

The City Council of the City of Charlotte, North Carolina convened for a Special Meeting on Recruitment and Selection Process for the City Manager at 2:30 p.m. on Monday, November 12, 2012 in Room CH-14 of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Andy Dulin, Claire Fallon, Patsy Kinsey, LaWana Mayfield, and Beth Pickering.

**ABSENT UNTIL NOTED:** Councilmembers Warren Cooksey, David Howard and James Mitchell.

Mayor Foxx said the Council-Manager Relations Committee has met a couple of times to discuss, not only the process by which we will go to eventually hire someone to replace the irreplaceable, but we've also spent some time talking about what to do between now and the time that hire occurs.

Motion was made by Mayor Foxx, seconded by Councilmember Cannon, and carried unanimously, to go into closed session pursuant to NC general Statute 143-318 (11)(6) to consider the qualifications, competence, performance, character and fitness conditions of appointment and conditions of initial employment of an individual public officer for employing with respect to the public officer employee.

The Council went into closed session at 2:33 p.m. and reconvened in open session at 3:24 p.m.

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Councilmember Barnes said I would like to have known more information about them but didn't have the opportunity because they don't have the workshops. For example, the alcohol ads. I'm still looking for the opportunity to say okay yes, MTC can sign the contract, yes, there will be ads on buses and all vehicles that don't go into neighborhoods, but what I wanted to have a chance to say was to direct them to see or at least have our representative say vote and suggest that once that contract expires that it is not renewed. I also wanted to have a chance to go into workshop to talk about CRVA. They are now handling differently those numbers with respect to the Hall of Fame. I haven't had that chance. I also have questions about CMPD at the Airport. I would like to have had that conversation and get a presentation from the Manager. I wanted to talk to you all about going back to our four Mondays per month. It creates greater stability for me, no offence to you Mayor, but sometimes special meetings kind of pop up and I don't know when they are going to happen, but they pop up on Tuesdays and Thursdays and I have to fit those into the schedule. We've had 6 as of today with the 26<sup>th</sup> being the Budget Meeting there is 7 so that has almost replaced many of the Mondays that we would have been in session anyway. That is the issues I wanted to raise with the Council and see if we could put it on the agenda or agree to go back. It is a concern that I have about our service to the community and not being visible enough to not actually address what I think are key challenges

Councilmember Cooksey said I would like to agree going back to the first Monday Workshop and add a different rationale for it because yes, the special meetings we've had, Budget and Housing have put a crimp in, but one could argue that those are finite and will go away. What I don't see going away based on the way this year is going, however, is what we are experiencing tonight and that is a combined Zoning and Business Meeting. We've had several of them this year, more so than in the past, due to and I think it goes back to March because of NLC and actually we've had quite a lot of them. I see the pressure that will remain as being one of meeting from time to time more frequently than we used to. Combining the Zoning and Business Meeting which wipes out for those months the opportunity to have the Dinner Workshop to learn about these sorts of things so returning to the first Monday Workshop I think would be a good way to compensate for that, but I perceive the structural shift in the way this Council meets.

Councilmember Kinsey said when this whole thing came up I had concerns about this and I think I mentioned them at the time. It has worked okay for me as far as being able to go to a couple of neighborhood meetings on those Monday night, but I feel like I have missed out on some things. There is an item on the agenda tonight, High Growth Entrepreneurship Strategy, I know we did something about it a year ago and we shifted it off to a Committee or something and I respect the

Committee to work on it, but I would have liked to have had a presentation because we are spending \$500,000 and I have a lot of questions about what is going to happen. Is Business Corridor Funds a cap, is it going to be spent just in the Business Corridors? I just think maybe we are missing out when we don't have an opportunity to talk about some of these issues.

Councilmember Fallon said I think we should too and I don't think we are as transparent to the public as we should be. I think we shut them down with allowing ten people to speak once a month rather letting them come on a regular basis like it used to be. It bothers me and we got elected to represent the people. When we cut our workload down when we are visible to the public we are not doing our job.

Mayor Foxx asked the City Manager if he had any thoughts on that?

**City Manager, Curt Walton,** said regarding the speakers for the last two months, I think 15 is the number we haven't gotten very close to that number. I guess we need some guidance, like Ms. Kinsey mentioned, we wouldn't necessarily know to put a Committee recommendation on a Dinner Briefing or a Workshop. I don't think we would want to do that routinely, but as long as there are some parameters as to that sort of thing, things that you want to see that you are not, then we could certainly look at those.

Mr. Barnes said I always thought the Manager had a good sense about what needed to be on a Workshop Agenda and what didn't. It was rare that I thought there was something on the Workshop Agenda that shouldn't have been and it was rare that I thought there should have been something on the Workshop Agenda that wasn't, so whatever sense you had about how to do that and the other folks on your staff, I think that same sensibility would still be in place.

Mr. Walton said the general thinking for all the years was that Workshops would be for items that you weren't necessarily going to vote on. They were more informational briefings and Dinner Briefings would be at least a two-week, whenever possible, heads up for what was coming. An agenda, like if it were tonight, it would be for November 26<sup>th</sup>.

Mr. Barnes said the three issues that I raised, the alcohol ads, the CRVA, budget and accounting.

Mr. Walton said that would be information in the Workshops.

Ms. Kinsey said however, we haven't had opportunity at our Dinner Meetings to do as much as we should have. So that is why, in my opinion, I'm not prepared to vote on this tonight. I may hold my nose and go on and vote on it because my best friend over there, Mr. Mitchell said it was okay. I as a Committee Chair have several times asked that issues coming out of Housing and Neighborhood Development be taken to the full Council at a Dinner Meeting or something before it is voted on. That is my point. We need some time when we can discuss issues that are coming up and whether it is the first Monday night or whether it is a Dinner Meeting, we just haven't had time to do that.

Mayor Foxx said I'm fine either way and whatever you guys decide is good. I'll say that I think this year has been unique in a lot of respects, and probably more has cycled through this year and more additional meetings that have been called this year due to circumstances that one hopes are never repeated. I think it is a little bit of an outlier year, but having said that I don't think it was ever advertised as reducing our workload, I think it was a reallocation of how we divided our time and I think however you set up the schedule we are still going to be in for a very full year with capital budgeting, regular budgeting, City Manager hire and on down the list, we are going to have a full year. I don't care how you divide it up, it is not going to get easier, and it is going to be hard either way. Going back to four Mondays per month is just as easy for me. That does raise some other issues though because we did adjust the way that we handle the Citizens' Forums on the last Monday of the month. We've also adjusted the way we do the Consent Items so the question there would be how much unfurling of the current process would we have to do. Is there anything else you can think of Curt?

Mr. Walton said the Citizens' Forum on the first Monday would be unlimited and it is 10.

Mr. Cooksey said I'm find just having a Workshop on the first Monday and that is all. I'm not saying go back to what we had in total, I'd just want to see the Workshop come back.

Mayor Foxx said I just want to make sure we are clear on this because I heard Ms. Fallon say we are not being as transparent and not being as open, so I just want to make sure we have a fair and open discussion about that. Do you feel strongly about that?

Ms. Fallon said I do. I think it is only fair that they can come down here. I think we shut down a lot of it. I hear a lot of criticism about the CRVA and they don't get a chance to come down here and do it and they don't think we are being transparent at all. They think we are hiding something. As much as we have to do with that and that we can control it, the explanation should be out there and they should be allowed to come and say it.

Mr. Cooksey said the numbers show typically we get 15 speakers a month and we have 15 slots on the 4<sup>th</sup> Monday, on TV no less. Sounds good to me.

Ms. Fallon said not everybody can get down here on that Monday and this way you are open and they can come and want to speak. I just think that we have pulled back from the public and the public sees it and doesn't like it. I don't like it.

Councilmember Cannon said Claire what are you talking about. I haven't heard from nobody.

Mr. Cooksey said who doesn't see us on a non-televised Workshop?

Ms. Fallon said as Anthony said, I think we have a lot of work to do.

Mr. Cannon said we are transparent.

Ms. Fallon said I think we are transparent, but the public doesn't always think we are. I think if you are in front of them more they have more confidence in you.

Mr. Barnes said I'm suggesting, I remember the details of our old format but if the desire is to have only the Workshop on that first Monday and no Citizens' Forum that is fine and have the 15 speakers at the 4<sup>th</sup> Monday night. That will be fine. My only issue is I think there is a deficit of information, for the person sitting in this chair, based upon the things that have been happening. I have talked and gotten a piece from her, a piece from him, a piece from you and I'm like what is the story, so again the alcohol ads, can we send a message to the MTC saying okay at the end of this contract Stop? I don't know the answer to that question and I don't really know where to bring it up because it is not on an agenda so I have to bring it up at the end of the meeting and get a report. My point is, it would be very helpful to have a conversation because there is stuff that a few of us have talked about alcohol ads, but we didn't have the discussion at the dais.

Councilmember Autry said I don't see the issue with transparency. I'm in front of the public all the time. The public has an open door to me. I don't think that is a real argument. I understand how that could be vocalized and articulated but I don't see that as a reason to push for this 4<sup>th</sup> meeting of the month. I do however see a need more information in a fashion that allows us to digest it on a whole and the opportunity to discuss it among ourselves in a public meeting and whether we bring back Citizens' Forum on that Monday or not, or leave it like it is on the 4<sup>th</sup> Monday, I'm ambivalent about that. We haven't filled up those slots, for the slots that are filled, 4 or 5 of those folks don't show up anyway, then the alternates get to pull in and have their opportunity. I think that certainly more information is always better.

Mr. Cooksey said just as a procedural matter Mr. Barnes, the absolute last ditch way to contest with the MTC about the advertisement would be to vote no on their budget.

Mr. Barnes said right and I would rather take a step before that.

Mr. Cooksey said understood, but procedurally that is the way you do it, say no on the budget.

Mayor Foxx said let me say this to you. I think that for the alcohol advertisement issue, I think we could have had 50 meetings in a month and I'm not sure you would have gotten a presentation on that because there was an information packet sent out with the information in it. I think that may be a case where the staff felt like the amount of information we got was sufficient. Unless someone asked the staff for a presentation, I'm not sure one would have occurred.

Mr. Barnes said I don't agree with the outcome. I don't want those damn buses going through my neighborhood, but I understand the contract.

Mayor Foxx said I'm not arguing the merits, I'm just saying from a process standpoint that is probably what would have happened anyway.

Ms. Fallon said having sat in on that meeting, I think we were told very nicely that that is not our problem, it is theirs. One of the gentlemen that did vote for it said if he had realized, he would not have voted for it. I think it is going to get revisited, but that contract is in force now for the next six months.

Mr. Barnes said I think you and Councilmember Mayfield are our representatives, which means that 750,000 other people didn't have a representative there. My only point is we own those buses and we own the trains, not the MTC, the City owns them. I don't want the ads on our property. Bob and I talked about this and there is a mechanism in place to keep stuff like that off of our property and that is something that I wished we could have talked about so we could have given an instruction to our MTC Rep, perhaps sent a joint letter to the MTC saying we understand your contractual restrictions, limitations, but once this contract is over don't plan on putting anymore liquor ads on our buses and our trains.

Ms. Fallon said I think we made them understand that we were not happy with it at all going through the big community or the small communities. Big buses or small buses.

Mr. Barnes said right but the message has to come from all of us or most of us.

Mayor Foxx said it suffices to say I think you could still have some gaps based on whatever it is and if people would feel better about adding that to the Monday meetings I'm good with it. I do have some heartburn if we say we are going back to the Monday meetings and saying we are not going back to the Citizens' Forum. Why don't we just have a vote. All in favor of going back to the Monday meetings without saying what they contain, say yea. The vote was unanimous.

Mayor Foxx said let's have a separate vote on the Citizens' Forum because I think we agreed on the Workshop.

Mr. Barnes said the last Monday meeting would we still have 15 speakers and then have 10 on the first Monday?

Mayor Foxx said we had no limit on the first Monday.

Mr. Barnes said then do we have 15 for the 4<sup>th</sup> Monday?

Mayor Foxx said no, we had 10 for the 4<sup>th</sup> Monday.

Mr. Barnes said I think we should return to that.

<p>Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, to return to having 10 speakers on the 4<sup>th</sup> Monday and unlimited speakers on the first Monday. The vote was recorded as follows: YEAS: Councilmembers Autry, Barnes, Cannon, Fallon, Mayfield, Mitchell and Pickering. NAYS: Councilmembers Cooksey, Dulin and Kinsey</p>
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Councilmember Mitchell said I just want to add something to make sure we are all clear on. The first Monday meeting is not televised. That has a tendency to impact the number of speakers. A  
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lot of them had rather be on TV and I wanted to make sure we are going to keep the first Monday meeting not televised in Room 267.

Councilmember Dulin said that is why I voted no on that motion because I like having 15 possible speakers on that and having more feedback.

Mr. Barnes said there will still be 10 and people will speak to individual agenda items.

Mr. Dulin said okay, but I voted no to the motion because I would like to have kept it at 15.

Mayor Foxx said the starting time, in terms of triggering this, what is best time?

Mr. Walton said you mean which month? How about January? We can certainly do December. We need the 26<sup>th</sup> of November to stay the same because we haven't provided an opportunity to speak this month, which is required, so we could start with the first Monday night in December or the first Monday night in January. We also need to address the start time. We went from 5:00 to 4:00 for dinners to make up that time we lost on the Workshop. If we are going to have the Workshop I would recommend that we go back to 5:00.

Mr. Barnes said I include that in my motion.

Mayor Foxx said by acclamation we will do that. I would suggest we start that in January.

Mr. Walton said December 3<sup>rd</sup> is also the County Commission Swearing In Ceremony which always has a bit of a crowd.

Mayor Foxx said why don't we start it back in January.

This meeting was recessed at 3:44 p.m. to move to the Chamber for the Scheduled Business Meeting and Zoning Meeting.

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The Council reconvened in the Meeting Chamber of the Charlotte Mecklenburg Government Center at 4:05 p.m. for the Business Meeting and Zoning Meeting with Mayor Foxx presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, Claire Fallon, Patsy Kinsey, LaWana Mayfield, James Mitchell and Beth Pickering.

**ABSENT:** Councilmember Howard

#### **INVOCATION AND PLEDGE**

Mayor Foxx gave the Invocation and the Girl Scout Troop #10, Leader Brenda Eckmair and #2016, Leader Jill Goodrich from Ballantyne, led the Council in the Pledge of Allegiance to the Flag.

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#### **ZONING MEETING**

#### **DEFERRALS**

**Tammie Keplinger, Planning** said Item No. 5, Petition No. 2012-0071 by Lincoln Harris LLC for the Walgreens in Dilworth, is protested and the protest is sufficient. Council policy says that if all Councilmembers are not present the petition is automatically rolled over to the next Business Meeting where the full Council will be present. Mr. Howard is not with us tonight and the petitioner has the option of requesting a decision but he has decided not to do so. This item will be automatically rolled over to November 26<sup>th</sup>.

Mayor Foxx said Item No. 6, Petition No. 2012-075 has requested an indefinite deferral; Item No. 8, Petition No. 2012-085 has requested deferral until December; Item No. 10, Petition No.

2012-087 has requested deferral until December and Item No. 12, Petition No. 2012-082 has requested deferral until January.

Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, and carried unanimously, to defer the above petitions as requested.

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### HISTORIC LANDMARKS

**ITEM NO. 2: RESOLUTION CALLING FOR A PUBLIC HEARING TO BE HELD ON DECEMBER 17, 2012 BY THE CITY COUNCIL ON THE QUESTION OF DESIGNATING THE PROPERTY KNOWN AS THE “PAUL AND HOLLY BEATTY HOUSE”, TAX PARCEL NO. 07321815, INCLUDING THE INTERIOR AND EXTERIOR OF THE HOUSE, AND THE PARCEL OF LAND LISTED UNDER TAX PARCEL NO. 0321815 LOCATED AT 215 SOUTH IRWIN AVENUE, CHARLOTTE, NORTH CAROLINA AS AN HISTORIC LANDMARK.**

Councilmember Kinsey said in looking over the agenda all three of these houses are in the same area and I was wondering if they considered Historic District designation rather than designating three different houses if the City decided to do that.

Ms. Keplinger said Stuart Gray with Historic Landmarks Association is here and I believe what we are doing tonight is just pass the resolution so that we can hold the public hearings next month. We probably need to defer to our Attorney to see if it is appropriate to answer questions.

**Assistant City Attorney, Terre Haggler-Gray** said I think it is appropriate to ask a question although it is probably preferable to wait until the public hearing, if it is a substantive question about the actual historic designation.

Ms. Kinsey said I need to make up my mind if I am going to vote to put this to public hearing. That is why I asked the question.

Ms. Gray said it is at Council’s discretion. I would say if the question is inherent in you making up your mind about proceeding with the resolution, then I would say it is up to the Council or up to the Mayor as to whether he would allow you to question at this time.

Mayor Foxx said in my discretion I will suggest that you ask your question.

Ms. Kinsey said I just wonder since all of these houses are in the same area, was there any consideration given to go to a Historic District rather than designating each of these houses separately.

**Stuart Gray, Historic District Commission** it is my opinion that if the Charlotte Historic Districts Commission wanted to look at this I think there is potential for a local Historic District in Third Ward, perhaps around Woodlawn. I would also add that just like Dilworth and Wilmore and the other Historic Districts in Charlotte, there are individual properties within the districts that merits landmark designation. Our view, and this is confirmed by the State Historic Preservation Office assessment of the survey and research report for the three different properties that these properties have special significance beyond the historical significance of the neighborhood. That would be the staff’s opinion in response to your question.

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, to adopt Resolutions 2, 3 and 4.

Councilmember Dulin said I have a split decision on these. Can we separate the votes.

Mayor Foxx said we can do that, so you want a vote on each one.

Mr. Dulin said yes.

Councilmember Barnes said based upon what you have said and what the Attorney said, I'm not sure that what I'm about to say is necessarily appropriate, but I'm actually struggling to determine whether or not I think the houses are historic to begin with in light of a very, very similar product all around them and all around the City, so I'm actually struggling from that perspective to begin with. Perhaps December will be the right time to deal with that.

Mr. Dulin said my no vote on 3 and 4 will be for those issues that these houses are in neighborhoods full of houses just like them in my opinion. I just wanted to explain that to Council and to folks.

Mayor Foxx said as I understand it, the purpose for the public hearing is for us to hear from the community as well as those who petitioned on the historical nature of these properties as to the historical significance of it so this Council may determine whether they are landmarks or not. Is that correct?

Ms. Gray said correct and I think at that time staff will have made a recommendation to you and that will be your opportunity to ask questions of staff if you have concerns.

The vote was taken on the resolution for Item #2 and was recorded as unanimous.

The resolution is recorded in full in Resolution Book 43, at Page 993.

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**ITEM NO. 3: RESOLUTION CALLING FOR A PUBLIC HEARING TO BE HELD ON DECEMBER 17, 2012 BY THE CITY COUNCIL ON THE QUESTION OF DESIGNATING THE PROPERTY KNOWN AS THE STRATTON "HOUSE" TAX PARCELS 07321325, 07321326 AND 07321327, INCLUDING THE INTERIOR AND EXTERIOR OF THE HOUSE AND THE PARCELS OF LAND UNDER TAX PARCEL NUMBERS 07321325, 07321326 AND 07321327 LOCATED AT 911 WEST FOURTH STREET EXTENSION, CHARLOTTE, NORTH CAROLINA, AS AN HISTORIC LANDMARK.**

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, to adopt the subject resolution. The vote was recorded as follows:  
YEAS: Councilmembers Autry, Barnes, Cannon, Cooksey, Fallon, Kinsey, Mayfield, Mitchell and Pickering.  
NAYS: Councilmember Dulin.

The resolution is recorded in full in Resolution Book 43, at Page 994.

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**ITEM NO. 4: RESOLUTION CALLING FOR A PUBLIC HEARING TO BE HELD DECEMBER 17, 2012 BY THE CITY COUNCIL ON THE QUESTION OF DESIGNATING THE PROPERTY KNOWN AS THE "WOODLAWN BUNGALOW" TAX PARCEL NUMBER 07321513, INCLUDING THE INTERIOR AND EXTERIOR OF THE HOUSE AND THE PARCEL OF LAND LISTED UNDER TAX PARCEL NO. 07321513 LOCATED AT 1015 WEST FOURTH STREET, CHARLOTTE, NORTH CAROLINA AS AN HISTORIC LANDMARK.**

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield, to adopt the subject resolution. The vote was recorded as follows:  
YEAS: Councilmembers Autry, Barnes, Cannon, Cooksey, Fallon, Kinsey, Mayfield, Mitchell and Pickering.  
NAYS: Councilmember Dulin.

The resolution is recorded in full in Resolution Book 43, at Page 995.

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## DECISIONS

**ITEM NO. 7: ORDINANCE NO. 50002-Z AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.72 ACRES LOCATED ON THE SOUTH SIDE OF ROCKY RIVER ROAD AT THE INTERSECTION OF ROCKY RIVER ROAD AND NEWELL FARM ROAD NEAR OLD CONCORD ROAD FROM O-1(CD) TO B-1(CD).**

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously to approve the Statement of Consistency and Petition No. 2012-084 by Frank and Nancy Newton for the above zoning as modified, and as recommended by the Zoning Committee.

The ordinance is recorded in full in Ordinance Book 57, at Page 908-909.

The modifications are:

1. A note has been added stating the following uses will not be permitted on the site: gasoline service stations with convenience facilities, restaurants, and drive-in or drive-through lanes/windows as an accessory use.

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**ITEM NO. 9: PETITION NO. 2012-086 BY EAST GROUP PROPERTIES, LP FOR A CHANGE IN ZONING FOR APPROXIMATELY 43.29 ACRES LOCATED ON THE SOUTHEAST CORNER AT THE INTERSECTION OF JOHNSTON ROAD AND MARVIN ROAD FROM I-1(CD) AND R-3 TO I-1(CD) SPA AND I-1(CD). DENIED**

Motion was made by Councilmember Cannon, seconded by Councilmember Barnes, to approve the Statement of Consistency and Petition No. 2012-086 by East Group Properties, LP as modified and as recommended by the Zoning Committee. The vote was recorded as follows:

YEAS: Councilmembers Autry, Barnes, Cannon, Cooksey, Fallon, Mitchell, and Pickering.

NAYS: Councilmembers Dulin and Mayfield.

Councilmember Mitchell said I believe the District Rep is not in favor of this.

Councilmember Mayfield said unfortunately we are looking at this particular proposal and having conversations with members in the community and as we discussed earlier not having that additional meeting where we all have a chance to come around the table to have conversation for the community to be a part of. This particular development is one that was identified inconsistent, but I do not think this is going to help truly benefit what we are trying to do in this area of the community, based on conversations with residents in the area as well as some of the other community leaders in the Steele Creek area and looking at proposed development that has already been approved and will be coming before this body in the near future. There are some concerns with this particular piece and what the development is calling for. I do not support this at this time.

Councilmember Barnes said I will rescind my second.

Councilmember Cannon said I will rescind my original motion. Was this the one we had a lot of discussion about the use of the property?

Ms. Mayfield said right because originally it was approved with retail and now we are looking at warehousing space.

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Mayor Foxx said for the record there was a question pending at the time of that vote so we have a motion to revote on that item by Mr. Cannon and Mr. Barnes. All in favor of having a revote on this item please say Yea. The vote was unanimous.

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell, to deny Petition No. 2012-086 by East Group Properties, LP. The vote was recorded as follows:  
YEAS: Councilmembers Autry, Barnes, Cannon, Dulin, Fallon, Kinsey, Mayfield, Mitchell and Pickering.  
NAYS: Councilmember Cooksey.

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**ITEM NO. 11: ORDINANCE NO. 5003-Z FOR A NS SITE PLAN AMENDMENT, FOR APPROXIMATELY 5.09 ACRES LOCATED ON THE NORTH SIDE OF NOLLEY COURT NEAR THE INTERSECTION OF NOLLEY COURT AND GALLERIA BOULEVARD.**

Motion was made by Councilmember Dulin, seconded by Councilmember Cannon, and carried unanimously, to approve the Statement of Consistency and Petition No. 2012-088 by PIRHL Developers, LLC, as modified and as recommended by the Zoning Committee.

The ordinance is recorded in full in Ordinance Book 57, at Page 910-911.

The Modifications are:

1. The petitioner correctly labeled "Sardis Road North" on the site plan.

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**HEARINGS**

**ITEM NO. 13: HEARING ON PETITION NO. 2012-091 BY ANTHONY W. PACKER FOR A CHANGE IN ZONING FOR APPROXIMATELY 20.0 ACRES LOCATED ON THE NORTH SIDE OF GARRON POINT DRIVE BETWEEN MT. HOLLY-HUNTERSVILLE ROAD AND POINTER RIDGE DRIVE FROM MX-2 LWCA, LWPA TO R-12MF(CD).**

A protest petition has been filed and is sufficient to invoke the 20% rule requiring affirmative votes of  $\frac{3}{4}$  of the Mayor and Councilmembers, not excused from voting in order to rezone this property.

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning,** said the request is for the property that is shown with the heavy black outline right off of Garron Point. It is a part of the Catawba River Plantation development which was rezoned in 1999. The future land use map shows a mix of residential, office, commercial and retail for the site. From the aerial you can see that most of the Catawba River Plantation has developed. You have the single family component, there is a section of townhomes along Mount Holly-Huntersville Road and also the commercial component. What is left is this acreage in the middle. When it was rezoned in 1999 it was rezoned for 295 multifamily units on 20 acres.

Through the administrative process the petitioner came in and requested that they change the multifamily to single family. Staff was able to do this, based on the zoning ordinance without going through the rezoning process, however now they are coming back to intensify the property to go from single family back to multifamily and for that reason they are before you tonight because staff cannot do that through the administrative process. The request is for 240 multifamily units so it is a decrease from what was originally approved on the site. It is 12 dwelling units per acre. The buildings will be three-story or 48 feet.

In terms of the adjacent residential properties you can see how they do about the property. The proposal is for a 75-foot buffer along these areas. In the original 1999 proposal there was only a 50-foot buffer. There is also a 40-foot setback along the townhome property line. There is a large detention floodplain area in the center of the site and they are also proposing connection to Brackenview which is the townhome development. All other connections will be to Garron Point. There are three buildings that front along Garron Point Boulevard. As I mentioned this was an overall development that included the multifamily, single family and the commercial component. What is important about these three buildings is they are going to face Garron Point and they will not face the internal streets. They will look out onto the street as if they are a part of the development. The petitioner is proposing a new addition of garages that will be incorporated on the various locations that are shown on the map. Building materials will consist of brick and hardy plank with some accent materials. You can see this is the elevation of what the garages will look like, one-bedroom units, the club house and then the two-bedroom units.

Staff is recommending approval of the petition. The petition is consistent with the Northwest District Plan which recommends multifamily based on the original 1999 rezoning. That density was for 14.6 dwelling units per acre and they are only proposing 12 units per acre currently. They are providing extra buffers along the single property line and they have provided the specific development details that were not available in the previous rezoning. For those reasons staff is recommending approval.

**Anthony Packer**, said I am here with one of my partners in this project, Mr. Chester Brown. Before I get started, and it will take a little of my time, but it is interesting that you people hear nothing but bad news in what you have get through where people are arguing all the time. It was brought to my attention a couple of weeks ago that there was an awful lot of trouble on the corner of the intersection of Mount Holly-Huntersville Road and Mount Holly Road. The intersection was blocked with trucks with garbage and with hucksters selling things on the side of the street. A great deal of garbage had been dumped throughout Mount Holly Road and as it was brought to my attention, it was really kind of amazing how quickly the City reacted, both from the standpoint of the Police Department, from the standpoint of the people in the Solid Waste Department, the Sheriff's Department, a local television was a help and all the City leaders. In a very short period of time through the cooperation of all of those people, what was an absolute mess was cleaned up in a very short way and something you can be proud of is t now the gateway that looks into Catawba River. With all the headaches you people get, every once in a while I think it is worthwhile talking about something that is very positive and we appreciate all the help that was given by the various departments. I would like to introduce Chester Brown with Brown Investment Company who will be the developer of this particular project.

**Chester Brown, Brown Investment Properties, 1211 Hill Street, Greensboro, NC** said the Catawba River is located in the northwest sub-market as defined in the Charlotte Apartment Association September 2012 Apartment Report. In this report which was released in September, the average vacancy for apartments in the Charlotte Metro Area is 5.8%. This property is located in the northwest sub-market. The average age of the apartment stock in this sub-market is over 30 years in age, indicating the need for new rental housing. Our development calls for 240 one, two and three-bedroom units with unit sizes ranging from 750 to nearly 1,300 square feet. They will be three-stories, the side of brick, hardy board, fire suppression system, and these apartments will be National Association of Homebuilders green certified and they will have the energy star certification as well. We completed an energy star version two property last year. The energy star certification must be certified by a third party. At that property annual energy cost per unit were \$55 less per month than an existing apartment home. Catawba River will be ever more efficient. It will be version three and it is estimated to be 20% more efficient than the energy star two version. Our amenities will include cardio and strength fitness area, pool and grilling area, meeting space and we offered the use of this club house and pool to the neighboring townhomes if they so desire. Our Company, Brown Investment Properties was incorporated in 1960 and we will provide professional property management services for the property and we will be a partner in the development We currently management 3.5 million square feet of commercial space and 3,500 multifamily units throughout Virginia and the Carolinas. We are currently building the 96 unit Walden Station Development near UNCC and recently completed a 240 unit apartment in Mebane, North Carolina, on which the plans will be based. Our management team is headed by Mr. Peter Placintino. He is a certified property manager with over 35 years experience in

commercial real estate property management and our services will include maintaining the property and establishing the qualifying criteria for residence based upon their income verification past rental history, past credit history and a criminal background check. During one of the neighborhood meetings a resident inquired about our pet policy and we will allow pets, but will not allow aggressive breeds. Our firm is a member of the Charlotte North Carolina National Apartment Association, National Association of Industrial and Office Properties, Institute of Real Estate Management, the Better Business Bureau and the Building Owners and Managers Association. As we are going to be a member of the ownership team, we are going to run this property in a first class way and it is our philosophy that we keep our properties up. It is much easier and much more efficient to maintain a property ongoing instead of waiting to improve it at that time. The costs increase exponentially.

Mr. PaCker said I'm probably the largest single investor in this area of Catawba River Community and own this property as well as adjoining properties, therefore have more reason than anyone to assure this property helps stabilize the neighborhood and increase values for all who have made investments in the area as we all have. Property values have dropped on the tax maps by almost 45% in this area since 2005. The Food Lion, which adjoins us is a commercial property was sold in 2006 for \$8 million. It was sold in 2012 for \$5 million. Nine of the 13 store fronts that are in that Food Lion Shopping Center are presently vacant. There are no new leases that have been signed in that Food Lion Shopping Center in five years. The Food Lion people obviously are very much interested in seeing us proceeding with this particular project. True Homes is the second largest property owner in the area and they are presently building homes in the area and they are very much in favor of us going ahead with this particular project. The apartment project will not bring any more volume of single family housing into the market place and that by supply and demand alone should help stabilize the values of the houses that are presently there that have been hit so much by the economy and obviously the drop in the tax value. The tax value on the present homes that have dropped since 2005 have cost the City almost \$200,000 per year in less tax revenue. It is very difficult for people to ask for more services when they provide that much less money to the City in which to provide those services. This project alone would add \$200,000 of tax revenue to the City, so we have about a \$400,000 turn around there in values to allow the City to have the proceeds whereby they can provide the services that the people so rightfully demand.

It is estimated that construction project will create about 300 jobs and then numerous jobs when it is completed. The viability of our project – there are three other projects such as this in area, Alter Grove, River Meer and Wesley Village. I just want you to take this in consideration. They average being built on 12 acres. We are going to be building on 21 acres. They have 238 units and we are asking for 240. Their square footage is 1,017, ours will be 1,016. They are presently running at 6% vacancy rate. We are forecasting 6.3. Their average rent is \$941. We are talking about \$870, so we certainly are in the market place right there to bring a new product on board. The questions and answers, and I've had many meetings with the local homeowners association, the management of the HOA group and many individual people. Here are some of the questions we were asked. Garron Point Drive which is basically almost a half mile from Mount Holly-Huntersville Road to the end of this particular project, it is a half mile that does not have a street light on it, nor any posted signs in regard to traffic speed. We intend to put street lighting on Garron Point Drive. The townhouse people have asked if they could utilize the pool and the club because they have no amenities and we have agreed to do that. They have asked if we could create a new entrance and landscaping on the townhouse section which we will reduce in size, which is basically the entrance to Garron Point Drive and we have agreed to do that. They have asked if there would be on site management in the apartment and we are definitely going to do that. They have asked if we would clear the area so the present HOA would have down at their pool area an area for an amenity and we have agreed to do that. They have asked in regard to the retention pond that you saw if we would take that over and re-landscape that and maintain it from here on out and we have agreed to do that. We have allowed the HOA that they requested if they would be able to have meetings in the clubhouse and we have agreed to that. We have clarified the rents for the people that 46% or 96 of the units will be one-bedroom at roughly \$800 plus per month, 50% will be two-bedroom and 10% will be three-bedrooms.

The Catawba River and this particular project, and I want everybody in this group to understand this, when it was built it provided and built the intersection of Mount Holly-Huntersville Road at  
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its own expense at a cost of \$750,000. Also because C-MUD did not have the pump stations available for the single family houses, it spend \$346,000 to develop two pump stations which were eventually used by the City when they annexed the property down on the Catawba River. It created inner-connective sidewalks at a cost of more than \$100,000 which basically there are sidewalks throughout this entire community on both sides of the street and also on the property along Mount Holly-Huntersville Road.

**Kenneth Bailey, 11041 Pointer Ridge Drive**, said I grew up in Charlotte, 5500 Sharon Road and grew up in the Beverly Woods Community. That area has appreciated drastically over the last 20 to 30 years. My parents are still there and they paid their house off and right now they are just paying themselves so they can pay the taxes each year. They are both retired. I live in Catawba River Plantation and I purchased my first house in Charlotte in 2002. It was presented as a great project and I really like the house. There is pride in ownership for the owners that live that. In that section of town, however as Mr. Packer addressed, the values have decreased drastically, 36% to 45%. My trade is a mortgage underwriter so from my standpoint I'm looking at me being a homeowner and what this project will have an effect on the whole neighborhood. As an underwriter, to look at a project like this where apartments are within the development and the apartments that Mr. Packer mentioned, Alter Ridge and the other ones are not within the development. Adding apartments within a development that is already established with single family residences and owners, this will decrease the value even more. The reason why it will decrease it even more is because you will have an external obsolesce right in front of your face. You are going to have renters there and even though there is a 75-foot buffer zone, they are allowing pets in this area. These pets are pretty much going to be excusing themselves in my back yard. There are a lot of factors in this that are weighing on the negative side. I've looked at everything on the Council's website and I saw that pretty much everybody was saying they support this, but they really weren't any comments. CMS said that they support this, but they did put a lot of waivers onto this. I have reached out to the local Principal at River Oaks Academy and she wrote back to me, "the addition of students to our population would result in overcrowding, adding 240 units would result in overcrowding. This within itself will result in several issues because we are currently experiencing class size as larger than ideal for students we serve, adding additional students would only exacerbate the problem. We have lost teachers this year due to cut-back in the state and local funding, consequently class size larger in some areas than it needs to be will make us have an unprofitable school year. Though we have been very deliberate and creative in devising a strategy that will provide targeted instruction in class groupings, additional students would add to the difficulties". They are saying that the addition of these 240 units would result in overcrowding of this particular school. "Mobile classroom exceed \$25,000 each. Additionally the overall capital cost per student is approximately \$20,000 thus resulting in a net cost impact of \$780,000 for River Oaks Academy alone. Because the funding has already been cut this is another added expense and less money for actual instructors and instruction".

In conclusion of this I would like to point out three areas of concern for me for these apartments. Significant decrease in property values, significant increase in traffic, significant increases in overcrowding and also I didn't mention the fact that the townhomes that were mentioned are not finished. These townhomes are in front of the development, they have not been completed so we will apartments right in front of these townhomes. These townhomes are not scheduled to ever be finished so they will never be completed but we will have apartments there. My biggest concern is that does it makes sense to build apartments there when we have construction from True Value Homes still going on throughout the neighborhood plus we have townhomes there that aren't completed.

**Mike Craft, 10546 River Hollow Court** said I'm Vice Chair of the Catawba River HOA and I was here about four years ago and a few of you were around when I was here talking Catawba River Plantation and the special needs of a community. That is why I ask you tonight on this petition to take some time to look at the neighborhood that we are dealing with. At the time that I spoke to City Council before we were dealing with high foreclosure rates and absentee landlord issue, litter, crime and we've spent the last five years as a community, building back, and I think some of you were on a tour with City Councilmember Mitchell looking at some of the neighborhoods in the northwest corridor that needed special attention because of the high at risk rate. I noticed in the Committee's report that the listed the neighborhood as stable and I would

say stable with a very big asterisk because over the last five years, even though property values have gone down, we have worked to clean up our neighborhood. We have work with CMPD, we've worked with school system, we've worked with Waste Management, cleaning up our neighborhood and getting it to the point now where new residents are moving in. It is funny, I'm one of the old heads in the neighborhood because at the time when it was tough, a lot of folks packed up and left Charlotte and Mecklenburg County because they were fed up, but some of us stayed and worked and built this neighborhood back to where now we are seeing some rebound in the neighborhood. We are at a vital position in this neighborhood to continue that growth but the sheer size and magnitude of this project, I think will severely damage the infrastructure of our neighborhood as we talked about roads. You have to visually see Garron Point Road to understand that it is emptying out onto Mount Holly-Huntersville Road without one traffic light on Garron Point Road. Now you are going to add 240 units and those cars plus the 75 to 150 houses using that one area to get out of our neighborhood. There is no other exit to our neighborhood without Garron Point. Mr. Packer talked about building that interchange, he basically built an interchange with a road to nowhere because that road dead-ends right behind the Food Lion. That needs to be studied whether that road could provide secondary access out of the neighborhood to ease congestion and possible risk to public safety. Right now in the morning it is catch as catch can and you take your life in your hands getting out on Mount Holly-Huntersville Road. Now add hundreds of more cars leaving at the same time and we will be standing here four years from now asking for improvements and things that will cost the City Council down the road. I believe that further study needs to be made. We are not against development and we want our neighborhood to be complete and we expressed that to the developer, but as we started to find out as neighbors what the actual project was, bumping up the number of units to this gigantic site that we are talking about, we got to a point to where we could no longer go along with this plan and we stand in protest of it. I have many of my neighbors here today and we are dead set against this project as it is listed right now and hope you will take further time to study and find some kind of remedy for a neighborhood that is in peril.

In rebuttal Mr. Parker I will address the three areas and I use not only the study the Committee has already received, but also information from the Urban Land Institute, Sierra Club and American Institute of Architects. Mr. Brown talked about the crime situation and in our particular project, obviously the dog law he mentioned, prospective screening, the fulltime management, the lighting and the private security that we would have in our organization certainly would lead to the situation that what we are bringing to the community would be a lot better than what exists right now because in the present community and what we are already zoned for there is no chance whatsoever of that being done. Traffic – C-DOT said we will have minor impact on the surrounding thoroughfare. We would go a step further and say this and one of the things I want everybody to understand, we have the ability to add much more to that project that would not in effect help the community one bit. As was mentioned earlier it was originally zoned for 295 units. We are down to 240. The average daily use of a single family home that would have two or more cars is two or more cars and an apartment is one. The average daily trips for a single family is 10, for an apartment it is 6.3. At the present time if we add these apartments as opposed to what we are presently allowed to do, there would be 150 less car trips on Garron Point Drive than is presently proposed to do. In regard to the schools, single family homes have 64 students per 100 homes. Apartments have 19 students per 100 homes. If you take the 166 single family housing that we have the right to do that would be 106 extra students. The 240 apartments would generate only 50 students. I realize the emotions run high in many cases and a rough economic climate creates frustration but the facts are quite obvious. This project will help stabilize Catawba River area and improve the values of all of its residents. In addition it will greatly increase the revenues for the City and the jobs for its inhabitants. It will only provide a source of housing for the major growth that is about to take place in the area.

Councilmember Cannon said Mr. Packer you said this will help improve the values of all of the residents. Can you please explain what you mean by that?

Mr. Packer said I have talked with numerous people in regard to appraising property and nowhere is there any identification whatsoever that the project that we are talking about right now would in any way reduce the value of the houses. The other thing I want to point out and I know there is a lot of work being done by the re-evaluation of taxes. This entire neighborhood

had their houses reduced by 45% on the average. The average house in this neighborhood sold originally in 2005 for \$135,000. It was appraised for \$135,000 and that was the tax basis. In 2011 that average house is now appraised for \$78,000 across the board. You can see why these people are upset about the values and those values were not reduced because the project was finished and is particularly not with the complimentary way we are talking about finishing it right now. What is really interesting as a property owner of land, my land was reduced in tax value by 8%. Houses and the land under the houses was reduced by 45%, which is quite amazing but it certainly can't be reduced in value because of an apartment project that is there that would certainly help the value of the homes.

Mr. Cannon said so you are venturing to suggest that this would increase their value and not decrease.

Mr. Packer said without question.

Mr. Cannon said who projects these numbers for CMS, and is there a representative here from CMS?

Ms. Keplinger said the CMS Planning Department does that and as far as I know we do not have a representative here. Their numbers are based on the formulas and in this particular case it is based on the existing zoning versus the proposed zoning and as you can see in your agenda they said the net increase would be 4 students.

Mr. Cannon said proposed development would generate 72 students.

Ms. Keplinger said right, but when you compare the existing zoning to the current to the proposed, the proposed is 4.

Mr. Cannon said we are hearing 240 in the way of overcrowding that apparently the Principal has engaged in dialogue to suggest. The traffic generation is going to be somewhere around 800 more trips generated is what I can tell from this. Right now it is about 775 and the proposed rezoning calls for 1,580. I'll just say this about traffic impact, minor traffic impact rests only in the residents that have to deal with it. It may be minor to us but it may be very impactful to them, especially if they are not use to it. These numbers remain accurate in terms of what is being proposed?

**Mike Davis, C-DOT** said in answer to your question the answer is yes the scenario is based on a difference between the 295 multifamily units that could have been developed per the 1999 plan versus the 240 that is being proposed today. The current zoning is 775 trips per day and the proposed is 1,600 so it does roughly double and I think part of what Mr. Packer was saying earlier is that if you compare it back to the original zoning there was the ability to develop more multifamily units at that time. Depending on where you look at it in time it could be up or down. If you look at just the existing and the proposed zoning this is an increase.

Mr. Cannon said can I ask a question about price points?

Ms. Gray said actually no sir.

Mr. Cannon said off the record and away from here I might suggest having some more dialogue with the petitioner as it relates to your project. I would like to know a bit more about it going forward.

Councilmember Pickering said I just want to thank the neighbors for coming out tonight and Mr. Bailey and Mr. Craft in particular. Thank you for working with the neighborhood, we appreciate that and I just wanted to acknowledge you for that.

Councilmember Fallon said I'm troubled by empty townhouses. What is going on with that? Why are the empty, why are staying empty and why would you be building apartments when you have empty houses right there?

Mr. Packer said the economic climate is quite interesting. Basically there were to be 90 townhouses built in this particular area. Westminster Homes took them down in a contract. They built 24 townhouses which were sold and occupied and then Westminster was sold to another company. The economic environment changed considerably and so they basically walked on that commitment. Presently there are and what we intend to do is to finish the townhouse project, but reduce it greatly in size because there is not a market presently for townhouses, certainly not in the value of those that were originally sold. Basically you have 12 pads that are not built on that would be part of what we would hope to be 50 townhouses as opposed to 90 townhouses and in this market place right now, the last thing this neighborhood needs is for somebody to go in and build townhouses that would sell for \$89,950 when the people originally paid somewhere in the neighborhood of \$125,000 to \$130,000. It would be my intention not to do the townhouses until there is an appropriate opportunity that you could build townhouse in the market place that basically would not destroy the value of people who have already built them there. In the meantime allow the townhouses to basically have their entrance redone, the landscaping redone and for those people to be able to utilized an amenity that they never had before.

Ms. Fallon said Mr. Craft would you explain to me how you thing they are going to impact and the difference between them and if they were finished and what the apartments would do to your area.

Mr. Craft said you have to understand the sensitivity over our area. There is a difference between a renter and a homeowner. I think we all know that. There is a pride in home ownership and whether you are owning a 3,000 square foot house as I do or you are owning a 700 to 800 square foot house. There is pride in ownership. One thing we found when we were rebuilding the neighborhood is we were trying to attract homeowners back to the neighborhood. Right now in my block we've had a sheriff's deputy move in, a nurse and neighbors moved in and bought homes and a lot of them bought them after foreclosures and a lot of them bought them after absentee landlords let them go into foreclosure. You can image the problems that might cause. That is what I was speaking here last time. When it came up at the community meeting Mr. Packer said it as a threat to the neighborhood, I'll just throw up 800 to 900 square foot houses. Well, if there is an owner in that house then we are all for it because a homeowner will do a lot more to his property than a renter will and that is the struggle this neighborhood has had.

Mr. Parker said I didn't make that in any way terms as a threat. There is certain zoning that sits on this property as we speak and the zoning has a volume of single family houses that can be built. There is no market for a single family house right now.

Mayor Foxx said sir, you have to be speaking in response to a question.

Councilmember Barnes said Mr. Brown this relates to something you actually mentioned that I was not aware of. You mentioned that your company is building the Walden Court Apartments.

Mr. Brown said yes sir.

Mr. Barnes said could I ask that you connect with Ms. Keplinger or someone else on our staff regarding some concerns that many of us have about the nature of that development. I don't know if you have connected with this company yet or not, but I hope you will. Could you make sure to do that please?

Councilmember Mitchell said let me just give Council full disclosure. Not only was there a very good attended community meeting held by Mr. Packer. We probably had over 80 residents of the Catawba River Plantation come out and then there was still a lot of questions about this development so I held another meeting at the church and we had additional 60 people to come out and voice their concerns. I think Mr. Packer has done a great job of cleaning up the property he has and on another end you have the residents who clearly said they moved there for a single family community so usually we prefer when a development community can come together. I think in this particular case the community has said loud and clear they prefer to have single family ownership in that community. I applaud Mr. Packer, you have been a great developer

there and I know you are passionate about your vision, but as you were there during the last meeting, I asked all the Catawba River Plantation citizens to stand up and it was kind of unanimous. I know we have 30 days to make our decision, but I just wanted to share that information with all my colleagues. Thank you Catawba River for coming out. I know 4:00 p.m. was tough, and thank you for cleaning up the truck stop. We're very glad that those trucks are not parking there anymore.

Motion was made by Councilmember Mitchell, seconded by Councilmember Barnes, and carried unanimously, to close the public hearing.

Council's decision was deferred pending a recommendation from the Zoning Committee.

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**ITEM NO. 14: HEARING ON PETITION NO. 2012-092 BY NASR N. BASILY FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.93 ACRES LOCATED ON THE EAST SIDE OF EASTWAY DRIVE BETWEEN SPRINGWAY DRIVE AND HILLARD DRIVE FROM R-17MF TO O-1(CD).**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning** said this petition proposes to rezone 1.93 acres from R-17MF to O-1(CD). The future land use shows multifamily, office and park area for the property. Non-residential properties are located to the north close to the intersection of Shamrock and Eastway Drive. The Methodist Home Recreation Center and Park is located to south of these properties. This property has formed a little single family residential node and they have received some development pressure over the past and have talked to the Planning staff several times about rezoning. In 2004 one of those discussions ended with a rezoning of the property that you see here in purple to O-1(CD). The proposal today is to allow seven properties to be rezoned to office conditional district. The uses will be for medical and general office uses. The existing structures will remain and any addition to the structures will be to the rear. The parking will be to the rear so it will maintain the single family residential character. Each structure would be allowed to have a 9 square foot sign per lot, which is a very minimal size sign. They have actually worked to combine some of the driveways so they will have less of an impact on Eastway Drive. It is a little hard to see in the site plan, but there is a combined driveway between these two properties and also between these two properties. There is a reduced Class C buffer along the property lines abutting the adjoining residential uses. There is a new 5-foot wide sideway proposed along Eastway Drive and they are also proposing to preserve the existing trees within the established front yards.

The petition is inconsistent with the Eastland Area Plan because the land use in that area and the immediate area has changed from that 2004 rezoning. Staff recommends approval of the rezoning because of the land use change and because of the limited office uses within the existing structures.

**Fred Gore, 8521 Beldegreen Court** said I was the engineer for this plan and I may not need three minutes. I want to point out a couple points and then answer any questions you might have. This project is actually made up of seven individual properties. They are not going to raise the houses and put an office building here. The people that own these homes would like to have the availability to use them as rentals for medical offices and have that available to them. They did make some commitments to dedicate additional right-of-way. We did reduce the number of driveways which is probably the biggest safety thing that we could accommodate. We only have five driveways now instead of seven potentially. They just want to make these usable as offices is primarily why we are appearing before you today. Actually of the seven homes that are out there, there are only two that are owner occupied, Mr. Bailys and Dorothy Gains. The other are already rental properties and are zoned multifamily currently. We are generating very little additional traffic and I think we are in the neighborhood of 400 trips per day additional if these are developed as office, but currently there are 32,200 trips per day on Eastway Drive so you can see we are drop in the bucket pretty much on anything we are adding



to that. I think reducing the driveways is probably much more enhancing than what little traffic we are adding.

Councilmember Kinsey said this proposed rezoning is O-1(CD)? They do mention medical office use but if it is general office, does that mean it can be anything like tattoo parlors or check cashing, anything like that? The reason I ask, this is a pretty fragile area and it is close to the intersection of Shamrock and Eastway and there is commercial area down the other side. I'm a little concerned about what might be able to go in there. I know there is a beauty salon along there, which is fine, but I would be concerned what might be able to go in there. Medical of course would be fine, but I just wonder about some of the others.

Ms. Keplinger said check cashing and tattoo salons would not be allowed. Those are not considered office uses. It would be your typical real estate offices, even government office, medical offices.

Ms. Kinsey said not sweepstakes or anything like that?

Ms. Keplinger said not sweepstakes, not tattoo.

Ms. Kinsey said that makes me feel a little bit better about this.

Councilmember Barnes said Mr. Gore, I will confess that I am no expert in your business, but you are the engineer for the project and it is seven existing homes that aren't going to be changed or are they? What are you engineering?

Mr. Gore said maybe instead of saying engineer I should have said I was the surveyor for it because we had to do the site plan. Basically I prepared the site plan. At this point this plan does not implement the changes to the houses that would be necessary if they do want to change the use into an office. They would still have to go back to Building Standards and get an upgrade to commercial construction and that sort of thing.

Mr. Barnes said in addition to the concerns that Ms. Kinsey raised that Ms. Keplinger addressed I am concerned about the reduction in the Class C buffer because if you are intending to switch to an office use I think you should actually thicken that buffer and not reduce it.

Mr. Gore said on which boundaries?

Mr. Barnes said it says there will be the installation of the reduced Class C buffer along property lines abutting residential use and/or zoning. What I'm encouraging if you move forward is that you actually thicken the buffer between your project and the adjoining residential areas, not reduce it. A Class C buffer is not that impressive to begin with and to further reduce it I think could become a disturbance to the neighbors.

Mr. Gore said in this case the lots are so small that the Class C buffer is only a 10-foot requirement by the code. I think we are providing more than that and in every instance that I can think of on the plan where we are adjoining a residential property, the lots on the east side of Eastway are very deep, 300-feet deep, so there is much larger buffer so to speak on that side.

Mr. Barnes said what is a reduced Class C buffer?

Mr. Gore said it can be reduced to 7.5 feet if they put a privacy fence up. You can reduce it by 25%. There is no other way to reduce it.

Mr. Barnes said okay, I just wanted you to hear my feedback.

Ms. Kinsey said Engineering and Property Management requested that the site plan be revised to show wetland, streams and buffers. Has that been done or will that be done prior to our seeing that?

Ms. Keplinger said the petitioner has provided us with a letter stating whether there are wetlands on the site and that information will be provided to Engineering and Property Management.

Motion was made by Councilmember Kinsey, seconded by Councilmember Barnes and carried unanimously, to close the public hearing.

Council's decision was deferred pending a recommendation from the Zoning Committee.

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**ITEM NO. 15: HEARING ON PETITION NO. 2012-093 BY GRUBB PROPERTIES FOR CHANGE IN ZONING FOR APPROXIMATELY 1.41 ACRES LOCATED AT THE INTERSECTION OF COLONY ROAD AND ROXBOROUGH ROAD FROM R-17MF AND MUDD-O TO MUDD-O AND MUDD-O SPA.**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning** said this petition is for Grubb Properties and is for 1.41 acres right off of Colony Road at Roxborough Road. The rezoning request is from R-17MF and MUDD-O to MUDD-O and MUDD-O SPA. The SouthPark Area Plan as you can see on the screen shows a mix of office, residential and retail for the subject property. There have been several rezoning on this property, the latest was in 2004 which rezoned the entire 23-acre site. At that time the subject property was rezoned to allow 38 for sale residential units with a maximum building height of 90 feet. The proposed request tonight is to allow 100 for sale or for lease multifamily units. The building footprint will be the same and the height will be reduced from 90 feet to 75 feet. There is one parking space per bedroom. The parking will be located below the building, part of it will be below grade and part of it will be above grade. The primary building materials are brick and glass with some accent. Sixty percent of the vertical surfaces will be brick and they are asking for an optional request for a sign. They have an existing sign and they want to replace it. The MUDD District allows you to have a 20 square foot sign with a maximum height of 4 feet. They are asking for a 32 square foot sign with a maximum height of 4 feet.

This is the north elevation of the proposed building. This would be from Lloyd's Church Road and you can see how the entrance is into the garage. Staff is recommending approval upon resolution of outstanding issues. The petition is consistent with the SouthPark Small Area Plan. It does increase the number of units but it is within the same building footprint and it is a decrease in height from 90 feet to 75 feet.

**Collin Brown, 214 North Tryon Street,** said Tammie did a good job with the overview so I will make a few points or be happy to answer any questions. It sounds like there are no speakers in opposition, is that correct?

Mayor Foxx said that is correct.

Mr. Brown said that is due to the petitioner spending a lot of time reaching out to adjoining property owners. The Petitioner has worked with the Morrison Homeowners Association. There are currently apartments and condominiums in the first phase of Morrison. We have also spent a good bit of time working with the Morrocroft Coop Board as the most affected property owners. I just want to take a little time going over commitments we've made in discussions with those groups. Some of them may be watching from home and I want them to hear the commitments and we will certainly submit them in writing. Number one, the Morrison HOA wanted some assurances that there would be an onsite pool and fitness center for the residents of this building so that those residents would not have to use the existing amenities in Morrison. We have made those commitments. This is the clubhouse fitness center area, this is the pool area.

I know there were some visuals submitted with the rezoning and we've updated those and shared those with neighbors. There has always been a commitment to at least 60% brick. Additionally, we've made some commitments regarding the location and screening and of any dumpsters that

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would be used. Parking was another issue and we have committed to one space per bedroom rather than one space per unit, which is required by MUDD so we have exceeded that standard. Secondly, architecturally one of the things we have learned in the initial zoning there were commitments for screening from street level. We have learned that our neighbors at Morrocroft Coop are higher than we are so they are also concerned about screening from that elevation. We've looked at some renderings of what it would look like if you look down. The major commitment you will see in that area are there is a commitment to essentially have no protruding balconies. The balconies would essentially be enclosed, also roof top mechanical units is a concern that the Morrocroft folks have had with the first phases of Morrison so the petitioner has committed that 90% of the units would use an in unit HVAC system which would not require roof top condensers so 90% of the units will be served by those. Any mechanical condensers that are used for the common areas or the other units would be screened on four sides with a sloped roof. This gives you a little bit of that impression. Those are the things that we talked about with the neighbors, mainly onsite amenities, the parking, the architectural commitments, in room units and screening of the rooftop units. All those we have drafted up and we've provided those to the neighbors and those will be in our revised plan.

Councilmember Kinsey said this is 70.92 units per acre. What is another development in Charlotte that is that large or that intent that I could go by and look? That sounds like an awful lot of units.

Mr. Brown said it does and Tammie may be better to tell us something that is close to it. If I could, there is an approved condominium that allows 38 units. Those are going to be very large condos with three to four bedrooms. The current proposal is for 100 units, 80 of which would be one-bedroom, 20 of which would be two-bedrooms so the overall bedroom count is about the same or probably less.

Ms. Kinsey said I understand that. I read my material. I just want something to compare to because that sounds like a very intense building.

Ms. Kiplinger said we will be glad to get you some examples for you and the rest of the Council.

Motion was made by Councilmember Dulin, seconded by Councilmember Barnes, and carried unanimously, to close the public hearing.
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Council's decision was deferred pending a recommendation from the Zoning Committee,.

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**ITEM NO. 16: HEARING ON PETITION NO. 2012-094 BY KELLEY E. MOULTON FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.36 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF WAKE STREET AND FRAZIER AVENUE FROM UR-1(CD) TO R-6.**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning,** said you can see on the future land use map the proposed property is slated for residential development. In 2008 the property was rezoned from R-5 single family residential to UR-1(CD). At that time the petitioner proposed three large single family homes on small lots. The houses were from 2,900 square feet to 4,700 square feet. Today the petitioner is requesting to go to R-6, single family residential. The reason for this request is that there has been a change in the market since they originally rezoned the properties and they want to develop in accordance with the adjacent properties. In terms of the zoning, most of the surrounding property is zoned R-5 and they are asking for R-6. This map shows the lot size of all of the adjacent properties. An R-5 requires 6,000 square feet of lot area whereas the R-6 requires 4,500 square feet. You can see that the 4,500 square feet is not inconsistent with what is developed in the area currently. We estimate the lots if they are averaged out would be about 5,200 square feet each.

Staff is recommending approval of this. The petition is inconsistent with the 5 dwelling units per acre that is recommended by the West End Land Use and PEDSCAPE Plan, but it is consistent with the development in the area.

**Jerry Osborne, 316 Frazier Avenue** said is the request for single units to be developed here?

Mayor Foxx said yes.

Mr. Osborne said well I'm not in objection. I thought there were going to be apartments built here and I have been residing in this area since 1948. I'm a native Charlottean and a product of Charlotte Public Schools and a graduate of Johnson C. Smith. I just didn't want to see the neighborhood defaced because there has been a transformation that has certainly enhanced the appearance of it and to stick some apartments in the middle of these nice homes would be a slap in the face.

Councilmember Pickering said thank you sir for coming down. I believe this is the first request for any kind of single family since I have been on Council. It is a pleasure to see and goes to Mr. Osborne's point.

Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and carried unanimously, to close the public hearing.
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Council's decision was deferred pending a recommendation from the Zoning Committee.

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**ITEM NO. 17: HEARING ON PETITION NO. 2012-095 BY MICHAEL BRAWLEY FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.35 ACRES LOCATED ON THE NORTHWEST CORNER AT THE INTERSECTION OF MOCKINGBIRD LANE AND PARK ROAD FROM O2- TO MUDD-O.**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning** said this is .35 acres from O-2 to MUDD-O and as you can see the future land use plan calls for the subject property to be multifamily residential. The petition site is a former gas station convenience store that has been around since about 1940. The petition proposes to rezone it to MUDD to allow all the MUDD uses, the reuse of the existing buildings. There is a building A and a building B. They have optional requests for signage, for parking between the building and the street and for screening. One of the requests will involve signage, they are going to install the old parapets that used to be on the building back in 1948 and put signage on those, 25 square feet on each side. The petition is inconsistent with the South District Plan but it is consistent with the draft Park/Woodlawn Area Plan that staff is currently working on. It is the reuse of an existing building, it create an outdoor plaza area which is neighborhood scale and is pedestrian friendly and for those reasons staff is recommending approval.

**Michael Brawley, 4620 Park Road,** said I don't have any statement, but if you have any questions I will be happy to answer them.

Councilmember Dulin said I have known Mike and his dad for all my life. His father and my mom are buddies. We've been customers of theirs for three decades now. This is a small business man who wants to rehab his business, refresh his business and to keep doing business right where he is. This is a good project and I appreciate Council's consideration.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously, to close the public hearing.
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Council's decision was deferred pending a recommendation from the Zoning Committee.

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**ITEM NO. 18: HEARING ON PETITION NO. 2012-096 BY EDENCARE, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.18 ACRES LOCATED ON THE WEST SIDE OF DAVIS LAKE PARKWAY BETWEEN DAVID COX ROAD AND HARRIS WOODS BOULEVARD FROM MX-2(INNOV) TO INST(CD).**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning** said this a rezoning for 2.1 acres off David Cox Road off Harris Woods Boulevard. The request is to rezone from MX-2(INNOV) to INST(CD). The latest rezoning on this property was in 2008 and it allowed for 92 townhomes on the subject property and the property to the south of it. The site was part of the original Davis Lake Development that was developed and first heard from in 1987. The requests before you tonight is for a 40-bed Alzheimer Facility. It will go along with the two Edencare Facilities that are located adjacent to the site. They are proposing 25,000 square feet with a brick veneer face. They will have an 18-foot buffer to the west for the residential properties. This petition is not consistent with the Northeast District Plan but as you know it is an institutional use and our plans often don't tell us where institutional uses should go so we look at them independently. In this case with the adjacent Edencare Facilities staff feels this is consistent with the land use in the area and we are recommending approval.

**Neill Fortune, 3439 Nancy Creek Road,** said I don't have a presentation and I'm here to answer any questions.

Councilmember Barnes said is that vinyl and brick or what are the materials you've used there?

Mr. Fortune said we are proposing hardy board and brick veneer. It is consistent with the existing facility that is to the right of this building we are proposing.

Councilmember Fallon said when you come out of your facility does that go onto David Cox Road or does it go onto Davis Parkway?

Mr. Fortune said we exit onto Harris Woods Boulevard just like the other two facilities, and then onto Davis Lake. We don't have a driveway onto David Cox.

Ms. Fallon said one road in and one road out, to which Mr. Fortune said yes ma'am.

Mr. Barnes said one point of clarification, the type in our material is fairly small, but it says under the architectural standards piece that the proposed buildings will use similar exterior building materials to match the existing facility buildings and the exterior finishes will include face brick veneer and vinyl or fiber cement board siding. For the benefit of those who watch these things would you clarify in your notes with staff that you are going to take the vinyl out. Would you talk to Ms. Keplinger about that please?

Mr. Fortune said I will be happy to.

Motion was made by Councilmember Barnes, seconded by Councilmember Dulin, and carried unanimously, to close the public hearing.
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Council's decision was deferred pending a recommendation from the Zoning Committee.

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**ITEM NO. 19: HEARING ON PETITION NO. 2012-097 BY TIME WARNER CABLE FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.02 ACES LOCATED ON THE EAST SIDE OF NORTH SHARON AMITY ROAD ACROSS FROM DELANE AVENUE FROM O-15(CD) TO O-1(CD).**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning** said this is a 7.02 acre site, it was rezoned to O-15(CD) back in 1979 for a utility switching station. They are coming in today to request additional square footage. They were originally approved for 12,100 square feet and they are asking for an additional 3,500 square feet. The proposed building expansion is right in the middle of the site. All of the other buildings are to remain and all of the landscaping is to remain. The South District Plan calls for utilities or multifamily uses on this site. It is consistent with the Plan and is the continued use of an existing utility so staff is recommending approval.

**Cliff Credle, Cradle Engineering, 204 East Markham Avenue, Durham, NC** said this is a small equipment expansion for this facility. I am the engineer representing this expansion and this expansion is for equipment only and it is no longer a manned station. The technicians that are there now will be servicing this expansion so we are not looking for any increase in traffic either.

Motion was made by Councilmember Autry, seconded by Councilmember Barnes, and carried unanimously, to close the public hearing.

Council's decision was deferred pending a recommendation from the Zoning Committee.

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**ITEM NO. 20: HEARING ON PETITION NO. 2012-098 BY CITY OF CHARLOTTE, AVIATION DEPARTMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 45.64 ACRES LOCATED ON THE NORTH SIDE WILKINSON BOULEVARD AT THE INTERSECTION OF WILKINSON BOULEVARD AND MARSHALL DRIVE FROM R-3 LLWPA AND B-2 LLWPA TO I-2 LLWPA.**

The scheduled public hearing was held on the subject petition.

**Tammie Keplinger, Planning** said this is a 45.64 acre site off of Wilkinson Boulevard. The Airport has purchased this property, it is currently zoned R-3 and B-1 and the request is to go to a conventional I-2. The property is located in the lower Lake Wylie protected area. The Southwest District Plan does recommend office and industrial land uses for these properties. The request is for an I-2 zoning which is the only zoning district in our Zoning Ordinance that allows airport and associated uses. As this is consistent with what we have done in the past, we are requesting rezoning to I-2. Staff is recommending approval.

Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, to close the public hearing.

Councilmember Dulin said do you have any idea what the Airport plans to use this property for?

Ms. Keplinger said no sir I do not.

The vote was taken on the motion to close the public hearing and was recorded as unanimous.

Council's decision was deferred pending a recommendation from the Zoning Committee.

Mayor Foxx said I neglected to introduce the Zoning Committee at the beginning of the meeting. Folks may not realize this, but before the Council makes a decision on a zoning petition, we actually have a group of citizens who review these petitions and give us their recommendations on whether the petition should be supported or not supported. He recognized Yolanda Johnson and asked her to introduce the Zoning Committee.

**Yolanda Johnson, Chair of the Zoning Committee**, introduced the Zoning Committee and said they will meet Wednesday, November 28<sup>th</sup> at 4:30 here at the Government Center. They will discuss and make recommendations on the petitions that were heard tonight. The public is

welcome at that meeting, but it is not a continuation of this hearing. Prior to the meeting you are welcome to contact us and provide input and you can reach us at charlotteplanning.org.

Councilmember Barnes said there is a petition coming up, Petition No. 2013-006 for a bank branch and a small retail building at Prosperity Church Road and Ridge Road. They are scheduled for public hearing in February and they have asked me to ask the Council and Mayor to allow them to move the public hearing to January. There were some misunderstanding between the petitioners and our staff regarding the time lines on public hearings and votes. I'm asking the Council's consent to move their public hearing from February to January 2013, Petition No. 2013-006.

Mayor Foxx said and that would mean that the vote would happen in February?

Ms. Keplinger said correct.

A vote was taken on the request by Mr. Barnes and recorded as unanimous.

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**The meeting was recessed at 5:34 p.m. for dinner and reconvened at 6:08 p.m.**

### **AWARDS AND RECOGNITIONS**

#### **ITEM NO. 21: URBAN LAND INSTITUTE AWARD**

Mayor Foxx said the Levine Center for the Arts was recognized as one of fourteen exceptional development chosen as winners in their 2012 Global Awards for Excellence competition, which is widely acknowledged as the Land Use Industry's most prestigious program. This competition now in its 34<sup>th</sup> year is the center piece of ULI efforts to identify and promote best practices in all types of real estate development. Each of the winning projects selected from nearly 200 entries throughout the world has been successful in achieving the high standard of excellence in design, construction, economics, planning and management. The Levine Center for the Arts also won the Prix de'Excellence in the category of Downtown Redevelopment Projects from the U. S. Chapter of International Real Estate Federation and was selected for the overall grand prix award among all of the nominated projects. These awards were announced and presented on October 19<sup>th</sup> in Denver and in New York City. Here this evening we have Bob Burgess and Molly Fowler of the Wells Fargo Corporate Property Group to receive the recognition for this project along with our wonderful staff member, City Manager, Curt Walton, Deputy City Manager, Ron Kimble and Planning Director, Debra Campbell.

**Bob Burgess** said first thanks to all the veterans because without them none of us would be here. Secondly, that project was the most incredible project on God's earth and so many partners, but none of them were as good a partner as the City of Charlotte was. Your predecessor Mayor, yourself, Mr. Walton and his team, Ron Kimble, Bob Hagemann, Debra Campbell, Danny Pleasant were incredible to work with the whole way. We never would have achieved what we achieved without their partnership and the sport of all of you, the support of the Commissioners and the support of the State so thank you so much.

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#### **ITEM NO. 23: WORLD POLIO DAY**

Mayor Foxx said I want to recognize former District 6 Representative, John Tabor who is here with us tonight and we appreciate you with the PowerPoint on this award.

**John Tabor,** said I couldn't come back to these hallowed chambers without a PowerPoint. He introduced the President of the Rotary Club of Charlotte, Marilyn Bowler and I come in the capacity of President-Elect .. Chair of the Rotary Club of Charlotte which several members are here in your administration. To my left is our Governor, Chris Jones who looks over 57 clubs which is 14 different counties. Within Charlotte-Mecklenburg there are 17 clubs, almost 1,000

Rotarians are your constituents. We are here to talk about Polio and we appreciate the opportunity to simply educate the world because Polio is a forgotten disease in America, but it is not forgotten in the world and quite frankly one plane ride can bring it back. I wanted to update you on what Rotary has been doing for Polio. Mr. Tabor showed a short video on Polio.

Mayor Foxx said I want to thank you for educating the Council and the community on what the Rotary is doing on these issues.

Councilmember Cannon read the Proclamation proclaiming October 24, 2012 as World Polio Day in Charlotte and commend its observance to all citizens.

Councilmember Fallon said I would like to say something personally about Rotary. My father was a Rotarian and he had to have his aorta replaced and the only person in the country that did it was Dr. DeBakey and we flew him to Texas. If you know anything about that hospital, when they think someone is going to die they put you in a little room with a board and it tells you what you need. He needed 54 pints of blood and Rotary supplied it and stayed with him for the three or four weeks that he stayed in the hospital. I am so grateful to you guys because we had him for 9 years after. Thank you so much.

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#### **ITEM NO. 22: CHARLOTTE'S HISTORIC WEST END**

Mayor Foxx recognized Aaron McKeithan, Chair of the Historic West End Neighborhood Association who introduced the leaders from the various neighborhoods in the Historic West End. He asked all the neighborhood leaders to stand.

Councilmember Mitchell said the reason he wanted to recognize the Historic West End is because all 22 Presidents had a vision of branding the West Trade Street/Beatties Ford Road. They got a Neighborhood Matching Grant and then they had to put in so many sweat equity hours. I would like to thank the unpaid secretary, Ms. Cheryl Hampton for all doing all the hard labor and applying for the grant, and thank the Presidents for having the vision of taking back your community and really rebranding the Historic West End.

Mr. McKeithan presented each Councilmember with a DVD showing the history of the Historic West End Corridor.

Mayor Foxx said thank you very much for coming. It is great to see all of you here and I know that the City has really tried to do more in recent years to support all parts of our City, but I can think of a couple things in particular, the Police Sub-station that is up on Beatties Ford Road. We partnered with the state to work on the lighting underneath the underpass along West Trade Street, cleaning up the water works as well as the tower over there. I know there is a yearning for more and something that will help really catalyze job creation, infrastructure and frankly investment into the West End. Thank you for continuing to lobby your Council and thank you for continuing to stay at it. We appreciate you.

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#### **ITEM NO. 24: HOMELESS AWARENESS MONTH**

Mayor Foxx said Charlotte's Homeless population is one that all of us continued to be concerned about and this is Homeless Awareness Month. We welcome those in the audience representing the Homeless Services Network and Homeless Helping Homeless Organizations. He asked Councilmember Mayfield to read the Proclamation recognizing November as Homeless Awareness Month in the City of Charlotte.

Councilmember Mayfield said I have worked with the members of Homeless Helping Homeless and the amazing work that you have been doing in the community. She then read the proclamation. A short video was also shown to pay tribute to Charlotte's homeless citizens.



Mayor Foxx said that was a really moving reminder of how this issue impacts so many people. I do want to remind the Council that we are expecting something on the order of a million plus veterans to come back from fighting wars over the next several years and an obscenely high number of our homeless people are veterans, women, children, some of the most vulnerable people out there and it is a shame and I hope as we round the corner over the next two weeks we can have some more discussion about how our own affordable housing policy links up to this.

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#### **ITEM NO. 25: ANNUAL WOMEN ON BOARD WORKSHOP**

Mayor Foxx introduced Ms. Lisa Yarrow, Charlotte-Mecklenburg Women's Summit, who has an announcement.

**Lisa Yarrow, Charlotte-Mecklenburg Women's Summit** said over the last four years a part of the Women's Summit work is to assess the participation of women in our government at every level. We've undertaken an assessment of women's participation on the 69 City and County appointed Boards and Commission. Back in 2008 the Women's Summit did its first report on gender representation on local government boards and commissions in Charlotte Mecklenburg. At that point in time we found that women held 46% of the County appointed boards and 33% of the City appointed positions. We also found that women tended to populate the less strategic or economically impact boards and that they also typically did not hold positions of leadership even in parts when they led the majority of those particular boards and commissions. In 2009 we did a further review and looked at 67 of the boards and commissions. At that point we found that there were improvements,, 45% of the appointments in the County Commission were women and 41% of the City Council appointments, 37% of the Charlotte City Manager appointments and 30% of the appointments under Mayor McCrory were actually women at that point in time. In 2009 19 of the boards at 50% or more female and 13 had no female members at all. What that information inspired us to do was to do a little bit more in depth research about why women seem to be appointed at a lower rate than men and also to look at the application and appointment process to see whether there might be process improvements that could be made to encourage more women to apply. We also looked at best practices around the country, looking at application and appointment and we held informational sessions with the City, County and Mayor's office to share the findings, to discuss the process of recruitment and retention enhancement. At this point we are looking to consult with the City, County and the Mayor's Office to implement and evaluate the best practices enhancement. In 2012 when we did our assessment of Boards and Commission memberships and the data that I will present tonight specifically relates to the City. I've pulled that our so we could focus on just the City appointments. Across all Charlotte Mecklenburg Boards, we are looking at a rate of appointment for women of 36%. With those boards that are just City or City and County appointments, women are appointed at a rate of 34%. For the boards that are specifically City appointments, we are looking at women appointment rate of 35% and with a vast improvement in the Mayoral appointments of 39%. At this point in time 42% of the boards over the City and County have less than 30% female members and 5% of those boards have no women at all.

The research that we've done involves a member and applicant survey so we sent surveys to over 700 people who had applied, had been appointed or who had applied and not yet been appointed as well as those people who had served within the past year to try to understand what was their experience on the board, what was the rate of female application. We were delighted with the response rate that we had, which was 34.5% which is tremendous when you are looking at electronic surveys of this magnitude. We have also held over the last two years member and applicant focus groups to get some insight, some qualitative data on what people's experience was while they were serving on the Boards and Commissions. In addition we supplemented that research with the annual community survey which we did in conjunction with the Urban Institute where we polled over 400 community members who were not necessarily connected to boards and commissions already so we hope to combine the population of people who already had the knowledge with boards and commissions with those who may not, just to see what the community's awareness was of boards and commissions.

Our findings were that women both apply and are appointed to our City and County Boards at a rate of 40% so the problem isn't that women aren't being appointed, it is that they are not applying at the same rate as men. There is a real challenge for us to understand what are the barriers that are resulting in fewer women applying. When we are looking at the boards and commissions in terms of their representativeness it is fair to say that the boards and commissions are not representative of the Charlotte Mecklenburg community. The median age is 20 years older than the median age of our community. The members of our boards have a higher educational attainment level and they are also wealthier. The racial and ethnic diversity of our community are also not represented on the boards and commissions.

When we looked at the appointment process we found that there were no major differences in terms of how the applicants viewed the City and the County application process, which was good. We found that white men tended to be more likely to have personal connection with the people who have nominated them and that white women and non-white men tended to report having to do more networking related to the appointment process. One of the interesting things we found was that 63% of the respondents reported that they didn't network at all, that they were already connected by professional or social networks of the decision makers. What that leads us to suggest that perhaps finding ways to encourage more women and more minorities to be part of this networking opportunities is an important part of insuring that we have a more diverse boards and commission constituency. The most consistent feedback of the people that we surveyed was that the receipt of the applications were not acknowledged. Whether they came in through the City or the County they kind of went into the application pool and people didn't have an acknowledgement of whether or not their application was received. In our communications with the City and County staff that they are looking at ways to perhaps implement an automated process that would address that concern.

When we looked at the 2010 annual survey, this is the survey that we did of people in the community at large. We found that 61% of the people in Charlotte-Mecklenburg were actually aware of the Citizens' Advisory Board and of those 64% of the women actually knew about the boards and commission, versus 58% of the men. The major factors that we found in awareness were the age. We found that the majority of the people who are 35 to 65 and older were the ones who actually knew about the boards and commission, but as you can see from here over 45% of the people ages 18 to 24 knew about boards and commission so it is fair to say that generally across the community, people know about the options, they are just not taking advantage of the opportunity to serve. We found in terms of education that more or less 40% of the people who had a high school diploma or equivalent knew about boards and commissions. We found that household income had a big impact on whether or not people were aware of the boards and commissions. As you can see those who have incomes ranging from \$80,000 to \$990,000 were much more likely to be aware of boards and commissions, over 80% compared with those who are earning \$20,000 to 39,000, about 52% were aware of boards and commissions.

When we look at race ethnicity the biggest gap there is really in terms of not awareness for the Latino and Hispanic community, which I think is also born out when we look at rate of members of the Latino community who are actually serving on boards and commissions. When we did the annual community survey part our big question was really to understand where were people finding out about boards and commissions so we could identify where we would want to target the minority population in terms of letting them know about participation. By far the greatest reported rate was with television and at this point we are not sure what number of those are actually coming through the Charlotte Government Channel or whether they are finding out through advertisements in the news and such.

The future directions that we have looked at with the City and County staff and we would encourage City Council and the County Commission to look at and to very mindfully address the gender balance on all boards and commissions. One of the key points we found over the years is that minorities are not present on the most strategic boards and commissions. Determining ways that we can actually help increase the rate of participation on these boards. Another key finding was to look at developing strategies that will increase the transparency in the process and the representativeness of boards and commissions. I'm looking at doing an annual report about representation on boards and commissions, and of course the active recruitment of women and minorities.

Some strategies for enhancing the representativeness, we've talked with city and county staff and some ideas were to hold information sessions where people are already gathered to provide information about boards and commissions, basically to work with our representative so that the everyday person sees that serving on a board is something that is within the scope of their possibilities. Also we talked about active engagement of the candidate pool, so doing an active outreach to those people who have applied that maybe not yet appointed to see whether there might be other boards and commissions that they would be interested in serving on. I know there are certain boards that have a really difficult time getting people to apply so maybe doing some cross training there. Lastly what we would like to do is promote and encourage all to support the women on board workshop. The Women's Summit is holding their annual Women on Board Workshop on December 6<sup>th</sup> from 8:30 a.m. until 4:30 at UNCC in their Center City Building and for information we would invite people to visit our website [www.women'ssummit.uncc.edu](http://www.women'ssummit.uncc.edu).

Councilmember Cannon said how much are you engaging with the City Clerk?

Ms. Yarrow said very much, actually Ms. Kelly has been very helpful and has attended the informational sessions with us.

Mr. Cannon said organizations like the Junior League, the Women's Commission, the Links, Eastern Star, The Latin Chamber of Commerce and even engage in radio stations for PSAs.

Ms. Yarrow said that is definitely an area of further collaboration with the City and County Clerks to identify what are those different areas. There are a number of them that you mention that we are in fact working with and I think the next stage is to look at how can we work together to increase awareness and to get the word out to these various organizations. Internally through the Women's Commission, I actually serve on the Women's Advisory Board and in some ways the experience that I've had there has been very instrumental. When I was appointed in 2010 there were 40 women who had applied for that Board and I think there were two positions at that time. I was really surprised that there wasn't any outreach to these women who are obviously very interested in becoming engaged to find out where there might be other areas that they may be interested in applying for.

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### CONSENT AGENDA

Mayor Foxx asked if any Consent Items had been pulled.

**Deputy City Clerk, Ashleigh Price** said Items pulled by Council are Items No. 35, 36, 43 and 45. Item 64-Q has been pulled by staff and Items 64-R and 64-V have been settled and are no longer on the agenda for consideration.

Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey and carried unanimously, to approve the Consent Agenda as presented with the exception of the above items that were pulled.
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The following items were approved:

**Item No. 37: Clean Water Act Permit for LYNX Blue Line Extension Project.**

(A) Approve a clean Water Act permit agreement with the United States Department of the Army Corps of Engineers (USACE), and (B) Approve the purchase of mitigation credits from the City of Charlotte's Stream and Wetland Mitigation Bank in the amount of \$1,542,716 and from the North Carolina Ecosystem Enhancement program in the amount of \$66,961.

**Item No. 38: Transit Data Radio Network Upgrade**

(A) Approve the purchase of data radio communications infrastructure equipment as authorized by the sole source exemption of G.S. 143-129(6), and (B) Approve a contract with Trapeze ITS, U.S.A., LLC to upgrade the transit data radio network system for an amount up to \$829,020.

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**Item No. 39: Bus Electrical System Parts**

(A) Award the low bid unit price contract to Munice Transit Supply for bus electrical system parts, and (B) Authorize the City Manager to approve up to two, one-year renewals.

**Summary of Bids**

**Item No. 40: Airport Terminal Advertising and Visitor Center Management Contract Extension.**

Approve a month-to-month contract extension with the Charlotte Regional Visitors Authority (CRVA) for management of the Airport Terminal Advertising Program and Visitor Information Center for up to six months.

**Item No. 41: (A)** Award a low-bid contract of \$1,208,000 with the Bowers Group, LLC for the installation of a Visual Docking Guidance System on Concourses B, C, D and E, and (B) Adopt Budget Ordinance No. 4989-X appropriating \$1,208,000 from the Airport Discretionary Fund to the Aviation Capital Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 57, at Page 894.

**Summary of Bids**

The Bowers Group, LLC	\$1,208,000.00
Edison Foard Construction Services	\$1,233,685.00
Morlando Construction	\$1,331,673.71

**Item No. 42: Airport Concourse Electrical Upgrades**

(A). Approve a contract with RDK Engineers in the amount of \$177,150 to design electrical upgrades for Concourse B and Concourse C, and (B). Adopt Budget Ordinance No. 4990-X appropriating \$177,150 from the Airport Discretionary Fund to the Aviation Capital Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 57, at Page 895.

**Item No. 44: Airport Passenger Facility Charge Contract Amendment**

A. Approved contract amendment #1 with Newton and Associates, Inc. up to \$240,000 for Passenger Facility Charge applications, administration, and reporting, and (B). Budget Ordinance No. 4992-X appropriating \$240,000 from the Airport Passenger Facility Charge (PFC) Fund to the Aviation Capital Investment Plan Fund.

The ordinance is recorded in full in Ordinance Book 57, at Page 897.

**Item No. 46: Harrisburg Road and Cambridge Commons Drive Roundabout**

Adopt a resolution approving a municipal agreement with the North Carolina Department of Transportation (NCDOT) for \$250,000 for the design and construction of a roundabout at the intersection of Harrisburg Road and Cambridge Commons Drive.

The resolution is recorded in full in Resolution Book 43, at Page 930.

**Item No. 47: Vehicle Detector Cards for Traffic Signal Cabinets**

(A). Approve the purchase of Vehicles Detector Cards as authorized by the sole source exception of G.S. 143-129(e)(6), (B). Approve a unit price contract with RGA, LLC for the purchase of EDI Vehicle Detector Cards for a one-year terms, and (C). Authorize the City Manager to approve four additional annual renewals with possible price adjustments as stipulated in the contract.

**Item No. 48: Storm Drainage Improvement Projects Amendment**

Approve amendment #1 with HDR Engineering, Inc. of the Carolinas in the amount of \$265,000 for engineering services.

**Item No. 49: Developer Reimbursement Agreement with LYNX Station Access Path**

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Approve a Developer Reimbursement Agreement with Colonial Commercial Contracting, LLC in an amount up to \$175,000.

**Item No. 50: Pedestrian Improvement at 10<sup>th</sup> Street, Central Avenue, and Louise Avenue**

Approve a contract with Kimley-Horn and Associates, Inc. in the amount of \$188,000 for engineering planning and design services.

**Item No. 51: Disaster Debris Removal and Management Services**

(A). Approve unit price contracts for providing disaster debris removal and debris management services for four-year term to:

1. Phillips and Jordan, Inc.
2. Crowder-Gulf, LLC, and

(B). Authorize the City Manager to extend the contracts for an additional one-year term with possible price adjustments at the time of renewal as authorized by the contract.

**Item No. 52: Topographic Mapping Services**

Approve a three-year contract for \$270,000 with Avioimage Mapping Services, Inc. for topographic mapping services.

**Item No. 53: Police Armored Vehicle**

(A). Approve the purchase of a Lenco Bear Cat Armored Vehicle as authorized by the cooperate purchase exception of G.S. 143-129 (e)(3), and (B) Approve the purchase of a Lenco Bear Cat Armored Vehicle in the amount of \$261,222 from Lenco's General Services Administration (GSA) contract.

**Item No. 54: Police Assets Forfeiture Appropriation**

Adopt Budget Ordinance No. 4993-X appropriating \$60,000 in assets forfeiture funds for the purchase of a SWAT Weapons Sight System .

The ordinance is recorded in full in Ordinance Book 57, at Page 898.

**Item No. 55: 2010 Department of Homeland Security Grant**

(A). Authorize the Fire Chief to accept a grant in the amount of \$100,000 from the US Department of Homeland Security's 2010 State Homeland Security Grant Program (SHSGP), and (B). Adopt Budget Ordinance No. 4994-X appropriating \$100,000 for the Urban Search and Rescue Structural Collapse Technician training course.

The ordinance is recorded in full in Ordinance Book 57, at Page 899.

**Item No. 56: 2012 Department of Homeland Security Grant**

Accept a grant in the amount of \$1,195,800 from the US Department of Homeland Security's 2012 Urban Areas Security Initiative (USSI) Grant Program.

**Item No. 57: Homeland Security and Emergency Response Equipment**

(A). Accept a grant in the amount of \$132,768.22 from the NC Department of Crime Control and Public Safety, Division of Emergency Management (NCEM), on behalf of the Department of Homeland Security, for generators and associated equipment for use in emergency situations, (B). Accept a grant in the amount of \$78,312 from NCEM on behalf of the Department of Homeland Security for equipment for the Mass Casualty Response Program, and (C). Adopt Budget Ordinance No., 4995-X appropriating \$211,080.22 to the Public Safety Grant Fund.

The ordinance is recorded in full in Ordinance Book 57, at Page 901.

**Item No. 58: Resolution of Intent to Abandon a Portion of two 10-foot Alleyways located off of Clement Avenue.**

A. Adopt the Resolution of Intent to abandon a port of two 10-foot alleyways located off of Clement Avenue, and (B). Set public hearing for December 10, 2012.

The resolution is recorded in full in Resolution Book 43, at Page 931.

**Item No. 59: Resolution of Intent to Abandon a Residual Portion of East 12<sup>th</sup> Street and North Caldwell Street.**

(A). Adopt the Resolution of Intent to abandon a residual portion of East 12<sup>th</sup> Street and North Caldwell Street and, (B). Set a public hearing for December 10, 2012.

The resolution is recorded in full in Resolution Book 43, at Page 932.

**Item No. 60: Electronic Auction for Disposal of Transit Buses and Fire Trucks.**

A. Adopt a resolution declaring specific vehicles as surplus, and (B). Authorize items for sale by electronic auction beginning November 13, 2012 and ending January 31, 2013.

The resolution is recorded in full in Resolution Book 43, at Page 933-934.

**Item No. 61: Extension of Liquidity for Water and Sewer Revenue Bonds**

Adopt a resolution approving the extension of liquidity and updated disclosures for the 2002 variable rate water/sewer revenue bonds.

The resolution is recorded in full in Resolution Book 43, at Page 935-975.

**Item No. 62: Refund of Property and Business Privilege License Taxes.**

(A). Adopt a resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$1,335,951.99, and (B). Adopt a resolution authorizing the refund of business privilege license payments made in the amount of \$12,808.

The resolutions are recorded in full in Resolution Book 43, at Page 976-984 and 985-986.

**Item No. 63-A: 2225 Irma Street**

Ordinance No. 4996-X authorizing the use of In Rem Remedy to demolish and remove the structure at 2225 Irma Street (Neighborhood Statistical Area 29 – Lincoln Heights Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 902.

**Item No. 63-B: 8116 Mount Holly Road**

Ordinance No. 4997-X authorizing the use of In Rem Remedy to demolish and remove the structure at 8116 Mount Holly Road (Neighborhood Statistical Area 115 – Coulwood West Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 903.

**Item No. 63-C: 655 1, 2 Northway Drive**

Ordinance No. 4998-X authorizing the use of In Rem Remedy to demolish and remove the structure at 655 1, 2 Northway Drive, (Neighborhood statistical Area 19 – Thomasboro/Hoskins Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 904.

**Item No. 63-D: 9701 Parkridge Drive**

Ordinance No.4999-X authorizing the use of In Rem Remedy to demolish and remove the structure at 9701 Parkridge Drive (Neighborhood Statistical Area 107 – Dixie/Berryhill Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 905.

**Item No. 63-E: 1027 Andrill Terrace**

Ordinance No.5000-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1027 Andrill Terrace (Neighborhood Statistical Area 28 – Oaklawn Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 906.

**Item No. 63-F: 3000 Morning Drive**

Ordinance No.5001-X authorizing the use In Rem Remedy to demolish and remove the structure at 3000 Morning Drive (Neighborhood Statistical Area 7 – Reid Park Neighborhood).

The ordinance is recorded in full in Ordinance Book 57, at Page 907.

**Item No. 64-A: 8015 Ballantyne Commons Parkway and 11525 Elm Lane, 11333 Elm Lane and 11515 Elm Lane**

Acquisition of 8,876 square feet in Fee Simple, plus 32,808 square feet in Fee Simple within Existing Right-of-Way, plus 10,730 square feet in Sidewalk and Utility Easement, plus 4,956 square feet in Slope Easement, plus 18,015 square feet in Temporary Construction Easement, plus 1,164 square feet in Utility Easement at 8015 Ballantyne Commons Parkway and 11525 Elm Lane, 11333 Elm Lane and 11515 Elm Lane from Peter J. Jugis, Bishop of the Roman Catholic Diocese of Charlotte, NC, for \$63,175 for Ballantyne Commons Parkway/Elm Lane Intersection Improvement, Parcel #4, #10 and #11.

**Item No. 64-B: 4121 Blenheim Road**

Acquisition of 10,311 square feet in Fee Simple at 4121 Blenheim Road from David Cygielman and wife, Myka Wright, and Marc Sigal for \$66,500 for Blenheim Storm Drainage Improvement Project, Parcel #8.

**Item No. 64-C: 4157 Blenheim Road**

Acquisition of 13,463 square feet in Fee Simple from Teresa Matthews Sloop and Harry Allen Sloop, Jr. and Cathy Matthews Gangl for \$66,200 for Blenheim Storm Drainage Improvement Project, Parcel #15.

**Item No. 64-D: 1142 Bolling Road**

Acquisition of 1,196 square feet in Storm Drainage Easement, plus 368 square feet in Temporary construction Easement at 1142 Bolling Road from Harold L. Ogburn and wife, Raija L. Ogburn for \$64,000 for Cherokee/Scotland Storm Drainage Improvement Project, Parcel #27.

**Item No. 64-E: 201 Middleton Drive**

Acquisition of 7 square feet in Storm Drainage Easement, plus 695 square feet in Temporary Construction Easement at 201 Middleton Drive from Alysann Lee Sieren and Al Johnson for \$23,175 for Cherokee/Scotland Storm Drainage Improvement Project, Parcel #42.

**Item No. 64-F: 205 Middleton Drive**

Acquisition of 778 square feet in Storm Drainage Easement, plus 808 square feet in Temporary construction Easement at 205 Middleton Drive from Tyler C. Gately for \$51,600 for Cherokee/Scotland Storm Drainage Improvement Project, Parcel #47.

**Item No. 64-G: 6404 Rumble Road**

Acquisition of 7,664 square feet in Fee Simple, plus 2,177 square feet in Fee Simple within Existing Right-of-Way, plus 33 square feet in Water Main Easement, plus 12,279 square feet in Temporary Construction Easement at 6404 Rumble Road from Juan Alvarenga for \$40,000 for City Boulevard Extension, Phase I, Parcel #32.

**Item No. 64-H: 8223 Idlewild Road**

Acquisition of 4,838 square feet in Fee Simple, plus 2,052 square feet in Temporary Construction Easement Improvements at 8223 Idlewild Road from Cynthia H. Dowdy Plyer and Phillip Keith Plyer for \$15,150 for Idlewild Road Roadway Improvement Project, Parcel #6.

**Item No. 64-I: 935 Little Rock Road**

Acquisition of 9,484 square feet in Fee Simple, plus 908 square feet in Storm Drainage Easement, plus 166 square feet Utility easement, plus 1,449 square feet in Slope Easement, plus 7,572 square feet in Temporary Construction Easement, plus 166 square feet in Utility Easement at 935 Little Rock Road from Virgilio J. Mayorga and Martha P. Mayorga for \$12,684 for Little Rock Road Realignment, Parcel #534.

**Item No. 64-J: 336 Wendover Hill Court**

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Acquisition of 6,140 square feet in Natural Storm Drainage Easement at 336 Wendover Hill Court from Emily C. MacNeill and Carmelita Millet Layog for \$31,182 for McAlway/Churchill Storm Drainage Improvement Project, Parcel #9.

**Item No. 64-K: 400 North Polk Street**

Acquisition of 1,642 square feet in Easement within Existing Right-of-Way by Maintenance, plus 75,764 square feet in Sanitary Sewer Easement at 400 North Polk Street for \$262,190 for Steele Creek Pump Station Replacement, Parcel #24.

**Item No. 64-L: 5615 South I-85 Highway**

Acquisition of 4.308 acres at 5615 South I-85 Highway from Gloria Sadler, et al for \$145,000 for Airport Master Plan Land Acquisition.

**Item No. 64-M: 4309 Rockwood Road**

Acquisition of .87 acres at 4309 Rockwood Road from Paul R. and Elizabeth A. Laramie for \$70,000 for Airport Master Plan Land Acquisition.

**Item No. 64-N: 116 Springhill Road**

Resolution of condemnation of 5,163 square feet in Sanitary Sewer Easement, plus 3,125 square feet in Temporary Construction Easement at 116 Springhill Road from Tony R. Young and wife, Phyllis D. Young and any other parties of interest for \$16,325 for 2011 Annexation: Rhyne Force Main, Parcel #2.

The resolution is recorded in full in Resolution Book 43, at Page 987.

**Item No. 64-O: 352 Leafmore Drive**

Resolution of condemnation of 1,493 square feet in Temporary Construction Easement at 352 Leafmore Drive from Octavio Garcia and wife, Cindy Garcia and any other parties of interest for \$4,600 for Blue Line Extension, Parcel #1305.

The resolution is recorded in full in Resolution Book 43, at Page 988.

**Item No. 64-P: 331 Barrymore Drive**

Resolution of condemnation of 1,228 square feet in Temporary Construction Easement at 331 Barrymore Drive from Delia Szady and any other parties of interest for \$125 for Blue Line Extension, Parcel #1323.

The resolution is recorded in full in Resolution Book 43, at Page 989.

**Item No. 64-S: 6532 Creekstone Place**

Resolution of condemnation of 106 square feet in Sidewalk and Utility Easement, plus 2,374 square feet in Temporary Construction Easement at 6532 Creekstone Place from Jogi C. Gowda and wife, Ashmani C. J. Gowda and any other parties of interest for \$950 for Newell-South (Autumnwood) Neighborhood Improvement Project, Parcel #40.

The resolution is recorded in full in Resolution Book 43, at Page 990.

**Item No. 64-T: 7212 Rockland Drive**

Resolution of condemnation of 2,521 square feet in Temporary Construction Easement at 7212 Rockland Drive from Angela Rivers and Any other parties of interest for \$225 for Newell-South (Autumnwood) Neighborhood Improvement Project, Parcel #49.

The resolution is recorded in full in Resolution Book 43, at Page 991.

**Item No. 64-U: 3401 West Boulevard**

Resolution of condemnation of 1,111 square feet in Sidewalk and Utility Easement, plus 1,392 square feet in Temporary Construction Easement at 3401 West Boulevard from Zada L. Woods, et al, and any other parties of interest for \$1,650 for West Boulevard Sidewalk, Parcel #4.

The resolution is recorded in full in Resolution Book 43, at Page 992.



**Item No. 65: Meeting Minutes**

Approve the titles, motions and vote reflected in the Clerk's record as the minutes of August 27, 2012 Business Meeting.

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**ITEM NO. 35: CONTRACT TO THE LOWEST BIDDER BALFOUR BEATTY RAIL, INC. AND BLYTHE DEVELOPMENT COMPANY (JOINT VENTURE) FOR THE STREETCAR STARTER PROJECT.**

Councilmember Cannon said who establishes the goals that are set on this for DBE participation? It looks like this is about a \$26 million plus contract of which only \$3.7 million is going to DBEs. We've got about 13 companies here and I'm just trying to make sense, is that all we were able to muster up by way an established DBE goal of what 14.2% which there is being a committed goal of maybe .16 above it which is 14.36%. It just seems to me that is kind of small in the way of the grand scheme.

City Engineer, Jeb Blackwell said the goals for that are an area that I'm a little less familiar with than usual. They are federal and Orlando Rouse I think in CATS sets those goals based on the guidelines from the Federal Government on that program.

Mr. Cannon said I need to understand more about how they set those goals because I have no idea and it just seems to me on projects that are really high in scope, at \$26 million for only \$3 million to be allocated with about 13 companies here, which begs in the question capacity or not or couldn't find some folks in certain areas. I'm just trying to get a better handle on that.

City Manager, Curt Walton said I don't think we have the person here that can answer that.

Mr. Blackwell said I do not know how the federal percentages are set. Those are according to federal guidelines.

Mr. Cannon said that is fair, I won't hammer it to death. I just need some information on how they come up with this because time and time again we always ask the question and we can never get a real fluid answer because for whatever reason.

Mr. Walton said we will report back to you.

Councilmember Dulin said this is \$26, 245,636. This is a \$37 million project so I just wanted to let you know that the balance we have left to spend is \$10,754,364 and I hope Council will keep this project under budget.

Councilmember Mitchell said Jeb, you are expecting to keep it under budget, correct?

Mr. Blackwell said yes sir we are. We are very pleased with his bid and we feel we are in good shape on the budget.

Mayor Foxx said can someone explain the difference between this and what is being discussed in the capital budget. What is the practical difference between this project and what we've been talking about in the capital budget?

Mr. Walton said this is what we call the starter project or demonstration project, the mile and a half from the Transit Center to Presbyterian Hospital. We had a \$25 million federal grant that the \$37 million so \$12 million is local and \$25 million is federal so this would come on line, even if we approved the rest of the Streetcar today, it would come on line 3 or 4 years earlier, in 2015.

Mayor Foxx said but in terms of the types of vehicles and that type of thing, what is different about it?

Mr. Walton said we are using the replica cars that we used on the old Trolley Line for this and as we go forward, if we go forward further we would need to get actual streetcars that would either supplement or replace these going forward.

Mayor Foxx said I just wanted to make sure people understood.

Mr. Mitchell said as far as operating, we've already identified the source to take care of the operating of the Streetcar?

Mr. Blackwell said I believe it is covered in general fund.

Mr. Walton said you budgeted that in the Pay-as-You-Go Fund, half a year in FY15 and the rest in FY16 going forward.

Mr. Mitchell said great work staff.

Motion was made by Councilmember Mitchell, seconded by Councilmember Autry, to approve the subject contract. The vote was recorded as follows:  
YEAS: Councilmembers Autry, Barnes, Cannon, Fallon, Kinsey, Mayfield, Mitchell and Pickering.  
NAYS: Councilmembers Cooksey and Dulin.

Mr. Mitchell said what was the follow-up on Mr. Cannon's question about the DBEs?

Mr. Cannon said they are going to give us more information to talk about how they actually arrived at the numbers that they do?

Councilmember Barnes said would you like to delay it until we get that information?

Mayor Foxx said we would be delaying it until the 26<sup>th</sup>.

Mr. Cannon said is there a problem with delaying it, is there a timeline? I'm not asking for a delay.

Mr. Barnes said you seemed exercised about it.

Mr. Cannon said I'm concerned. I don't know how much changes between now and then Mr. Mayor, but I am concerned and we all should be if we are not. I'm open either way because I think it is still going to end up going the way we are trying to go tonight.

Mayor Foxx said why don't we get the information back from staff? I don't think two weeks, even though it has been approved, I don't think two weeks is going to run things out of the shoot so quickly that we can't revisit the conversation if we need to.

**Summary of bids**

Balfour Beatty Rail Inc./Blythe Development Company (Joint Venture)	\$26,245,635.45
Archer Western Construction, LLC	\$34,175,932.33
Herzog Contracting Corporation	\$34,236,182.85

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**ITEM NO. 36: AUTHORIZE THE CITY MANAGER TO NEGOTIATE AND EXECUTE AN AGREEMENT WITH HNTB FOR CONSTRUCTION MANAGEMENT CONSULTANT SERVICES FOR THE BLUE LINE EXTENSION PROJECT-PHASE ONE IN AN AMOUNT UP TO \$3,000,000.**

Councilmember Mayfield said it kind of ties in with what Mr. Cannon was just speaking about regarding that DBE goal so I had a question for staff because what we have noted on here is the established DBE goal of 9% but the committed goal is written confirmation to say they are

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basically committing to providing, but I want to know have we identified who those DBE professionals will be and have we identified a specific goal set up to this point that maybe wasn't available when this was printed for us?

**Carolyn Flowers, CATS CEO** said yes we have identified an established goal of 9%. We received that confirmation today and we have a list of the DBEs and the scope of work that they will be performing. There are 8 DBEs that will be on this project and they will all be providing construction support services for the construction management firm and they range between 1.2% to 3.8% participation, for a total of 9%. They brought the commitment up firmly to 9%.

Councilmember Mitchell said is that 9% going to be Phase I or Phase II. In our write-up they are only going to commit to 6.7% in Phase I.

Ms. Flowers said the 9% is for Phase I and we will continue to work on this and I believe it was a commitment for the entire contract for 9%.

Mr. Mitchell said so 18% for I and II?

Ms. Flowers said no, 9% on the entire project, 9% on Phase I and then the entire project will encompass a goal of 9%.

Mr. Mitchell said well how much on Phase II?

Ms. Flowers said there will be 9% of the remainder of the entire contract which I believe was about \$32 million.

**Jeb Blackwell, City Engineer** said it is 9% on the whole thing package.

Mr. Mitchell said so both Phase I and II is equivalent to 9%, not just Phase I?

Ms. Flowers said yes, the entire project is a commitment of 9%.

Mr. Mitchell said this information is misleading, it says 6.7%.

Ms. Flowers said that was at the time we submitted the RCA, that was the commitment, but we continued to negotiate and it was changed to 9%.

Mr. Mitchell said I think we've all wanted the participation on both the Streetcar as well as the Blue Line to be an economic generator for small business and it is a little daunting that the goal is so low. Is that because of the capacity? We don't have the capacity here locally?

Ms. Flowers said the federal program is based on those people who are certified with the State of North Carolina so the data base for the DBE Program is based on the availability of contractors in this specific scope of work, so you have to basically come up with a goal that is based on the availability that is in that data base.

Mr. Mitchell said do we mirror that data base with our SBE because they have to be certified with the State or is this is totally separate data base?

Ms. Flowers said it is a separate data base that is run by FTA and there is a regional certifier and in the State of North Carolina, it is the Department of Transportation.

Ms. Mayfield said just for clarification, I have a concern when we are looking at this total bid amount which what we are being asked to consider is a \$3 million bid and out of that if we are having DBE goals where that goal could possibly be maybe \$3,000 that is not going to help a small business grow. Even though we are talking around that piece of it, if we are really in the place where we are trying to make sure that more diverse companies have an opportunity to build up their workforce as well as go to a mid-size or larger company. Are we really achieving that when we have such low goal numbers because as a business you are not going to be able to have a lot of growth with \$3,000. As an individual I could think of six things I could do with \$3,000

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and that \$3,000 would be gone so I'm trying to figure out how are we really going to make sure that as we continue to move forward with this project, that our DBEs and SBEs and MWBEs really have an opportunity to come in and have a beneficial role, economically and through service with this development.

Ms. Flowers said first of all this is the first phase of this project and this contract and we are only asking for approval to get us through Phase I which will take us through probably March or April of next year. The entire project amount on the Blue Line Extension is probably \$1.16 billion and you are going to see a series of contract packages come through for different scopes of work. On this specific scope of work, the Construction Management, this is probably about one-tenth of what the entire contract will be for the project. These same DBEs will have the commitment throughout that entire project so they will get additional work throughout the project as we go through it. As we let additional contracts in the future we will find scopes of work that are available for disadvantaged business enterprises. For a federal contract SBE and MWBE aren't the programs that the federal government uses so we have to use companies that are certified as disadvantaged business enterprises which is a totally different process. We continue to do outreach efforts to try to get companies to understand what it is to go through the federal process and how they can do business with us. We put procurement forecast out on our website to provide companies the upcoming contracts that will be available to them to participate on and we've done outreach where small businesses can meet large prime contractors so they have an opportunity to partner in the future.

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously, to approve the subject agreement.
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**ITEM NO. 43: AIRPORT BUSINESS VALET PARKING EXPANSION (A). APPROVE A CONTRACT WITH LS3P IN THE AMOUNT OF \$2,410,200 TO DESIGN ADDITIONAL PARKING CAPACITY ON WILKINSON BOULEVARD, AND (B). BUDGET ORDINANCE NO. 4991-X APPROPRIATING \$2,410,200 FROM THE AIRPORT DISCRETIONAL FUND TO THE AVIATION CAPITAL INVESTMENT PLAN.**

Councilmember Dulin said I've had a couple of meetings with a guy who is in the parking business, automated parking and Mr. Cannon might know a little bit about the subject, but they stack them in and they move them around in an automatic way. It saves real estate and one of the things that the City has told me is that we've got lots of land and we'll just keep doing parking lots. This is a 3,000 space parking deck so it is a big project. I'd like to know how many acres will this project take up? In an automated system they can put 3,000 cars on five acres of land. I checked that number today.

**Jerry Orr, Aviation Director**, said this deck will take up about 4 acres.

Mr. Dulin said how high is that?

Mr. Orr said five stories.

Mr. Dulin said well it is the same then, but I don't see how it can be. I'm a little bit frustrated because I've been trying to look at different ways to park cars, particular valet and this valet parking lot is a long way from the Airport Terminal. If we could move the valet closer would could make a more efficient drop and pick of our customer's cars. I was hoping that we could have had a more open discussion about how to make the valet system out there more effective Mr. Manager.

**City Manager, Curt Walton** said I think Mr. Orr and I both have met with that vendor a couple of times and I know Jerry has looked at it and has not recommended going in that direction.

Mr. Orr said that is right. The valet actually works better if we have it the first thing that you get to when you come to the Airport. It takes all the worry out, it is guaranteed parking. We run the

shuttle system and you just show up, get on the bus and we have you at the front door in less than four minutes.

Mr. Dulin said that doesn't seem like valet to me if you are not driving your car right up to the front door. You still have to drive to the parking lot why don't you just call it an Extended Stay Lot?

Mr. Orr said because the valet parks your car for you, loads your baggage in the bus and takes you right to the front door.

Mr. Dulin said right now the guys drive to the front door, get out and walk into the Airport, somebody takes their car and goes and parks it at the valet. Apparently when you get there, I've never used the service, but when you get there you call them they go get the car and bring it right back to the front door without ever having to get on a bus.

Mr. Orr said there are two valet programs, the one you described is the curbside valet, \$19 per day and the other is the one where you drive to the deck and ride the bus and that is priced at \$10 per day.

Mr. Dulin said I don't understand the difference between that and going and parking in the remote lot and getting on a bus and coming in.

Mr. Orr said when you park in the remote lot you've to search for a parking space, you have to walk to the station where the bus picks you up and walk back when you return.

Mr. Dulin said so here you literally valet it at the parking lot instead of valet it at the Airport?

Mr. Orr said at the parking deck, yes sir.

Mr. Dulin said when we can get this new lot into service?

Mr. Orr said this is an addition to our existing lot so it is already in service. This merely provides more parking capacity.

Mr. Dulin said this is an architectural contract for \$2,410,200 and it seems to me like this deck and all the other decks out there have been designed already. Why are we paying to have a deck, by our specks here it is supposed to look like the other decks.

Mr. Orr said it will look like the other deck but it has to be designed, engineered from the foundation up.

Mr. Dulin said and none of that is redundant?

Mr. Orr said no sir. The specification is redundant and because of that we got a discounted price from the A & E Firm. The first deck, the A & E fees were \$3.6 million.

Mr. Dulin said well, I don't know if anybody else has any questions about this, but the money flies around out there so freely. If there are no other questions I will make a motion.

Councilmember Cannon said Mr. Dulin what I can tell you is when I had an interest in trying to create a smart growth initiative in District 3, one of the things that we were looking at happened to be parking. Knowing a little bit about that business I took a trip up to Hoboken, NJ where they actually have automated parking deck facilities which are typical in Germany, not so typical in America. What we discovered is what you would discover today and what Mr. Orr would have discovered is that they are so expensive until it could really just make the deal non-doable. The second thing is this. When you have an automated parking deck, if you are concerned about people getting to and from their vehicles in a quick manner, if you have inclement weather, if there is lightning one day and the power goes out, all of a sudden it is not too quick anymore. Now you are held up and you have to determine if you want to take that risk or not. They do move fast and they operate well, you just have to determine if you want to establish the risk of  
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costs and trying how the weather is going to be on any given day. That is probably the only problems with those decks but they blend very well into the fabric of the community, business wise, they look great but they just can't work in some development deals and for that reason I think we are probably on the right track staying where we are. I do hear your sentiments and understand them accordingly.

Councilmember Mayfield said part of this comment will also address some of that for the facility that we have on Wilkinson Boulevard, Jerry and I had an opportunity not too long ago to not only ride through the area where we are looking at development, but actually I had the opportunity to go through the entire process with a recent trip driving up, having someone take care of parking the car, getting on the shuttle which was a lot more convenient than having to identify the daily parking or hourly parking on my own. This to me is just another opportunity for us to offer diverse forms of valet since we do have curbside, which is a little bit more expensive so for that clientele we have it available. Actually is not too far and when you are coming out of the Airport, depending on when you are coming back, it is a lot quicker to hop on the shuttle and they are tracking when your flight is coming in so your car will be warmed up, it will be ready waiting for you so as soon as you come back you have the option to hop right into your vehicle opposed to going through the traffic yourself. I think is just another one of those amenities that as we continue to grow our International Airport and it is continuing to show the numbers that it is showing, these are one of the amenities, especially for business class that will be beneficial in the long run for us. I just wanted to mention to Mr. Orr that I appreciated the opportunity for us to take that ride along and for him to explain it to me as well.

Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey, 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 896.

\* \* \* \* \*

**ITEM NO. 45: AIRPORT SECURITY AND CAMERA SYSTEM CHANGE ORDER.  
APPROVE CHANGE ORDER #2 TO THE BUILDING AUTOMATION AND  
MANAGEMENT SYSTEM MAINTENANCE CONTRACT WITH JOHNSON  
CONTROLS, INC. FOR MAINTENANCE OF THE VIDEO MANAGEMENT SYSTEM  
IN THE AMOUNT OF \$847,216.**

Councilmember Mayfield said I'm trying to get an understanding of this request for additional cameras and how this request ties into the recent press release statement regarding further security transferring over to CMPD and these coinciding and are both really necessary at this time because I have a concern as far as what the financial impact is going to be with that increase in security in transferring over and this particular increase of the video management that we are requesting.

**City Manager, Curt Walton** said that is the subject of my Manager's Report. This item that you are pulling tonight was in process well before that decision was made so yes both need to be done.

Motion was made by Councilmember Kinsey, seconded by Councilmember Cannon, to approve the subject change order. The vote was recorded as follows:  
YEAS: Councilmembers Autry, Barnes, Cannon, Cooksey, Dulin, Fallon, Kinsey, Mitchell and Pickering.  
NAYS: Councilmember Mayfield.

\* \* \* \* \*

**POLICY**

**ITEM NO. 27: CITY MANAGER'S REPORT: REPORT ON CMPD AT THE AIRPORT**

**City Manager, Curt Walton** said as Councilmember Mayfield asked about the Airport Security and the CMPD consolidation, I wanted to elaborate a little bit on that and also ask Deputy Chief Putney and Chief Monroe to talk about what it will look like after the transition. First of all in the FY2012 budget you approved \$2 million for 21 additional CMPD Officers at the Airport so the cost is already there, you've already budgeted it. After the DNC, as we looked at how to best implement this, what it came down to for me was I felt accountability was blurred. We have CMPD on one side of the building and the Airport Security Officers on the other side of the building. It could work, but I felt like it was blurry from accountability perspective. We also had talked internally a good deal about where does one physically stop and where does the other one physically start. That was a difficult conversation to have to be perfectly clear in a time of calm and in time of an emergency I felt it would be particularly difficult. That led me to the functional consolidation of those two pieces. We have two City controlled security units just feet apart and I felt like that ultimately wasn't the best service delivery model for our citizens and for our traveling public. With that I will turn it over to Deputy Chief Putney and be glad to answer any questions.

**Deputy Chief Putney** said first of all we want to talk about the process. We began as you know approximately 18 months ago, talking about the security concerns around the safety of the Airport. That has brought conversations more particularly about how to enhance the security measures there which is ultimate goal. CMPD initially felt that it was best to have total operational control. As the City Manager said it has been a bifurcated kind of chain of command whereas the Airport has operational control and we manage and supervise the officers. The reason we felt that way back at that time, and still do now, is because philosophically, strategically and fundamentally we have different philosophies about how to enhance security measures. CMPD employees, a proactive policing model, that has proven effective and we think we can do that type of work with enhanced security there at the Airport. The money has already been approved by Council to hire 17 additional officers for the Airport. The initial conversation about it was back and forth, but CMPD will always continue to supervise and manage the officers. Conversations were back and forth about operational control. Over the last six months we began to believe again that it would probably be best if we took operational control as well. The reasons for that were some things that came on the radar around crime reporting, difficulties in investigative difficulties. For instance the Airport officers will initially take the report but can't fully investigate some of the crimes that were taking place at the Airport and also a difference in the protocol of how those crimes are reported. We believe that only a functional operational and a singular chain of command and authority would overcome those difficulties. The other thing that we were trying to do was work through and navigate the clearer delineation of what authority we have and what our area of concern was versus the operational deadline of what that authority was for the Airport. As you know last week the City Manager decided that CMPD would get operational control as well, which means that we will have operational supervisory and management of all law enforcement operations at the Airport. Obviously CMPD 100% supports that. That is what we wanted initially and we continue to believe that is the best path to take.

The plan will not change as far as funding. The funding is there, you've approved it but what we've discovered through our long process of making sure that we are giving you the accurate information is the entry level officer, the amount of funding remains the same. Salaries are very similar. We also know that we are about mid-year and the 17 officers that have been approved have not been hired so there is still some savings there and it will not increase at all during this pledge of cycle. The implementation plan is underway. The Chief talks about his sense of urgency and that is not a joke. We are moving forward at a fast pace to make sure we are doing everything right and that we are ready for our December 15<sup>th</sup> launch date. People continue to ask what that looks like. Initially, on the outside more of us at the Airport is as simple as I can put it. I think the devil is in the details. What goes on that you cannot see is the important thing that speaks to the philosophy that we think we need to implement from a CMPD perspective. That is more proactive efforts toward crime prevention and investigation obviously, and a seamless operational function of public safety between CMPD and the partners there at the Airport. That is in essence why we believe that the City Manager's decision is the right decision for our path forward with the ultimate goal of enhancing public safety at the Airport.

Councilmember Fallon said why haven't you hired the 17 officers yet and he second part of that, can you train the officers in place now to do the kind of policing you want?

Deputy Chief Putney said absolutely. First of all we manage the training, we deliver the training for the Airport Officers currently and increasing that training, enhancing any training needs we can handle that in house. Regarding the first question we don't have budgetary control so we can't hire. That was operationally a function that fell under the Airport.

Ms. Fallon said can you do without them?

Deputy Chief Putney said the additional officers are part of the enhancement to the plan so to answer your question directly, no.

Ms. Fallon said when do you intend to hire them?

Deputy Chief Putney said we are already making plans. We have a class that is in now that will graduate in April.

Ms. Fallon said they will still be considered as regular police. They won't be considered like Airport Police or something, they will be considered part of your contingent?

Deputy Chief Putney said the functional consolidation means that they all under CMPD and we are working through exactly what that means, but what I can tell you is that none of the 40 plus officers there will lose their jobs.

Ms. Fallon said in other words they could be interchangeable with the street guys?

Deputy Chief Putney said that is something we are working through because there is a lot of legal aspects that are in play with the Charter. We are still working through that but there is a function there at the Airport that would not change for our people currently employed. We would just try to increase and enhance the ability to expand to your point so that those who want to and have the capacity could do what all of our officers do all over the City. They would have an opportunity to transfer at that point.

Councilmember Barnes said regarding the cost of the officers, what is the source of funds for their salaries?

Deputy Chief Putney said the Airport provides that funding.

Mr. Barnes said is that based upon revenues generated from the Airlines?

**City Manager, Curt Walton** said airlines, parking, concessions, just like they pay Fire.

Mr. Barnes said in arriving at this arrangement did we get on board the airlines and the other partners that you mentioned? In other words I imagine that their costs are going to go up because I think we pay or guys more, or do we pay them more than the Airport?

Mr. Walton said keep in mind this was a budget decision that was approved in June of 2011. There is nothing new relative to cost, it is just being implemented now. No, I did not talk to the airlines because I feel like this is something that is protecting our citizens and travelers and they certainly have a stake in that, but it was a decision that was made a while back and I don't talk to the airlines. For example there is about \$5 million of items on the agenda tonight relative to the Airport that I didn't talk to the airlines about.

Mr. Barnes said will these officers be on this side of TSA as opposed to the other side of TSA? Will they be operating before you go into the screening? For some reason tonight is not a good night for me, but anyway before you go through security on that side of security, will they be operating there or into the terminal?



Deputy Chief Putney said with the functional consolidation all of the officers there report to us so they do both.

Mr. Barnes said so there will be CMPD Officers down in the concourses as well as at baggage claim, etc?

Deputy Chief Putney said yes sir, they will all be under CMPD.

Mr. Barnes said are there any other costs that would arise from this arrangement that we would want to know about?

Mr. Walton said no sir.

Mr. Barnes said you are right, this was from the budget in 2011, but it would have been a great Workshop topic.

Councilmember Cannon said Chief and Deputy Chief thank you for being here today and Curt thank you for your report. I had asked the question a few weeks ago about how we were doing with what Council had approved relative to the officers that will be going out there. I would like to see it happen before that class graduates.

**Chief Rodney Monroe, CMPD** said one of the things we will be doing on the 16<sup>th</sup> of December, we will be detailing some additional officers out there. Some of those will be based on overtime and some of them will be based on hire backs that we will be able to immediately hire back that have recently retired until we are able to expand that force through that graduating class.

Mr. Cannon said so that answers that question. You know where I was going with that. We certainly remember some past incidents but we are looking toward the future and the future says that we are trying to implement officers in a way out there where we can do all that we can to prevent the next crime. If you ever have to do an investigation out there it would seem to me that you would need something to help you prevent the next crime. What I don't know presently happens to be where cameras are currently placed. I know the reports that I get but I'm not so certain in terms of where cameras might be positioned at the Airport, namely not so much as we talk about larceny and dealing with vehicular issues, but also as we talk about what is happening in that baggage area on the outside where the ramp is, a place where I could go back in the day when I was working Eastern Airlines as a Skycap a long time ago. There and even within the employee break room I want to get some information back in terms of where cameras probably need to be if they aren't already there to help prevent the next crime. It is my thought and it is my belief that there may be some things occurring that we haven't gotten our arms around yet and maybe cameras could help us out along the way.

Councilmember Dulin said I never saw any crime stats from the Airport. Somebody told me crime was up 300% but from where. When it comes to hiring 17 more officers and the accountability, I like the idea of having our guys and ladies out there because they are directly accountable to the Chief who is accountable to the City Manager, who is accountable to us. I'm not sure the guys that are out there, if we expand that group if they couldn't be accountable to us as well. I think they are City employees also at a cheaper price, but I don't want to save money when it comes to community safety. If we go out and hire 17 more cops I'd like to put those guys in a car in a neighborhood and have them drive by people's houses more often. I'm a little bit concerned and I consider US Airways our business partner out there and I would have thought we might have spoken to them because if we raise their cost of doing business they are not going to suck it up, they are going to pass that cost of doing business on to your customers and to our business people and to our families traveling. I'm concerned about raising the cost of doing business to our business partner out there, US Airways. I'm concerned about hiring more cops that we might could put in a car in a neighborhood and I would sort of like to kick that around a little bit tonight if we could.

Mr. Walton said I see this as a neighborhood with about 50 million people in it and it is one that from a number of perspectives, from the economic development to the hospitality and tourism. If it is a place where something goes wrong it is going to have a lot of repercussion, just as we  
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have seen in the not too distant past. I think it is a neighborhood and I think it is a very good investment that has already been made. I don't delegate operational decisions so this is something that I think is critical and in the public interest. I think it costs what it costs and we actually crossed that bridge last year, June 2011, and I think it an area we can scrimp. If we need additional people in cars then we need additional people in cars in addition to the people at the Airport in my opinion Mr. Dulin.

Mr. Dulin said maybe I missed it earlier tonight. How many do we have on the ground now?

Chief Monroe said 41.

Mr. Dulin said so we are going to add 17 to that? They are covering three shifts per day though, we don't have that many on the ground at peak hours. So at any given time we've got 12 maybe on site?

Chief Monroe said you have to take in account days off, vacation and sick and that number continues to dwindle.

Mr. Dulin said that is 58 total in the detail, but we are not there yet. I'm not completely comfortable with the change because I thought we were pretty well served out there anyway. If we have 50 million people out there maybe we need to get the Airport its own District Rep.

Mayor Foxx said let me ask this one question on cost just to make sure I'm clear on it. From the standpoint of the carriers our action on the budget in June 2011. It could have been November of 2011 at this point, given how we do budgets, but the question is has the cost been loaded in some place already. Is the money sitting there that has been accumulating or is there some new fee or new charge that is going to come out as a result of this?

Mr. Walton said it was budgeted last year and it has been carried forward into this year.

Mayor Foxx said was there a cost that hit at someplace in the operations or someplace in the operations back then?

Mr. Walton said not yet because we haven't implemented most of it. Starting in December, what you approved last year will start to hit the budget.

Mayor Foxx said so we are taking revenues that already exist and allocating them to hiring these officers or we are creating a new cost center to get this funding?

Mr. Walton said it is revenue neutral if that helps, but there will be a new cost center in Police for this paid for by that revenue neutral money. The cost doesn't go up it just shifts from the Airport to Police.

Mayor Foxx said where do we draw the revenue to pay these officers from?

Mr. Walton said from the Airport – from the airlines, parking, concessions the whole ...

Mayor Foxx said I want to make sure that we are abundantly clear because I think what I understand you saying is that there will be no costs increase that comes as a result of the action that you have taken, that it will be revenue neutral dating back to July 2011. So whatever the airlines are paying or parking fees are coming through there is not going to be an increased costs as a result of the action that you have taken.

Mr. Walton said that is right. The expense, because it hasn't happened, will go up but the revenue to support it will stay the same.

Ms. Fallon said how is it going to impact the airlines? Are we going to start to charge more to them or do they have to kick in more or is there some kind of formula?

Mr. Walton said I can't specifically say because it is hundreds and hundreds of millions of dollars that passes through so how this impacts it I can answer that.

Ms. Fallon said they are under the impression it is going to cost them about \$4 million per year. I don't know how they arrived at that.

Mr. Walton said I don't either. I think the total costs of the Airport officers and the CMPD officers that you approved last year is probably about \$4 million.

Ms. Fallon said how do they get that so they feel they are going to paying that costs? How does that work. Is it taken out of general funds that the Airport has, the parking or are they going to be taxed higher?

Mr. Walton said the Airport has no general funds. Everything the Airport does, like all the items you approved tonight, parking deck, all of that goes into an annual budget that is dealt with with the airlines. This is a blip but it is certainly not a \$4 million blip.

Ms. Fallon said but whatever they do give could be raised to cover this?

Mr. Walton said theoretically, but compared to a parking deck it is hard to see a ripple in that pond.

Ms. Fallon said and they pay for part of the parking deck?

Mr. Walton said they pay for part of everything.

Mr. Cooksey said I wanted to throw in the percentage number that is missing in this conversation. Basically what we are talking about is reallocation of 1% of the annual Aviation Budget, right?

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**ITEM NO. 28: HIGH GROWTH ENTREPRENEURSHIP STRATEGY**

Mayor Foxx asked Councilmember Mitchell, Chair of the Economic Development Committee to introduce this and tell us what to do.

Motion was made by Councilmember Mitchell, seconded by Councilmember Cannon, to approve (A) the Economic Development Committee's recommendation to adopt a High Growth Entrepreneurship Strategy, and (B). Authorize the City Manager to execute a contract with the Foundation of the Carolinas (FFTC) for \$500,000 "community challenge" grant to help establish the Charlotte Regional Foundation for Entrepreneurs (CRFE), contingent upon CRFE raising a local match, and with the stipulation that up to \$20,000 of the funds will be used to develop a community strategy.

Mr. Mitchell said I would like to thank the Committee, Patrick Cannon, David Howard, LaWana Mayfield and Warren Cooksey and the staff, Brad Richardson, Natasha Warren and Pat Mumford on the High Growth Entrepreneurship strategy. This has been a great collaborative effort about how we now understand the importance of high growth industry. Most of money is spent on small business initiatives and now having this before us, we are giving a half million dollars to support High Growth Entrepreneurship in the City of Charlotte. Just so our citizens will know that we will be a City where entrepreneurs can come and be successful and I think this is a great step moving forward. Mayor, I know you have an appointment, but a lot of this work was done by one of our Committee members, Warren Cooksey. Mr. Cooksey really took this initiative and during the whole discussion I kept calling it the "Cooksey Amendment" but he was very passionate. He would attend some of the meetings and encouraged us to attend some of the meetings and part of our recommendation is that Mayor, is that we ask that if you wouldn't mind appointing Warren Cooksey as a member on the Board for all his great work and passion for entrepreneurship in our community.

Mayor Foxx said on the Board of this CRFE?

Mr. Mitchell said yes sir.

Mayor Foxx said Mr. Cooksey thank you so much for all your work and also for the Committee for their work and also you Mr. Chair. In 2009 we got suplexed by the economy and a lot of people didn't think this City had a second act and I think that people are finding the resilience of this community to be incredible, but one of the reasons why is that we've really worked to strengthen and diversify the economy and there is no place where that is present as much as in the area of entrepreneurship and I want to thank many of those who are here with us tonight who have been working with this through the Charlotte Entrepreneurism Network. I see Charles Thomas, Dan Roselli, and Terry Cox. Paul Solitario I guess is going to speak for the group.

**Paul Solitario, 328 Summermore Drive** said I want to thank you all for considering this. I can't tell you how exciting it is. The growth of the Charlotte Entrepreneurial Community is huge for all of us. It really is where the job growth happens. These are high paying jobs and these are exciting jobs. The folks really contribute to the community and it is great to see the City Council has taken this initiative on and I really appreciate it. It sends a huge signal to the entrepreneurs in the community. They don't feel very loved quite frankly many times in this region and this is great. You all should be aware that we very much appreciate you all considering this \$500,000 challenge grant, but you should also know that we are kind of way behind the rest of the country. We still have a lot of work to do and a lot of us are volunteers and entrepreneurs and community members will continue to be at that here, but you all should know there is more to do. This is a great, great, great start and it is very much appreciated. The community appreciates all those folks that are starting the companies and hiring a lot of people, I appreciate it. The numbers are terrific. Last year Terry did an awesome survey of what they are contributing and we will continue to do those surveys, but it is very important and I thank you.

**Terry Cox, 1927 South Tryon Street,** said Councilmember Cooksey, thank you for really driving this effort. It is very much appreciated and for the rest of the Council for considering approval of this High Growth Entrepreneurial Strategy. I am President of an organization that supports high grown entrepreneurship in this region. We were founded in 2006 and I moved here from San Francisco and when you see San Francisco in the valley and you move here you see how kind of way behind we are and I just felt a passionate need to build out a high growth entrepreneurial eco system they are the driver for job creation and wealth creation for sure. I have been at this work in our region for 8 years, my organization is 6 years old, but I would say in the last few years we've seen significant growth in entrepreneurial activity in the Charlotte region. A lot of start-ups have popped and the challenge has been that now that we've got the momentum, we've got the developers here, we've got the start-ups here, we are starting to get some visibility, the entrepreneurs don't feel the love from the region and they feel there is no traction, there is no support, there is no capital and perception becomes reality. We are losing them but now because the Silicon Valley is taking off like wild fire, we cannot keep the entrepreneurs that get going here. We get them going and then they leave so it is a problem. In fact one entrepreneur e-mailed today. He moved from Charlotte to Bolder last week so the timing couldn't more critical to approve a strategy like this so we can retain and attract these high growth entrepreneurs. Because of their lack of visibility around the country I recruited a Venture Capital Conference that will be held here next March to bring in the San Francisco and New York investment communities so they can kind of see what is going on. I've been a lone ranger at supporting high growth entrepreneurship for a long time here so this will be a huge milestone if this got approved. I think we have a long way to go and it is a long process, a 20-year process to really do it well and right, but I think we have a few things that no other City has and you guys do it for big corporations and that is quality of life, great Airport and a business friendly community. That holds true for entrepreneurs and I think it is about time we started tracking entrepreneurial companies here for the same reason we track corporations here. That is why entrepreneurs want to be here as well. Thank you for your consideration and I hope it will get approved tonight.

**Dan Roselli, 5801 Camilla Drive** said I am one of the co-founders of Packard Place which is an uptown entrepreneurship center that opened about 18 months ago. You should know that this initiative is the work of a lot of people in the entrepreneurial community over the last year. The Mayor referenced a group called the Charlotte Entrepreneurial Alliance that came together about a year ago so the community could talk about what we needed to do. I think this is critically

important because as you know the statistics, over 80% of the people across the country work for companies less than 100 people in size. So this is critically important to Economic Development getting people back to work. I'm going to make four really quick points. One, this initiative started with the community coming together and people understanding entrepreneurship, talking about what we have and also talking about what we are missing. I think it has been a very collaborative process over the past year with local government. Two, I think this proposal will have a meaning impact on the Entrepreneurial Eco System in Charlotte and the support structures there allowing entrepreneurs to be successful, which I think is important. Thirdly, I think it strikes the right balance of what is the role of private industry in the community and what is the role of local government. In this sense I think it is a balance because we are not asking you to directly invest in companies, we are asking you to invest in the infrastructure in the community to support entrepreneurship so that it can flourish and I think it is very well thought out. The last thing and the most important thing is that it sends a message. The fact that Charlotte wants entrepreneurs to be here, the entrepreneurs who start here to stay here, to draw in from other areas around the region and around the country that Charlotte is absolutely an entrepreneurial friendly town. That is one of the strongest messages I think the City Council can send to the entrepreneurs in the region that we want you here and we get you and we understand it. I think that is not to be underestimated. Thank you for the support.

Councilmember Kinsey said I want to make sure this is a one-time grant.

Mr. Mitchell said yes.

Ms. Kinsey said will we have any feedback, will there be tracking so we will know how successful we are?

Mr. Mitchell said yes we would like to review it in a year.

Councilmember Barnes said as much as the Mayor consistently reminds us of the budget process I will remind us for the need for Workshops and this is another item that would have been a great Workshop topic. The question I have for the Chair or Mr. Cooksey is, exactly what is going to be done with the half million dollars. I understand there will be another match of a half million raised from institutions or private individuals and then what happens with the money?

Mr. Mitchell said our portion will be for marketing and supporting some of their events, not for operating by no means. This money is strictly about promoting entrepreneurship in a community and helping them market it.

Mr. Barnes said so it won't be used for operating capital, it won't be used for the salaries of the entrepreneurs and that sort of thing, but marketing their businesses?

Mr. Mitchell said let's say if they would like to do an entrepreneurial conference, then the money we gave them will help them market that conference from a regional perspective.

Councilmember Cooksey said we all had the write-up, but there may be folks watching so I did want to at least cover the key points of this. One of the elements and I appreciate having the folks that have been working on this with us in the Chamber today. I cannot emphasize enough how much this effort and others are really going to feed into a culture in this City. We have a reputation, well deserved in some cases, being a big business friendly City, we have that kind of focus, we do investment grants from time to time. What we don't have the same kind of reputation for and the same kind of culture about is start-ups in entrepreneurships. We've made tremendous strides lately, but it is an ongoing effort that has to be done and that is what the first component of this strategy is about, making sure that we as the elected leaders of this City are more comfortable talking about entrepreneurship and we have examples such as Mr. Jones and others who have been successful, but also we have to become a little more comfortable with the reality of failure because sometimes entrepreneurs fail. There was a great story in the Business Journal just a couple weeks ago about the closing of Other Screen. The screen was a pretty nifty start-up but it just didn't work out. But, as the founder of it mentioned the business idea was a failure, he isn't so there is a culture in the start-up field of San Francisco and the like where if you don't have some failures under your belt you can't be trusted because you learn from that. Especially when you are starting up on your own.

Item 1 on this will help us become more comfortable with it. Item 2, specifically addresses a major need of start-ups and entrepreneurs. It is not just the capital to get started, but it is customers and we have found through working with a company called Info Sense in our Utilities Department that the City can be customers to start-ups. Start-ups can find ways to address challenges that we face as a City that we didn't think of beforehand, so by being a customer that is a great way we can be supportive. Item 3 is the foundation support and to elaborate a bit on Mr. Mitchell's answer, there are things like Start-up Week-ends, Venture Challenges and conferences and the like that teach people more about the resources out there that need funding for the conference. That is the kind of thing that this will be done and also as Terry referenced, this will also be sort of umbrella organization to do studies, to do analysis, to find to find out gaps of what the committee may need more. It is a way to fund those kinds of information. Some may recall a couple years Queen City Forward came to us and asked for some money to study the Entrepreneurial Eco System and we said no we don't know what we are doing in that field. This policy and this strategy is now about knowing what we are doing in that field and helping out a bit more. There are some longer term ones there, growing research university aspects of this area and also finding out areas of the City where we as a Council can perhaps make those area of the City more amenable to start-ups, areas where people can find some space and get things going. It is a very strong strategy I think that hits the right spot because as I've said over and over in Committee meetings if any of us, Council or staff, had any idea how to invest money into high growth entrepreneurial start-up, we wouldn't be Council or staff, we'd be doing that for a living and making a lot of money. We are doing what we are best capable of with the strategy and I thank the folks in the private sector who have been working on it and I thank staff for all the work they have done. It has been delightful seeing Brad Richardson in particular start showing up at more start-up events and getting a sense of excitement and passion that those kind of folks have. I thank the Council for its support too.

Mayor Foxx said just as a reminder to your point, this did come out of a Workshop and in fact what we found in that Workshop was that it was difficult to both explain and do a deep policy dive into the subject matter, is why it got to Committee. I appreciate the work of the Committee and thank everyone for that.

Mr. Mitchell said Mayor let me make just one comment for your efforts because I remember the first meeting I attended you invited Mr. Cannon and I to go to the large conference room just to get impact from the entrepreneur community about the issues we are facing so thank you for your passion and believing this is something that we should really work on.

Mayor Foxx said I appreciate it, no sweat. This is what they pay us the big bucks for.

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

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**ITEM NO. 29: CITY MANAGER RECRUITMENT AND SELECTION PROCESS**

Motion was made by Councilmember Barnes, seconded by Councilmember Kinsey, and carried unanimously, to (A). Approve the Council-Manager Relations Committee's recommendation to negotiate and execute a contract with The Waters Consulting Group, Inc. in the amount of \$23,500 plus expense (up to \$5,000), to assist the City with the recruitment and selection of a new City Manager, (B). Follow the timeline for the recruitment and selection of a new City Manager as detailed in Proposal 2: Recruitment Schedule of Activities and Calendar, (C). Provide that any person selected to serve as Interim City Manager not be a candidate for the job of City Manager, and (D). Add a statement to the City Manager Position Profile that "equal consideration will be given both external and internal candidates".

\* \* \* \* \*

**BUSINESS**

**ITEM NO. 30: CONCLUSION OF CONSENT AGENDA**

This was handled earlier in the meeting.

\* \* \* \* \*

**ITEM NO. 31: NOMINATIONS TO BOARDS AND COMMISSIONS**

**A. Charlotte-Mecklenburg Utility Department Advisory Committee**

Nominations were made at the October 8<sup>th</sup> meeting and were held over to the November 12<sup>th</sup> meeting. The following nominations were made at the October 8<sup>th</sup> meeting:

1. Pride Patton, nominated by Councilmember Mitchell
2. Michael Van Zytow, nominated by Councilmember Autry

The following nominations were made at the November 12<sup>th</sup> meeting:

1. Pride Patton nominated by Councilmembers Barnes, Cannon
2. Natalie Beard, nominated by Councilmember Cooksey, Fallon
3. Michael van Zytow, nominated by Councilmember Dulin, Mayfield, Pickering,
4. Kevin Vogel, nominated by Councilmember Howard
5. Donald Garesick, nominated by Councilmember Kinsey

\* \* \* \* \*

**ITEM NO. 32: APPOINTMENTS TO BOARDS AND COMMISSIONS**

**A. Charlotte Housing Authority**

The following nominees were considered for one appointment for a three-year term for an at-large member beginning December 18, 2012:

1. Richard Payne, nominated by Councilmembers Cooksey and Fallon
2. Beverly Reynolds, nominated by Councilmembers Howard and Kinsey
3. William Scurry, nominated by Councilmembers Barnes, Cannon, Fallon, Mayfield and Pickering.
4. Frank Spencer, nominated by Councilmember Dulin.
5. Stephanie Tyson, nominated by Councilmembers Autry and Mitchell.

Results of the first ballot were recorded as follows:

1. Richard Payne, 1 vote – Councilmember Cooksey
2. Beverly Reynolds, 2 votes – Councilmembers Howard and Kinsey
3. William Scurry, 6 votes – Councilmembers Barnes, Cannon, Dulin, Fallon, Mayfield and Pickering.
4. Frank Spencer, 0 votes
5. Stephanie Tyson, 2 votes – Councilmembers Autry and Mitchell
6. None of the Above, 1 vote – Councilmember Fallon

William Scurry was appointed.

**B. Charlotte International Cabinet**

The following nominees were considered for one appointment for a three-year term for a representative of a non-profit corporation beginning immediately and ending June 30, 2013:

1. Mable Hemphill, nominated by Councilmembers Barnes and Mayfield.
2. Candace Murray, nominated by Councilmembers Autry, Cannon, Cooksey, Dulin, Kinsey, Mitchell and Pickering.
3. Stephen Rosenburgh, nominated by Councilmember Fallon.

Results of the first ballot were recorded as follows:

1. Mable Hemphill, 3 votes – Councilmember Autry, Howard and Mayfield.
2. Candace Murray, 7 votes – Councilmembers Barnes, Cannon, Cooksey, Dulin, Kinsey, Mitchell and Pickering.
3. Stephen Rosenburgh, 1 vote – Councilmember Fallon.

**C. Keep Charlotte Beautiful**

The following nominees were considered for one appointment for an unexpired term beginning immediately and ending June 30, 2015:

1. Hung Chau, nominated by Councilmember Kinsey
2. Larissa DiMaria, nominated by Councilmember Howard.
3. Kelley Hyland, nominated by Councilmember Dulin.
4. Charles Jewett, nominated by Councilmember Pickering.
5. Robert Rapp, nominated by Councilmember Cooksey.
6. Winston Sharpe, nominated by Councilmembers Autry, Barnes, Cannon, Fallon, Mayfield and Mitchell.

Results of the first ballot were recorded as follows:

1. Hung Chau, 1 vote – Councilmember Kinsey
2. Larissa DiMaria, 0 votes
3. Kelley Hyland, 1 vote – Councilmember Dulin
4. Charles Jewett, 0 votes
5. Robert Rapp, 1 vote – Councilmember Cooksey
6. Winston Sharpe, 7 votes – Councilmember Autry, Barnes, Cannon, Fallon, Howard, Mitchell and Pickering.
7. None of the Above, 1 vote – Councilmember Mayfield

Winston Sharpe was appointed.

**D. PRIVATIZATION/COMPETITION ADVISORY COMMITTEE**

The following nominees were considered for one appointment for an unexpired term beginning immediately and ending March 1, 2014.

1. Jaye Alexander, II nominated by Councilmembers Autry, Barnes, Cannon and Mayfield.
2. Natalie Brown, nominated by Councilmembers Howard and Mitchell
3. Robert Diamond nominated by Councilmembers Cooksey, Dulin, Fallon, and Kinsey
4. Alexander Vuchnich, nominated by Councilmember Pickering.

Results of the first ballot were recorded as follows:

1. Jaye Alexander, 2 votes – Councilmembers Barnes and Cannon
2. Natalie Brown, 3 votes – Councilmembers Howard, Mayfield and Mitchell
3. Robert Diamond, 5 votes – Councilmembers Autry, Cooksey, Dulin, Fallon, and Kinsey.
4. Alexander Vuchnich, 1 vote – Councilmember Pickering

A second ballot was taken between Natalie Brown and Robert Diamond and was recorded as follows:

1. Natalie Brown, Councilmembers Autry, Barnes, Cannon, Howard, Kinsey, Mayfield, Mitchell and Pickering
2. Robert Diamond, 3 votes – Councilmembers Cooksey, Dulin and Fallon.

Natalie Brown was appointed.

\* \* \* \* \*



### ITEM NO. 33: MAYOR AND COUNCIL TOPICS

Councilmember Mayfield said I'm going to try to do the condensed version of this but as Mr. Barnes has mentioned that extra meeting might come in handy since we haven't had one in a while. On October 27<sup>th</sup> I had the opportunity to attend Catch More Kids Event to read the Proclamation when Councilmember Mitchell was traveling for work and there were a number of amazing organizations there so I just wanted to highlight Catch More Kids had their hip hop and it is ketchmore celebration, but really they brought in a number of after school programs that specifically reach out to young minority children. They had a very diverse spoken word and a number of other events as well as the open mic, and they also have a number of new organizations like "I Am My Sister" which focuses specifically with young women and the work they are doing. There is a youth boxing fitness program of which that is one of those amazing programs that is sponsored through Park and Rec and it is actually at the Revolution Park Sports Academy, but they are always at community events trying to support and let young people know about the opportunities of fitness and sports. It is only \$15. There are a lot of things out there that are extremely expensive but there are some great programs out there for our children. The last piece I want to mention is Councilmember Mitchell and I had the opportunity to actually walk, if you remember the previous meeting, we were invited through sore support our after school resources to come walk with them for their early Saturday morning fund raiser and we both attended and had an amazing time walking with the young people as well as the organizers of this after school resource program. I want to thank them for all of their work and thank all of those out in the community that is doing amazing work every day to help build up and support our diverse community.

Councilmember Pickering said as we all know Charlotte has seen a rash of pedestrian accidents recently, fatalities unfortunately all over the City. The last number I saw was 20, west side, east side, uptown, Elizabeth and I believe there are many factors that contribute to this. Sidewalks may be a factor, streetlights may be a factor, crosswalks or the lack thereof may be a factor. Jaywalking may be a factor but I suggest that this Council look into this subject in depth so I would request that we refer this topic of pedestrian safety to the appropriate committee. I assume that would be Transportation or Safety. I'm willing to make a motion if that is appropriate at this time.

Councilmember Cannon said can I ask specifically what you want to be looked at? That way I think we can make some determination about where it goes in terms of Committee.

Ms. Pickering said what I would like to look at specifically and staff may have this information, the contributing factors to this 20 accidents in 2012 that we've seen. Is streetlights a factor, was someone jaywalking, was it the lack of a sidewalk like in the case of the children may have been a factor. Are we lacking crosswalks in areas that we really need them. Are people jaywalking? It just seems to be a real rash of serious and fatalities that I would like to dive into in some way.

Councilmember Cannon said there is a lot that has been sprinkled there and it may be that on some of that we can get a report back. It is hard to say because there are so many different areas that Ms. Pickering has addressed. We have a list of dangerous intersections, there might be some places where we don't have the appropriate crosswalks signage. It is kind of hard to get our arms around right now. That is a lot Mr. Manager.

**City Manager, Curt Walton** said would that be agreeable to get a report first and then decide where to send it?

Ms. Pickering said do you think that is the best way to start?

Mr. Walton said probably. CDOT manages our pedestrian safety program but Police would certainly be involved so it equally straddles both committees. I think Mr. Cannon makes a good suggestion, if we could get a holistic report to you then we can decide what to do with it.

Councilmember Autry said I just want to congratulate my son Christopher and his wife on the birth of my new grandson, and I can't wait until I get back up there and see him again this week-end.

Mr. Cannon said last week-end he was at a football game and the announcer says whoever you are wherever you are do not rush the field and it was a game where Charlotte Christian was playing Providence Day, Charlotte Christian was winning and as the clock was counting down with about 3 seconds to go, who but Patrick Cannon, II rushed the field with everybody else following him to celebrate the victory of Charlotte Christian over Providence Day. I big congratulations to Charlotte Christian and Patrick we still have to have a talk when I get home.

Councilmember Mitchell said was that for the State Title?

Mr. Cannon said they won the title, State champs.

Ms. Mayfield said I want to make sure everyone knows the Universal Circuit has started and it is back at its location on the corner of Freedom Drive and Ashley at the old Lowes, but it kicked off tonight. Also as we keep talking about these workshops I would like to make a suggestion that our first Workshop which will be in January will be our discussion around Band the Box, which we have received information on from students from Charlotte School of Law and that is also one of the issues that NC BEMO has taken up one of our partnering organizations.

Councilmember Barnes said I was satisfied with the memo I got Ms. Mayfield.

Mayor Foxx said Mr. Manager can you check and see if we've had a memo on that and recirculate it if you haven't, and then on the 26<sup>th</sup> we can take it up.

Ms. Pickering said this Thursday, November 15<sup>th</sup> our Solid Waste Services Department is having a nice recycling event uptown. This is to promote uptown recycling and they are calling it Recycling Everywhere. There are 80 new containers uptown for recycling. They do a great job and of course recycling is important to the environment and to our economy as we save landfill cost by recycling, etc. I would take it one step further and not to encourage people to recycle when they are uptown but also anytime you are away from home to think about recycling whatever it is that you've got. I encourage everybody to come out, it is a lot of fun and Solid Waste Services does a great job. They have trivia quizzes and things to give away. That is 10:00 a.m. to 3:00 p.m. this Thursday, November 15<sup>th</sup> at Trade and Tryon.

Mr. Mitchell said a little birdie told me Claire Fallon's birthday is November 14<sup>th</sup> so Happy Birthday Claire.

Mayor Foxx said a couple of clean-up items and then we will be done. Now that the Economic Development Committee had concluded the work on the High Growth Entrepreneurship Strategy there is another project I would like to suggest they take on. You all have heard a lot about this concept of energy capital in Charlotte and I do think it will be worth some time trying to figure out what the contours of that are and what if any role the City might play there. For those of you who will be on the UNC-C Campus later this week for the groundbreaking of EPIC Facility, I think you are really going to be blown away. I had a tour of it today by the incredible resource that is in the collaboration around that and the reality of this area as an energy capital. I'm sort of throwing out some topics that the Committee might consider like a Communications and Marketing Plan for us, Mayor and Council. That could be used to support trade missions in the future. It could be used to support work to attract energy related conferences and events. There has also been a development of something called E-4 of the Carolinas, which is an effort to bring the entire energy crescent from lower South Carolina all the way up through the Raleigh/Durham Area to gather through basically a private entity, but what role if any do we play there with Charlotte being in the middle, continuing our support of Envision Charlotte which has been a huge successful initiative. There is concept of an energy efficiency loan program for commercial businesses to retrofit their buildings, collaborating with partners to build a green job training program, continuing our energy efficiency block grant commercial and residential energy grant programs, increasing the City's Youth Employment Participants, work in the energy sector, further developing partnership with Duke Energy and Piedmont Natural Gas. That is just a

couple of ideas that are out there, so it is really kind of an exploration of where our role fits in there, but I think it will be well worth the time to take a look at it. I'm asking for that referral. Is there any objection to it.

I know that on the 26<sup>th</sup> we are going to have an interesting day. Our final workshop on the budget and would love to invite folks who have additions, deletions, changes, amendments or whatever to share those prior to the 26<sup>th</sup>. I'm not a hard fast deadline and obviously, you can do what you want, but I think if we plan to sort of give those to each other on Friday before the Monday. Well, that is Thanksgiving. How about Wednesday before? That would really be helpful because I think surprise is also a challenge with these types of things.

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**ITEM NO. 34: CLOSED SESSION**

Motion was made by Councilmember Barnes, seconded by Councilmember Mayfield, and carried unanimously, pursuant to NDGS 143-318.11(a)(3) to go into closed session to consult with attorneys employed or retained by the City in order to preserve the attorney-client privilege and to consider and give instructions to the attorneys concerning the handling or settlement of the case George Leonard v. City of Charlotte, IC No. 193261.
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Council went into closed session at 8:11 p.m.

**ADJOURNMENT**

The meeting was adjourned at 8:25 p.m.

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Stephanie C. Kelly, City Clerk

Length of Meeting:  
Minutes Completed: January 11, 2013.