't truly believe in it I wouldn't be talking about it. One of the hardest things since I've been elected is that a lot of times we have to make decisions based on perception more than we have making a really good business decision for the city. If you can tell me of anybody who owns a business who have 25 years never raised their prices on anything, matter of fact they lowered their prices and now what they are saying is that we've put off our investments so long that now we have to do something major. The net effect of that because of some friends in another company that we only need to raise it 1 cent because that is what the net effect is on the citizens, 1.1 cent, \$2 on a \$200,000 house and out of that we are going to get a billion dollars in investment. To me that is us setting a perception rule what we are doing tonight and not good business decision. The City has been run great and that is one of the reasons we've not had to worry about this as long as we have, but to set up here today and say this is about not burdening the citizens when we all own homes too and we know that we are talking about minimum to get investment so that we don't have to worry about our community declining over the next 20 years, which is the gift we were given when we were elected from leaders before us is us putting perception of what saying we are doing a tax increase above the fact that it is 1 cent. It is \$2 on a house valued at \$200,000. One of the things that I promised myself is that I would never sit here, even when I've got people that tell me they would never vote for me again and make a bad decision based on perception and put this City in peril because I didn't feel like I could look at everyone of you guys and tell you we need to do something to move our community forward. I'm going to spend the \$2 because that is about what the value is on my home every year because there is a community coming behind us that is depending on us to make good investments as well. Let's be clear, perception can rule tonight. I get the moral victory of saying we didn't raise taxes but there are
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Councils behind us for the last 25 years and only one other Council had to do this. Let's not make this about this big increase because we are not talking about a big increase, we are talking about investment in our community that is minimum. For 1 cent we get a billion dollars in investment.

Councilmember Autry said this is not anything to be taken lightly. I commend City staff and the City Manager for stepping up and doing the job and taking the direction that we gave staff back in February at the Retreat. We said we needed a big, bold capital investment plans, fewer and larger projects that have a profound impact on this community going forward. That is why I would encourage my fellow colleagues to support this plan because it is time to put a new roof on the house. It is time to repave the streets, it is time to reconfigure some of our assets and make them more productive so they can be sort of the catalyst for growth that we all want to see in our community. If we leave a legacy behind us today it is that we were willing to step forward and invest in this community and that is why I would ask for you to vote yes on this.

Councilmember Kinsey said I've been trying to hold my tongue, but I do want to make mention. I won't say I'm the oldest rat in this barn, but I'm the oldest rat around here who is a native and have seen our inner city neighborhoods in particular just go straight down hill. I live in Elizabeth and there was a time when people were moving out of Elizabeth and would not live there. I saw a beautiful home in Dilworth, wanted to buy it and could have bought it for song, but my husband, ex-husband now, said we can't afford to take that chance. Wilmore, Wesley Heights, all of these neighborhoods uptown and I can say that because of I was one of six plain old ordinary citizens at the time in the mid 70's who put together the Fourth Ward Revitalization Plan. It wasn't the city at the time, although the city came to the table, and it wasn't the bank. It was six old ordinary citizens who were crazy enough to think that Fourth Ward was worth saving. I really do believe that was a catalyst to what we see now uptown, but if the city had not invested in infrastructure and area plans and all sorts of things that those neighborhoods needed we might not have those neighborhoods back today or uptown. Who know, but we had city involvement and that is why I think this plan, and I will have to tell you I'm going to be paying more than the value of a \$200,000 home, and this is my job so I don't make a whole lot of money. It is worth it and I think for my children, my grandchildren it is worth it and I think we have to have the vision that those six crazy people, myself included, back in the mid 70's had with Fourth Ward. It was a catalyst and I'm crazy enough to believe that too and that is what we are doing tonight. It is a big old bodacious step and I think we have to take it so I'm going to vote yes.

Mr. Dulin said I appreciate everybody's comments and Mr. Howard I appreciate your comments. We spoke on this briefly in the back before we started but I don't work for the county nor do I represent the county government. We are not a conjoined government. I represent the City of Charlotte as an elected City Councilmember and what concerns me is what is in front of me on the City of Charlotte side of the ledger and that is a 3.6 cent property tax increase. To quote our great late Susan Burgess who we spoke highly of upstairs over dinner, she used at the dais one year when we were talking about stuff like this, we need to stay in our lane and our lane is to worry about city matters. To me regardless of what the county does, because they will ebb and flow too, but this is what comes out to an 8% property tax increase for every homeowner, condo owner, resident of Charlotte. We say we are using the term \$100,000 it is \$74 per year, well to a little old lady that owns a \$100,000 house that is probably a week's medicine. To somebody else it is a trip to the grocery store and the idea of it is only 1% reminded me of something Parks Helms once said on the county side. That is not much more than a Chick-Fil-A sandwich and a cup of slaw, so whether it is 1% or 8% it is more than I'm willing to vote for. I'm elected by the good people in District 6, but we all represent everybody and my decision tonight is for the folks in District 6 that were nice enough to let me represent them, but I'm fighting for this little old ladies that are out there too and the older veterans and the young veterans that are coming home that are buying their first home or getting married and starting their families. I want to make it so that they will want to live here. I don't want them jumping across to Fort Mill and it is easy to do. I want them staying right here and there is some misinformation out there. This is not going to stop projects and in just tonight's consent agenda that we just passed we had a sidewalk project on Toddville Road for \$889,785 that will be done. We have the Brookshire Boulevard Hovis Road, Oakdale Road Intersection Improvement, \$2,887,990. We okay stuff like this every week, week after week. We will still be paving roads. I think we average around 200 to 206

miles per year. This will not stop that. We still will be doing pot-holes which is a big problem with me, I hate those pot-holes and we will still be doing pot-holes abatement, not fast enough, but we will be doing that. The City is not going to shut down. I've had a conversation with a couple that is very close to me that for the first time ever, they are in their 80's, and first time ever have said maybe it is time for us to go and that touched me deep because I love these people. I will vote against A and D tonight and would like to call the motion if we could.

Mr. Howard said if you keep going through this information that was shared to us from the staff about what the rating agencies are saying, one of the things they've put under general criteria applicable to AAA rating decisions is inability to address critical capital needs in a timely manner may lead to higher costs or constrain development abilities in the future. It is nice to say everything you said Mr. Dulin but the fact of the matter is if it will cost more money to do that stuff in the future I'm not sure what we've saved anybody. What we are talking about tonight is the fact that we've already gone through two years of not doing a capital investment plan, what is it going to cost the citizens if we maintain this track and we don't start putting something out that starts to show that we are going to invest in our community. If it costs more for us to borrow in the future because we wanted to save 1 cent tonight then so be it, but I know some little old ladies too that live in neighborhoods that are not nice, that have gone down in value because we have been kicking the can down the street. I know your little old ladies, but we know them too and they are all over the inner city and they've been waiting for something to help pull their communities out of this hole that we have climbed into as well. The whole thing about us staying in our lane, it is a little too late for that. We've been helping each other for a while and that is what you do when you cover the same territory. We did a revenue neutral budget last year and that was in direct response to them doing the re-evaluation. Several years ago we invested in libraries when they were getting ready to close libraries and it was going to affect our community in a bad way. Resources offices, you name it, we've done that to help each other along the way. I truly believe that the County doing what they did this year helps us and the net effect on the citizens again, and I won't let that go, is 1 cent. That is what the net effect is for a citizen in Charlotte.

Councilmember Cooksey said I was thinking I may have been all talked out on this subject, but a couple of points worth noting. I think it is fascinating to contemplate this is reaction to the county's tax vote. I wasn't actually confident that they were going to lower their rate, but I'm glad they did and I think it is important to put that in the right context in that they are lowering their rate acknowledged that they set their rate too high last year. They were consciously going to not adopt a revenue neutral rate, we were, and they didn't go all the way to revenue neutral, but they made a revenue estimate of what their tax rate would bring in and their estimate wound up being short. They got more in than they thought so that is what is helping to drive them lowering their rate to the rate they actually intended to adopt. We face something similar in one of our budget retreats. We got the report that property tax revenue is coming in higher than we budgeted for because even with a revenue neutral rate, given the re-evaluation, we were getting more revenue in. That is the key to the matter. We can talk about the bill last year and the bill this year and the like, it doesn't change the fact that there are people all over the city still suffering from the shock of a higher tax bill. I know some people's bills went down, some stayed the same, others and I've spoken about them before, friends of mine on Rozzelles Ferry Road and Fifth Street, I can cite District 7 and it is easier to fool Council if I don't, had tax bills go up \$1,000. A \$1,000 increase in their tax bill in one year that they are still struggling to deal with. We saw the map, let's pick on Wilmore. They had 100% property increases in that neighborhood, good for them in terms of their asset, not so good for them in terms of the economy and trying to pay that tax bill. That is where I get into this issue of sometimes perception is important and the perception that we are not acknowledging the pain that is still out there is one that I think we should take very seriously.

Turning quickly and briefly to the plan itself, I think something else worth contemplating is the difference in time we as a Council have taken on two different issues on this agenda. For the next item, the Baseball Stadium, we have thoroughly dissected that in Economic Development Committee meeting, talked about it, we got that binder last week that included all the documentation of the meetings that were held. The first recommendation came from staff and Councilmembers said no, go back and do better. The second recommendation came and Councilmembers said no, go back and do better and we have now before us a proposal to vote on

later tonight that was the result of that back and forth between Council and staff on what can we do for the people of this city. Interestingly enough, speaking about this county rate, the result of that back and forth on the baseball stadium is that basically the ask from the city or contribution from the city has gone down by about a third. If we could have done that with this CIP we'd be talking about a tax rate increase that would match completely the tax rate decrease from the county and there would be no net effect on our citizens, but we didn't have that back and forth. Instead we have a CIT with a huge number of projects that we have to have confidence in because we haven't talked about them much. We've heard some discussion about the streetcar being the lead item for the bond in November 2012. Friday we learned that \$20 million slotted for one of the five neighborhoods doesn't have a complete list of projects associated with it, it might be some from Eastside Strategy Plan, it might be from a plan to be done later, so it is not in that case about funding an existing plan, it is about potentially opening the option to fund a plan to be named later so there is some uncertainty there. Between the issues of what our citizens are facing with their tax bills and what we as a Council could still stand to do with this CIP I think caution and voting no is the better part of valor.

Councilmember Mitchell said I'll try to be brief, but I think we all have to give a justification as to where we are going to vote tonight and I guess I'm like Patsy, I'm an old body down here and I was here when voted for a raise in 2006 and I want each and every one of you to think about Charlotte in 2006 and think about Charlotte now. We have really transformed our city into a great city. In 2006 we heard the same crowd we are hearing this evening about not increasing our property taxes. The City Manager's budget proposal is bodacious, it is big but I think that is how we look at our city sometimes. We have the can do attitude to make Charlotte one of the best cities in this country. We don't have any more bond capacity and part of voting for the budget today will allow us to continue to provide affordable housing in 2012, 2014 and 2016. When you look at this budget, it is not just for one side of Charlotte, it is for the entire community. You have neighborhood projects, transportation, corridor development, east side, northeast side, west side, six new Police Stations, so when you challenge us to make sure you are safe you say how do you build these Police Stations. We are trying to build six new Police Stations so we can continue to be a city that people will choose to relocate to Charlotte. I'm very sensitive that our unemployment is where it is now and I try each and every day to make sure that we can recruit new businesses and reduce our unemployment rate. But, today we went on a tour, Charlotte Works and if I ask you in the audience what does Charlotte Works mean and if you have ever heard of Charlotte Works, I'd be surprised how many hands would go up. We are doing creative ways to make sure our citizens can find jobs in this community. We are sensitive to that. I will be supporting this budget because I believe when we sit four years from now, we will be proud of the decision we made to once again make our city a great city. Yes, it is painful, but not only for those who way we are going to increase your property taxes, but it is painful to all of us because most of us around this dais have a home, so we are not excluded from paying property taxes. Trust us, you've given us so much confidence, you have elected a lot of us more than one term, look at our history. Since 2006 when we passed the first property tax increase we have proven to you we will take care of your money. Look at all the bonds that have passed because we continue to build affordable housing.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Howard, to]
[approve Items A and D.]

Mayor Foxx said Mr. Attorney we've got a motion and a substitute.

Mr. Hagemann said the previous motion was simply to divide the question, then there has to be a motion for passage of something.

Mr. Cannon said from Queens Road to West Boulevard, from West Boulevard to Rea and Providence Roads, from Rea and Providence Roads to Sugar Creek, from Sugar Creek to Plaza Road and from Plaza Road to Beatties Ford Road, from Beatties Ford Road to Mountain Island Lake and several others around this city that I haven't made mention of, whether they have been from poor or fluent of middle class areas throughout this city. People right now in this time are going through a hardship and inasmuch as I would like to be supportive of what is before us in this CIP I can't see imposing a greater hardship on the least of those who can afford such an increase on top of other city and county fees. It is my hope that we will support A and D in the

midst of understanding that yes, we have needs that must be met, but also understanding that the time is not now in terms of raising property taxes.

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

YEAS: Councilmembers Autry, Howard, Kinsey, Mayfield and Mitchell.

NAYS: Councilmembers Barnes, Cannon, Cooksey, Dulin, Fallon, and Pickering.

[Motion was made by Councilmember Howard to adjust the capital projects to be at the same]
[rate the county just decreased their budget to 2.4 cents]

Mr. Dulin said could explain that sir?

Mr. Howard said you said you wanted zero and that will give you zero increase. If we increase by the same amount that the county just decreased it is a zero net effect on the citizens.

Mayor Foxx said I don't know how we would do that tonight. Let me share a couple thoughts here. I completely understand the debate that we've been having tonight. Frankly I wish we had had this debate over the several meetings that we've had to talk about this budget. The reason why we are here tonight isn't because all of us wanted to invite you all to a party to talk about taxes and government. We've got a serious set of issues that we have to address. One of those issues is our AAA bond rating which we have zealously worked to protect over many years. The other issues is that we have to approve a budget by June 30th by law. The third issue is that we've had a process of looking at this issue over several months and let me tell you some of the things that the City Council had decided not to support. The City Council has just decided not to support six new Police Stations in our community and if you talk to our Police Chief, he will tell you that one of the ways in which we can adjust for the lack of all of the staffing that money can buy is to place our Police assets out in our community. We are near historic lows in the crime rate but to affect even greater performance on our Police Department, part of what we had endeavored to do with this budget was to put more assets out in the community. We have a major half a billion dollar request to the Federal Government for the Blue Line Extension and along with that Blue Line Extension is \$102 million of infrastructure that is designed to support that investment. This vote tonight tells our leaders in not only Washington, but in Raleigh, to forget about it. In addition to that there are countless roads and bridges and infrastructure improvements that could have relieved congestion in our city. The very citizens that are complaining about traffic and commute times, we only have so many chances to try to affect those and by the actions tonight, by a motion that frankly could have been discussed at a much earlier time, we've just thrown that out the window. I'm concerned enough about this issue that I think this Council needs to figure out how we are going to address these issues in the future because what has just been done tonight is perhaps the most irresponsible decision that I've seen the City Council make in history. I don't mean that from the standpoint of whether there are certain projects that are in or not in, I mean that in terms of the fact that we've managed this City well over a number of years and right now looking well into the future we can't tell our bond rating agencies how we are going to manage our infrastructure in the future.

[Motion was made by Councilmember Cooksey, seconded by Councilmember Dulin, to adopt]
[A and D with the following modification. The tax rate stays the same for FY13 as FY12 and]
[for Item D the Capital Investment Plan is \$3.2 billion without the \$926 million that is funded]
[by the property tax hike.]

Mayor Foxx said I'm not sure I understand that.

Mr. Cooksey said basically the property tax hike was presented or goes solely into the debt service component of our property tax distribution, operating PAYGO, debt service. The purpose of it is to fund a \$926 million capital program that is part of the overall \$4.1 billion CIP listed in the agenda for FY13 through FY17. If we remove the \$926 million portion from general government out of the CIP we still have \$3.2 billion. We still have transit, we still have water/sewer, we still have the Airport, we still have storm water, we still have some residual general projects to do. We can adopt an operating budget with the existing tax rate because the

proposed increase doesn't affect the operating budget and adopt a capital investment plan of only \$3.2 billion funded at the enterprise level. That is the motion that I'm offering.

Mayor Foxx said you are offering basically to approve the budget without a capital plan as such, as exhibited, basically approve the budget with the exception of Item D.

Mr. Cooksey said no, Item D has multiple parts in it. The capital plan has multiple parts, only \$926 million is funded with a tax increase. There is \$1.2 billion in for transit that is already funded, there is a billion for the Airport that is already funded. \$622 million for water/sewer, \$260 million for storm water. Those are the capital investment plan items I'm suggesting we go forward with in Item D.

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

YEAS: Councilmembers Cooksey and Dulin

NAYS: Councilmembers Autry, Barnes, Cannon, Fallon, Howard, Kinsey, Mayfield, Mitchell and Pickering.

Mayor Foxx said we've just become Washington folks and it is frankly disgusting. I think we need to just defer and take another two weeks and figure this out. I just don't think you can do this at this dais because if we don't have a budget that can get six votes we are in some trouble as a city. This is exactly what I didn't want us to get into, which is making these motions from the floor and seeing ourselves go through a process that we could have fixed over the last several weeks.

[Motion was made by Councilmember Barnes to convene a special meeting of the Budget]
[Committee to explore Mr. Howard's proposal and any other proposals that may come from]
[staff and/or members of the committee, to make a recommendation to the Council to be voted]
[on in two weeks as the Mayor suggested. Councilmember Cannon seconded the motion.]

Mr. Dulin said we've just made a vote whether everybody at the dais agreed with that vote or not, that vote was taken and what is the idea of coming back in two weeks, looking for a different outcome of the same vote? That vote is behind us now.

Mayor Foxx said I wasn't asking for another vote on that item, but what I'm saying to you Mr. Dulin is that you just tossed out the capital investment plan whole hog and frankly I think we are doing some real damage to projects that all of us have spent a lot of time on, including the Blue Line Extension. What you've just done, even though we've had a process over the last several months of retreats where these projects have been presented to you, there has been opportunities to ask questions, there has been opportunities to receive information from staff, opportunities to talk to each other about what it is that you want to see happen, even though we went through a straw vote process where there was an opportunity to take things out, to put things in, to build a consensus on a budget but tonight I don't see six votes for a budget.

Mr. Dulin said it turns out Mr. Mayor, we did talk amongst each other and six of us decided to vote no.

Mayor Foxx said and you know what Mr. Dulin, the interesting thing about that is this is the debate we are having in our country right now. No, is not an answer. We have to vote for something.

Mr. Dulin said we've still got B, C, E, F, G, H, I, J, K, and L in front of us to do here and I'm prepared to vote for those items. We can lump them together if you like or we can go one by one. One of those items is a pay increase for the public safety and I want to vote for that tonight. I've been coming down here for 7 years and Lord knows I lose more than I win. I don't leave here happy very often.

Mayor Foxx said I understand you are feeling pretty good right now.

Mr. Dulin said no sir, I feel like we've done some work that needed to be done and I'm not strutting and I'm not clucking and I'm not going to do a gig as I walk out to my car tonight, but we've worked this thing pretty hard.

Mayor Foxx said and still there is no budget.

Mr. Dulin said well, we can get to that, but the A and D is out.

Ms. Kinsey said I may be not looking at this right, but isn't A our budget? If we don't vote A we don't we have a budget. We can't vote on these others because we don't have a budget and I would be in favor of deferring this. We are not going to get anywhere tonight. We don't have a budget and we've got to have one.

Mr. Howard said I was just talking about going forward tonight with that rate and you are saying something different.

Mr. Barnes said yes and what I'm suggesting is that I would be fairly stunned if Mr. Harrington or the Manager was in a position to provide you with a budget that results in a 2.4% tax increase tonight and what I'm suggesting is that the Budget Committee be allowed to do the job that it actually should be doing, made a recommendation to the full Council for a vote in two weeks.

Mr. Howard said Mr. Manager, in that situation, if I heard you right on several items there was some operating money in that 3.6 cents as well. This does have more of a ripple effect on maybe even the operating budget itself?

Mr. Walton said no, not on the operating budget other than the streetcar operating expenses and that is outside of the five-year window.

Mayor Foxx said I oppose the motion and the reason I oppose the motion is because we had a Budget Committee review the process, the process was adopted by Council, the process has been followed by Council and we are now at a point where the budget is in the hands of the full Council. I don't think we can cook a budget sitting in this room right now, but I do think we all do need to find time together to do the work that should have been done over the last three or four months and to figure out how to adopt a budget. I don't think that is something we should defer to a committee.

Ms. Pickering said I'm not understanding how we don't have a budget at this point. We're going to vote on these other items yes, so how do we not have a budget?

Mayor Foxx said we do not have a tax rate, which is A and we do not have a capital plan and I understand the arguments on both sides as to whether we ought to have one at all, whether we ought to have one at this size or this size, but right now this Council is swinging in the wind and I don't think this is the way to do business. If you are going to vote no on something, at least have a plan to say yes to something and right now there is nothing.

Mr. Cooksey said I hesitate to do this sort of thing, but the two items you said that demand clarification, one, nobody has said no capital investment plan. The choice that was laid out was between a \$4.1 billion, one with a tax increase and a \$3.2 billion plan with no tax increase. No-one has said there would be no CIP. Furthermore to the point about a plan, well I offered one and it didn't get the requisite number of vote. The fact that we are now in having voted down two options means that we have no choice but to continue to discuss and it is either going to happen around this dais or it can happen in committee or it is going to happen with a full Council. It is going to happen some way shape or form, but this is the process. I think the Washington analogy is if we are dug in and don't try to work together and come up with something. Right now we've gone through two alternatives and it would be interest if we could figure out a third.

Mayor Foxx said the point that I'm making is this. In your district travel times have increased pretty substantially over the last several years and there is an ongoing concern about crime. We have projects that have been pushed and pushed in previous capital plans, we have projects in this capital plan, even in Mr. Dulin's district that tonight will not happen. When I say we don't have a capital plan, let me be very clear what I mean, I mean roads and bridges, I mean Police

Stations, I mean neighborhood improvements and I mean removing some of the blight that is starting to create decay in parts of our middle ring of our city. That is what I mean and that is what we voted down. That is what we haven't answered tonight.

Mr. Howard said I think the frustration too Mr. Mayor kind of comes from the fact that you are right. We spent a lot of hours talking about the budget and even when we got down to the straw votes, none of this came up before. We had opportunities to kind of dissect the CIP upstairs, nine hours, ten hours, however many hours we sat and talked about it and if we were going to do something I think we should have given some education before now if this is the way this was going to go down tonight. Normally this body has a process that it works through and to comes to this point and everybody because you've allowed five votes, you've gone through a straw vote and you are kind of clear where everybody is. If those unreadiness who are there, it does seem a bit unfair to the rest of us that spent the time going through it and reading the book to be at this point and not have heard that we had this much of a problem with this plan now. We had plenty of opportunity to talk about it and Mr. Cooksey definitely put up an alternative, we had opportunity then and we didn't do anything. To be sitting here tonight does feel a little bit like we've wasted a bunch of time because it is almost like we've got to start over whether we like it or not.

Mr. Barnes said one of the reasons I made the motion is because I don't sense that anything is going to change tonight, number one, and number two, there are issues that I think the committee may have an opportunity to further dissect with staff that might address concerns that obviously six of us have and some concerns that five other people may have as well. That is the basis for the motion.

The vote was taken on the motion to sent this issue to the Budget Committee and was recorded as follows:

YEAS: Councilmembers Autry, Barnes, Cannon, Cooksey, Fallon, Kinsey and Pickering
NAYS: Councilmembers Dulin, Howard, Kinsey, Mitchell

Mayor Foxx said we will come back to this on June 25th and June 25th is the last meeting we have before June 30th, which is our legally mandated date on which to have a budget put together. I apologize that we don't have a final answer to you tonight, but as someone said, Life is like a box of Chocolates, so we had a box of Chocolates.

Mr. Howard said I think that Budget Committee is almost going to have to be another Budget Retreat because I don't see a committee doing that without the rest of us. I'd like to make sure that we are all made aware of when they are meeting and I'm able to participate in that conversation.

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ITEM NO. 14: PROPOSED I-77 NORTH MANAGED LANES PROJECT

This item was pulled from the agenda by staff and is no longer on the agenda for consideration.

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ITEM NO. 15: RESOLUTION APPROVING THE MECKLENBURG COUNTY 10-YEAR SOLID WASTE MANAGEMENT PLAN DATE JULY 1, 2012.

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

The resolution is recorded in full in Resolution Book 43, at Page 690.

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ITEM NO. 16: RESOLUTION APPROVING AND AUTHORIZING THE EXECUTION OF: (1) AN AGREEMENT THE CHARLOTTE KNIGHTS THAT GRANTS \$8 MILLION NET PRESENT VALUE OVER 20 YEARS, WITH \$7.25 MILLION NET PRESENT VALUE PAID FROM TOURISM FUNDING AND \$750,000 NET PRESENT VALUE PAID FROM FUNDS PROVIDED BY CHARLOTTE CENTER CITY PARTNERS, AND AMENDS THE 2007 TRAFFIC CONTROL AGREEMENT BETWEEN THE CITY AND THE KNIGHTS TO REMOVE SECTIONS 3.1, 3.2 AND 3.3 TO ELIMINATE ANY COST TO THE CITY, AND (2) A MEMORANDUM OF UNDERSTANDING WITH THE CHARLOTTE CENTER CITY PARTNERS DESCRIBING THE TERMS UNDER WHICH CHARLOTTE CENTER CITY PARTNERS CONTRIBUTES \$750,000 NET PRESENT VALUE OVER 20 YEARS FOR UPTOWN BASEBALL.

[Motion was made by Councilmember Mitchell to allow the speakers who have signed up to]
[speak, speak tonight, but defer the vote on the subject matter until June 25th. The motion]
[was seconded by Councilmember Kinsey.]

Councilmember Dulin said I certainly would like to hear from all of the speakers, but I'm prepared to vote on this tonight. We have vetted it enough and I would like to move forward tonight.

Councilmember Cannon said the one thing I'm not trying to do is to hold something hostage until we get an outcome from another situation and I don't think that is the emphasis being made by Councilmember Mitchell, but I want to make sure that is not where we are going with that. I believe that the proponents that are looking to move forward with this, I think the Knights are on some kind of timeline. Would you speak to that please in relation to the motion that has been made by Mr. Mitchell?

Deputy City Manager, Ron Kimble, said there is a June 30th deadline for the Knights to meet with the county agreement on submittal of their financing plan, so June 30th is the deadline. I think you would have to ask the Knights if they are okay with a deferral if that is what the Council wishes or if you want to go forward with the vote tonight.

Mr. Cannon said I guess there is time, but it is cutting it pretty close and I'm pretty certain what the Knights would say if they got that question. Do you care to answer the question? What is your preference in terms of having the decision to be made tonight versus on the 25th?

Mr. Veher said we need to move on and try to get the Knights going downtown.

Mr. Cannon said so your preference is try to call for a vote tonight up or down?

Mr. Veher said I'll leave that up to Mr. Mitchell to determine if you want to have the speakers tonight and vote on it later, that would be fine.

[A substitute motion was made by Councilmember Dulin, seconded by Councilmember Fallon]
[to take the vote tonight.]

The vote was taken on the motion to hear the speakers tonight and vote on June 25th and was recorded as follows:

YEAS: Councilmembers Autry, Howard and Mitchell

NAYS: Councilmembers Barnes, Cannon, Cooksey, Dulin, Fallon, Kinsey, Mayfield and Pickering

Mayor Foxx said that motion fails we will vote on it tonight.

Jay Privette, 11106 Knight Castle Drive, said Charlotteans have had the highest tax liabilities per capita of any citizens in North Carolina for the eleventh year in a row now. Many were recently hit with re-evaluations that doubled the taxes on their homes. One would think Charlotte's coffers would be full, but Charlotteans also have the highest municipal debt among North Carolina citizens. Still the City of Charlotte is pursuing more revenues to quench its never ending thirst for spending more of our money. Enough is enough. The gallery of promoters for
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the Knights Stadium is very familiar. They are the same group that tore down a 24,000 seat arena on the west side to build a 19,000 seat arena downtown against the wishes of the voters, or a NASCAR Hall of Fame that was justified by fictitious attendance projections. If these and numerous other projects had lived up to their promises Charlotte's economy would now be booming. Our unemployment is among the highest in the country and the city demands even more money be taken from consumers and investors. The central services like water and sewer, safe sidewalks and adequate roads have been put on the back burner while Charlotte had put a higher priority on wasteful nonessentials. There are groups that have benefited very well during this time. The Charlotte Center City Partners and the Charlotte Regional Visitors Authority have promoted just about every fell downtown project that has taken hundreds of millions of dollars out of our economy. The heads of these organizations making excess of \$300,000 per year which puts them on the category of being the highest taxpayer paid employee in Charlotte despite their numerous failures. Each has well compensated staffs and their Boards are comprised largely of the who is who of downtown special interest. If not for the publicity surrounding a recent hit and run accident while he was intoxicated, many of us would not have learned that the prior CEO of the Charlotte Visitors Authority is still getting compensated by taxpayers by an amount that is greater than the base pay he made when he was working. This is outrageous! The Knights' ball field will be yet another achievement to justify the existence of these groups, but first we must figure out how to convince us. We will be the true beneficiaries of their exorbitant spending. Please, we've heard the same sales pitches too many times. We are told the hotel/motel tax is not our is going to be used to pay for ball stadium.

Harvey Gantt, 500 North Tryon Street, said I am delighted to be here and I'm here on behalf of supporting baseball in Charlotte and I'm incoming Chairman of the Charlotte Center City Partners and they have a major role to play. I was thinking about what I would say to you in the three minutes and the first thing I want to confess to you is that I live downtown and a baseball park is going to benefit me, but I also want to say that Charlotte Center City, our uptown region has not only benefitted residents of the downtown area but it has benefitted the entire community for years in lots of way, both from a physical standpoint, from the standpoint of cultural and social development in the City itself. What we are asking you to do is to participate in something that has been generally a Charlotte pattern over the years, and that is a public/private partnership to do something very important for our community as a whole. I recognize that you have to weigh all the risks and all the rewards that happen if you made a decision like this so I want to talk about three things. The facts first, and you've probably heard this before, but I want to underscore it. \$54 million is the cost to build the stadium. The private sector will fund \$38 million of it, \$7.25 million will come from the hospitality fund, hotel/motel tax which will be paid over 20 years, and I want to stress that, 20 years. \$750,000 from Charlotte Center City Partners, largely coming from those who live downtown and pay those taxes, coming out of the Center City Partners budget. That also will be paid over 20 years. The City and the County, not a dime of that money is paid until the stadium is built and even then they will pay it over a period of 20 years. Mecklenburg County has offered a lease of 7.8 acres of land and \$8 million in economic development grant. The Knights have found a title sponsor, the BB&T Ball Park it is going to be called and a founding level sponsor, Piedmont Natural Gas. Those are the facts. Here are the rewards. Thirty-six acres of undeveloped land in the center city is likely to be developed. It is underutilized now and could be developed as a result of this. You voted on the Vision 2020 Plan and a ballpark neighborhood is a part of that 2020 Vision Plan. This one looks easy to me and having been in that position before it looked like a relatively save investment for the City Charlotte Council.

Dilip Patel, 1047 Riverview Road, Rock Hill, SC said I am a resident of Rock Hill, South Carolina and enjoyed the Charlotte Knights being in our home town, or close to us in Fort Mill. If you vote to move baseball stadium uptown tonight I understand that. It is the easiest move to make tonight. I like to think outside the box a little bit. I'm not here to talk about the financing, attendance or the politics of the stadium, I'm here to talk about the visitors who come from out of town to Charlotte downtown. Putting the baseball stadium uptown is just not for Charlotte and the surrounding communities, but it is for a global reach. What do I mean by the global reach, is for the visitors who are not from this area. As Charlotte continues to attract more and more businesses from either relocating or building a new office in the Charlotte area, a lot of these companies are not just domestic companies, but international companies from all over the world. How is this happening, because what you guys do here is the quality of life and part of

that quality of life is having sports entertainment. There are three things I want to talk about briefly why Charlotte has the global reach. The first is the Charlotte Convention Center. As the Convention Center continues to grow both domestically and international, the stadium will give meeting planners another way to entertain the meetings during the spring and summer months. Currently you don't any sports entertainment or teams that are in uptown Charlotte except the Charlotte Hounds that are in play this year. A great opportunity to showcase Charlotte will be during the DNC. When the DNC will be here in September, you will be on the world stage, not just the US. This convention will go on beyond re-nominating a President, but the entire world will be looking at Charlotte. As the press that Charlotte will receive from the DNC, not just how the convention was but what was there to do when you were here in Charlotte. Part of that will be hopefully when they see the signs that uptown Charlotte will have a baseball stadium. As many of the convention attendees bring their families, they want to have something to do while they are here. Part of that will be in the spring and summer and be able to go to a baseball game in the evening while the people are at the conventions. The second global effect will be sports entertainment. With the Charlotte and Mecklenburg investment into the current and future sports complexes, baseball will attendees another way of enjoying their evenings. These tournaments will bring teams from all over the US and internationally. Most of these tournaments and events are held in the spring and summer.

Sid Smith, 13000-F York Road said I am the Executive Director of the Charlotte Area Hotel Association and I'm here to emphasize our support for building the Knights Stadium. It is a great, great investment in our city for travel and tourism. It is not 72 minor league baseball games, it is the ability to have a stadium that we can use to attract to get baseball tournaments to town. We have attracted the CIAA Tournament in basketball that is here every year now and we have enjoyed it, benefitted by it, we love it. We now have the ACC Football Championship at Bank of America Stadium. All we need now is a baseball stadium to attract those tournaments and they are big economic impactors here in the City. We ask that you consider this and remember 90% of that money the city is thinking about giving comes from travel and tourism funds, occupancy taxes that we hotels have collected and paid. Ninety percent of that money comes from us, the other 10% comes from the Center City Partners budget. We didn't come alone tonight and I will ask everybody that came to support the baseball stadium will stand up and take a round of applause.

Emily Bootcheck, 1221 East Morehead Street, said I represent Carolina Healthcare Foundation which is the philanthropic arm of Carolinas Healthcare System. The Charlotte Knights are truly more than just baseball. They are wonderful community partners and they give back to many local causes and charities including Carolinas Medical Center. A few examples being the Pink Knights fundraiser which raises funds to allow breast cancer screening for low income women in the region. Annually the Charlotte Knights host a tournament that directly benefits Levine Children's Hospital, also every month the patients at Levine Children's Hospital look forward to the Charlotte Knights patient visit where the hand out memorabilia and sign autographs. We imagine the Knights, if they do move uptown, would be able to serve the community involvement even more than they already do, so we are in support of this.

Mike Sposato, 245 Victoria Avenue said I'm President of the Third Ward Neighborhood Association in uptown. I wanted to come tonight just to emphasize the fact that with the baseball stadium potentially being built in the Third Ward, that we have analyzed the plans. We have met with the Knights, talked with the neighborhood quite a bit about it. There are about 2,500 residents that live in the Third Ward and right now after talking with people for several months we've not a strong support behind bringing the Knights into the Third Ward. We've got a Board Resolution that I believe I have shared with everybody on City Council, but furthermore I also come to you tonight as a small business owner and as a realtor. I've been in the real estate business for 11 years and frequently I meet with people who come to Charlotte from outside the area to relocate here. Today I had a couple from Indianapolis and showed them the proposed site for the baseball stadium and they, like many of my other clients, have come in to see it as a natural fit for a world class city like Charlotte. When they come from other areas and they can pick, do I got to Raleigh, do I go to Charlotte, where do I end up and where do I want to come and build my family and live and spend my dollars. Part of the allure is the uptown area, not only the entertainment and sports, but just the lifestyle that I think having minor league baseball in our city would really be a big benefit to have it as an attraction to others who might be looking

at moving to the Charlotte area. I certainly hope everybody takes those types of thoughts into consideration because our tax dollars do grow as we grow our city and it is a great attraction. I would say that all of the people who been against it, all the months I've talked about it I could probably count on both my hands so there are not many people who are against bringing baseball to uptown. Please vote for the Knights tonight.

Irv Schwebel, 3420 Toringdon Way said my family and I have lived in Charlotte for over 31 years and primarily in the Ballantyne Area. I too am a real estate agent and have been in practice for 20 years. I've seen the city grow in the 31 years into a world class city, having venues such as the Panther Stadium, the Bobcats Arena, and the Legitimate Theatre just to name a few. Clearly as a business man my clients and I understand the value of growth and what brings companies to the greater Charlotte area. It brings families, it brings revenue for the city. I enjoy Charlotte, both on a personal basis and a professional basis and my family does. Living in the Ballentyne area, we think nothing of making the track uptown, but it is not a track, it is a 25-minute commute easy ride to uptown Charlotte. To me it is no different to go to uptown to go to the proposed ballpark then it would be to go to Fort Mill, although my preference is to go to uptown. We go up to Taste of Charlotte, we go to Sprit Square, we got to Blumenthal and we never think twice about coming uptown. It is easy and it is a great city to live in and we've resided in four different cities so here we've raised our children and our children have raised theirs. My clients always remark how easy it is to get to uptown wherever they reside, south Charlotte or from anywhere because it is an easy commute. One of the reasons that people move here is because of what Charlotte offers as a whole, which is a quality of life and to me the ballpark is as much about the quality of life as the football stadium, the Legitimate Theatre that is here. I also believe as a professional that a minor league ballpark will have a positive impact on the hospitality industry, provide job opportunities and lots of job opportunities for our youth. So many present Charlotte in a more complete look. Minor League baseball would do for uptown once again what a football stadium, basketball arena and the performing arts venues have done.

George MaeBain, 1911 Cassamia Place said thank you for the opportunity to speak to you about the proposal for the Knights to move to uptown Charlotte. I'm an employer of BB&T and represent them tonight. BB&T is a banking organization based in Winston Salem. BB&T is committed to a long-term sponsorship of the Knights and if the city approves their sport tonight then the ballpark will be called BB&T Ballpark and we are very excited about that. Since 2006 BB&T has steadily increased its sports marketing sponsorships throughout our footprint, including NASCAR Teams, minor league baseball teams, sponsors of the PGA Tour Windom Championship in Greensboro. Over two dozen college agreements including football sponsorships at the University of Georgia, Alabama and Alburn. BB&T is the official bank of the Atlantic Coast Conference and Wake Forest plays on BB&T Field in Winston Salem. I tell you this because BB&T is extremely selective when it comes to forming sports partnerships as you can tell from the list I mentioned, it is the very cream of the crop. This relationship must be positioned to elevate our profile in the given market, spur economic development, provide for charity and be popular with our clients and employees. We know our agreement with the Charlotte Knights meets that criteria and we are very pleased to provide this long-term agreement. We look forward to this exciting relationship with the Knights and also with the City of Charlotte. On a personal note, having grown up in Charlotte and experienced the wonderful Griffith Park this downtown field in the center of the city is going to provide even greater experience for families and the many folks in our city. Centrally located, fairly priced, and an opportunity to spend time in uptown will be an exciting experience. I've asked many 20 something and 50 something what their opinion is of baseball and they all feel this is a great venture for our town. I'm proud of BB&T's rich decision to support the Charlotte Knights moving to uptown and I request the Council to do the same tonight.

Marianne Faulkner, 1938 Ferncliff Road said I appreciate everyone hearing me earlier today on another matter and I'll be very brief. Mr. Walton, I have worked for the City of Charlotte twice and I've also been in the private sector and presently you are not my boss. I'm back in private sector and my concern here is not that baseball is healthy, it is wonderful, it is that we have two facilities already in place that are taking tax dollars to support. They did during construction and I was an employee by the City of Charlotte and dedicated time, as by co-workers did, to the construction of it. If you decide to move forward with the Knights' Stadium as the third one to try and fill, when we are not filling the arena nor the other stadium. We have

third one and I just want you guys to think about it. I also would request that City employees not be required to work there other than through their normal enforcement capacity. I give you an alternative. Could that property not be developed for a park or could the money from tourism not be the used in other ways to benefit our uptown area. These are questions I propose to you. I'm not the one to answer all of it. I just want you to hear me. Being in a design world that I work in, other communities imprint a ball field on top of a football field. We already have a football field and I cannot speak for Jerry Richardson, but he is a businessman. He has multiple businesses and he has partners in those. Is there any way to creatively think that we could combine a football field with a baseball field and utilize this infrastructure that is already in place?

Jerry Reese, P.O. Box 32066 said my grandmother once told me that you were always identified by the company you keep. For those who would raise your hands tonight in support of this shortsighted venture will affirm that you feel that Charlotte belongs in the same league as Norfolk, Virginia, Toledo, Ohio, Rochester, New York, and Scranton, Pennsylvania and that we don't belong in the same league as Minneapolis, St. Louis, Cincinnati or Pittsburgh even though those markets are much smaller than us. Your vote will identify Charlotte as a minor league city for a long, long time. There are three absolutes that none of us in this Chamber tonight can change. First, the Charlotte Carolina baseball market is already more populated than 12 existing major league markets. That is an absolute fact. Second, the franchise for Knights baseball to play in Charlotte can be drafted from it upon 30 days notice leaving the stadium vacant and taxpayers holding the bag. Third, every month hundreds of families who have made this city what it is today decide in the privacy of their homes to leave this jurisdiction, never to return. We need to do something to alleviate that issue. Tonight by raising your hand in support of this measure you tell the baseball fans in Charlotte and the Carolinas that they are not capable of supporting a team in the same manner as Cleveland, Detroit or Baltimore. I firmly stand to differ. I know the people of this city very well and we would do just fine. Ten years ago I made a commitment to bring major league baseball to this market, tomorrow morning, the Lord willing I will get up and keep working with all my heart, soul and strength in furtherance of that commitment, no matter what the cost or the criticism. Heed my words, if tonight you vote to make Charlotte a minor league city you and those who follow you will surely reap what you sow. Major league baseball and the economic impact it brings will go where it is welcome and the citizens of this community and region are the ones who will suffer from your lack of vision and courage.

Bill Caldwell, 1300 Lexington Avenue said it is truly an honor to be here. I represent Little League Baseball and over 5,000 children and families around this area, including Mecklenburg County. We are the farm team for the Charlotte Knights and the children that are here have come to show their support for the Knights. In the 60's when Crockett Park was still available and still active my Little League Team in Dilworth showed up every week-end for that baseball program because it was our jewel. It was our baseball jewel for the baseball program and for this we ask you tonight to vote for and bring back this jewel to the center city. Some other folks have talked about the advantages. The advantages are many. We are looking forward to having tournaments here again, but more importantly what we are about is putting children and parents together and this brings back the fabric of Charlotte that has made Charlotte what it really is. The opportunity for children and their parents to again come into the center city and enjoy baseball.

Tim Timmerman, 10326 Newberry Park Lane said I'm a resident of south Mecklenburg, also one of the founders of SMART. Those of you who are not aware of it, South Mecklenburg Alliance Responsible Taxpayers. I stand before you tonight as a baseball fan, but I can tell you I can get to Fort Mill in about 7 minutes and I must live a lot closer than my colleague from Ballantyne. The second thing is, regardless of how you vote tonight Charlotte area is still going to have baseball. I can go down there as well as come up here, it 35 to 45 minutes up here. I do come uptown and I do enjoy the ins and outs of the big city and it is a lot of fun. The bottom line I want to leave you with is when you think about this tonight, two wrongs don't make a right. You partially fixed that when you voted on the budget. You've got a budget deficit north of Wisconsin, \$4.25 billion. Your City Manager pointed that out when he said that Charlotte was broke. The debt serving that goes on to service this debt in this city could make a lot of roads, a lot of sidewalks, a lot of police departments. The second thing you are taking money from
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various areas in the north, west and east with the monies that you are going to take out of the hotel/motel fund. There are people here that could use that money. Thursday we reached the tipping point in South Mecklenburg. We are going to put on the table two chargers, one for the town of Providence, it is going to be a model town, have no physical power like you all, but we invite you to come down because by the middle of August we will have a City Council up and running. We are going to be talking about the issues so we have a voice. The second thing is we are going to table a Charter for an independent school district. Bottom line, baseball will still be here, think it through, think the budget issues, be visionary in that regard because if you don't this is what is going to happen.

Coppin Marshall said it takes a lot of guts and courage to be at the podium tonight speaking for a lot of people and we are asking the Councilmembers to vote against the Charlotte Knights Baseball Stadium because it is not about baseball.

[Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, to]
[adopt the subject resolution and approve the Memorandum of Understanding .]

Councilmember Dulin said there are a couple of things I want to read into the record if you will allow me, Mayor and Council. One of them comes out of #3 in our write-up page, Page 3, #3 Knights Obligations. "...The Knights shall, at their sole cost and expense, develop, construct, maintain and operate the Stadium and such other improvements that constitute the Stadium Project. The Knights shall have the sole responsibility for managing and operating the Stadium and the Stadium Project. The City shall have no obligation whatsoever to maintain any part of portion of the Stadium or the Stadium Project and shall have no responsibility to fund any construction costs overruns, operating losses, and make capital expenditures or provide other financial assistance or assurance to the Knights in connection with the ownership and operation of the Stadium or Stadium Project". #4 City Obligations – "Occupancy Tax Funded Installment Payment. The City agrees to make twenty equal annual Occupancy Tax Funded Installment Payment with a cumulative total of \$7,250,000. Net present value beginning on or around June 1 of the calendar year that immediately follows the date of Substantial Completion of the Stadium and the playing of regular season baseball for the Knights therein". This is supposedly the summer of 2014, but if it is 2015 it doesn't cost the City of Charlotte a dime. "The funding source for such installment payments is the occupancy tax authorized by S.L. 2001-402. In the event that this agreement is terminated at any time prior to the payment of the final Occupancy Tax Funded Installment Payment, the City's obligation to make Occupancy Tax Funded Installment Payments shall cease upon such termination". #11 – Attorney's Fees "as a result of any litigation in which the City is a party (i) the Knights fail to commence construction of the Stadium in accordance with the terms of the County Lease Agreement or (ii) the Knights commence construction of the Stadium, but fail to Substantially Complete the Stadium in accordance with the terms of the County Lease Agreements, the Knights shall reimburse the City for all of the City attorneys' fees incurred in connection with defending itself during the course of such litigation. Without limiting the generality of the foregoing, attorneys' fees shall be determined at the normal hourly rates charge by the person doing the work, regardless of whether said fee bears a reasonable relationship to the relief obtained".

In short as Mr. Cooksey mentioned earlier, this deal has been messaged and messaged and messaged and most all of Charlotte knows I've been a pretty consistent no. The city staff, the Beaver Organization have worked it and worked it and we have squeezed wine out of the rock. We have really worked this thing and quite honestly and finally with no property tax dollars in there from the City side with hotel/motel tax, visitors tax coming in and this is key, that the Beaver Organization has to go and borrow every dime, \$41 million or \$50 million, I really don't care how much he has to borrow because in the contract he has to build that thing every blade of grass, every chair, every window pane, every door, every Coco Cola dispenser and start playing baseball before the citizens of Charlotte participate with a dime. Quite honestly, to put it in poker terms, I think we got the pot right finally and we've had some rough talks up here tonight, but finally we got this deal to something that I can support and I plan to vote yes tonight.

Councilmember Pickering said I want to thank everybody for coming out tonight and we are just going to agree to disagree on this one. I just don't feel like that is the best use for that particular piece of very valuable uptown land. It is not that I'm opposed to baseball, minor league or otherwise. I consider putting it at least in a couple other places that come to mind. SouthEnd

which was a considered location at one time. I think it fits that neighborhood well. I can see little sports bars popping up around it. I'm not crazy about the idea of little sports bars popping up in uptown Charlotte. I think the uptown view would be fantastic from there. I'm not just saying I'm not opposed to it, I just don't think it is right for that particular piece of land. I'd put it at Eastland Mall and maybe my fellow Councilmember wouldn't want it over there, but I think it fits that site perfectly. Our former Mayor made a point about that land being underutilized, which it absolutely is, my only point is it is not minor league baseball or nothing. As many of you know I support the notion of a central park there, big like Manhattan. I'm convinced that development would spring up around that and we only have to look at Manhattan Central Park to see that. Some have mentioned that we are a world class city and I agree. We are a world class city and I don't think minor league baseball fits with a world class city. That is just my opinion. I think this is important and the voters did vote on this in November 2004 and here is the language. Shall the order authorizing \$69 million in bonds secured by a pledge of state and credit of the county of Mecklenburg to pay capital costs of providing park and recreation facilities, (other than a stadium for professional baseball), including the acquisition and construction of new park and rec facilities the improvement and expansion of existing park and rec facilities and the acquisition and installation of furnishing and equipment and the acquisition of interest in real property required therefore and the tax be levied for the payment thereof be approved. It means that the voters voted for a park, something other than a stadium for professional baseball. I don't know how we get around that. Lastly, I'll make the point some of you have heard me talk about, a local architect here in town, Mr. Murray Whisnant, who I think is a fantastic idea for an energy park, which would tie in nicely with the city's desire to be an energy capital. It is a fabulous idea and in his last mailing to us he asked the question, which I think is the key question, would you rather live next to Yankee Stadium or Central Park. We agree to disagree and I appreciate you coming out.

Councilmember Kinsey said there has been a lot of talk tonight, but I do feel like I have to explain my vote. I get chastised sometimes when I just raise my hand and don't explain it so I think I do need to do this tonight because it has been a struggle for me. I consider myself an uptown girl, a big uptown supporter and I remember when uptown was really UPTOWN. However, my conscious just won't let me vote or say yes at this time to help fund a baseball stadium. I'm not against baseball uptown. That doesn't bother me at all. I just don't think the city should be involved in the funding. I think we've done our share in the effort and it has been explained to me that the baseball owners group had the funding until the economic downturn, but now they need the city's help. The city is not responsible for the economic downturn and frankly, I don't think we should step in and fund the baseball project because of it. How many other projects could come to us for the same reason? We've already put considerable funds into the project through the land swap and through infrastructure. We also have made considerable investments in uptown with cultural facilities, the Arena and the Hall of Fame. We can continue to expect companies to come to us asking for incentives to move here and I'm confident that we will have opportunities in the fairly near future to participate in the funding of a project or projects that will make significant impacts on our community, perhaps greater than baseball. So my question is, where do we draw the line, what can we support and what should we support? I have spent a lot of time studying this project. I even went to committee meetings when I wasn't on the committee. I understand the funding recommendation, I totally understand where we are with that. I've listened to both sides of the debate, I have listened or heard from constituents who have called or written. In the end I must do what I always do and follow my conscious. In fact yesterday at church, we had a visiting minister, Dr. Bill Leonard and he said something that struck home for me and it was, we must live out of our own conscious and that is what I'm doing with this, and that is why I'm voting no, but please understand I'm not voting against baseball, I'm simply voting against the city funding of baseball.

Councilmember Autry said I love baseball. I'm an eternal optimist because I'm Cubs fan and I think after yesterday's results the Cubs have 20 wins this year which the first place team has that many losses this year. Ask me if I had rather live next to Central Park or Wrigley Field, I'll take Wrigley Field. If you have ever been there you can understand that. This is difficult in that as a City Council Representative, yes I represent a district, the east side and we have lots of challenges on the east side. Earlier this year I saw several opportunities to help lift up my district be dashed, but that does not allow me to shirk my responsibility to the city as a whole, so I will be supporting this effort and I would encourage my other colleagues to do the same thing.

Councilmember Cannon said I want to thank Mr. Mitchell who is the Chair of the Economic Development Committee for his level of leadership, the members on the committee and they vetted this very, very well. They did a very good job in trying to make sure that every I was dotted, every T happened to be crossed. I certainly want to thank Mr. Beaver and Mr. Rajkowski for their level of energy and effort. It took us a while to get here, but we are here for a vote tonight to determine which way it will go. I certainly want to thank Mr. Jenatian and Mr. Smith and also the CRVA representative, and also city staff, Deputy City Manager, Ron Kimble and Greg Gaskins our City Attorney. It wasn't easy getting here and I was one of the ones that probably should get the blame for pushing to get the property tax piece out of the equation for consideration and I did so largely in part because I just didn't feel like that was the right place for us to go. Not to be supportive of something like that, knowing that people were going through hardships. I'm a native Charlottean and I was one of those that sit around this dais that happen to go to the Charlotte O's game back in the day and what that did for our community then was a very special something. What I think it will do in the future will also be good. Today I had the opportunity to take my son to his first day of baseball camp and as I was watching him taking his swing today, and I thought about the possibilities of the future. I heard Councilmember Howard speak earlier about those that are coming along the way. I like this plan because it ties into what the Mayor has by way of the Mayor's Youth Employment Program, to allow youth in our community to be a part of the fabric of what goes on inside of baseball. It is my hope that there will be an opportunity for those youth to engage along the way through employment opportunities and otherwise, but even more than that, it is time that Charlotte had an affordable form of entertainment for all families to enjoy. Right now they don't have that luxury, not calling out any other entities, but they need something different and I believe that the Knights Baseball Stadium is one of those opportunities that families would love to have and to be engaged in and to take themselves to and enjoy a nice day and/or an evening out. Relative to the level of where these monies are coming from and what I have been calling a Visitors Monetary Participation Fund because essentially it is visitors that is helping with the bulk of how this is being funded. Mind you if you or I get our houses flooded or a fire occurs, then at that point maybe we are spending a night in an area hotel, but beyond that it is visitors who come here for conventions or for business otherwise that will be helping in this regard. As we talk about how the money can be spent, it certainly can't be used for education. I've gotten calls, well you need to spend it on schools, well you need to spend it on roads, you need to spend it on public safety, you need to spend it on the environment, we need bicycle lanes. The monies cannot be utilized for that, it has to be used for a specific cause like something like this. As we talk about Bojangles and the renovation that goes on there, that is a four-way partnership between CRVA, the city, the county and the private sector to create a partnership to engage in so when you start talking about those monies from CRVA needing to be utilized over at the Bojangles Arena, I think there is an idea for that to occur, but we want to make sure that we are doing all we can to continue to make sure that we have a wonderful uptown that is family oriented. Just last week I was out of town and I was speaking to a gentlemen who is from Pittsburg and he talked about how Pittsburg is a family friendly city. I began to think about Charlotte, and I asked myself that question, do we have a family friendly city, not just for adults, but something for youth as well. I think by way of serving something up like this we can begin to provide something like that. Obviously, we have Discovery Place, we have area museums and they are wonderful, but beyond that we still need to create a place for all citizens to be able to live, work and recreate. This in my opinion will be a wonderful asset if we will so approve it. My vote is yes on this motion.

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

YEAS: Councilmembers Autry, Cannon, Cooksey, Dulin, Hoard, Mayfield, and Mitchell.

NAYS: Councilmembers Barnes, Fallon, Kinsey and Pickering.

Mayor Foxx said everybody up here and all of you in the audience love this city. No-one would take the time to come sit at a Council meeting and goodness knows take some of the abuse that sometimes comes with serving in public office. What is disturbing to me tonight about what this Council has just done is that we have come down here, not approved a budget, not done the homework that is necessary to get this community going forward and we've approved a project that it is a nice project, but it is not a project that is going to, in my opinion, transform this city over the next 20 years. Maybe that is not the test that all of us might use in crafting a budget, but this Council has not done its homework and I don't think it is sufficient for us to say no. I think

we've got to figure out what six people on this dais is willing to say yes to. We've had three months of conversation to have that come before us tonight in the role of some type of package and I think tonight's actions, when you put them together are incongruous and I'll more to say about it when we get down the road, but congratulations to those who wanted to see baseball happen, but let me tell you that I'm very concerned about the long-term future of this city. This Council has two weeks to figure out what it is going to do and I will not hesitate to veto a budget that I think falls short of the goals this city needs to tackle.

Mr. Mitchell said Mr. Beaver is here today and his youngest daughter gave birth to twins this morning. Mr. Beaver, congratulations Granddad.

The resolution is recorded in full in Resolution Book 43, at Page 691-724.

ITEM NO. 17: CONCLUSION OF CONSENT AGENDA

ITEM NO. 27: (A) CONTRACT TO THE LOWEST BIDDER, DANKO EMERGENCY EQUIPMENT COMPANY IN THE AMOUNT OF \$426,488 FOR THE PURCHASE OF TWO DUAL AGENT AIRCRAFT RESCUE FIREFIGHTING VEHICLES, AND (B) BUDGET ORDINANCE NO. 4891-X APPROPRIATING \$426,488 FROM AIRPORT DISCRETIONARY FUND BALANCE TO BE REPAID WITH FUTURE PASSENGER FACILITY CHARGE REVENUES.

Councilmember Dulin said I wanted to make sure that was Thomas Bus Company and that was coming from the Airport Discretionary Fund. That is really what perked my interest on Items 27 and 28.

Aviation Director, Jerry Orr said the bus company is Thomas which is a dealership in Greensboro, they are not related to the Thomasbuilt buses.

Mr. Dulin how about the Airport Discretionary Fund?

Mr. Orr said the Airport Discretionary Fund is retained earnings that are held in the Airport fund as a rainy day fund. It is available for those times when the Airport might not be able to pay its bills.

Mr. Dulin said who handles the Airport Discretionary Fund and how much is in it?

Mr. Orr said the City of Charlotte handles it and it was \$110 million at the end of last fiscal year.

City Manager, Curt Walton said that is their fund balance.

Mr. Dulin said so the same thing as the fund balance?

Mr. Orr said yes.

Mr. Dulin said I didn't get that impression during the reading I did.

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

The ordinance is recorded in full in ordinance Book 57, at Page 656.

Summary of Bids

Danko Emergency Equipment Co.	\$213,244 per unit
Rosenbauer Minnesota LLC	\$238,002 per unit
Oshkosh Corporation	\$259,000 per unit

ITEM NO. 28: CONTRACT TO THE LOWEST BIDDER, CAROLINA THOMAS, LLC IN THE AMOUNT OF \$706,194 FOR THE PURCHASE OF NINE F-550 27-PASSENGER AERO ELITE BUSES.

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

Summary of Bids

Carolina Thomas, LLC	\$78,466.00 per unit
National Bus Sales & Leasing	\$79,834.00 per unit

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ITEM NO. 18: MAYOR AND COUNCIL TOPICS

City Manager, Curt Walton said before we get to Council and Mayor Topics I need it to be said that I am very uncomfortable with referral to the Budget Committee. First there is no charge so other than wondering around in the wilderness for two more weeks, I'm not sure what the end goal is. Second, I don't know what approach staff could or should bring to that when we have presented the Manager's recommended budget so I don't know exactly how we would approach that. Third, I think the budget is the ultimate Council Policy document. This Council has for decades kept that at the full Council level. You've made that decision and we will be glad to staff it, but I do have considerable concern about doing that.

Mayor Foxx said thank you for sharing your perspective Mr. Manager. I will tell you that I am uncomfortable as well for the reasons that you stated and I've stated before. I don't know what you guys are trying to accomplish but we need a budget by June 30th and frankly half of the work got done by telling us what you didn't like, which you could have said three months ago, but the other half of the work is figuring at what you can support. I don't agree with Mr. Cooksey on everything, but at least Mr. Cooksey has given us a perspective of what he will support. I do give him credit for taking the responsibility of figuring out what he can say yes to, but you all have just thrown us into the state of nature and I will say this again because I am very concerned about it, many of us have spent an inordinate amount of time on the Northeast Corridor which is a billion dollar project. We are the only transit system in the country that has been given the green light to this point to apply for a full funding grant agreement. We are on the edge of getting it and tonight we just threw that out the window and I am so uncomfortable with it, but if that is what six of you want to do, you go right on ahead, but I will tell you that you are still going to have to answer the question of what is it that you will support.

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ADJOURNMENT

The meeting was adjourned at 9:17 p.m.

Ashleigh M. Price, Deputy City Clerk

Length of Meeting: 5 Hours, 5 Minutes
Minutes Completed: August 13, 2012