

The City Council of the City of Charlotte, North Carolina convened for a Dinner Briefing on Monday, February 25, 2013 at 5:15 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Anthony Foxx presiding. Councilmembers present were John Autry, Michael Barnes, Warren Cooksey, Andy Dulin, Claire Fallon, David Howard, Patsy Kinsey, LaWana Mayfield, and Beth Pickering.

**ABSENT UNTIL NOTED:** Councilmember James Mitchell

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**1. Mayor and Council Consent Item Questions**

Councilmember Dulin said Item Nos. 24 and 25 for community information only.

**2. Cultural Vision Planning**

Mayor Foxx said you may recall at our last meeting Councilmember Autry asked us to have a presentation from the ASC on the prospect of a Cultural Sector Planning Process. With us tonight is Scott Provancher, President of Art & Science Council and Linda Lockman Brooks, Board Chair of the Arts and Science Council. I'm going to say by way of introduction that our Cultural Sector is a critical component of the fabric of our community, but it is also a critical player in our economy, both because it attracts people to our city for tourism and even to live here, but also because the texture of the arts gives our community three full dimensions. I'm excited to have them here to talk about a planning process to really look at our cultural sector in a different way and to bring people to the table to converse about that. I'm going to turn it over to Linda and Scott.

**Linda Lockman-Brooks, Board Chair, Arts & Science Council** said I'm the current Board Chair of the Arts & Science Council and I'm joined by my colleague Scott Provancher, President of the Arts & Science Council and we really do appreciate the fact that you made time for us to come and address you this evening. The partnership between the ASC and the City of Charlotte goes back almost four decades. This relationship has brought significant benefit to all corners of the community and last year specifically we in the cultural sector reached over 4 million attendees. Four million people were touched by arts and culture, 75,000 events and that generated over \$220 million in economic impact. So when we come to talk to you about arts and culture we are not just talking about the things that are good for our soul and for our children's souls and our grandchildren's souls. We are also talking about efforts that have an impact on economics as you said Mr. Mayor. In addition to that there are over 6,000 citizens in Charlotte Mecklenburg employed in the cultural sector. Tonight we are here to make an important request that will determine how this sector moves forward and continues to serve the entire community and continue to drive that economic growth in the future. Very specifically the ASC is requesting that the City of Charlotte participate in a public/private task force that ultimately will make recommendation that will address the future of the cultural arts in our community and also figure out the role that the private sector, the City of Charlotte and the County of Mecklenburg will do to sustain and support that sector.

We were in front of the County Commission last Monday night and we are happy to report that the County Commissioners voted unanimously to approve this request and that they will participate, so no pressure.

For the presentation tonight Scott and I are going to tag team and try to keep you interested. We are going to talk about the history of the Arts & Culture sector and give you some contacts and talk a little bit more about the sector and the impact on the economy and get into a little of the challenges that affect the sector. It is those challenges that have come out and we know we've got to do some planning to get in front of them. Then we will walk you through the Task Force details as we have them today and leave time for questions.

**Scott Provancher, President, Arts & Science Council** said I appreciate the opportunity to talk to you all about what we have planned relative to the Task Force, but I thought we should try to frame the conversation a little bit and take a little step back in time to kind of understand the Arts

and Science Council and the role that it has had in this private/public partnership, but I also wanted to kind of start with the why, why are we even having this conversation in our community and why is the arts and cultural sector important in this conversation. I have been in the role of running ASC for about four years and it wasn't too long after I came to Charlotte that actually the Knight Foundation did a really interesting and innovative study that was across the nation, but had specifically targeted Charlotte as a community and asked one simple question and they worked with the Gallop Organization to do this study. The question was what attracts you to Charlotte? What keeps you here? What keeps you excited about living in this community? The number one reason that came back in Charlotte specifically was this idea of the social offerings like arts and culture, the parks, the library, the things that are bringing the community together was the number one priority. Number two, which I think wouldn't be a surprise to anyone was education and the quality of the education of our children. Also I think a strong link to arts and culture as well. When we went out with the Urban Institute and asked the question around as citizens, do you think this is important for government, both local and state to invest in arts and culture in different ways. Close to 80% of the citizens of this community said yes we do. It is kind of from that basis that we have this bigger conversation around as a community how do we figure out how to invest in arts and culture and I think one of the unique ways that Charlotte in particular has approached this was through a public/private partnership which really resulted in kind of the modern Arts and Science Council. That was the idea that instead of having a department of cultural affairs that would live within the city or the county, the idea of the Arts and Science Council as a non-profit organization in essence being that outsource function for the city and county, helping to prioritize and understand how to best use those public investments and that would be levered in the private sector through corporate campaigns and workplace campaigns. The result of that is pretty staggering I think, certainly for a community our size and was really the only way we are able to invest in the kind of amenities that we have in the community. It resulted in a billion dollars in investment over the last 40 years, 52% of that was private investment from individuals and companies and 48% was from the public sector. It also proved to be a very efficient way to manage the investment in the arts and cultural sector because 85% of those dollars were able to go directly out into programming.

Councilmember Dulin said when you start throwing around one billion dollars and 52% obviously, we are talking about \$502 million over three years?

Mr. Provancher said no, this is over 40 years.

Mr. Dulin said 40 years! Thank you I missed that.

Mr. Provancher said I wish it was over three years.

Mr. Dulin said I was eating my chicken and trying to pay attention and something didn't commute so I needed to ask.

Mr. Provancher said that one billion dollars is the relationship of the Arts and Science Council has had with the City of Charlotte. That is kind of how we did it and to look at what was that result. Linda touched on several of these but we've been able to see a \$200 million plus annual economic impact over 6,000 jobs supported from the cultural sector and \$18 million in state and local taxes specifically generated from that activity within the cultural sector. I think more importantly it was the engagement of the citizens and 75,000 cultural events across the county with over 4 million attendees. A couple interesting things about that, 40% of those attendees were from outside of the county and I think that is where we get some of these very strong economic impact numbers because those folks that are outside of the community that are coming in to experience that are also spending more on average than folks within the community and that is a great tax generator. When you add all of that attendance of the cultural sector this past year it is actually more attendees than all of the professional sports in the region combined. I think it shows to that I think what we saw with the Knight Foundation Study that this community embraces it and sees it as part of an important part of the quality of life. You are saying that is all great Scott, but why are you here talking about the system? There are a couple things that have happened that are pretty significant in the whole funding model behind how we have generated this kind of impact in the community. It is both a public and private story. Both of these charts are the supports specifically of the community wide private fund raising campaign

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that the Arts and Science Council does, take 2002 to 2012 there has been a 36% reduction in the campaign for that period and then looking at the public funding the reduction at a time when our population has grown more than 50%, reduction of 25% in total public investment in the cultural sector.

I wanted to speak a little bit to the private sector side. First, there are a couple major factors that are unique to Charlotte and this whole mechanism of the public/private partnership in developing ASC, the private side of that conversation was heavily driven by workplace giving as the major tool that was engaging a significant number of private individual donors. What we've seen is both not just from the last few years in the economy, but a real change and shift in workplace giving being a driver of gifts and a growth driver for the industry for the cultural sector. This is not unique to the Arts and Science Council, we've seen the same thing in the health and human service side with United Way. A lot of that is driven by changes in practices of how workplace giving campaigns are running. Workplace giving campaigns now often more of a broader focus on not just local charities but charities across their global footprint as you look at some of the larger financial institutions in particular and there is a shift in the way people give to institutions but the challenge is this community has been hugely dependent on that model to fuel some of its important components to both the health and human service sector and the arts and cultural sector in particular.

On the public side, in the packets that are on your table, there is a more detailed kind of addendum to this that shows all of the different type of public funding from the facilities to the city, the county breaks it out and gives you a lot of detail. What we are seeing is and I think we were a victim of our own success in some ways in the private sector. With the private sector fund raising group so many years were increasing to this and investing in this sector the public sector over that decade has backed away in some respect from that commitment as well. What we are left with just in pure numbers is right now from the hype of what we were putting into the sector, there is about \$8 million on an annual basis that is not being invested in the cultural sector that once was. That fuel, that engine what has built that economic results that we've seen, what is keeping the doors open to a lot of the facilities, and I think more importantly what is fueling a lot of the community base investments that ASC was able to make, the small grants out in the neighborhoods and the community to drive engagement in the cultural sector is severely cut back from what we were doing just in recent years. We've also seen some very widely publicized challenges with some of the major institutions in terms of their finances, and this was certainly an issue that was important to the county when we had the conversation with them last week was our history, both sites and organizations are almost non-existent at this point candidly. We've seen sever cut backs and challenges because history museums and this is across the nation, are heavily publically subsidized. It is very difficult to get private funders to invest in a lot of these historic sites so they have been particular hit by the public side of the equation. I'm going to turn it over to Linda to talk a little bit about some of our thinking behind the Task Force but I will just lead into this by saying we are trying to get in front of this challenge. We have some very resourceful organizations, we've done a lot of cut backs in the sector, we have tied to look forward and say how are we going to get in front of this, how can we come back as public/private partnership to really address what is under some of these issues, what role should the public plan and what role should the private play in addressing this. Is this an important investment in the community and how do we best address that and talk a little bit about the Task Force.

Mayor Foxx said just looking at that chart I'm seeing the transit system too. Those three points could apply to that equally. Interesting we are dealing with that on multiple fronts.

Ms. Lockman-Brooks said many levels. Last year you may remember and some of you were engaged in, we really took a look at a strategic plan, really focusing on cultural offerings. Pat Raleigh chaired what we called a cultural visioning plan and lots of people from all over the community were engaged and talking about the kinds of cultural programs that they wanted. We realized that we couldn't roll that out unless we figured out how do you pay for it. It is one thing to talk about access and inclusion and we talk about access and inclusion a lot. One of the things that I've asked the ASC Team, the small and mighty team that we have, if that access and inclusion, and that is not code for me, that means that it there is a citizen that lives out in Mint Hill I want them to feel like they can go to any cultural venue and they are welcome. I want

anyone from any kind of diverse background to feel comfortable walking into the Gantt or to the Bachelor and if we are not focused on that then we are not doing our jobs, but with access and inclusion and encouraging people of all backgrounds, income levels and types of families, to utilize the great assets that we have we really have to make sure that there is a conversation on how that continues and how it is funded. The other idea about a Task Force is the fact that a Task Force, we've seen it work in this community. You will remember that when the public library was going through a lot of its transition, there was a public/private task force that worked over a period of months to come up with a game plan. We want to make sure that it is facilitated properly and that people are allowed to come in and put the best ideas on the table. Again the idea is that you can come up with all the great plans in the world but if you don't have a funding model that works based on what has gotten talked about. The workplace giving has not gone away. Done let us give you that impression. It is just different and if you remember I moved here in 1989 from New York and I lived through those go go years and I was part of a large company and again all those people coming into our economy and things were good. I started a business in 1999 so again we've seen the cycle, but our sense is that we really have to look at some best practices, we have to figure out are there some communities that are doing some things differently than we are and we have to do the assessment. We believe that model has worked in our community before. I was at the Chamber Board of Directors meeting today and they are about to launch a strategic plan purely on the business side using a similar process. And again we put our heads together to say we will have the cultural people have input for you so we want to be able to develop options for future models. Let's talk a little bit about what it looks like.

What we are proposing is that ASC - you see at the top City of Charlotte, County, Community partners and the Chamber. ASC would find two volunteer chairs and also appoint two at-large members from the community. We would like for the City of Charlotte appoint someone from the tourism sector because again they are very related as it relates to the culture sector and two at-large representatives. The County would appoint two individuals from the towns and unincorporated areas as representatives and one at-large member. We have a great and long partnership with Charlotte Mecklenburg Schools, they will have one representative on the Task Force and the Foundation for the Carolinas who is a convening partner for all of us, for all of the things we are doing going forward, they would have a representative. Then the Chamber would identify some very specific business folks, three of them that would participate in this, for a group of about 15. Now 15 is not a magical number but the way you work together and you want to have it facilitated and you want opportunity for dialogue and you want to be able to make some decisions and make some recommendations. Bipartisan, again I talked about representing aspects of our entire area. That is really important on the make-up.

Mr. Dulin said who staffs it?

Mr. Provancher said we've been in conversation with the Foundation for the Carolinas about funding the Lee Institute as the third party to help facilitate the conversation, be kind of the third party staff that doesn't have an agenda in the conversation and they have agreed even though his Board still needs to vote, that they would be willing to pay for that so we wouldn't have a cost from either the City or the County or ASC in this relative to actually putting the manpower behind this particular effort.

Ms. Lockman-Brooks said that is also important. One of the questions we were asked last week was, don't you have this big old Board, how come your Board doesn't do this? It is not just about the ASC. It is about the entire sector and the ASC is a conduit so having a third party professional facilitated process and staffing again takes it out of one aspect.

Mr. Provancher said as you can imagine we had a lot of conversation about what is the process for appointing folks to this committee and one thing that we were really concerned about was making sure that when you look across that 15-member task force that we are hitting the kind of representation that is truly broad across the community. What we are proposing in terms of how the positions would be submitted is that they would be submitted to the Clerk by March 15<sup>th</sup> so each of the Councilmembers would have the opportunity to think of some folks they would like to have involved and then in consultation with the Chair of the Task Force and then the Mayor as

well as the County Chair, the ASC, the Chamber principally the stakeholders, we would circulate the list and come up with the final approved committee.

I will hit the timeline and next steps and then open it up for questions. The 15<sup>th</sup> would be the names for consideration. We would like to work aggressively to appoint that Task Force by the beginning of April and then really work to have by the end of the calendar year the full recommendations back in front of the City, the County and the key stakeholders to really begin kind of debating and talking about the thoughts on moving it forward. We are asking that the City consider appointing these three positions to the Task Force and being a part of this process moving forward.

Ms. Lockman-Brooks said that is the request that we would like for you to approve tonight to agree to be a part of this and agree that you will appoint three members.

Mayor Foxx said let me make sure I understand the process. As I understand it the City would appoint three members, one a tourism person and two at-large, but we are being asked to submit names to the Clerk by March 15<sup>th</sup> so theoretically that could be 15 names that the Clerk gets from the Councilmembers. How does it get down to three and how does that work?

Mr. Provancher said we will take the names that are going to come from all the different stakeholders and constituents and then go back to yourself as the Mayor, Pat as the Chair of the Commission as well as ASC the Chamber, to put together a recommendation that is balanced and have it reviewed, have those key stakeholders agree that this looks like it is a fair balancing, got the right folks involved and then that would be finalized and communicated back to the stakeholders that are involved.

Councilmember Barnes said that triggered another thought. In the event that Mr. Dulin or I or Mr. Atry submit a name and it is someone the Mayor is not familiar with how would you either keep them in or keep them out. In other words we may know something specific about the person that we believe would qualify them and we send the name to you and then you ask him what he thinks.

Mr. Provancher said you guys will get a correspondence. We are going to want some due diligence in the sense that we are going to want the full bio, what are some of the qualifications and the reasons behind why this person is being recommended so that we have some contacts to – great community leader has been involved in X particular neighborhood and is really interested in this idea. We are going to want to be as collaborative as possible and we hope to have open communication with you all around who you are recommending as well.

Ms. Lockman-Brooks said we can put together some parameter of information that would be helpful on how somebody could contribute. That is something we need to turn around quickly and get to you guys. It doesn't have to be an art practitioner. We are really looking for committed citizens who will have dialogue. One quick point – I was in a presentation recently about discussion and dialogue. Discussion is me thinking and making my point of view and you making your point of view and maybe we don't move. This is going to be facilitated to be a dialogue so that we can come to some innovative thinking and in a position of inquiry.

Councilmember Kinsey said I would almost feel a little more comfortable if when the names are presented that we agree on the three names that go.

Mr. Provancher said we are open to suggestions on the best way and hopefully we can look to the team at the City to help kind of figure out the best way to do that and get those vetted. We are open to process adjustments.

Mayor Foxx said subject to that request being worked up and work through staff is there any objection to being part of this process?

Mr. Dulin said I been thinking about this some and it sort of makes sense that your Board be handling this to me rather than creating an entirely new Board and entirely new structure, review structure, meeting structure. I think your Board is probably made up about like this Task Force make-up.

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Mr. Provancher said I think our Board is very diverse. I think to one of Linda's point, this isn't just about the ASC making a decision about its own operations. It is about the broader community.

Mr. Dulin said aren't they thinking regionally all the time anyway?

Mr. Provancher said absolutely. I think it is going to be very difficult to get the kind of broader representation and I would argue that the folks that are on the ASC Board are the arts people. They are the people that are thinking about this every day, we are making decisions on it and I think part of what we are trying to achieve with this Task Force is really getting a third party and a broader group to manage it.

Mr. Dulin said you mentioned that the Chamber was going to crank up something so you are going to have a dilution of brain power while they crank up their special task force. It is the same pot of people unless we go to people we've never heard of and it is their first chance, go in there and get your feet wet. We get over boarded. I think it is a dilution of the same pot of people.

Ms. Lockman-Brooks said Andy you make a good point and we have to be very intentional in the process and how we work through it. I think we have seen success where we put together a group of people and facilitate the process, they do the work, they come up with recommendations and keep it moving. That is really the intent, but the intent is also to have it be more broad based.

Councilmember Autry said Andy if I could offer, if you made up this task force solely of members of the ASC Board we could pretty much go ahead and determine what the outcome might be. I think what they are trying to do is find some different thought equity.

Mr. Dulin said I understand that. Why don't you diversity your Board? Get some people on there that think differently than you all do. You have a bunch of same thinkers down there and say heck yeah man I'm for that. Somebody needs to raise their hand and say wait a minute that doesn't make sense. That is what the Mayor has to put up with me every Monday.

Mr. Provancher said that is John's job on our Board but in saying that I don't want to say that we aren't diverse, aren't able to think differently, aren't able to put ourselves in the shoes of the broader community. Any group of people that have been focusing on one issue solely within their universe sometimes it just helps to move it up a level and say we need to get some bigger thought leaders, bigger community leaders to be thinking about this that haven't been looking at it since the beginning of the universe, which is the role of our Board is to be hands up really engaged in this conversation and there is a community dialogue piece of this too. I think ASC goes back into a Board Room and comes out with a big beautiful plan and it was only us that came up with it and there wasn't any public dialogue, any media coverage of what some of the recommendations are and a debate about it. I think that would limit our success in what we are trying to achieve.

Mr. Barnes said one of the things that I have frequently hoped to see and I know it exists on some level, it feels like art in Charlotte is so corporate as to be distant from the general population. You've got to spend \$100 to get into something to see some art or you've got to go through some whole process of spending \$25 to park in a parking deck uptown to go see some art. It doesn't feel as grass rootsie as it could and perhaps to a point we are trying to make, it would be great if that diversity of thought within that space would include people, and I'm not an artsy guy as you can tell, but I appreciate that I'm not in it and some of the things in that lifestyle do I don't do but as far as how it gets done in that lifestyle. It would be great to have it reach that level. There are a lot of young people in this community who are into all kinds of art and it would be great for them to feel like there is a connection between all the money that the corporate crowd brings to the table and their creativity and the colorful additions that they can make to this community.

Mr. Provancher said have you been reading our mail? I think you make an absolute strong point and I think it is the nature of who has been driving a lot of the funding and resources of the  
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culture sector and I think as we've seen some of that imbalance with huge growth and the private fund raising, the private sector was driving that conversation for a while and I think you raise very important issues that are at the heart of some of the vision planning that we are talking about. It is like why isn't the rest of the community engaged in this. We have awesome numbers in terms of attendance, but that does not include everybody that is in this community and it doesn't serve some of the folks in the community that I know could really be inspired by it. I think that is where this public dialogue and the Task Force can put real meat in recommendations around the public sector is playing a role, here are some expectations that they are about how it is reaching a broader constituency and driving a more grass roots. I couldn't agree more and I think you made an excellent point.

Mr. Barnes said so the Board hopefully won't have a bunch of SBPs and DBPs and brain surgeons sitting around. There could be some kid from NoDa who is into all kinds of artistic things.

Mayor Foxx said this has been good conversation and I think you've gotten the blessing from the Council to proceed subject to the point that Ms. Kinsey and Mr. Barnes raised about how the appointments from the City would come about. I find that the conversation about arts in our community has been highly segmented. The expectation has been that you guys are going to carry all of the weight for creating an artistic edge to the community and as we go through this we probably need to be thinking about where we would otherwise be housing some of this responsibility. For instance we spend an awful lot of money on dedicated revenues for tourism and it seems to me that you've got a business case that you are part of the tourism industry and that there is probably a case to be made that some of the focus of the CRVA might need to turn to some extent to the arts community. That is just one example, but I know that just like in this context and the affordable housing context there is always conversation about the value of a dedicated revenue stream to kind of undergird the activities of an organization and I suspect that is implacably part of the conversation that is happening here. It just strikes me that being explicit about looking at where we place our tourism assets and where we derive revenues and how those revenues are spent and who is drawing on those revenues I think there is a case to be made that the arts community should be playing a stronger role there. I hope to see what comes back and look forward to the results.

Ms. Lockman-Brooks said is that a yes on the request?

Mayor Foxx said yes it is.

Ms. Lockman-Brooks said thank you so much.

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### **ITEM NO. 3: BLUE LINE EXTENSION AND FINANCIAL UPDATE**

Mayor Foxx said Julie if you don't mind I thought I would spend a little time punctuating it before it starts. This is obviously the most important capital project we have going. We have lots of important capital projects that aren't yet going, but this is one that is actually in motion. I wanted to spend a moment punctuating what you are about to hear. For several months I have been saying that the sales tax is tapped out and the reality is that the sales tax is tapped out. There are implications just by virtue of the scale and size of this one project that have ripple effects in future years as we look to try to get the entire transit system built out. The Blue Line Extension is \$1.16 billion project, 25% of which we expect to draw from the ½ cent sales tax, but for reasons that you will hear the model that we are using to finance this system is under a great amount of stress. That stress is going to require us to go through some gymnastic over the next few years to see this project happen. I am confident in this region's full 100% support for this project. It is a very important project for a lot of reasons and I don't have to recount them to you, but at the same time there is the prospect that this may be the last project in our transit system that gets done for the foreseeable future, absent of some other revenues being made available to complete the plan. You are going to hear from Carolyn Flowers about how the impacts on this particular project are playing out and I hope you weigh the seriousness of it because it is a very serious issue on a project of regional importance, but it also bears on the  
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question that our joint task force is looking at on the MTC with regards to other revenue sources as to how we get the rest of the system built because frankly the ½ cent sales tax will not get us another project in the foreseeable future. It is not a reason not to do this one because it is an important one, but it just means that we've got problems that are compounded.

**Carolyn Flowers, CATS CEO** said today's presentation is an update on the project status and we are going to discuss the current status of the project, we are going to talk about the upcoming requests for Council actions and then Jeb Blackwell will discuss the real estate acquisition plan as it relates to what is coming up in the next few months, what we are negotiating and why we are trying to maintain an aggressive schedule. Then Greg Gaskins will discuss the financing plan and I will be available for any questions along with Greg.

Just an update on the alignment. We have obtained a state agreement that was signed in May 2012 and the state agreement was for about 26% of the cost of the project. We have subsequently obtained the Federal Full Funding Grant Agreement and that is for 50% of the project costs. We have now entered the pre-construction stage for the project and the activities that we are going through now are property acquisition, rolling stock acquisition and moving forward to a financing plan to borrow the money for construction. As you all know the state and federal grants are reimbursement bases and so we first have to advance the project through borrowing debt to do the construction of the project and then we can submit for reimbursements from our funding partners.

The project status is that, as I stated, we have gone through the signing of the contracts with the funding partners and we are still focused on the target date of March 2017 for the revenue service of the Blue Line Extension. Current Activities, we have been pretty busy with obtaining the right-of-right and completing the major design packages. We are in the middle of the acquisition process for 309 parcels and Jeb Blackwell will discuss that in detail. We are at about 95% design on the project and we have also ordered 22 Siemen's Light Rail Vehicles which will start assemblage next winter. We ordered these at an earlier date to get a better price which allowed us to get four more vehicles than we had originally anticipated in the project plan. We have learned from the South Corridor when we only ordered 16 vehicles and subsequently had to go and order 4 more vehicles that we need to be prepared for the frequently of service that we are projecting for the system.

Mayor Foxx said Carolyn let me compliment you and your team because you've done an awful low to manage this project in a very difficult economic climate and things like advancing the purchase of cars to get good pricing, that only helps us solve the math problems we have on this so thank you very much.

Ms. Flowers said we basically wanted to appraise you of major contracting activity that is going to come forward for your review and approval. As we move toward construction action items will be before you frequently in the next few months. We are also going to have a significant number of real estate items which will be covered on the next slides by Jeb Blackwell, but you can see that we are coming forth with activities that are preparing us before we go into the construction phase of the project so you see the utility relocation, demolition activity and a lot of activities that are preparing us to manage the project and actually prepare for the construction. I've been asked by the Budget Committee when we are going to see the dirt turn. These are some of the activities that you will see that will be going on that shows you that there will be significant movement on the project in the next few months.

You can see that major activity begins in May of 2013. This is all contingent on moving forward with the financing of the project and you will see that we are going to move forward with completing the right-of-way acquisition by January 2014. The completion of the final design, start of major civil construction in January of 2014 and as we said as our target, to initiate revenue service in March of 2017. I will turn it over to Jeb Blackwell to talk about the real estate acquisition.

**Jeb Blackwell, City Engineer** said as Carolyn has alluded, before we get to this chart which is the acquisition process, there has been a huge amount of activity. You've seen the design contracts and a lot of other activity there. There has been a huge drive of activity leading to this



which is by necessity on the critical path. You want to manage this so the project moves as quickly through the steps as you can so you want to have a process that allows time for working with folks as much as you can, but you on this project, time is very expensive. Just the cost of money and the staff is in the range of \$3 million per month so we are on a very ... schedule for the entire project because the numbers are large and delays are expensive. That is one reason we wanted to have this conversation so what has led to this is a huge amount of design activity and we can't really have that first meeting with the property owner until you've got, not only a plat done, which shows what you have to have from him in specific detail, but also because of retaining wall or any other impact, you have to be able to describe all those impacts before you can really start that contact. We had to get fairly far into the design drawings, not 100% complete, but to where we could exactly describe to that property owner so there is a lot that leads up to this activity. Then when we enter this activity it is very much on a critical path because the drawings are in fairly good shape at this point and we need to get this done so we can get going with the rest of the work. What has led up to this point we have had some acquisitions already. We've got 57 of those 309 parcels acquired, 44 were settled, 13 were condemnations and you've seen some of those, but over the next few months as this glut of this 300 or so parcels come in they are going to start coming in relatively quickly so that is what we are going to be talking about in some detail as we go in.

The real estate schedule has been optimized to meet construction milestones which is to say the 309 don't all come in at once. Some of these parcels have to be acquired earlier because it takes longer if you have to do a demolition and it takes longer if we have to do a re-location. Some of them have to be acquired earlier because of utility re-location so as each group of parcels come in some of them are marked that we really can't delay them without impacting the project and that will be indicated to you as you see your Council agenda item. There are others on there that could be delayed and we will identify those for you also at the night of the Council agenda. We would like to go forward with those too because for one reason or another sometimes the property owner and us just have a very widely different view of what the land is worth and just to get the process moving forward we need to start the mediation process and sometimes even having that court ordered appraisal can help us to move those forward. Those are ones that you could defer without impacting the project, but a lot of these parcels on each agenda are going to be ones that can't be deferred. On tonight's agenda I believe there are 16 on for tonight and 11 of those are marked as don't defer so there are a few that you could defer if it became necessary, but others are going to impact the project delivery if we defer those items.

This is just to remind you what the cross section looks like. I like showing it because it is really pretty and it looks like a great cross section. It gets a major corridor compliant with really attractive design standards and the other thing that is significant about this is of the 309 parcels we are acquiring not many are re-locations. Most of these we are taking some land off the front of the parcels and we are able to work with those businesses and leave those in operable conditions. You saw the slide that Carolyn had that showed there were 16 re-locations. Half of those are already behind us so we have a few more business re-locations to do but obviously re-locations had to be done at the early part and those would tend to be early so we are already through with most of those.

Councilmember Dulin said I see sidewalks on both sides. The sidewalks on the Blue Line headed south are more like greenways, running trails or bike trails. It is a wider sidewalk. Are these going to be the same?

Mr. Blackwell said no this cross section is different. You can see there is a bike lane provided in the street here. On South Boulevard we were off to one side so that multipurpose trail is a little bit different in concept. This is more like what we have on our typical street design guideline.

Mr. Dulin said but there will be sidewalks on both sides?

Mr. Blackwell said yes sir there will.

Mayor Foxx said how big are the cars, the actual light rail vehicles?

**Olaf Kinard, CATS** said 91 or 92 feet long and 8 feet wide.

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Mayor Foxx said do we own any 80-foot vehicles?

Ms. Flowers said no.

Mayor Foxx said and now to really kick it up a notch, Greg Gaskins.

**Finance Director, Greg Gaskins** said let me cover a couple of facts that are going to lead into your item #30 tonight which is the beginning of the borrowing process that we have related to what we have to get approved by the Local Government Commission and sets both the public hearing and that action. First of all this project will result in the largest single borrowing by a local government for a single project in the history of the State of North Carolina. That shouldn't be a surprise to you because we are many times the first and the largest in the State doing a project like this, primarily because we are that big and our citizens demands are that great. That is a point of emphasis as we go into this project. In this project, in order to meet that \$566 million of borrowing and most of that borrowing is not your portion. Most of that is because we have to temporarily borrow money because of the pace with which state and federal funds are coming into the project. The building schedule that Jeb is on and we are required to meet the FTA requirements means that we have to spend the money before we get it from the federal and state governments. That means that of the \$566.1 million, \$426 million is short-term borrowing. Your portion in order to fund that, your 24% is only about \$140 million that is long-term borrowing.

These two points about the allocation of sales tax and the maintenance reserves are new things in terms of the way we have handled financing. We've only had the one big financing for the South Corridor before, but were necessitated because of the fact that we are borrowing a lot of money and because the sales tax is a very volatile source of revenue. What the Mayor was alluding to earlier is if you go back in time when you started this process and you looked at the projection of what revenues were going to be and the projection of what costs are going to be, the revenues are down and the costs are up. That is the reason these types of techniques were necessary for us to be able to take a financing forward on this project. The first debt issuance would be May of 2013. Why first? Well because there are going to be two different parts of that temporary borrowing and then there is also going to be a long-term borrowing so it is in three parts and there are two reasons for that. One of those is that you don't borrow money that you don't need and you are going to need it along the project and the second is you are going to clearly have the long-term borrowing separated from the two short-term borrowing.

The sales tax allocation is based on this principle. You can think of a rolling set of hills. That is way the history of the sales tax has been. What you are trying to do with the sales tax allocation is predict what that level is and make that level over the life of the debt. Why are you doing that? Because, not only do we have to build this new light rail, but we have to operate it and therefore that operations money, you need to be dependable, you need to be able to show the people who are buying the debt, you need to be able to show the rating agencies, you need to be able to show the people who are going to underwrite the debt that in fact you have enough money to operate this over the long-term.

Mayor Foxx said is everybody following this because this is really important. We've had to have a capital reserve in the past to backstop the construction of these projects and now because the sales tax has been so volatile the last few years, we are being asked to have an operating reserve on top of the capital reserve?

Mr. Gaskins said correct. That step was not necessary the first time because you had extra revenue and this time you do not.

Mr. Gaskins said the second impact that is causing this is the fact that grant receipts are in fact slower than they were initially projected so the results of these two things together means that over the next 9 years you have a potential shortfall of 1.6% in the operating budget, a potential shortfall. Why did I say potential? I say potential because of the fact that the results could be better than the model, and that is always true. In this particular case we are actually hopeful that they are better because we believe the borrowing cost will remain low over the period of time that we are talking about and that would result in one of the improvements. The second issue

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that could be beneficial to us in terms of this long-term is that there are some other things that we might be able to pull off, for example, some refunding. It would also help in terms of matching out this and we are including that in there. So for that reason we are hoping that the actual amount of shortfall, and I will talk about that in more detail, will actually be less than the projected amount.

The financing plan that we came up was designed to achieve a strong bond rating and the LGC approval. That is obvious but what is not as obvious is those techniques that we talked about treating this as if it is a revenue bond and setting aside those reserves is how we are actually accomplishing that fact. When we went to the LGC staff and Carolyn and I went and made the presentation up there to them and they understood that concept, that was a comfort to them and understanding that we would be able to use the existing type of reserve, the \$100 million reserve to support the capital portion and also have an additional portion to support the operating portion. That was an important part of the presentation.

Here is the proposed schedule – February 25, that is today and that is the action I referred to. In mid-March we will have a rating agency review. The 25<sup>th</sup> will be the public hearing and the second Council action and then approval by the Local Government Commission on April 2<sup>nd</sup> and the closing would actually be on May 7<sup>th</sup>. That would be the final day which you would then have the proceeds. Let me say what is not on here that is important and that we need to recognize. Because of the issues that the Mayor alluded to and because of the situation we are, it is a very large project as you can see it has three parts to it and it is fairly complex. We have been able to present a plan that would work but it is not a plan without challenges. Some of the type of challenges that Jeb was talking to related to the construction are not solved in this, they are explained and there are a lot of things in the process that have been adopted by the FTA that have addressed those issues, but they are not completely solved. The issues that I was discussing about you've got this amount of money and you know it works, but it still leaves some issue as to whether or not you are going to have to do something additional on the operating side is not solved, but it is explained and it is reasonably by both the LGC and we think ultimately by the rating agencies and the public, going to be said they have done a reasonable job covering the risk because we have been very conservative in the way the model has been projected. That doesn't guarantee us against everything but we have been conservative in doing that. People who have reviewed this so far and we think will review this will also agree that it has been conservative and that is about as good as we can do given the circumstances of this size borrowing. Why would you do that? Because in this case you are getting \$580 million of federal money and 26% of the rest coming from the state for a project that is of an enormous impact here locally and statewide. The people that we are dealing with understand that impact and why we would do that. I think this is a very reasonable model given those circumstances. I'd be happy to answer any questions about it in detail. The commission staff has given us a tentative approval and put us on April 2<sup>nd</sup> schedule. The report that we got after Carolyn and I were up there was very favorable from the staff about the proposal.

Councilmember Autry said do we have any projections as to what it is going to cost us to borrow this money over the course and the life of the project?

Mr. Gaskins said do you mean by percentage or do you mean by total costs?

Mr. Autry said I will take either one.

Mr. Gaskins said we can give you both. It is actually in the model summary and we will be happy to share the model summary with all of Council and we can have that to you tomorrow.

Councilmember Barnes said how do we propose covering the operational deficit that you mentioned?

Mr. Gaskins said there are two ways and I'll let Carolyn answer the second part, but let me answer the first part. We are actually hoping that if the borrowing costs are lower and that we do what we think we are going to do and if in fact we get any good news on the sales tax beyond because we will look every year at that. Every year we will take another review at the actual impacts versus projected impacts. We do that anyway, but in this case it is very important

because it might improve. In the first year it is a zero – the two models are the same. In other words the actual anticipated expenditures are all the same. The impacts really hit between 2016 and 2022 for a total of about \$20 million in that period of time. We hope that number is smaller than that when we get there but Carolyn has some ideas about ways to address that when it comes to those years.

Ms. Flowers said we took the approach that we took during the risk assessment of the project, kind of identifying what we call secondary mitigation type processes that we can go through so we analyzed different things that we can do in terms of our assets and looking at ways that we can generate additional revenue. Those are slower in coming but those are things we have identified right now. We could look at selling off some of our assets or selling air rights to some of the assets that we have, so there are a number of things that we have looked at to try to generate revenue. In terms of operating there are some worse case scenarios that we would not want to invoke which is cutting service, but we would not want to do that. There is a whole array of things that we have looked at in terms of trying to address the shortfalls if they actually come about.

Mr. Barnes said I have a what if question for one or both you. If the financing is not approved by the LGC as anticipated what would be the impact on the BLE?

Ms. Flowers said well that would mean that the project would have to stop because as we indicated before these grants are on a reimbursement basis. If you don't have the funding up front to advance the project then you would actually have to stop if we don't get the financing.

Mr. Barnes said has LGC said anything about the local Charlotte, Raleigh stuff, political stuff streetcar, Blue Line and all that business? Have they brought that up?

Mr. Gaskins said they are aware of it.

Mr. Barnes said have they said anything about it?

Mr. Gaskins said they ask Carolyn and me about it and we were very honest about, what had been in the paper and everything. I think they know as much about it as we know.

Ms. Flowers said we did indicate that we have a contract with the state for funding and to our knowledge the state has not reneged on a contract so we are relying on that as we move forward.

Mr. Gaskins said there is one other factor there that was of interest. Of course in the room with Carolyn and I were the bankers, the underwriters who were going to underwrite these bonds and they heard the question and when it came time for that they were aware and they informed the commission that given what we know about these types of transit projects, neither the federal or state government has backed away at the point in time after they had actually committed to the grants. So the underwriter was in the room and was understanding of all that same history when they said that they would in fact buy these bonds.

Mr. Barnes said is there anything that we should be thinking about do or asking the MTC to do or any other party to help keep the project in line?

Ms. Flowers said I think as we go through the budgeting process and assess whether or not we have an issue from 2015 forward we would have to have a discussion about that.

Mr. Barnes said you would know that before 2015?

Ms. Flowers said we would know that after we finish the financing and as we move forward. As Greg said if we have lower borrowing costs, less needs, an improvement from our funding partners in the cash flow, and I would say that is probably more than likely from the federal side than from the state side because they have said they are appropriating \$25 million per year. We do have the contract but it is subject to appropriation on the state side and the federal side is also subject to appropriation. The federal side has indicated that in their contract they said we can give you up to \$100 million per year but we have to figure out what is going to happen with  
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sequestration. On the state side it wasn't in the contract but last year they said they will give \$25 million per year to the project and it is also subject to appropriations.

Mr. Gaskins said one other thing to remember in this, the initial amount of borrowing was estimated to be less than \$400 million and the primary reason for that difference is the fact that we have put in the model and have anticipated that receiving these grant funds at a slower pace. We actually believe and sequestration could change that in some way, but we actually believe that we have been conservative here and that this is the primary place where there would be a benefit picked up over the model. That is something that both the underwriters and the commission have been aware of that we have been very conservative in that portion of the model. That is the reason we think we will get some of the benefits that Carolyn was referring to.

Mayor Foxx said I know the MTC will be meeting this Wednesday and part of what we will be talking about is how to adjust our model to accommodate what has been presented here tonight. This is an enormously important project and there is no question about it. It is the top priority for this region in terms of the transit project today, but as I said the looming problem we have is that there is no money for future transit projects and if we endeavor to build a system we've got some work to do to try to get one in place.

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**ITEM NO. 4: METROPOLITAN PLANNING ORGANIZATION BOUNDARY EXPANSION**

Interim City Manager, Julie Burch said we've got about 5 minutes or so, and we could go over a little bit I suppose in terms of going ahead with this tonight or pushing it back to the Workshop next Monday night.

Mayor Foxx said what is your pleasure?

Councilmember Dulin said push it back.

Councilmember Howard said next Monday night is probably not a bad idea. It is a very exciting subject and it is an important one so we probably should give more time to it. The Transportation Planning Committee has actually been hearing it so we are not prepared to recommend anything one way or the other, but we know what we like and don't like. Can we wait until next week?

Ms. Burch said we can make time.

Mayor Foxx said we've got Bob Cook all ready to go, but you can hold it for a week, right Bob?

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**ITEM NO. 5: ANSWERS TO MAYOR AND COUNCIL CONSENT ITEM QUESTIONS**

Councilmember Cooksey said I wanted to check on the Workshop next week. It is not on the public calendar that we've got a Workshop next week. I just wanted to confirm that we are having one since it is on not on the public calendar.

Mayor Foxx said we are having one.

Interim City Manager, Julie Burch said we were planning on having one and we will make sure the public calendar is corrected.

Ms. Burch said I think the only consent item mentioned was by Councilmember Dulin and that was for information only. You are going to do that downstairs. I think that is it.

The dinner meeting was recessed at 6:25 p.m. to move to the Meeting Chamber for the scheduled Business Meeting.

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### **BUSINESS MEETING**

The Council reconvened in the Meeting Chamber of the Charlotte Mecklenburg Government Center at 6:40 p. m. with Mayor Anthony Foxx presiding. Councilmembers present were John Autry, Michael Barnes, Patrick Cannon, Warren Cooksey, Andy Dulin, Claire Fallon, David Howard, Patsy Kinsey, LaWana Mayfield and Beth Pickering.

**ABSENT UNTIL NOTED:** Councilmember James Mitchell

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### **INVOCATION AND PLEDGE**

Mayor Foxx gave the Invocation and led the Council in the Pledge of Allegiance to the Flag.

**Councilmember Mitchell arrived at 6:46 p.m.**

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### **AWARDS AND RECOGNITIONS**

Mayor Foxx said we have two proclamations to recognize an event and organization in our community and also to recognize one very special person in our community. I recognize Councilmember Michael Barnes to recognize an important organization and an event that is coming up.

Councilmember Barnes said this proclamation is for Multiple Myeloma Month. We have Mary and Norma Cowell and David and Sandy Hersh joining us, the first two which are old friends of mine. Thank you all for being here. Mr. Barnes read the Proclamation.

**David Hersh** said we just want to thank the Mayor and all of you for making the Proclamation. I think it is self-explanatory for why we are interested in it. We do have a number of citizens in Charlotte who are afflicted with the disease and this is good for them and we very much appreciate the response from the Mayor.

Mayor Foxx asked Pat Garrett to come to the podium and hang out with that microphone that you've spent so much time at over the years. Ladies and Gentlemen, Councilmember Kinsey will read a proclamation recognizing Pat Garrett who has been a real pillar of our community, particularly in the area of community development. Going back more than 20 years this community came together to have a real conversation about affordable housing. One of the outshoots of that was the development of the Charlotte Mecklenburg Housing Partnership and since that time the City of Charlotte has been a partner in the partnership and your organization and you in particular have helped to lead this community in so many ways to make life better for residents of our city, to give us better housing options and to be a voice for people who sometimes who can't speak up for themselves. Pat, I want to thank you for your service to this city. You will not be forgotten. You've got teammates here from the Housing Partnership. He recognized those teammates.

Councilmember Kinsey read the Proclamation proclaiming February 25, 2013 as Patricia G. Garrett Day in Charlotte.

**Pam Wideman, Neighborhood and Business Services** said Pat, we at Neighborhood and Business Services didn't want to let you leave without knowing how much we appreciate you. On behalf of Neighborhood and Business Services in appreciation for your tireless efforts to expand and increase the supply of affordable housing through home ownership, education,

community action and neighborhood revitalization presented to you by the City of Charlotte's Neighborhood and Business Services Department on February 25, 2013.

**Pat Garrett** said I should thank you for more than this honor because without the City of Charlotte's support from the very beginning in 1988 this would not have happened. We worked hard but we had the support from the City so I really thank you and I leave the challenge to you that you continue to do affordable housing and to make sure people have decent safe places to live.

Mayor Foxx said there really are people in this community who leave huge footprints and Pat you are one of them and we thank you very much.

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## CITIZENS' FORUM

### **Ban the Box**

**Isaac Sturgill, 1905 Abbott Street** said I am here individually and on behalf of a coalition of citizens, non-profits, faith based organizations and community leaders to introduce to City Council a proposed ordinance regarding the City's hiring practices with respect to job applicants with conviction histories. This is a proposal that continues to be heard and considered and in many cases accepted by various cities and counties throughout the United States, including our neighbors in Durham County. The name of the proposal is Ban the Box. I respectfully ask those who are here today to support Ban the Box to quietly stand to make your presence known to the Council. Ban the Box fills with recidivism which those who are released from prison are rearrested and it is a problem that plagues many families and communities throughout the United States. Research from the Center of Community Transition shows that finding and retaining employment is a major factor in preventing the return to prison and as minorities are arrested and incarcerated at dis-proportionate rate this is an issue that is especially important to our minority communities. What is Ban the Box? Ban the Box aims to reduce recidivism by bolstering the City's policy of nondiscrimination when an applicant has been convicted from the City's initial employment application. In addition, as per the City's current hiring policy all applicants would still have a criminal background check inducted. If the background check comes back positive with the conviction Ban the Box would provide the City with guidelines on how to determine whether or not to hire the individual, based on the nature of the conviction and the duties of the job. Finally, if the city determines that it will not hire the individual the individual would be afforded a notice of the City's determination and an opportunity to meet with the City to discuss the conviction and show evidence of rehabilitation. What the proposal would not do, it would not stop the City from conducting background checks on job applicants. It would also not require the City to hire a job applicant where the City believes that the nature of the conviction is relevant to the duties of the job. We believe that this proposal would have a great impact on the community, both in reducing the rate of recidivism and also a symbolic effect on the community as a whole. We believe that by the City taking a leadership position in the community on this issue we can help give hope and encourage those who have conviction histories to re-enter the community not as a burden but as productive members of society. As you listen to others who have come to speak on this issue today I would urge you to hear their concerns and think about how this proposal would benefit our community.

**Mia Hines, Vice President of Human Resources with Goodwill Industries** said Goodwill Industries of the Southern Piedmont have been providing workforce development services to individuals in this community for 48 years. In 2012 we provided services to over 14,000 individuals and helped over 1,800 individuals secure employment. Ban the Box is a practice that we strongly believe in and support. Goodwill employs over 650 team members and we Ban the Box in 2011 and have had no negative incidents as a result of this practice. We service some of the most hard to employ people due to several barriers that make it more difficult for them to secure employment, including having a criminal background. Over 30% of the people we serve have a criminal background. At Goodwill we practice the highest level of due diligence in our hiring practice and conduct background checks and require all employees to undergo drug screening as a condition of employment, however we do not use criminal history to screen out

potential applicants. If in fact the candidates meet minimum qualifications for a position, once we determine that a candidate meets the minimum qualification we then pose the question of criminal history into the interview process. Our hiring managers are trained to know when and how to introduce this line of questioning into the interview process. This gives the candidate the opportunity to explain their criminal history and opt the opportunity to determine if the nature of the criminal defense disqualifies the candidate from being considered for a position. Ultimately our goal is to insure a good fit or match for the job candidate and the position because it is all about setting people up for success. We take the stance for the criminal history does not necessarily disqualify an individual from employment, however failure to disclose a conviction does. Every hiring decision is made on an individualized basis and with the following considerations. What the crime was, what the relationship is to the job that they are applying for, how long ago the crime was committed, how old the individual was at the time of the crime, any rehabilitation that has occurred, any community resources and programs the individual was involved in, the individual's work history and any form of supervision that he or she receives. The hiring decision rest solely with the hiring manager. Goodwill Block Prevention Department receives the background check process and serves as a check and balance seeking clarification from the hiring manager of a hiring decision that may be harmful to the organization. If after receiving additional information our Loss Prevention Department continues to have concerns of this nature the Department has the responsibility to report such to me and our President. At Goodwill it is our commitment to get people back to work and put them on the road to self-sufficiency. Having a means to support yourself and provide for your family is a cornerstone of overall wellbeing.

**Eric Ortega 2226 North Davidson Street** said I am with the Central Community Transitions, a non-profit agency in the community that has been in the community for 37 years. We provide the tools, research and conditions for people with criminal records to find a better way of living, a healthier way of living, to leave jail and prison behind them. We offer employment to these individual with criminal records who want to change, who want to redefine who they are, who want to prove that they have changed. In the last six months we have opened our program up to 450 individuals who want to prove to our community that they have changed. These are not just people with criminal records, these are brothers, sisters, son, daughters, fathers and mothers. These are community members who want to come back to the community and show their worth today. These are individuals who have paid their debt and now are focusing on who they want to be. In my years of working in Charlotte and with this Agency, I've seen individuals come to our program two weeks, sitting in classrooms, encouraged about finding a job, about changing, about providing for their families and to see their hopes and enthusiasm halted by this one question, their fear is that that employer would throw their application away because they have put down "yes" I have a criminal record. Yes, I'm going to be honest about the bad choices I've made but I want that person to see who I am today. Yes, I'm taking accountability, but I'm changing. They come enthusiastic and leave disheartened because they are not getting a fair shot. I've seen them come and struggle every day to prove to us all that they are not who committed that crime, they are someone different today. Last year we tracked 200 individuals who found employment for a year. Of 200 individuals, 190 were not re-arrested and are still employed. That is 190 individuals who pay taxes, who contributed not only to their family but to their community and Charlotte's economy. Those are 190 individuals that redefined who they are. Those are 190 individuals who were given the opportunity. Imagine if we eliminated that box today how many more individuals would become employed, be better fathers, mothers, sisters, brothers, husbands and wives. We are asking our leaders, we are asking Charlotte to be our champion today to allow us to see our individuals for who they are today and give everyone a fair opportunity. My question is are we accepting them for their changes?

**Tommy George, 3222 Idlewood Circle,** said I would like to thank you for the opportunity to speak before you this evening. I stand here as a small business owner in Charlotte, but also as a person committed to living a life of compassion, believing in the goodness of each and every one of us. At present I have two employees on my staff of 14 that made poor choices were convicted of crimes and served their time. They are dedicated to making a better life for themselves and by hiring them I have invested in their future, the future of my company and the future of our City. I hired them knowing about their past. I know that I am far from alone in my commitment to offering a second chance to those less fortunate, but also believe that Ban the Box question jeopardizes an applicant's opportunity for equal consideration of a job. I wouldn't call the  
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stretch to suggest that that same box elicits fear in some and distrust in others. Hope giving way to negative emotions, low self-esteem and frustration. If an employer wants to know about prior convictions let them ask during the interview process, thus giving the applicant an opportunity to explain the circumstances of their past transgression. We have all made mistakes in our lives. I have made plenty. We learn and move on more enlightened. To include the box on an application fore shadows distrust and negativity. We need more compassion, trust in humanity and positive reinforcement in our lives. The City of Charlotte can take a small, but significant step toward that end by banning the box. I know that the City of Charlotte is an equal opportunity employer, committed to diversity and fairness. The box is therefore redundant so why not take us one step further, exemplifying that ideal? That to me would show true positive leadership in these times of negative divisive politics. To quote Ralph Waller Emerson "What lies behind us and what lies before us are tiny matters compared to what lies within us".

**Monique Maddox, 308 South Hoskins Road** said I'm here to apply for a job. Can I fill out your application? This is what you see before you see me. The importance of Ban the Box, it allows the individual that has a criminal history the same opportunity that a person who doesn't have a criminal history and that is an opportunity to get in the door, to get face to face with someone so they can see this and they don't see this box that eliminates me sometimes from the door. It gives you that one on one, you get that eye contact. That person gets to know who you are and they don't get to judge you on that box. I am not my record. I am Monique Maddox, I am a citizen. I'm a productive member of society. I am self-sufficient. I am all of that. I am not this record. If the City of Charlotte adopts Ban the Box Policy it shows our community not only identifies the problem that we have, and that is of employment and recidivism, it also lets us know that the City understands the problem and they are wanting to take a step to move further away from the problem and implement a program such as Ban the Box that would allow an individual such as myself and many others who have made wrong choices in our lives but are trying to go a different path. What it does, and if the City of Charlotte would take the lead on this policy and that is Ban the Box Policy to give a deserving person an opportunity to a second chance.

**Henderson Hill, 8119 Anzack Lane** said it has been by privilege, pleasure and honor to work with many of the City Council and many of the members of this forum on many of the issues that are some of the most important issues that have affected our community over the last 20 years. I come this evening as a professional from work for 32 years with a population that has included folks referred to in-mates, ex-offenders, and felons. I think we are coming to you asking that you look at these folks as returning citizens. For the years that I've worked with this population the worst thing we can do is to stereo type them. What I have found is that some of the most earnest, most committed, most motivated folks are people who have done wrong who have accepted responsibility for those errors and who have turned around. The question for us as a community is whether we are willing to acknowledge the ability of an individual to seek redemption and to change. When I think about the associations and partnerships I've had with the folks in this room, I'm no more proud of the Proclamation for Pat Garrett, the invocation of Dr. King's words, these are the reasons we are proud of being Charlotteans. When I think about what this proposal is saying to this community, this is an example of how this City can use its posture as an employer of 6,500 people and say to the employer community that we are going to look at the content of a person's character and not some box on the first page of an application. We are not asking people to be derelict in their responsibilities to do due diligence. Investigate, measure a person's qualifications for the job vacancy there. What we are asking people to do is not to recognize a scarlet letter on a person's forehead. Look at the content of character and you do that by inquiring. Is there evidence or rehabilitation, have they taken advantage of the services available in this community? I mention this quickly, more Mecklenburg opportunities for reentry network. Those are folks in this community that are working to give skills, give motivation, give assistance to people making this change. It would be the height of cynicism not to let that change take effect, not to give those folks the opportunities to demonstrate real change.

Councilmember Mayfield said as we heard this evening and continue to have this conversation regarding employment I would like to refer this to the Economic Development Committee in the form of a motion. Councilmember Autry seconded the motion.

Councilmember Cooksey said I will vote no on this because when this topic came earlier I spoke with the previous City Manager about the City's hiring policies. We do hire people with criminal records. The fact of having a criminal record is not a bar to employment in the City of Charlotte. I have heard no speakers claim otherwise that there is any evidence that people have been denied a job with the Charlotte because of a criminal record unless that record had something to do with a job they applied for. We have a responsibility to 730,000 citizens to hire Police Officers, Fire Fighters, Utilities workers to go on people's private property, code enforcement people who can enter their homes. We need information about applicants for jobs from the very beginning, but it is not in the City's policy for one's record to be a bar to employment. I do not see the need, I did not hear any evidence from speakers that private employers use City practices as a model for the way they employ people. This seems to me to be a solution in search of a problem because I hear no evidence there is a problem with hiring in the City of Charlotte.

Councilmember Barnes said know if it should go to Economic Development Committee It would have fit the old Restructuring Government Committee perhaps. I'm not going to support the motion and the primary reason is that we got a memo from HR Director a couple months ago on this issue and from our Attorney and among the things they highlighted was the need for, if you want to run the risk of doing it, the need for immunity legislation from the State in order to avoid negligent hiring lawsuits in the event that someone does something bad, either a current employee or if we ban the box. My concern is legal exposure for the City of Charlotte and until the issue I Raleigh is addressed, and it won't be I don't imagine before 2020, I don't plan to support the motion. I don't know if the City Attorney wants to chime in on the memo, but just from an exposure perspective I don't think it is something we should do.

Councilmember Mitchell said I would like to hear the Attorney's response to Mr. Barnes' comments.

**City Attorney, Bob Hagemann** said Mr. Barnes is correct that the HR Director did send a memo back in the fall of 2011, before I was City Attorney, but I'm aware of that memo and it does include a brief discussion of I believe a Statute in Minnesota that as I understand it enacted statewide in Minnesota something comparable to what is being proposed and it was accompanied by some immunity from civil liability for employers moving forward. It is certainly a factor to be considered, but one of many factors to be considered in your policy decision.

Councilmember Fallon said I'm going to ask a question and I don't mean to embarrass anybody. How many of you have been in jail because of pot or marijuana? I'm curious to know if that is something we ought to do something about instead of putting people in prison for something like that. It is a very small percentage of you.

Councilmember Dulin said it was good seeing Mr. George speaking tonight. His small business that employs 14 is actually in District 6. So Yea, Way to go. Keep employing people. Posta Provisions on Providence Road. It is a great place, go visit. Back in a former life I had a restaurant on South Boulevard at Remount Road and I didn't really go looking for publicity but there was a big article in the Charlotte Observer on the Business Page about me and about how I was hiring homeless folks and folks with criminal backgrounds. One of the best Assistant Restaurant Managers I had over that period of time was coming to my restaurant during the day from a half-way house. She was a bank robber. She did it and she was great. She messed up during the period of time she was working for me and I reported her and she went back to prison. When she got out of prison, she came back, worked for me, worker her time off, put herself through night school and is an accountant for a payroll service. She owns her home and I went to her son's high school graduation a couple years ago and it has been a fabulous relationship for me and this lady. That was back in the mid 90's when I was hiring. That was my private business and I could do with it as I pleased and as a private business man, much the way Mr.

George does, I chose to hire folks that needed a hand up. They didn't want me to help them completely, they just needed me to tug on them a little bit and that is the private sector. I thought at the time it worked great, but this is the public sector and I can't support the motion because of the issues Mr. Cooksey made and Mr. Barnes made a couple good points. I've got a larger community to look after from my seat here and if I owned the City of Charlotte then I would be hiring all I could, but I don't and I'm sorry I'm not going to be able to support the motion.

Councilmember Pickering thanked those who came to speak and said we are always happy to see folks involved in the process, active engage citizens I call folks. Certainly our number one job is to have everyone working, no question about that. That should be job one for the City, the County and I don't want to preclude anyone from being able to work. I'm sensitive to the point that Mr. Cooksey and Mr. Barnes brought up, but I think it is worth looking at and I would like to hear what other cities have done and I'd like to hear about these others laws that were in place simultaneously to protect the City and our liability. I will support the motion.

Ms. Mayfield said I'm going to respectfully agree to disagree with some of my colleagues regarding this issue because I think we have an opportunity to just further enforce a policy that we already have in place. No in the short minutes that each of the speakers came up to share, did they identify at any point that the City is not doing its job. That was acknowledged but we also need to recognize that when we are talking about how we run the City of Charlotte and that we are looking to be a first class City and we are looking at Durham County having already approved Ban the Box many, many months ago, but we are looking at the fact that even though we are not a private business we are a business that employs more than 6,000 citizens within our City and I personally ask a representative not just from my District, but on this dais, recognize that I would rather you have a job and be able to pay taxes opposed to you being incarcerated and me having to pay for it. The reason I motioned for it to go the Economic Development Committee because I do recognize the public policy has had a conversation and I recognize that we fall on where the City already has a policy in place, but this is just a way to further solidify and secure what we already have in place because contrary to popular belief there have been too many times where an application has come across someone's desk and that application has automatically gone to File 13 pile, to make sure that they have an opportunity and what I'm hearing is it is not saying that I'm just going to give you any job. You still need to be qualified for that job, but at least it gives you the opportunity to have a conversation before you are automatically eliminated. I still stand by the motion and I hope that there is enough support around this dais to move it forward to the Economic Development for us to be able to do more research. I support the motion of us moving forward and looking at how as this first class city that we want to be, we move forward so that all citizens and helping look at our affordable housing and other issues getting people back to work is the first place of people having a better quality of life.

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

YEAS: Councilmembers Autry, Cannon, Fallon, Howard, Mayfield, and Pickering

NAYS: Councilmembers Barnes, Cooksey, Dulin and Kinsey

Mayor Foxx said this will be sent to Committee.

### **Charlotte – Randolph Station Facility**

**Marla J. Larsen-Williams, USPS Facility** said I represent the United States Postal Service and I would like to thank the Mayor, Council and the entire community for letting me speak tonight. The main purpose of my visit to your great community is to first assure you that the facility that we all know as the Charlotte Randolph Station will not be closing. What we have been going through as many other companies have been going through, is we are losing revenue. We need to start streamlining our operation. My job as a real estate specialist is part of the bricks and mortar portion of our business, the roof over the head. We have been looking at facilities, what can we merge together, how can we shrink our portfolio whether getting out of a leased location or selling an owned facility. What can we do to save money? One of the things that we've done is we've moved the carriers that were at the Randolph Station to a nearby carrier annex and what that means is that is a facility that doesn't have a retail location. What I mean by retail is what

everyone in the public, everyone outside of the postal service terminology understands as a post office. Our retail is what you see, the post office box section and our counters where you can buy our services. What is going to happen in the next few months is that we are going to start looking for a new location for our retail portion. We are going to be staying in the immediate area, we are going to be working with the City Council and the Mayor's Office, we are going to try to find several locations, post that notice in the community, get your input, then we are going to take a look at it and make a decision on where we are going to relocate to. We will post that again and then we will go ahead and proceed with the process to actually do the relocation. Let me again state that we are not closing. The lease we are at right now is about 12,000 square feet. For the retail portion we need about 2,600 square feet so again the immediate area is where we are going to be looking. We will share with the community what locations we are considering and we would like your input because it is my job to bring that information to our operational staff and then once we made the decision, we will share that again with the community to make sure that we are all on the same page. Again, the next step would be to do the design to construction. We will always let our customers know what is the timing, when are we going to be relocating. They are not going to be at the post office one day and the next day the doors are closed and there is a little note saying, We've Moved unless you only visit us once every six months. Again, we will make sure we keep our customers informed as to what our process is and where we are.

Mayor Foxx said thank you for that information, it is very helpful to us and we will be certain to respond to our constituents as questions come up.

Councilmember Kinsey said exactly where is the Randolph Station?

Mr. Larsen-Williams said the address is 921 Wendover Road.

#### **Funding for Bank of America Stadium Renovations**

**Joe Huss, 1813 Crabapple Tree Lane** said I want to comment on the momentous decision we are talking about handing \$120 plus million for the Stadium. I feel the deal that we are proposing to do comes up far short in several areas. One is I feel like 15 years is too short, and number two, if the price is only going to get higher, I appreciate you wanting to keep them in Charlotte, but it won't be probably 15 to 20 years that they will want a whole new stadium. Yet, we have made no mechanism for how do we solve that problem because we've going to have to pay for that. We are not looking ahead far enough is what I'm saying. Things that we also need to think about, we also have other expenses which we have community development, etc. some of which we discussed here. This 1% tax you are proposing, we already have a 3% tax on top of the normal sales tax for food. This is not for people going out and getting martinis. Most of the people that are paying for this are two in-come families, mom and dad both working, don't have all the time they would like to cook meals. They like to spend some time with their kids or take their kids to the sports things and all the things that they do, or you've got single parents that are very busy. They can't always afford to cook at home. You also have people who are students who are working full time and going to school and they have to buy food. This is a regressive tax hurting the most vulnerable people. I feel like we need a better solution. I think it is fortuitous we are trying to hire a City Manager now. I'm kind of disturbed that we are going to pay him top salary before he has even proved himself. First of all I think it is fortuitous thinking he can tackle this. We are already paying 3%. Where is that money going? I have not heard any good explanation where that money is going. On top of that why can't we do some other solutions like maybe some type of fund raiser? I would be willing to contribute. We should be able to do other things than just tax because all that is going to do is pile on more and more, there will be no end to that. Also another solution I've thought about is that we could basically use – why don't we just say alright a tax on all the county houses at \$400,000 plus. I know a lot of people wouldn't like that, but it would hit their salaries about as much as what the people are having to pay the 7% or actually about 9% sales tax on food. I just don't think there is equity there and I agree the west side who feels like they are not getting the equity they deserve because we are all subsidizing downtown. We feel like this has gone far enough and we need to have a better solution.

### **Problems with CMPD**

**Joseph Lee, 4419 Tuckasegee Road** said I want to talk about our corrupt Police. I've been hearing they have jobs for people like John Wayne and Big Daddy and stuff like that. I was never approached for a job or nothing like that. I was looking at a movie of John Wayne and that was way back in the day when they had so much corruption in this movie. It was like it was going on now because I've been talking with the Police and FBI about problems about killing and murdering and all that. They said you don't have no evidence, which I didn't, but that is their job to go out and find the evidence and stuff like that. I spent some time in jail and I learned my lesson while I was in jail. I didn't want to go out and do any more crime after I got out of jail. I didn't want to do any more crime because I didn't want to go back in that situation again. I just noticed the poverty level for HUD is less than \$15,000. I only make like \$12,000 per year and I've been hearing stuff about rich people and stuff like that. I don't fall in that category or nothing like that. I been hearing about people getting papers and stuff like that like I was in the military and I have a DD214 which says I was enlisted and stuff like that, was never an officer or nothing like that. What I'm saying is this is an ongoing situation because I was living in one place then moved to another place and now I've moved in another place and a little stuff has been going on and I just want to know if they have anything about it because I talked to the Mayor again on 15<sup>th</sup> floor and I talked to an assistance but it was like ongoing but I just hope that it all just goes away.

Mayor Foxx said what is the question sir?

Mr. Lee said I just want to know if they found out anything because people won't tell me about they don't use money out there or something like that. I've never heard nothing like that. What I'm trying to say is do you all have anything to tell me? I've got to go to important people like that to tell people their problems and stuff like that. You can go talk to a manager in a store about a problem but they just say go to your Senator or Councilmember or doctor or Priest or something like that.

Mayor Foxx said we have a young man right here, his name is Alvin Burney and anytime I have a problem I go to Alvin and he straightens it out for me. Mr. Burney can you help this gentleman?

### **NC Open Meetings Law**

**Wayne Powers, 4321 Stuart Andrew Boulevard,** said on January 14<sup>th</sup> and again on February 8<sup>th</sup> our Mayor and City Council held closed door meetings with Mr. Jerry Richardson to essentially discuss giving away millions of our precious taxpayer dollars to a billionaire for his already highly profitable private business. This is just the latest in a long history of official actions revealing a shocking culture of secrecy and cronyism its corrupting influence like a cancer severely damaging any remaining public confidence in our local government institutions. This is really nothing new although I thought this issue had already been dealt with and resolved a long time ago. Judge Frank Snapp was one of North Carolina's most distinguished jurists and I'm honored to say a valued friend of mine during his retirement years. Forty years ago an action was filed by William Arthur, Jr. regarding the illegality of closed door meetings not unlike those recently held with Mr. Richardson. The judgment was for the plaintiff Mr. Arthur and subsequently upheld on appeal. Judge Snapp issued a permanent injunction against defendants against then Mayor John Belk, the individual members of City Council and the City of Charlotte. "It is therefore ordered to judge and decreed, number one, the individual defendants and the defendant City of Charlotte be and there are hereby restrained and enjoined from holding any meetings, assembly or gathering together at any time or place of a meeting of them for the purpose of conducting hearings, participating in deliberations of voting or otherwise transacting public business of the defendant City of Charlotte except to those matters specified in NCGS143-318.3, and only after having followed the procedure proscribed therein for holding an executive session. Number two, the defendants shall pay cost of this action. Thus signed the 7<sup>th</sup> day of March 1973, Frank W. Snapp, Resident Judge 26<sup>th</sup> Judicial District". In order to properly stress the importance of this ruling, Judge Snapp famously pointed his finger directly at a stunned Mayor John Belk during the proceedings and threatened to send him to jail. Our City Attorney may have a short memory or selective use of precedent but a permanent injunction is just that.

Permanent, it is the law and so today I urge the City of Charlotte to immediately release to the public and to the media any and all video and audio recordings, transcripts and the minutes of two recent closed door meetings with Mr. Jerry Richardson which were clearly in direct violation of this permanent injunction and finally work to restore public confidence in an open meetings policy for our elected representative and compliance with both the letter and the spirit of the law. If not you might all well be advised to save your preferred bail bondsmen number on your cell phones.

Mayor Foxx said Mr. City Attorney would you respond a little bit to that?

**City Attorney, Bob Hagemann** said Mayor I will be happy to take a look at whatever Mr. Powers is presenting to the Clerk. I'm highly confident that the Council acted within your legal rights, holding the closed sessions that were described. At the appropriate time the minutes and the transcript will become public record and will be released.

Mayor Foxx said I think I can speak for the Council in saying that we would appreciate being kept out of orange jumpsuits. I've heard this in the media quite a bit. There was a decision this Council made about 2 or 3 years ago to release the contents of our Economic Development discussions to the public at the conclusion of those decisions. That is once a final decision was made on whatever the economic opportunity was and several of us were on the Council at the time. I actually think it was a pretty overwhelmingly affirmative vote of that and before that time these types of conversations were not released to the public. There is no conversation we've had about this stadium issue that will not at some point in time become public so the idea of this vale of absolute secrecy is not correct. I understand from the standpoint of folks who are following this issue, and all of us are, that there is a lot of interest in it, but I think as that information becomes available it will become increasingly clear why it is the Council has chosen to along the path that we've gone. What I will tell you is that to a person up here no-one up here wants to be in a position of going against the grain of what this community needs and wants, but sometimes this body is in a position of having to make some decisions about our community that aren't always popular and are always as well known in the general public and we are going to do the best job we can of making sure that as we go along folks know exactly what we are doing and why we are doing it. I think you can expect that going forward. I wanted to say that because I've heard this criticism quite a bit and I just wanted to respond.

Councilmember Dulin said I have a procedure question on Citizens' Forum if I could to the Attorney. One of the speakers tonight was telling me that they had spoken within the last 12 months and therefore were not on the first 10 and had to be moved to the waiting list. That was news to me as I don't recall that.

Mr. Hagemann said that is part of your policy on Citizens' Forum since you limit the number of speakers to 10 at this meeting, your policy is that if people sign up and they have spoken in the last 12 months, others who haven't spoken get priority.

Mr. Dulin said does that mean, for instance we had six on the first Ban the Box, could we have had 10 Ban the Box speakers and eliminated everybody else if they had shown up in bigger numbers?

Mr. Hagemann said the process that the Clerk uses is it is first come first served and it is not limited by topic. So it is first come, first serve.

Councilmember Cooksey said everyone is welcome to sign up at the first Monday Workshop, that is not a limited Citizens' Forum. The one in front of the camera is limited to ten as the Attorney mentioned per our rules, but no such limitation exists on the forum that we hold each month. It just happens the first Monday and we are upstairs, come on by.

Councilmember Howard said it is not on TV.

Mr. Cooksey said that is for a speaker to determine whether it is more important to speak to Council or more important to be on TV.

Mayor Foxx said thank you very much. We've gotten into a lot of issues and even the procedure of how we get into issues.

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## CONSENT AGENDA

Motion was made by Councilmember Cannon, seconded by Councilmember Kinsey and carried unanimously, to approve the Consent Agenda as presented with the exception of Items 24 and 25 pulled by Council, 42-A, 43-AE and 43-AH have speakers, 43-N, 43-O, 43-AD, 43-AF, 43-AG have been settled; Item No. 43-J, 43-Q and 43-AB pulled by staff. Item No. 17 correction, equipment will go to 117 of Police Agencies that assisted us, not 112.

The following items were approved:

### **Item No. 17: Democratic National Convention Equipment Donation**

Adopt a resolution authorizing the donation of equipment, purchased for the Democratic National Convention to participating police agencies.

The resolution is recorded in full in Resolution Book 44, Page 154.

### **Item No. 18: Street Maintenance Mini-Excavators**

(A) Purchase of three mini-excavators as authorized by the cooperative purchase exception of G.S. 143-129 (e) (3), and (B) Contract with Carolina Caterpillar in the amount of \$251,904.

### **Item No. 19: Street Maintenance Salt Spreaders**

(A) Purchase of three Swenson Salt Spreaders, as authorized by the sole source exception of G.S. 143-129(e)(6), (B) Unit price contract with Carolina Industrial Equipment for the purchase of Swenson Salt Spreaders for term of one year, and (C) Authorize the City Manager to approve two, one-year renewals.

### **Item No. 20: Private Developer Funds for Traffic Signal Improvements**

Budget Ordinance No. 5040-X appropriating \$57,587 in Private Developer Funds for Traffic Signal Improvements.

The ordinance is recorded in full in Ordinance Book 58, at Page 69.

### **Item No. 21: Fire Department Headquarters Change Order #1**

(A) Change order #1 in the amount of \$350,000 to Myers & Chapman, Inc., for the Charlotte Fire Department Headquarters, and (B) Budget ordinance appropriating an additional \$350,000 from the General Capital Investment Plan project savings to the Charlotte Fire Department Headquarters project.

The ordinance is recorded in full in Ordinance Book 58, at Page 70.

### **Item No. 22: FY2013 Annual Action Plan Amendment for Housing and Community Development**

Amendment to the FY2013 Annual Action Plan for Housing and Community Development to include HOME Investment and Partnerships (HOME) resale/recapture provisions to meet Housing and urban Development Requirements.

### **Item No. 23: Lead-Based Paint Hazard Control Program Services**

(A) One-year contract with S&ME, Inc. in the amount of \$102,880 to provide lead-based paint testing, risk assessment and design, and clearance and maintenance plan preparation, and (B) Authorize the City Manager to approve two, one-year renewals, up to the original contract amount.

### **Item No. 26: Storm water Engineering Services**

Contract extension with Dewberry Engineers, Inc. for \$1,000,000 for engineering services.

**Item No. 27: Airport East End Baggage Claim Renovation**

Award the low-bid contract of \$267,700 with the Bowers Group, LLC for renovations of the east end of the baggage claim lobby.

**Summary of Bids**

The Bowers Group	\$267,000.
Myers-Chapman	\$285,053.
Metro Landmarks,	\$358,000.

**Item No. 28: Airport Concourse D Ceiling Renovations**

Award the low-bid contract of \$197,386 with Clancy and Theys Construction Company for installation of lighting fixtures on Concourse D.

**Summary of Bids**

Clancy and Theys	\$197,386.
The Bowers Group, LLC	\$197,400.
W. C. Construction	\$200,100.
Momentum Construction	\$213,500.
Edison Foard, Inc.	\$214,700.
Morlando Construction	\$249,300.

**Item No. 29: Airport Landscape Maintenance Service Contracts**

(A) Award the low-bid contract of \$469,774.60 to TruGreen Landcare, LLC for Landscape Maintenance of Zones 1 and 8, (B) Award the low-bid contract of \$170,841 to Leisure Time Lawn Care, LP for Landscape maintenance of Zone 2, and (C) award the contract of \$16,104 to Samson Grounds Management, LLC for Zone 7 Landscape Maintenance.

**Summary of Bids – Zone 1.**

	<b><u>2 Year Total</u></b>
TruGreen Landcare, LLC	\$ 399,076.00
Mainscape, Inc.	\$ 692,147.57
Commercial Landscape Services, Inc.	\$1,315,688.00

**Summary of Bids – Zone 2**

Leisure Time Lawn Care, LP	\$ 170,841.00
TruGreen Landcare, LLC	\$ 179,665.42
Denver Landscape Services, Inc.	\$ 187,100.00
Mainscape, Inc.	\$ 192,080.79
The Brickman Group, LTD	\$ 303,041.20
More Green for Less Green Lawn Care	\$ 473,847.00
Samson Grounds Management, LLC	\$ 474,556.50

**Summary of Bids – Zone 7**

Mainscape, Inc. *	\$ 15,248.90
Samson Grounds Management, LLC	\$ 16,104.00
Leisure Time Lawn Care, LP	\$ 17,820.00
TruGreen Landcare, LLC	\$ 29,332.51
Denver Landscape Services, Inc.	\$ 52,800.00
More Green for Less Green Lawn Care	\$ 62,224.80
The Brickman Group, LTC	\$ 62,700.00

\*Mainscape declined and withdrew their bid since they were not lot bed on the other three zones.

**Item No. 30: Transit Blue Line Extension Financing**

(A) Set a public hearing related to the financing of the Blue Line Extension Project (BLE), and (B) adopt the initial resolution for the Local Government Commission (LGC) to provide funding for the local share of the BLE.

The resolution is recorded in full in Resolution Book 44, at Pages 155-159.



**Item No. 31: Transit Support Vehicle Replacement Purchase**

Purchase of four replacement vehicles at a total cost of \$102,280 as authorized by the state contract exception of G.S. 143-129 (e) (9).

**Item No. 32: Chemical Storage Tank Repair**

Award the low-bid contract of \$461,052 to Kenway Corporation for McAlpine Creek Wastewater Treatment Plan Chemical Storage Tank Repair Project.

Two bids were received, the low bidder took exceptions to the City's contract, which resulted in a non-responsive bid.

**Item No. 33: Long Creek Regional Wastewater Treatment Plan Environmental Impact Statement Contract Amendment.**

Contract amendment #4 for \$185,000 with Black & Veatch for additional engineering services for the Long Creek Regional Wastewater Treatment Environmental Impact Statement (EIS).

**Item No. 34: Utility Concrete Meter Boxes**

(A) Award the low-bid unit price contract to Ferguson Waterworks, Inc., for the purchase of concrete meter boxes for the term of one-year, and (B) Authorize the City Manager to approve two, one-year renewals with possible price adjustments based on the Crude Nonfood Materials for Construction Producer Price Index.

**Summary of Bids**

Ferguson Waterworks	\$ 32,266.
Fortiline	\$ 32,364,
HD Supply	\$ 34,264.

**Item No. 35: Municipal Agreement for Relocation and adjustment of Utility Lines**

(A) Resolution authorizing the City Manager to execute a Municipal Agreement with the North Carolina Department of Transportation (NCDOT) for design and construction of water and sewer line relocations and adjustments along Mallard Creek Road in the estimated amount of \$1,787,000, and (B) Authorize the City Manager to approve the final pay request for the actual cost of the utility construction.

The resolution is recorded in full in Resolution Book 44, at Page 160.

**Item No. 36: FY2013 Street Main Extensions, Contract #5**

Award the low-bid contract of \$1,344,415.05 to Sanders Utility construction for construction of water and sanitary sewer mains along existing roadways and in easements through Mecklenburg County.

**Summary of Bids**

Sanders Utility Construction	\$1,344,415.05
Davis Grading	\$1,353,104.70
Dellinger	\$1,496,932.05
D. H. Price	\$1,563,927.70
State Utility	\$1,624,616.80

**Item No. 37: Utility Replacement Pump Parts**

(A) Purchase of replacement pump parts as authorized by the sole source purchasing exception G.S. 143-129 (e) (6), and (B) Approve the contracts with the following authorized distributors of pump parts for a five-year term: Interstate Utility; Clearwater; Xylem Water/Wastewater; Pete Duty; Preferred Sources; Heyward; KL Shane; Pump, Parts, and Services; Mechanical Equipment Company; Daparak/Moyno.

**Item No. 38: Sewer Equipment Repair and Replacement Parts**

Contracts to the following companies to provide sewer equipment repair and replacement parts for a term of three-years: Southern Municipal Equipment Company; Public Works Equipment and Supply, Inc.; Jet-Vac Sewer Equipment Company, Inc.; and Rodders and Jets Supply Company.

**Item No. 39: Citywide Courier Services**

A. Approve the contracts with the following companies to provide courier services for an initial term of three years in the estimated aggregate annual amount of \$100,000: Blue Moon Delivery (\$50,000); Chaski Courier Service (\$50,000) (B) Authorize the City Manager to approve up to two, one-year renewal options as authorized by the contracts, and contingent upon each company's satisfactory performance.

**Item No. 40: Workers' Compensation Claim Settlement**

Approve a full and final settlement of a Workers' Compensation claim for Charlotte-Mecklenburg Utility Department Employee, James W. McNair in the amount of \$125,000.

**Item No. 41: Property and Business Privilege License Taxes**

(A) Resolution authorizing the refund of property taxes assessed through clerical or assessor error in the amount of \$106,997.49, and (B) Resolution authorizing the refund of business privilege license payments made in the amount of \$792.87.

The resolutions are recorded in full in Resolution Book 44, at Page 161-162 and 163-164.

**Item No. 42-B: 6008 Johnnette Drive**

Ordinance No. 5043-X authorizing the use of In Rem Remedy to demolish and remove the structure at 6008 Johnnette Drive (Neighborhood Statistical Area 148 – Farm Pond Neighborhood).

The ordinance is recorded in full in Ordinance Book 58, at Page 72.

**Item No. 42-C: 1912 Kennesaw Drive**

Ordinance No. 5044-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1912 Kennesaw Drive (Neighborhood Statistical Area 29 – Lincoln Heights Neighborhood).

The ordinance is recorded in full in Ordinance Book 44, at Page 73.

**Item No. 42-D: 1912 Kennesaw Drive (Accessory Buildings)**

Ordinance No. 5045-X authorizing the use of In Rem Remedy to demolish and remove the structure at 1912 Kennesaw Drive (Accessory Buildings) Neighborhood Statistical Area 29 – Lincoln Heights Neighborhood).

The ordinance is recorded in full in Ordinance Book 44, at Page 74.

**Item No. 42-E: 4615 North Sharon Amity Road**

Ordinance No. 5046-X authorizing the use of In Rem Remedy to demolish and remove the structure at 4615 North Sharon Amity Road (Neighborhood Statistical Area 150 – Windsor Park Neighborhood).

The ordinance is recorded in full in Ordinance Book 44, at Page 75.

**Item No. 43-A: 4116 Welling Avenue**

Acquisition of 7,198 square feet in Fee simple at 4116 Welling Avenue from Sarah Francis Turner and Louis Turner, Jr. for \$55,000 for Blenheim Storm Drainage Improvement Project, Parcel #1.

**Item No. 43-B: 4120 Welling Avenue**

Acquisition of 11,665 square feet in Fee Simple at 4120 Welling Avenue from Leonard Bennett and Carolyn Ann Liles Bennett for \$67,100 for Blenheim Storm Drainage Improvement Project, Parcel #2.

**Item No. 43-C: 4117 Blenheim Road**

Acquisition of 10,618 square feet in Fee Simple at 4117 Blenheim Road from George I. Martin and wife, Mary J. Martin for \$70,400 for Blenheim Storm Drainage Improvement Project, Parcel #7.

**Item No. 43-D: 1417 Scotland Avenue**

Acquisition of 4,814 square feet in Storm Drainage Easement, plus 2,110 square feet in temporary construction easement at 1417 Scotland Avenue from Glenn Cole, Jr. and wife, Linda F. Cole for \$107,000 for Cherokee/Scotland Storm Drainage Improvement Project, Parcel #46.

**Item No. 43-E: 6518 Rumble Road, Rumble Road and 1760 Stoney Creek Lane**

Acquisition of 3.25 acres in fee simple, plus 15,707 square feet in Storm Drainage Easement, plus 18,700 square feet in Slope Easement, plus 42,824 square feet in Temporary Construction Easement at 6518 Rumble Road, Rumble Road and 1760 Stoney Creek Lane for \$113,340 for City Boulevard Extension, Phase I and III, Parcel #10, #16, #17 and #58.

**Item No. 43-F: 10701 Mallard Creek Road**

Acquisition of 11,963 square feet in Fee Simple, plus 5,938 square feet in Fee Simple within existing right-of-way, plus 6,924 square feet in Sanitary Sewer Easement, plus 4,921 square feet in Temporary Construction Easement at 10701 Mallard Creek Road from Think Group, LLC for \$25,000 for Mallard Creek Sidewalk Improvements, Parcel #2

**Item No. 43-G: 1113, 1125, and 1127 North Tryon Street**

Acquisition of 6,495 square feet in Fee Simple, plus 55 square feet in Water Main Easement, plus 1,404 square feet in Temporary Construction Easement at 1113, 1125 and 1127 North Tryon Street from Jack W. Stone, Jr. for \$49,000 for North Church Street Railroad Closing, Parcel #4, #5 and #6.

**Item No. 43-H: 705 Belmont Avenue #B**

Acquisition of 14,909 square feet in Fee Simple at 705 Belmont Avenue #B from Bill S. Housiadas and Foteini Makri for \$54,567 for Parkwood Storm Drainage Improvement Project Phase 1, Parcel #4.

**Item No. 43-I: 9248 South Boulevard**

Acquisition of 717 square feet in Right-of-Way and Utility Easement, plus 7,723 square feet in Temporary Construction Easement at 9248 South Boulevard from Paul Thomas Morgan, Jr. for \$35,150 for South Boulevard Sidewalk from Carolina Pavilion to Westinghouse, Parcel #2.

**Item No. 43-K: 308 East Craighead Road**

Resolution of condemnation of 34,716 square feet in Fee Simple, plus 118,720 square feet in Fee Simple within existing right-of-way, plus 10,852 square feet in Temporary Construction Easement at 308 East Craighead Road from Community One Bank, N.A. and Any other Parties of Interest for an amount to be determined, for Blue Line Extension, parcel #1275.

The resolution is recorded in full in Resolution Book 44, at Page 165.

**Item No. 43-L: 601 East Sugar Creek Road and 4242 Raleigh Street.**

Resolution of condemnation of 6,038 square feet in Temporary construction Easement at 601 East Sugar Creek Road and 4242 Raleigh Street from Contech Construction Products, Inc. and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #1299 and 1301.

The resolution is recorded in full in Resolution Book 44, at Page 166.

**Item No. 43-M: 7321 North Tryon Street**

Resolution of condemnation of 2,502 square feet in Temporary construction Easement, plus 39 square feet in Utility Easement at 7321 North Tryon Street from Sports Center, Inc. and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #3102.

The resolution is recorded in full in Resolution Book 44, at page 167.

**Item No. 43-R: 8210 University Executive Park Drive**

Resolution of condemnation of 8,988 square feet in Fee Simple, plus 13,914 square feet in Temporary construction Easement, plus 2,368 square feet in Utility Easement, plus 75 square feet in combined utility and waterline easement at 8210 University Executive Park Drive from Atapco UEP, Inc. and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #3157.

The resolution is recorded in full in Resolution Book 44, at page 169.

**Item No. 53-S: 132 East McCullough Drive**

Resolution of condemnation of 9,988 square feet in Fee Simple, plus 370 square feet in Access Easement, plus 8 square feet in Access Easement and Waterline Easement, plus 153 square feet in Waterline Easement, plus 3,217 square feet in Temporary Construction Easement at 132 East McCullough Drive from Shreeji Hospitality of University, LLC and any other parties of interest for an amount to be determined for Blue Line Extension, parcel #3161.

The resolution is recorded in full in Resolution Book 44, at page 170.

**Item No. 43-T: 8220 University Executive Park Drive**

Resolution of condemnation of 11,899 square feet in Fee Simple, plus 2,817 square feet in Temporary construction Easement, plus 1,843 square feet in Utility Easement at 8220 University Executive Park Drive from Atapco UEP, Inc., and any other parties of interest for an amount to be determined for Blue Line Extension, parcel #3165.

The resolution is recorded in full in Resolution Book 44, at page 171.

**Item No. 43-U: 115 East McCullough Drive**

Resolution of condemnation of 8,800 square feet in fee simple, plus 4,835 square feet in Temporary Construction Easement, plus 2,919 square feet in Utility Easement, plus 168 square feet in Permanent Easement at 115 East McCullough Drive from J & J University Boulevard, LLC and any other parties of interest for an amount to be determined for Blue Line Extension, parcel #3167.

The resolution is recorded in full in Resolution book 44, at page 172.

**Item No. 43-V: 8302 University Executive Park Drive**

Resolution of condemnation of 14,068 square feet in Fee Simple plus 2,596 square feet in Temporary Construction Easement, plus 1,572 square feet in Utility Easement at 8302 University Executive park Drive for an amount to be determined for Blue Line Extension, Parcel #3169.

The resolution is recorded in full in Resolution Book 44, at Page 173.

**Item No. 43-W: 8340 North Tryon Street**

Resolution of condemnation of 13,061 square feet in Fee Simple plus 331 square feet in Storm Drainage Easement, plus 10,619 square feet in Temporary Construction Easement at 8340 North Tryon Street from Apple Nine North Carolina, L.P. and any other parties of interest for an amount to be determine for Blue Line Extension, parcel #3175.

The resolution is recorded in full in Resolution Book 44, at page 174.

**Item No. 43-X: East W. T. Harris Boulevard**

Resolution of condemnation of 9,539 square feet in Fee Simple, plus 578 square feet in Access Easement and Utility Easement, plus 1,351 square feet in Temporary Construction Easement, plus 3,310 square feet in Utility Easement on East W. T. Harris Boulevard from USA Grande Promenade, LLC, et al and any other parties of interest, for an amount to be determined for Blue Line Extension, Parcel #3189.

The resolution is recorded in full in Resolution Book 44, at Page 175.

**Item No. 43-Y: 8538 North Tryon Street**

Resolution of condemnation of 10,994 square feet in Fee Simple, plus 251 square feet in Access Easement and Utility Easement, plus 5,479 square feet in Utility Easement, plus 76 square feet in Combined Utility and Waterline Easement, plus 47 square feet in Combined Utility, Waterline and Access Easement at 8538 North Tryon Street from 8600 Charlotte Properties, LLC and any other parties of interest for an amount to be determined for Blue Line Extension, parcel #3191.

The resolution is recorded in full in Resolution Book 44, at Page 176.

**Item No. 43-Z: 8517 North Tryon Street**

Resolution of condemnation of 1,081 square feet in Fee Simple, plus 132 square feet in Access Easement and Utility Easement, plus 419 square feet in Waterline easement, plus 377 square feet in Temporary Construction Easement, plus 613 square feet in Utility Easement, plus 319 square feet in Combined Utility and Waterline Easement, plus 69 square feet in Combined Utility, Waterline and Access Easement at 8517 North Tryon Street from Shri Gopinath Hospitality, LLC and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #3195.

The resolution is recorded in full in Resolution Book 44, at Page 177.

**Item No. 43-AA: J. M. Keynes Drive**

Resolution of condemnation of 19,976 square feet in fee Simple, plus 494 square feet in Storm Drainage Easement, plus 12,832 square feet in Temporary Construction Easement, plus 25 square feet in utility Easement at J. M. Keynes Drive from Financial Enterprises III, Limited Company and Eighth & Main Parking Associates, LLC and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #3203.

The resolution is recorded in full in Resolution Book 44, at Page 178.

**Item No. 43-AC: North Tryon Street**

Resolution of condemnation of 10,869 square feet in Fee Simple, plus 5,687 square feet in Temporary Construction Easement on North Tryon Street from Mallard Pointe Associates, LLC and any other Parties of Interest for an amount to be determined for Blue Line Extension, Parcel #3235.

The resolution is recorded in full in Resolution Book 44, at Page 179.

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**Item No. 42-A: 4117 Colebrook Road**

Ordinance No. 5042-X authorizing the use of In Rem Remedy to demolish and remove the structure at 4117 Colebrook Road (Neighborhood Statistical Area 143 – Oak Forest Neighborhood).

Jackie White, said I have been a Charlottean since 1975 and I've lived in the Oak Forest Subdivision since 1986. I have served among the refugee community volunteering for approximately 22 years here in this wonderful City. I helped the refugees just about when they get off the plane, help them to arrive, survive and thrive. There are thousands of refugees here in our city from the war worn various countries. In the Oak Forest Subdivision, my neighborhood in District 1 near the Eastland Mall Area, there will soon be a house demolished. I kindly ask for your assistance to help with revitalizing the soon coming vacant lot. Many of us who have lived so long in this in area have unfortunately watched the area decrease in value and increase in crime. We would like to build a house of refuge for the refugee community here in the City, possibly one of its kind, and allow these legal refugees to have transitional housing. So many of them come and there is no transitional housing for them. It could be for medical reasons, it could be seeking employment, could be in between housing, whatever the case may be, however they come not only for a better way of live, but to save their lives. We thank you for welcoming them to this particular city. In the course of us building relationship like family here away from their family and friends in their homelands or the refugee camps, we learn so much from them. We help to empower them, become self-sufficient tax paying, law abiding citizens in this City, teaching them everything from English, transportation needs, securing jobs, sharing what  
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agencies are available, learning even how to operate a stove and oven and various services to network with the varies agencies. We each serving them to complete the big picture and once they have learned enough English to seek employment it is quite easy for them to secure a job.

Mayor Foxx said as I understand it you are not the property owner.  
Ms. White said no, this particular piece of property at 4117 Colebrook is up for your approval for demolition.

Councilmember Kinsey said once we demolish the property, we don't own the property so there is nothing we can do about it.

Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and carried unanimously, to approve the subject ordinance authorizing the demolition.

Mayor Foxx said the motion has been made to approve the condemnation, but does that not mean that it transfers into the ownership of the City. It just means that the property is demolished.

Ms. White said I was told that I could come and ask for the City to gain because I don't think the owner of the property is around and so I was told to come and ask the City Council if they could possibly take ownership and then donate it to non-profit for international mission.

Mayor Foxx said the machinations of that question extend beyond what we are doing here tonight but what I would suggest, my favorite guy in this room for this, Alvin Burney, I would suggest that you reach out to him as soon as you are done here. I don't know what can be done but he is the guy who will help us figure it out.

The ordinance is recorded in full in Ordinance Book 58, at page 71.

**Item No. 43-AE: 9505 North Tryon Street**

Resolution of condemnation of 792 square feet in Fee Simple, plus 1,316 square feet in Temporary Construction Easement, plus 129 square feet in utility Easement at 9505 North Tryon Street from Fore R's, LLC and any other parties of interest for an amount to be determined for Blue Line Extension, Parcel #3241.

Inasmuch as the speaker who signed up to speak on this item did not show up, a motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and carried unanimously to approve the subject resolution.

The resolution is recorded in full in Resolution Book 44, at Page 180.

**Item No. 43-AH: 1138 North Tryon Street**

Resolution of condemnation of 26 square feet in Utility Easement, plus 148 square feet in Right-of-Way Utility Easement, plus 240 square feet in Temporary Construction Easement at 1138 North Tryon Street from Theodore Allen Greve and wife, Beverly L. Greve and any other parties of interest for \$550 for North Church Street Railroad Closing, Parcel #8.

Inasmuch as the speaker who signed up to speak on this item didn't show up, a motion was made by Councilmember Cannon, seconded by Councilmember Barnes and carried unanimously, to approve the subject resolution.

The resolution is recorded in full in Resolution Book 44, at Page 181.

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

**Interim City Manager, Julie Burch** said no report.

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**ITEM NO. 10: PLEASANT VIEW II APARTMENTS LOAN SUBORDINATION**

Motion was made by councilmember Cannon, seconded by Councilmember Barnes, and carried unanimously, to recuse Councilmember Howard from participating in Item No. 10.

Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and carried unanimously, to approve a request from the Charlotte-Mecklenburg Housing partnership to subordinate the City's existing \$2,222,812 loan from a first lien to a second lien position as part of the loan restructuring of Pleasant View I and II apartments.

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**ITEM NO. 11: MATCHING FUNDS FOR THE INTERNSHIP SCHOLARSHIP PROGRAM AT THE WASHINGTON CENTER.**

Motion was made by Councilmember Barnes, seconded by Councilmember Cannon, and carried unanimously, to designate \$30,000 from the FY2013 council Discretionary Fund to match UNC Charlotte's contribution for 10 UNC Charlotte students to attend the Washington Center's Internship program, Washington, D. C., during the 2013-2014 academic school year.

Councilmember Dulin said can we put a stipulation on the City funds that the intern spend some time in the City before they go? First of all I want to keep our kids and I love giving them the opportunity to grow but I if we can keep them in Charlotte I want them coming back and growing our community and sitting at this dais sometime.

Mayor Foxx said without objection we will add that component and ask the staff to do that.

Councilmember Mayfield said would it be coming back to us prior to the final approval if we move forward because I have a couple of questions on this one as well. Just like most employment, once you make an investment you usually have a commitment of anywhere from one to three years for them to continue to work in the City. I want to know if there is an option for us to have if the City is going to offset these costs, but the focus is on Congress Federal Agency Non-profit or private company once they receive this training to insure that the citizen's tax money is coming back and benefiting. I would love to see us have some wording in place for them to be employed in the City and as well as I would love for us to be able to have some wording to insure that the students that the City of Charlotte are going to be off setting the costs for actually live within the City and not in the outskirts or in the surrounding area.

Mayor Foxx said your request is some language that encourages them to both live in the City and for some period of time after this training to work in the city. I don't know sitting here what that language would look like, but I'm confident that we can get it done and maybe if we can ask the staff to run that back by you and Mr. Dulin. I think that is probably the best we can do right now, but I'm happy to have that done. Do you understand what we are doing?

Councilmember Barnes said no sir. I don't know how you could require them to live in Charlotte. The way this write-up is presented there is no tether to Charlotte in here. It seems like it is just an investment in these college students who may live in Charlotte or who may not live in Charlotte. I understand what you are saying Ms. Mayfield, but I don't know how you could require them to live or to Mr. Dulin's point, to work in Charlotte.

Mayor Foxx can I may try to split the baby here because I used the word encourage and that is where I think it is probably headed because there are probably some legal issues that I'm not privy to education law, but my guess is there is probably some issues with a mandate but there is probably a way to make clear the intent here that will have an effect on who applies for it and

who actually gets it. I would prefer to leave that to the staff and University to work up some language and come back to the two of you and hopefully you will be happy with it.

Ms. Mayfield said just in response to Mr. Barnes, for me looking at this I don't see how this is necessarily a benefit to the City considering we will be identifying tax monies for a small number of students unless there is going to be a clear commitment back to the City of Charlotte as well as someone that actually lives in the City of Charlotte so that we can be accountable to those funds. Without being able to know that we are, this is a brand new program, it hasn't been tested before so it should not be a problem with us adding some specific criteria so if we move forward with this, just like any other scholarship we say it could be a graduate of West Charlotte or a graduate of South Meck, something we can add the rules otherwise I am not necessarily comfortable supporting it and I will be voting in opposition.

Mr. Barnes said it sounds like it needs to be vetted before we even vote on.

Councilmember Cooksey said while we are hanging ornaments on this tree I was kind of torn on this one because on the one hand it is a relative small impact on our overall budget but I think I agree with Ms. Mayfield on this as I was reading through this it seems to be very Washington centric, not Charlotte centric and while we are hanging ornaments I would be interested if we are going forward with this, and I'm not that keen on being a no on this one at this point, could we get a report back from the 10 explaining to us what they did so that we know how they benefited from the money that we provided. That is the ornament that I want to hang on the tree please.

Mayor Foxx said I have no objection to that.

Councilmember Kinsey said my ornament is, this is coming from reserves. This should be a one-time deal. It is not something that we ought to be looking to do every year.

Mayor Foxx said it is a one time and that is a very good point.

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

Mayor Foxx said as we go into Mayor and Council topics I will only ask you to consider one other item for discretionary funds that I will talk about in a minute.

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**ITEM NO. 12: CONCLUSION OF CONSENT AGENDA**

Approve consent items that Councilmembers pulled for discussion or additional information.

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**ITEM NO. 24: BEATTIES FORD ROAD WIDENING CONTRACT AMENDMENT #2.**

Councilmember Dulin said this is a \$14,115,000 for a new road widening project on Beatties Ford Road. I just want to let the community know and Council know that monies get spent in these corridors through our budgetary purposes and exercises as a Transportation CIP. I will vote yes for this and I'm proud to help the west side and Beatties Ford Road.

Motion was made by Councilmember Dulin, seconded by Councilmember Cannon, and carried unanimously to approve contract amendment #2 in the amount of \$200,000 to Atkins North Carolina, Inc. for additional engineering work on the Beatties Ford Road Widening Project.
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**ITEM NO. 25: IDLEWILD ROAD WIDENING**

Councilmember Dulin said I pulled No. 25 which is a road project on Idlewild Road and I will let Councilmember Autry have my time.

Councilmember Autry said I certainly appreciate the opportunity to say that we have this road widening project going on in District 5 and my inquiries from staff this afternoon as to when this project could get underway and they anticipate that this contract can be in place in May and we are eager to get on with it.

Motion was made by Councilmember Cannon, seconded by Councilmember Howard, and carried unanimously, to award the low-bid contract of \$3,024,894.36 to Boggs Paving, Inc. for the Idlewild Road Widening

**Summary of Bids**

Boggs Paving, Inc.	\$3,024,894.36
Blythe Development Company	\$3,278,880.00
Sealand Contractors Corp.	\$3,332,987.09
Blythe Construction, Inc.	\$3,478,406.91
Triangle Grading and Paving	\$3,486,765.66
Showalter construction Company	\$3,701,356.45
The Lane Construction Corporation	\$4,467,208.74

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Mayor Foxx said I neglected to call for Item 9A so let's call up 9A at this time.

**ITEM NO. 9-A: INFRASTRUCTURE IMPROVEMENTS FOR CHARLOTTE PREMIUM OUTLETS**

**Sam Perkins 421 Minute Lane** said I'm going to be speaking on behalf of Kim LeNeave, Jeff LeNeave and Charles McRorie but I assure you I will not need the entire 10 minutes for speaking on their behalf. I appreciate the opportunity to speak with you this evening on what I would argue is the most environmentally neglected and sacrifice areas in this City and County. I will give a few minutes of background and context and I will get to the proposal as it relates to the \$5.1 million tax incentive. Rest assured that this proposal has nothing to do with the Tanger rezoning or opposing the project as a whole. I am the Director of Technical Programs at the Catawba River Keeper Foundation. I have a Master of Science degree from UNC-Chapel Hill actually studying sediments transport in rivers as a result of land use change. I'm also a Charlotte native. Throughout the approval process for this Tanger project, you've heard a lot about Brown's Cove and certainly this isn't the first time you've heard a construction project or listening to worries of people on Lake Wylie. For more than a decade and I'm talking easily back when Clinton was President, this cove has been plagued by the most problematic contaminant we have in Charlotte, Mecklenburg, the US and the world and that is sediment whether it was Dots' work on I-485, Airport Runway Expansion, Berewick all contributed to the sediment problems that we have in this cove, even when the construction was in the full confines of the erosion control regulations in that process. To give you a quantitative idea natural background sediment concentrations in piedmont rivers might be two hundredths to two tenths of a gram per liter. Construction site runoff even fully within regulation can easily range from two to twenty grams and beyond so we are talking about a single rain event occurring maybe within an hour eroding the landscape to an extent that would have naturally taken a thousand years. That is what Brown's Cove has seen too much of. Now it would seem fortunate that we have the North Carolina Sedimentation and Control Act of 1973 also known as North Carolina General Statute 1113A, which lays the framework for minimum erosion control measures as well as seek for the ability for local governance such as Charlotte, which they have done to create their own programs and additional provisions I point you to this Act, specifically the Sub-section 57.3 which requires sediment be retained on site. Failure to retain sediment on site takes us to Sub-section 64.1 which has a local erosion sedimentation control program approved under 113A60 may require a person who engaged in a land deserving activity and failed to retain

sediment generated by the activity as required by 113A57.3 to restore the waters and land affected by the failure so as to minimize the detrimental effects of the resulting pollution by sedimentation. Also note that Chapter 17 in Charlotte's Code, Sections 31-33 and Section 69 of the City Code as well, reinforcing and expand upon this language. Like we teach children, you make a mess, you clean it up. For more than a decade hundreds of Brown's Cove residents have devoted thousands of hours and tens of thousands of dollars attempting to simply have this enforced. They are in tears because homes their grandparents built, such as Jeff LeNeave, saved up their entire lives to retire in the case of Charlie McCrorie and those are common cases with many people in the cove. They have been neglected by their government as their cove becomes a dumping ground and their feeling of not having a recognized voice has multiplied as their property taxes rise with the sediment.

Dozens of City and County employees and attorneys as well as the citizens of Brown's Cove, their responsible development parties and legal counsel for both have both devoted an absurd quantity of time resources and money just trying to coral and hold accountable all parties. Folks like Rusty Rozzelle, David Caldwell, John Gear in trying to bring parties to the table to pay for their share of remediation only to be powerless when parties withdraw know this frustration. The NCDOT as well as a few others of the 15 parties involved have refused to clean up their mess and we are no closer to dredging than we were when I-485 construction began in the late 90's.

Continued development in the Brown's Cove Water Shed has actually created the potential for this sediment problem to solve itself if the City will grant approval. I know the specific Tanger Project did not put all the sediment in Brown's Cove, although I do want to point out that development and planning parties involved were involved with projects that did, however this project would not have even been considered by Tanger had this still been the rural undeveloped area that existed at the turn of the millennium. The interstate that can funnel customers in, the hundreds of new homes and the thousands of residents, the school, Airport and other development and activity that has gone on here are the reasons that Tanger has an investment opportunity here. The past activity for which Brown's Cove was sacrificed is the reason that jobs and increased tax revenue have the opportunity to be generated here and that is why this is relevant for what I'm about to propose. The City is collecting millions of dollars from such development which has degraded the cove, the quality of the water and the quality of the lives for people like Kim, Jeff, Charlie and hundreds of others. We all know tax base makes this municipality and any other go round. In fact additional generated tax from property tax, sales tax and income tax to be generated by the Tanger project is why this City is willing to forego \$5.1 million in generated tax money to make this happen. One estimate has been that this project from sales tax alone is going to generate \$10 million plus per year and you will also have property and income taxes on top of that. For these reasons the past, present and future tax funds generated by the development in the watershed being a moral obligation and being that this City is demonstrating a will to make continued development financially easier on the developers, this city owes it to Brown's Cove and its citizens to right more than a decade of wrongs and it can do that by the same reimbursement manner being granted the Tanger, paying for dredging of the cove to its pre-development depth. A fisherman with a 1995 bathometric map should be able to go into that cover and it should look the exact same. The cost to completely dredge the cove is on the order of \$1 million. One dredge proposal for approximately half of the cove is \$387,000 to \$615,000 depending on it all ultimately works out. Some costs would not be duplicated such as perk fees and things of that sort.

Again, City Attorney Hagemann and his employees, officials throughout government from City Attorneys, City Engineers and Inspectors have agreed that the cove needs to be dredged and promised Brown's Cove residents repeatedly project after project that once a given project is finished they would look at dredging the cove and for more than ten years those promises have proven empty, meaningless talk and this delay cannot happen again. The solution is simple and can be made immediately that no cost to the people developing Tanger. The City should tack on a provision with this \$5.1 million tax incentive plan to be executed preferably by the City and/or county to cover the cost of dredging, justify using tax dollars generated by the current project as well as past projects. The dredging should begin immediately and I would even say that Peter Pappas, to Jeff Brown, to Land Design, to everyone involved if you feel so confident in the proposed erosion control measures that were mentioned last Monday, support us. Let's dredge  
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the cove back to its original depth and see if there is any detectable change for the duration of the project. You could even use the dredge material as fill, take it. This has become a ... and justice of the Federal bailout structure. Developers like the banks have become too big for enforcement, yet they continue to receive millions while homeowners like the ones here in Brown's Cove are literally at the bottom of the pile and left to suffer.

I come to you now on behalf of the residents of Brown's Cove of the environment and really for your own sake. You are hearing about Brown's Cove again. I bet you are tired of hearing about Brown's Cove. To stop with the contingencies and kicking the can down the road, we have a federal government that does plenty of that. I ask you today to adopt a plan similar to the one Tanger is receiving, allocate tax dollars generated by the project to go toward the legally required remediation of this cove. I'm asking for 1/5 of what Tanger is receiving for alleviating roadways to alleviate this water way. Let me also emphasize, like sediment this issue will not go away. I already plan at speaking at a later meeting on more overarching issues with erosion control as it is implemented and because of improper notice of public hearing the rezoning process is about to start over again for this project and the Brown's Cove residents are ready to take legal action. Maybe that is what it takes but I hope it isn't because that is money that should be going elsewhere. I wanted to take one more crack at this issue, sadly probably before financial costs are invested that from both sides could have paid for this. Once more, just imagine a project in Brown's Cove Watershed where you don't have to hear about the past decade plus of destruction and the momentum this has built. Save yourselves, none the less the residents, City employees and developers valuable time, money and resources and headache. This is my proposal. The issue has dragged out long enough and I hope you will act immediately to get it done and please get it done right. The timing and situation is right to correct this persistent wrong. Thank you for your consideration and I will answer any questions you might have and I also have a summary of information I have presented.

**Jeff Brown, 100 North Tryon Street** said I'm delighted to be here assisting a venture of Tanger Outlet Centers and Simon Property Group as well as landowner a partnership of Sarah Belk Gambrel and the development partner of Childress Kline Properties. We have several speakers in support of this project, both property owners, community leaders and I did want to highlight the order that we will go in for the purpose of the Clerk. I am first, then Chris Thomas, Childress Kline Properties, Dale Stewart of Land design, Mushin Muhammad a next door property owner, Karl Froelich of the Steele Creek Land Use Board and Dan Durant of Berewick. Several of those speakers will deal with some of the environmental concerns that have been raised by Perkins. He really hit the highlights of the agenda item that we are talking about tonight which is the tax increment grant that will support the public infrastructure that will be needed for not only this project, but for the area that will provide a foundation for the future and will insure that this project is in Mecklenburg County and upon annexation the City of Charlotte. I note that the rezoning of the property provides an opportunity for consideration of some of the concerns that have been raised, but we do urge the Council to follow the unanimous vote of the Mecklenburg County Commission as well as the unanimous recommendation of the Economic Development Committee in allowing this framework to move forward tonight, which is very important. I think the staff will provide additional presentations on the details but essential this tax increment grant follows your policy. It is very similar to the tax increment grant used for the Ballantyne Road Infrastructure Project. It will keep this destination project within Mecklenburg County and the City of Charlotte upon annexation. It will provide the substantial job opportunities for under and unemployed area residents. It will provide substantial sales tax benefits that have been documented as well as property tax and they are substantial. From the sales tax it will also help CATS. There is another opportunity involved.

The development group has pledged and will pledge to implement the most up to date measures dealing with erosion controls to address some of the concerns and be a very positive steward of this particular issue going forward and control what they can control which is making sure they bring the most up to date technology to the soil erosion control of this site. We do urge the Council to move forward on the tax increment grant. If and when the rezoning is approved we would allow that to end up being the case going forward.

**Chris Thomas, 301 South Tryon Street** said I'm with Childress Kline Properties and I've had the privilege to be involved in developing in Steele Creek for a number of years on behalf of my  
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client Steele Creek 1997 Ltd. Partnership. As we have done in the past at Rivergate and other projects in Steele Creek we are committed to a high level of responsibility when it comes to land development. We've had a great collaborative process with staff to design a project that I believe the community will be proud of. You have already heard about some of the economic impact that it will have. Dale Stewart who will follow me will address some of the issues that are very important to us as we consider what we can do to be responsible with respect to storm water.

**Dale Stewart, 223 North Graham Street** said I have some slides that will come up and I will rushing through those much as I did when I was with you a week ago, but I just wanted to briefly reiterate the commitments that the petitioners in this case are making, but more importantly I wanted to try and use an example of a project that in fact we believe represents the same methodology, the same means and methods that we are talking about here and our ability to solve the problems of erosion control, storm water control. In 2008 after about three years this Council adopted the Post Construction Controls Ordinance and a New Erosion Control Ordinance. This site which happens to be in Mint Hill which Childress Kline, one of the developers in the Tanger Project was a member of the development team. If you can notice, this is at I-485 and Lawyers Road. It is an example of a project that was on a very, very sensitive watershed. This is on Goose Creek and Goose Creek is the home of the habitat of the endangered Heel Splitter Muscle, the North Carolina Heel Splitter, it is a freshwater muscle and we were tasked with coming up with a strategy and means and method so that we could protect this water course and the site, although it is 220 acres, about 70 acres was disturbed in 2008. The erosion control measures that we are proposing were utilized in that case and five years later that site, which is still sitting there, those erosion control measures are still sitting there, it has maintained and provided the water quality protection that everybody looked for and we've not violated those standards and I think the documentation is there. We are proposing to use much of the same measurers.

This is just an example if you will. We were all along about 2000 feet of Goose Creek. This is the linear structures and measures that we implemented and what we used in this case was tiered approach which is exactly what we are talking about in this slide in terms of the measurers. What we have is an erosion control ordinance that requires those items that you see in the first section, and if you go to the next section the enhanced measurers are what we are talking about implementing and utilizing to advance. For example if we are talking about a sediment base and its design for a 10-year storm under ordinance we are using a 25-year design storm to design that facility in the case of this project.

**Mushin Muhammad, 600 Fairview Road** said I want to thank you for allowing me to speak this evening. I come to you tonight as a citizen of Charlotte-Mecklenburg for almost 20 years, a neighbor in the Steele Creek area and also a property owner in the Steele Creek area. I have had an opportunity to sit down with Mr. Thomas and my other partners and review the Tanger Outlet plans and we were impressed by the quality of the project and I do emphasize quality and we feel like they will be good stewards of that area. We feel like in our opinion they will act as responsible developers and I do emphasize responsible. We feel like they will set a precedent in this area for development and in this corridor specifically and future developments in this area. We are very fortunate to have the Tanger property here and I think we all know that there were other counties, cities, states that were proposed as sites and we feel very fortunate that this will create over 900 jobs in this area and we know about the tax dollars that will follow behind that. There is resonating value with this project and it is exponential. Steele Creek Residents Association has supported this development. It is my understanding and I recognize the fact that the Economic Development Committee has also approved this TIF and has been in favor of this TIF as well as the County Commission and I'm here tonight jut to say that I am in favor and hope the City Council approves the TIF.

**Karl Froelich,** said first I want to thank you for serving the citizens of our community. I've been in this community since 1978 and it is a wonderful place to live and I appreciate your serving. I am President of the Steele Creek Residents Association an Association that has been serving the residents of Steele Creek Community for 33 years to maintain our quality of life out there. The Association works with the City, County, local residents and developers on a wide range of issues over the 33 years such as schools, roads, parks, rezoning, libraries, residential  
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development, public safety and commercial development such as the proposed Tanger/Simon Outlet. The Association supports the Charlotte Premium Outlet as a way to create 900 full-time jobs for residents living and working in our wonderful community. We also look forward to working with Childress Kline and Ms. Gambrel on another quality retail development in our community like Rivergate. They have done a wonderful job there and it is the center point of our community. The Association also supports the tax increment grant as a way to encourage quality retail development while funding the needed road infrastructure along Steele Creek Road/Highway 160. The developer is paying up front for road infrastructure improvements that will benefit the Outlet as well as support the community's efforts to improve Highway 160. It is a two-lane road most of the way from South Carolina all the way to I-485. It is estimated that the developer will get reimbursed for part of the road improvement cost over the next ten years through a portion of the incremental property and sales tax based on the success of the Mall.

Finally, the Steele Creel residents believe this public/private partnership is a good way to get infrastructure improvements without using public monies up front. While encouraging job creating and addressing the needs of our community to improve and widen Steele Creek Road/Highway 160, a heavily used thoroughfare through our community from South Carolina up to the Airport.

**Dan Durrant**, said I am a resident of Berewick and I'm here to speak to you about – I've heard a lot of this Brown's Cove stuff and that is very concerning to me as well, but what I'm hearing is the sins of the past are paying for the sins of the future. If we do everything we are supposed to do right, the way it is supposed to be done there should be no discussion about what happens in Brown's Cove if it is done the correct way, which I believe from what I've seen and my conversations with Childress Kline, Chris Thomas and some of the other people that the efforts that they are going to put forth for the job creation, the tax base, everything else that comes along with good development is going to be addressed so that we can walk away from something that we are proud of down in that area. I understand and I feel for the people of Brown's Cove, I really do, but I really don't think it has much to do with what Childress Kline is proposing up there.

Councilmember Pickering said I like this project a lot and I think all of us do. The notion of 900 full and part-time jobs, 200 construction jobs, tax revenue, etc. this is a good thing. The plans look beautiful so I want to move this project to move forward. I am concerned about Brown's Cover and I think we have to figure out a way to clean it up. I'm not sure how to make that happen, to be perfectly frank. I'm opening up to questions of my fellow Councilmembers, to the developers, some of whom I know Mr. Pappas has indicated that he is willing to participate in that. I'm wondering if the other folks here would also be willing or staff. I think we need to make that happen, whether or not that means we postpone this vote I don't really know frankly. I do have a question as to why are we taking this vote tonight if this is contingent upon the rezoning being successful. Just raising the question.

**Brad Richardson, Neighborhood and Business Services** said I can speak to the second question. You notice that the action tonight is contingent upon a successful rezoning. I would answer it this way. There is a lot of work to be done still in negotiating and executing a three-party agreement, City, County, and the private developer. We will use this time to get prepared so that we don't delay the process if in fact you approve the rezoning.

Ms. Pickering said so we can go ahead and possibly approve this now, discussions will continue regarding the rezoning?

Mr. Richardson said right. The item for you tonight conforms a Council policy for reimbursement of infrastructure. You will have further discussion about the rezoning at a future meeting.

Councilmember Howard said Mr. Richardson said kind of what I wanted to say and that to me this is about an economic development deal and that it what it stands on for me tonight. When we deal with the rezoning then we deal with the site issues and we should ask questions and I've already talked to the petitioner and agent to know that we are going to have questions there, but to me this is a bout the deal which is economic development and then we will deal with the site

issues when we get to that. If for some reasons the site issues don't prevail then this deal is null and void, but it is two different issues and two different tracks for this Council is the way I'm looking at it.

Councilmember Mitchell said if you all will allow me just to read the action item and then I'm going to yield to the District 3 Representative and allow her to make the motion. Tonight what we are trying to approve is the Economic Development Committee recommendation to authorize the City manager to negotiate an infrastructure reimbursement agreement with Tanger Factory Outlet Center/Simon Property Group, Steele Creek LTD. Partnership and affiliates for the construction of roadway improvement in Steele Creek area in an amount up to \$6.15 million to be repaid through 45% of incremental City and County property taxes from a designated area over 10 years.

Councilmember Mayfield said this project represents over \$100 million in private investment and will create around 1,000 part-time/full-time jobs. When complete the project is expected to generate sales tax revenue of \$825,000 to the City and \$1.9 million to the County each year. The projected annual property tax revenue from this project is expected to be around \$400,000 for the City and around \$750,000 for the county. These improvements provide increased connectivity, congestion mitigation, safer vehicle operations and future economic development opportunities and the agreement is contingent upon the approval of the rezoning Petition 2013-001.

Motion was made by Councilmember Mayfield, seconded by Councilmember Mitchell to approve the Economic Development Committee's recommendation to authorize the City Manager to negotiate and execute an Infrastructure Reimbursement Agreement with Tanger Factory Outlet Centers/Simon Property Group, Steele Creek (1997) Ltd. Partnership and/or affiliates (Tanger) for the construction of roadway improvements in the Steele Creek area in an amount up to \$6.15 million to be repaid through 45% of incremental City and County property taxes from a designated area over 10 years.

Ms. Pickering said what is the reason that we are needing to vote on this particular part of it now? I'm just curious.

Mr. Mitchell said it is a timing issue. They have an aggressive timeframe they would like if we could move forward. They want to start construction and be open by July 2014.

Ms. Mayfield said just for a little more clarification, moving forward with this tax increment financing but still having the rezoning, there was a disconnect and human error where staff was unable to get the information about the public hearing out, which is our standard policy. That was identified at the last meeting. I spoke with staff, spoke with the Planning Department to try to figure out what happened. From that point we learned that unfortunately the information wasn't distributed to all the correct staff so now we are going to go back to make sure that the posting is there, the community has an opportunity to share and have the hearing, but this particular piece of it they have already had the conversation with the County, the County has already shown their support. This just moves one next step, but it is still all contingent on if there is any protest petition or anything that comes up later with having the hearing.

Councilmember Barnes said one brief question regarding the remaining TIF capacity. I guess this would be for someone on staff. There is a note here that says if we approve this agreement we would have an estimated \$2.6 million per year remaining under our TIF Policy. For what period of time would we only have the \$2.6 million available?

Mr. Richardson said I don't think we have enough information for that answer. I'll tell you why. We've got a lot of tax increment grants that are in the process so every time we pay a grant an obligation expires so there is a rolling effect of these. The intent of that last bullet is to share with you that even with the approval of this there is still capacity annually of \$2.6 million estimated for these payments.

Mr. Barnes said do you know when you will have a better idea of how long our capacity would be limited to \$2.6 million?

Mr. Richardson said I think what we could provide for you is a schedule of estimated payments for FY13 and FY14 against the beginning balance of these payments which we can project out and get you that information at some point in the future.

Mr. Barnes said that would be helpful, thank you.

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

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### ITEM NO. 13: NOMINATIONS TO BOARDS AND COMMISSIONS

- A. **Bicycle Advisory Committee** – The following nominations were made for one unexpired term beginning immediately and ending December 31, 2013:

Jess Cochran, nominated by Councilmembers Kinsey and Mitchell  
Matt Fowler, nominated by Councilmembers Dulin, Fallon and Howard  
Tyteen Humes, nominated by Councilmember Barnes  
Terry Lansdell, nominated by Councilmember Cannon  
Michael Zytchow, nominated by Councilmembers Autry, Cooksey, Mayfield and Pickering

- B. **Charlotte Mecklenburg Coalition for Housing** – The following nominations were made for one unexpired terms for a representative of affordable housing beginning immediately and ending June 30, 2014:

Dennis Boothe, Jr., nominated by Councilmembers Autry, Cooksey, Howard, Kinsey, Mayfield, Mitchell and Pickering.  
Cedric McCorkle, nominated by Councilmembers Dulin and Fallon  
Michael Sceau, nominated by Councilmember Cannon

- C. **Citizens' Review Board** – The following nominations were made for one appointment for an unexpired terms beginning immediately and ending July 31, 2015:

Sandra Donaghy, nominated by Councilmembers Cannon, Dulin and Howard  
William Schreiner, nominated by Councilmembers Cooksey and Mitchell  
Carolyn Millen, nominated by Councilmember Autry, Barnes, Fallon, Kinsey, Mayfield and Pickering.

- D. **Community Relations Committee** – The following nominations were made for one appointment for an unexpired term beginning immediately and ending June 30, 2013, then continuing for a full three year term ending June 13, 2016:

Sheena Cox, nominated by Councilmember Barnes  
Sandra Donaghy, nominated by Councilmembers Howard and Mitchell  
Vanessa Kenon-Hunt, nominated by Councilmember Pickering  
Jason Lackey, nominated by Councilmember Dulin  
Delores Reid-Smith, nominated by Councilmembers Autry, Fallon and Mayfield  
Thomas Sowers, nominated by Councilmember Kinsey  
Carrie Taylor, nominated by Councilmember Cannon  
Michael Zytchow, nominated by Councilmember Cooksey

Councilmember Cannon said you mentioned Ms. Donaghy, she was nominated for Citizens' Review Board and Community Relations Committee. Is that correct?

**Deputy City Clerk, Ashleigh Price** said correct.

- E. **Domestic Violence Advisory Board** – The following nominations were made for one appointment for an unexpired term beginning immediately and ending September 21, 2015:

Claudia Davis, nominated by Councilmembers Barnes and Cannon  
Sandra Donaghy, nominated by Councilmembers Dulin and Howard  
Gregory Hunt, nominated by Councilmembers Cooksey, Fallon, Kinsey and Pickering  
Eddie Sanders, nominated by Councilmember Autry, Mayfield and Mitchell

**F. Waste Management Advisory Board** The following nominations were made for one recommendation for appointment by the Board of County Commissions for an unexpired term beginning May 18, 2013 and then continuing for a three-year term ending May 18, 2016.

Frederick Hammermann, nominated by Councilmembers Cannon, Cooksey, Dulin, Howard, Kinsey and Pickering.

Motion was made by Councilmember Dulin, seconded by Councilmember Cannon, and carried unanimously, to appoint Mr. Hammermann by acclamation.
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**G. Zoning Board of Adjustment** The following nominations were made for one appointment for an unexpired term for an alternate member of the Board beginning immediately and ending January 30, 2015.

Tyler Conner, nominated by Councilmember Dulin  
Russell Hughes, nominated by Councilmember Cooksey  
Jason Mathis, nominated by Councilmember Fallon  
Eric Netter, nominated by Councilmembers Autry, Howard, Mayfield and Pickering  
Cardiff Shea, nominated by Councilmembers Cannon and Mitchell

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#### **ITEM NO. 14: APPOINTMENTS TO BOARDS AND COMMISSIONS**

**A. Keep Charlotte Beautiful** The following nominees were considered for one appointment for an unexpired term beginning immediately and ending June 30, 2015:

Larissa DiMaria, 7 votes - Councilmembers Autry, Barnes, Cannon, Howard, Kinsey, Mayfield and Mitchell.

Charles Jewett, 4 votes – Councilmembers Cooksey, Dulin, Fallon and Pickering.

Larissa DiMaria was appointed.

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#### **ITEM NO. 15: MAYOR AND COUNCIL TOPICS**

Mayor Foxx said I have a couple topics. The first topic is a subject all of us have been talking a lot about which is the Charlotte Douglas International Airport and the short of it is, first of all I want to comment the Council for its unanimous support of a letter that was sent to the State Legislator over the last week and I also want to especially commend Councilmember Dulin who made a very quick trip on late notice last week to go to Raleigh, to join me and others there as well as our City Manager and our Finance Director, Police Chief, Dana Fenton, our Intergovernmental Affairs specialists. This issue regarding the Airport is a very serious issue. It is an asset that generates \$12 billion of annual economic impact in this region. It is an asset that all of us care deeply about and it is one that generation after generation after generation of City staff as well as City Councilmembers and Mayors have worked to grow. Just in the last four years, in fact one of the first things that happened when I became Mayor, not because I became Mayor, but it just happened because generations of leaders have continued working to grow that Airport, we opened the third parallel runway which was a big deal. Since that time we have broken grown on the Intermodal Facility and begun conversations with the FAA about moving the air traffic control tower. If we were ever criticized for anything I think we should be criticized for putting it in the parking lot, but we endeavor to move into a spot that will allow us



to grow a 4<sup>th</sup> and 5<sup>th</sup> parallel runway, making that Airport an even greater asset. It is absolutely the case that our practice at the Airport has been to focus on a low cost, high efficiency operation and that philosophy notwithstanding what seems to be the subject of rumors, that philosophy has not changed and it will not change. For the last several weeks all of us together in our various ways have been trying to inject some reason and some rationality into this discussion.

I understand that there will be some action in the State Senate this week on this issue and what I have asked for and what I continue to suggest is that we do a study of this issue. Not having been one of the purveyors of this issue, I'm not so sure I'm altogether clear on what questions folks want to have answered and because of that fashioning of study to try to address some of the concerns that are floating around Raleigh, it could be a little difficult if we aren't able to engage our leaders in Raleigh in helping us scope out that. But in the interest of trying to do things the way I believe this City has always done things, which is working together, sharing information, communicating with each other, problem solving and hopefully coming to a decision point that makes sense for everybody, I think it is incumbent upon us to make a good faith effort to launch a study, to involve all of our stakeholders, including the new US Airways/American Airlines including the Airport Advisory Committee, including those leaders in Raleigh who wish to be involved in helping us scope out this study.

What I want to ask the City Manager to do tonight is to spend the next several days working through a proposal and by proposal what I mean is specific delineation of the scope of such a study, researching independent organizations that could be retained to conduct the study, seeking the input of the stakeholders I mentioned as well as others in determining the scope of that study. And having that study on our agenda by next week for action by this Council and to get it done as soon as we can. I can't tell you what date that be because the scope has to be determined before you can tell that date, but I think it is important for us extend an open hand to try to figure out how to solve this issue because none of us have an interest in the Airport which has been a jewel of this area, none of us have an interest in seeing that jewel broken. I fear that some well intention folks who are making some decisions in Raleigh would be well served by having some time to just see what a study would yield. I will say this publicly, I've said it before, I would not enter a study with a predisposition as to whether an authority is a good or bad idea. I genuinely do not know, particularly in our case, or whether some of the drivers of this conversation are coming from issues that could be addressed in a different way. I don't know, but what I do know is that the people of our City having something like this literally crammed down our throats are not going to be well served. It may be just an issue of talking through what it is we are trying to solve and then figuring out how to get there. That is my recommendation and as part of this I'm going to suggest as well that we bring some people into this conversation from these stakeholder groups. I don't think we need a group of more than 7 people, just to make sure the study is progressing and to make sure the information is flowing properly and to give input along the way. I would suggest we ask 7 members from the community to join as part of this activity.

Councilmember Dulin said I concur with what you've said. As you talk to the Legislators, one of the things they say the reason why they are pushing the authority is they would like an authority to have a more hands on approach to what is going on at the Airport. I made the point to the Rules Committee last Wednesday and will be going back to Raleigh first thing in the morning to start making calls on the Senators and House Members again tomorrow and Wednesday. One of the points I made to them this authority will meet at least once a month it says in the bill. I made the point to them that we have an Airport Board now that meets once a month, but this Council meets four times a month, one time for zoning and the other three times we are here talking about City business and the Airport is City business. For instance tonight in our consent agenda we had three separate Airport related consent items that I read over the weekend and I'm sure each of you read too. Airport East End Baggage Claim Renovation, The Airport Concourse D Ceiling Renovation, and the Airport Landscape Maintenance. Three different companies for landscape projects out there. That is an example of this Council having our finger on the pulse of what is going on at the Airport and that is an example of good Airport oversight and that is an example of why I'm supporting this Council and this Mayor to save our Airport and not let it get taken away from us. Thank you for your time Mayor, and I'm committed to continue work. We might lose the thing, but I think we will be heard before it is over.

Councilmember Howard made a motion that the Council move forward on what the Mayor suggested and that is a report from the Manager next week about how to proceed. Mr. Dulin seconded the motion.

Mayor Foxx said what I'm hoping we have next week is an actual action to approve going forward. I know we can't do that tonight because we got to get scoped out, but by next week I would like to have an action that we can approve and move forward with the study expeditiously.

**Interim City Manager, Julie Burch** said I believe we can bring that back next week in terms of conceptual outline of what a study might look like and that specific action you are requesting, I just want to check in on expectation that your expectation is that we would have conversations with stakeholders between now and next week at some level.

Mayor Foxx said yes.

Councilmember Cannon said I certainly agree with the idea of a study. I think it is worth it largely in part because we know that authorities throughout the country have successful in some places and not so successful in other places. It makes some sense to have a study as such. The question I have is one that centers around any action that the Legislators might take and how it relates to the timing of a study commission that might come together for all the right purposes and intent that doesn't conform with the timeframe that we might want to get some information back to say okay, we've learned that this is a good thing, we've learned that it is not such a good thing. I wonder about that piece of it as we try to pull this together.

Mayor Foxx said that is a very valid question. My sense is that things are moving very quickly on the State Senate side and I can't obviously speak for the House side but my hope is that over the next week as these conversations continue, the fact that we would be moving forward with this might have an impact on that timing. What I know is if we don't take a step to advance the ball on this we perhaps lose opportunity to find some common ground on this issue. I think taking an affirmative step is a signal to them that we are serious about taking a look at this and it is a signal hopefully to our citizens that we are not going to allow this process to move forward without trying to inject some reason. We don't have full control in this situation, but we've got to make that effort.

Councilmember Barnes said I have a questions about practicality I suppose and that is if we invest in a study what do we do with it when I believe the sponsors have said too late to study anything we are moving forward. In other words we take a month or however long it takes to a study done and do the study, what do we then do with it if they are saying thanks but no thanks, we are not interested. Is there some thinking that some of the stakeholders could influence Senator Rucho or Representative Brawley or others or perhaps even the Governor to take an interest in slowing down the legislation and reviewing and considering the study?

Mayor Foxx said that is the point of reaching out to some of these stakeholders to get that very input so that by the time we come back next week we should have some more definitive sense of where they would come down, now that the City Council is moving forward to try to implement a study. That is part of the idea with checking in with our stakeholders.

Councilmember Cooksey said I'm going to be supporting the City when it comes along and I hope that there is some opportunity for the word to get out that we will be doing it that can bring some pause for thinking about the possibilities here. I appreciate the observation that one of the reasons for it is that we naturally are going to be biased in favor of keeping the Airport here as a City Department, but perhaps there are and the City could show that there are some opportunities. One that I find particularly intriguing that might be worthy of considering the scope is the idea that if the General Assembly goes forward with creating this new unit of local government to govern just the Airport, they might consider, since I know this topic has been talked about up there for a bit, exempting the employees of the new authority from the local government employee retirement system and in the sense starting a 401-K system with the newly formed authority, thereby having a defined contribution retirement system for this particular unit of local government rather than define benefit system that tens of thousands of people across the

state are already in and we know the issue that arise from defined benefit system. I think that is an aspect of this study that is worth considering, the potential impact of retirement systems with this new aspect of local government. I look forward to supporting the study.

Councilmember Howard said I want to make sure Julie, and the Mayor said it, that we are all serious about keeping this as low cost to Airport as we can, given all the things that we are responsible for. I just wanted to make sure that keeping it low cost is part of it. That plays right into the fact that Mr. Barnes, why do anyway? One, it is not only looking at whether or not the City or whether or not it is an authority, it is also whether it is better to privatize it altogether. Actually there are models across the country that I have shared with you in the past, in L. A. for instance they actually have a hybrid where they have given a commission more power and they've still kept oversight in general. Then there is also the fact that this has to be approved by the FAA as well so we would like for Raleigh to hear us, but we also have other organizations that will play into this and they need to know that we are taking this subject serious as well. That is why I think a study, no matter what, makes sense.

Mayor Foxx said our citizens need to know what is at stake here.

Councilmember Fallon said the bonds that we've issued and the capacity to have bonds issued has to be discussed.

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

Mayor Foxx said some of you were present when we recognized Jim Ross at his funeral a few months ago and I promise you this is the last request on the Discretionary Account that I'm going to make. I said then and I still think it, and because tonight is the last night of Black History Month I feel like maybe this is an appropriate time to do this. The Levine Museum for the New South has at my request put a proposal together to do what we were able to do for the Mecklenburg Declaration Walking Trail in the City of Charlotte. There is a proposal to do the same thing for Second Ward and to provide kind of a walking history with the ability to revisit the history of that area which is no longer with us but there are so many historical aspects of that part of our City and that period of time and we still have many people are alive still who were part of that community. I want to ask that a future time, not tonight, that we hear from Tom Hanchett who has put that together and consider I think the cost is up to \$10,000 but putting that together I think would be an enormously important statement by the city. We've really not done well by that community. That is a point that I would like to come back to later, but I wanted to advise the Council that that will be coming back.

Mr. Burch said Mayor would you like Mr. Hanchett to come before the Council at a future dinner to make that presentation?

Mayor Foxx said that would be great.

Councilmember Mayfield said I wanted to acknowledge that we had to reschedule/postpone my January Town Hall meeting from January 26<sup>th</sup>. We have identified a new date and the District 3 Town Hall Day will be Saturday, March 16<sup>th</sup> from 9:30 a.m. to 12:00 at the West Area Service Center. We did need to move the location from CMC Steele Creek due to a conflict of the meeting space so it will now be at the West Area Service Center which is 4150 Wilkinson Boulevard and you can RSVP to Ms. Kim Oliver at 704-336-2180.

The second thing I would like to congratulate this year's Human Rights Campaign Gala co-chairs. They were able to host the HRC Gala this past Saturday evening at the Charlotte Convention Center with more than 1,100 in attendance so that helps with our continued growth and acknowledgement to the community, but I would also like to have a point of privilege and thank all of my colleagues around this dais that were able to attend the event. Councilmembers Pickering, Fallon, Howard, Autry, Kinsey and Mitchell as well as Congressman Watt and Ms. Becky Carney and Ms. Pat Cothran from the County and thank you Mayor for giving me the opportunity to read the proclamation on your behalf, but I just wanted to congratulate the four co-chairs on an amazing job well done.

The last thing everyone remember that this is CIAA week so that means the traveling exhibit honoring the ... Airmen is back at the Carolina's Aviation Museum. Hopefully everyone remembers. We were identified as the Smithsonian site in 2012 so here is an amazing opportunity all of this week from 10:00 a.m. to 6:00 p.m. to actually view the plane and learn a little more about the history and to celebrate CIAA along with the parties and get a little bit of education at the Carolina's Aviation Museum.

Councilmember Mitchell said the District 2 Intelligent Leadership Conference will be held March 23<sup>rd</sup>, at the Government Center. Please call Alvin Burney at 704-336-4947 to register. It will be from 9:00 a.m. to 2:00 p.m. Parking is free and admission is free so come learn how we are going to work together for District 2.

Councilmember Cannon said I need to get some clarity probably from management or transit with regard to light rail. I understand that the light rail will not be able to be utilized to take people from I-485 all the way to the City. It is supposed to stop at Woodlawn and then from Woodlawn they are to get on a bus to be transported into uptown. I've gotten several calls and e-mails about it and was asked to inquire. They are saying it is due to some level of construction and I'm wondering if we can't delay that construction if that is accurate,.

Ms. Burch said I think that is accurate and I don't remember exactly the reason.

Mr. Dulin said the crossing at the silos at South Boulevard at Remount.

Ms. Burch said let me ask Ms. Flowers for a report back on that ASAP.

Mr. Cannon said I'm asking if there is a way to delay it that we at least do that for a week.

Ms. Burch said we will get you the right information on it ASAP.

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#### **ITEM NO. 16: CLOSED SESSION**

<p>Councilmember Cannon adopt a motion pursuant to North Carolina General Statute 143-318.11 (a)(6), to go into closed session to consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee. Councilmember Howard seconded the motion.</p>
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Back in open session.

Mayor Foxx said I'm enormously proud of the City of Charlotte. It is a wonderful organization and over the course of the last several months the City Council has had an opportunity to review applications from people all over the country including some very strong home grown folks within our own workforce. We have been blessed to have the caliber of applicants that would make any city proud. Tonight having duly deliberated the issue over many hours and having spent hours last week doing interviews and talking to a series of candidates we are poised to make a decision tonight. This is going to happen in a couple of sections, the first is a motion is going to be made shortly, secondly we are going to announce the candidate who will become our new City Manager, and third I would like to make a few comments about the Council's action tonight and offer an opportunity for other Councilmembers to do the same.

Motion was made by Councilmember Barnes, to appoint Ron Carlee as City Manager, effective April 1, 2013. I further move approval of a three-year City Manager Employment Agreement with Mr. Carlee that provides the following: first fixed compensation throughout the three-year term consisting of \$245,000 in base salary and \$45,000 in deferred compensation. Second, relocation assistance in accordance with the City Human Resources Standards and Guidelines including a declining repayment schedule if Mr. Carlee voluntarily terminates his employment within three years, third use of a City pool vehicle for business and incidental personal use and fourth, six months' severance pay if the City terminates Mr. Carlee without good cause. The motion was seconded by Councilmember Howard.

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

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

NAYS: Councilmember Cannon.

Mayor Foxx said congratulations to Mr. Carlee. We are delighted to have you here tonight and a couple of thank yous are in order. First of all we owe a great debt of gratitude to Julie Burch who continues to serve in an interim capacity as our City Manager. She has stepped into the line of fire and I'm asking her on a weekly basis whether she is glad she stepped into it or not. She has done a remarkable job and we are very proud of the work that she is doing.

We also in this process really learned all over again and been blown away in many ways by the remarkable strength of our organization. Ron Kimble, our Deputy City Manager, who is incredibly effective at what he does to make this organization strong as well as Ruffin Hall who is relatively new Assistance City Manager has done an incredible job, not only in his current role but also as Budget Director and there are other internal candidates who have been extremely strong and we are proud of you guys, all of you. What we are endeavoring to do together with the citizens of this City, with our great city staff and with Mr. Carlee now is to build on the successes of this great City. We believe that this adds capacity to a very well-run organization and that with the opportunity with Mr. Carlee we are going to continue driving results for our citizens as we move forward. The newspapers and media have gotten a little ahead of us in terms of our going through Mr. Carlee's background but I will say a couple things about him that are pretty remarkable. The first is that he had a fairly long tenure as the County Manager in Arlington County Virginia, about 9 years and has managed to do that job with virtually no-one still mad at him. I think that is much to be commended by that. Arlington was dealing with a lot of challenges at that time. Arlington was dealing with 911 which happened right in its back yard and there were homeland security issues, airport issues that resulted from that, the Pentagon which is also in Arlington County. There were neighborhood redevelopment issues and a major effort to reinvent the Columbia Pike area. There were transit issues and whole panoply of other ones that he dealt with. In addition to that in his last role with the International City Manager's Association, he has been able to go all around the world and look at some of the greatest cities across the world and how some of the greatest cities across the world are run. That perspective from the standpoint of a global Charlotte we think will be helpful to us. Again we think that this entrant into our City is going to add capacity which means that the already high functioning City staff will only get stronger and better as we try to move results forward for our community. With that, Ron Carlee welcome to Charlotte and I'd like to turn it over to you.

**City Manager, Ron Carlee.** said first let me thank the Mayor and Council for your confidence and vote tonight. I am very humbled and privileged to join your team here at Charlotte. I've been watching you for a while. Ever since recruitment started I've been watching your Council meetings and I have a lot of respect for who you are and what you are trying to do. I'm really looking forward to help you move the vision that you have for this City. Another thing that was impressed upon me that led me to Charlotte is your staff. Your staff has a representation far beyond your borders. I don't know the extent to which you really know how good they are, but other people do. I've been fortunate to have had conversations these past few days with Ron and Ruffin as well as Julie and I've talked to Curt Walton as well. There is a real depth and high degree of professionalism in this organization that I think is second to none. I don't see myself

coming in to take over this organization. I see myself coming in as a member of the organization to help facilitate the leadership and skill and talent of those already here and to be a part of that team. Finally I want to say what really was decisive for my wife and me as we spent the last week here in Charlotte, are the people of Charlotte themselves. They are ultimately the biggest testament to what kind of City you have and the people in this City without exception love living here. Frankly, I have not been to a city where everybody I ask, whether they are a native Charlottean or a transplant from L.A. or Ohio, Pennsylvania or New York they say they really love living in Charlotte. My wife and I really look forward to living in Charlotte and being Charlotteans ourselves.

Mayor Foxx said thank you and welcome. We will have some availability with Mr. Carlee I believe later. Anyone else have something to say?

Councilmember Barnes said welcome to Charlotte Mr. Carlee and I look forward to working with you.

### **ADJOURNMENT**

The meeting was adjourned at 9:47 p.m.

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Ashleigh Price, Deputy City Clerk

Length of Meeting: 4 Hours, 32 Minutes  
Minutes Completed: May 28, 2013.